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§ 8701. Definitions

Except as otherwise specifically provided, in this Act:

(1) Appropriate congressional committees

The term “appropriate congressional committees” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(2) Financial transaction

The term “financial transaction” means any transfer of value involving a financial institution, including the transfer of forwards, futures, options, swaps, or precious metals, including gold, silver, platinum, and palladium.

(3) Knowingly

The term “knowingly” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(4) United States person

The term “United States person” has the meaning given that term in section 8511 of this title.

(Pub. L. 112–158, §2, Aug. 10, 2012, 126 Stat. 1216.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 112–158, Aug. 10, 2012, 126 Stat. 1214, known as the Iran Threat Reduction and Syria Human Rights Act of 2012, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

SHORT TITLE

Pub. L. 112–158, §1(a), Aug. 10, 2012, 126 Stat. 1214, provided that: “This Act [enacting this chapter and sections 8513b, 8514a, and 8514b of this title, amending sections 8511, 8513, 8513a, 8518, 8532, 8551 of this title, section 78m of Title 15, Commerce and Trade, and section 1610 of Title 28, Judiciary and Judicial Procedure, enacting provisions set out as notes under this section and sections 8513 and 8513a of this title, section 78m of Title 15, and section 1701 of Title 50, War and National Defense, and amending provisions set out as notes under section 1610 of Title 28 and section 1701 of Title 50] may be cited as the ‘Iran Threat Reduction and Syria Human Rights Act of 2012.’”

Pub. L. 112–158, title VII, §701, Aug. 10, 2012, 126 Stat. 1265, provided that: “This title [enacting subchapter VII of this chapter] may be cited as the ‘Syria Human Rights Accountability Act of 2012.’”

REPORT ON USE BY IRAN OF FUNDS MADE AVAILABLE
THROUGH SANCTIONS RELIEF

Pub. L. 114–113, div. M, title V, §514, Dec. 18, 2015, 129 Stat. 2926, provided that:

“(a) IN GENERAL.—At the times specified in subsection (b), the Director of National Intelligence, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report assessing the following:

“(1) The monetary value of any direct or indirect forms of sanctions relief that Iran has received since the Joint Plan of Action first entered into effect.

“(2) How Iran has used funds made available through sanctions relief, including the extent to which any such funds have facilitated the ability of Iran—

“(A) to provide support for—

“(i) any individual or entity designated for the imposition of sanctions for activities relating to international terrorism pursuant to an executive order or by the Office of Foreign Assets Control of the Department of the Treasury as of the date of the enactment of this Act [Dec. 18, 2015];

“(ii) any organization designated by the Secretary of State as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) as of the date of the enactment of this Act;

“(iii) any other terrorist organization; or

“(iv) the regime of Bashar al Assad in Syria;

“(B) to advance the efforts of Iran or any other country to develop nuclear weapons or ballistic missiles overtly or covertly; or

“(C) to commit any violation of the human rights of the people of Iran.

“(3) The extent to which any senior official of the Government of Iran has diverted any funds made available through sanctions relief to be used by the official for personal use.

“(b) SUBMISSION TO CONGRESS.—

“(1) IN GENERAL.—The Director shall submit the report required by subsection (a) to the appropriate congressional committees—

“(A) not later than 180 days after the date of the enactment of this Act [Dec. 18, 2015] and every 180 days thereafter during the period that the Joint Plan of Action is in effect; and

“(B) not later than 1 year after a subsequent agreement with Iran relating to the nuclear program of Iran takes effect and annually thereafter during the period that such agreement remains in effect.

“(2) NONDUPLICATION.—The Director may submit the information required by subsection (a) with a report required to be submitted to Congress under another provision of law if—

“(A) the Director notifies the appropriate congressional committees of the intention of making such submission before submitting that report; and

“(B) all matters required to be covered by subsection (a) are included in that report.

“(c) FORM OF REPORTS.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

“(d) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

“(B) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

“(2) JOINT PLAN OF ACTION.—The term ‘Joint Plan of Action’ means the Joint Plan of Action, signed at Geneva November 24, 2013, by Iran and by France, Germany, the Russian Federation, the People’s Republic of China, the United Kingdom, and the United States, and all implementing materials and agreements related to the Joint Plan of Action, including the technical understandings reached on January 12, 2014, the

extension thereto agreed to on July 18, 2014, and the extension thereto agreed to on November 24, 2014.”

REPORTS ON NUCLEAR PROGRAM OF IRAN

Pub. L. 113–291, div. A, title XII, §1271, Dec. 19, 2014, 128 Stat. 3588, provided that:

“(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act [Dec. 19, 2014], the President shall submit to the appropriate congressional committees a report on the interim agreement relating to the nuclear program of Iran. Such report shall include—

“(1) verification of whether Iran is complying with such agreement; and

“(2) an assessment of the overall state of the nuclear program of Iran.

“(b) ADDITIONAL REPORTS.—If the interim agreement described in subsection (a) is renewed or if a comprehensive and final agreement is entered into regarding the nuclear program of Iran, by not later than 90 days after such renewal or final agreement being entered into, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on such renewed or final agreement. Such report shall include the matters described in paragraphs (1) and (2) of subsection (a).

“(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

“(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

“(d) SUNSET.—This section shall terminate on the date that is 10 years after the date of the enactment of this Act.”

COUNTERING IRAN IN THE WESTERN HEMISPHERE

Pub. L. 112–220, Dec. 28, 2012, 126 Stat. 1596, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Countering Iran in the Western Hemisphere Act of 2012’.

“SEC. 2. FINDINGS.

“Congress finds the following:

“(1) The United States has vital political, economic, and security interests in the Western Hemisphere.

“(2) Iran is pursuing cooperation with Latin American countries by signing economic and security agreements in order to create a network of diplomatic and economic relationships to lessen the blow of international sanctions and oppose Western attempts to constrict its ambitions.

“(3) According to the Department of State, Hezbollah, with Iran as its state sponsor, is considered the ‘most technically capable terrorist group in the world’ with ‘thousands of supporters, several thousand members, and a few hundred terrorist operatives,’ and officials from the Iranian Islamic Revolutionary Guard Corps (IRGC) Qods Force have been working in concert with Hezbollah for many years.

“(4) The IRGC’s Qods Force has a long history of supporting Hezbollah’s military, paramilitary, and terrorist activities, providing it with guidance, funding, weapons, intelligence, and logistical support, and in 2007, the Department of the Treasury placed sanctions on the IRGC and its Qods Force for their support of terrorism and proliferation activities.

“(5) The IRGC’s Qods Force stations operatives in foreign embassies, charities, and religious and cultural institutions to foster relationships, often building on existing socioeconomic ties with the well established Shia Diaspora, and recent years have witnessed an increased presence in Latin America.

“(6) According to the Department of Defense, the IRGC and its Qods Force played a significant role in

some of the deadliest terrorist attacks of the past two decades, including the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, by generally directing or supporting the groups that actually executed the attacks.

“(7) Reports of Iranian intelligence agents being implicated in Hezbollah-linked activities since the early 1990s suggest direct Iranian government support of Hezbollah activities in the Tri-Border Area of Argentina, Brazil, and Paraguay, and in the past decade, Iran has dramatically increased its diplomatic missions to Venezuela, Bolivia, Nicaragua, Ecuador, Argentina, and Brazil. Iran has built 17 cultural centers in Latin America, and it currently maintains 11 embassies, up from 6 in 2005.

“(8) Hezbollah and other Iranian proxies with a presence in Latin America have raised revenues through illicit activities, including drug and arms trafficking, counterfeiting, money laundering, forging travel documents, pirating software and music, and providing haven and assistance to other terrorists transiting the region.

“(9) Bolivia, Cuba, Ecuador, Nicaragua, and Venezuela expressed their intention to assist Iran in evading sanctions by signing a statement supporting Iran’s nuclear activities and announcing at a 2010 joint press conference in Tehran their determination to ‘continue and expand their economic ties to Iran’ with confidence that ‘Iran can give a crushing response to the threats and sanctions imposed by the West and imperialism’.

“(10) The U.S. Drug Enforcement Administration concluded in 2008 that almost one-half of the foreign terrorist organizations in the world are linked to narcotics trade and trafficking, including Hezbollah and Hamas.

“(11) In October 2011, the United States charged two men, Manssor Arbabsiar, a United States citizen holding both Iranian and United States passports, and Gholam Shakuri, an Iran-based member of Iran’s IRGC Qods Force, with conspiracy to murder a foreign official using explosives in an act of terrorism. Arbabsiar traveled to Mexico with the express intent to hire ‘someone in the narcotics business’ to carry out the assassination of the Saudi Arabian Ambassador in the United States. While in the end, he only engaged a U.S. Drug Enforcement Agency informant posing as an associate of a drug trafficking cartel, Arbabsiar believed that he was working with a member of a Mexican drug trafficking organization and sought to send money to this individual in installments and not in a single transfer.

“(12) In February 2011, actions by the Department of the Treasury effectively shut down the Lebanese Canadian Bank. Subsequent actions by the United States Government in connection with the investigation into Lebanese Canadian Bank resulted in the indictment in December 2011 of Ayman Joumaa, an individual of Lebanese nationality, with citizenship in Lebanon and Colombia, and with ties to Hezbollah, for trafficking cocaine to the Los Zetas drug trafficking organization in Mexico City for sale in the United States and for laundering the proceeds.

“SEC. 3. STATEMENT OF POLICY.

“It shall be the policy of the United States to use a comprehensive government-wide strategy to counter Iran’s growing hostile presence and activity in the Western Hemisphere by working together with United States allies and partners in the region to mutually deter threats to United States interests by the Government of Iran, the Iranian Islamic Revolutionary Guard Corps (IRGC), the IRGC’s Qods Force, and Hezbollah.

“SEC. 4. DEFINITIONS.

“In this Act:

“(1) WESTERN HEMISPHERE.—The term ‘Western Hemisphere’ means the United States, Canada, Mexico, the Caribbean, South America, and Central America.

“(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term ‘relevant congressional committees’ means the

Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

“SEC. 5. REQUIREMENT OF A STRATEGY TO ADDRESS IRAN’S GROWING HOSTILE PRESENCE AND ACTIVITY IN THE WESTERN HEMISPHERE.

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 28, 2012], the Secretary of State shall conduct an assessment of the threats posed to the United States by Iran’s growing presence and activity in the Western Hemisphere and submit to the relevant congressional committees the results of the assessment and a strategy to address Iran’s growing hostile presence and activity in the Western Hemisphere.

“(b) MATTERS TO BE INCLUDED.—The strategy described in subsection (a) should include—

“(1) a description of the presence, activities, and operations of Iran, the Iranian Islamic Revolutionary Guard Corps (IRGC), its Qods Force, Hezbollah, and other terrorist organizations linked to Iran that may be present in the Western Hemisphere, including information about their leaders, objectives, and areas of influence and information on their financial networks, trafficking activities, and safe havens;

“(2) a description of the terrain, population, ports, foreign firms, airports, borders, media outlets, financial centers, foreign embassies, charities, religious and cultural centers, and income-generating activities in the Western Hemisphere utilized by Iran, the IRGC, its Qods Force, Hezbollah, and other terrorist organizations linked to Iran that may be present in the Western Hemisphere;

“(3) a description of the relationship of Iran, the IRGC, its Qods Force, and Hezbollah with transnational criminal organizations linked to Iran and other terrorist organizations in the Western Hemisphere, including information on financial networks and trafficking activities;

“(4) a description of the relationship of Iran, the IRGC, its Qods Force, Hezbollah, and other terrorist organizations linked to Iran that may be present in the Western Hemisphere with the governments in the Western Hemisphere, including military-to-military relations and diplomatic, economic, and security partnerships and agreements;

“(5) a description of the Federal law enforcement capabilities, military forces, State and local government institutions, and other critical elements, such as nongovernmental organizations, in the Western Hemisphere that may organize to counter the threat posed by Iran, the IRGC, its Qods Force, Hezbollah, and other terrorist organizations linked to Iran that may be present in the Western Hemisphere;

“(6) a description of activity by Iran, the IRGC, its Qods Force, Hezbollah, and other terrorist organizations linked to Iran that may be present at the United States borders with Mexico and Canada and at other international borders within the Western Hemisphere, including operations related to drug, human, and arms trafficking, human support networks, financial support, narco-tunneling, and technological advancements that incorporates—

“(A) with respect to the United States borders, in coordination with the Governments of Mexico and Canada and the Secretary of Homeland Security, a plan to address resources, technology, and infrastructure to create a secure United States border and strengthen the ability of the United States and its allies to prevent operatives from Iran, the IRGC, its Qods Force, Hezbollah, or any other terrorist organization from entering the United States; and

“(B) within Latin American countries, a multi-agency action plan, in coordination with United States allies and partners in the region, that includes the development of strong rule-of-law institutions to provide security in such countries and a counterterrorism and counter-radicalization plan to isolate Iran, the IRGC, its Qods Force,

Hezbollah, and other terrorist organizations linked to Iran that may be present in the Western Hemisphere from their sources of financial support and counter their facilitation of terrorist activity; and “(7) a plan—

“(A) to address any efforts by foreign persons, entities, and governments in the region to assist Iran in evading United States and international sanctions;

“(B) to protect United States interests and assets in the Western Hemisphere, including embassies, consulates, businesses, energy pipelines, and cultural organizations, including threats to United States allies;

“(C) to support United States efforts to designate persons and entities in the Western Hemisphere for proliferation activities and terrorist activities relating to Iran, including affiliates of the IRGC, its Qods Force, and Hezbollah, under applicable law including the International Emergency Economic Powers Act; and

“(D) to address the vital national security interests of the United States in ensuring energy supplies from the Western Hemisphere that are free from the influence of any foreign government that would attempt to manipulate or disrupt global energy markets.

“(c) DEVELOPMENT.—In developing the strategy under this section, the Secretary of State shall consult with the heads of all appropriate United States departments and agencies, including the Secretary of Defense, the Director of National Intelligence, the Secretary of Homeland Security, the Secretary of the Treasury, the Attorney General, and the United States Trade Representative.

“(d) FORM.—The strategy in this section may be submitted in classified form, but shall include an unclassified summary of policy recommendations to address the growing Iranian threat in the Western Hemisphere.

“SEC. 6. SENSE OF CONGRESS.

“It is the sense of Congress that the Secretary of State should keep the relevant congressional committees continually informed on the hostile actions of Iran in the Western Hemisphere.

“SEC. 7. RULE OF CONSTRUCTION.

“Nothing in this Act shall be construed to limit the rights or protections enjoyed by United States citizens under the United States Constitution or other Federal law, or to create additional authorities for the Federal Government that are contrary to the United States Constitution and United States law.”

SUBCHAPTER I—EXPANSION OF MULTILATERAL SANCTIONS REGIME WITH RESPECT TO IRAN

§ 8711. Sense of Congress on enforcement of multilateral sanctions regime and expansion and implementation of sanctions laws

It is the sense of Congress that the goal of compelling Iran to abandon efforts to acquire a nuclear weapons capability and other threatening activities can be effectively achieved through a comprehensive policy that includes economic sanctions, diplomacy, and military planning, capabilities and options, and that this objective is consistent with the one stated by President Barack Obama in the 2012 State of the Union Address: “Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal”. Among the economic measures to be taken are—

(1) prompt enforcement of the current multilateral sanctions regime with respect to Iran;

(2) full, timely, and vigorous implementation of all sanctions enacted into law, including sanctions imposed or expanded by this Act or amendments made by this Act, through—

(A) intensified monitoring by the President and the designees of the President, including the Secretary of the Treasury, the Secretary of State, and senior officials in the intelligence community (as defined in section 401a(4) of title 50), as appropriate;

(B) more extensive use of extraordinary authorities provided for under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and other sanctions laws;

(C) reallocation of resources to provide the personnel necessary, within the Department of the Treasury, the Department of State, and the Department of Commerce, and, where appropriate, the intelligence community, to apply and enforce sanctions; and

(D) expanded cooperation with international sanctions enforcement efforts;

(3) urgent consideration of the expansion of existing sanctions with respect to such areas as—

(A) the provision of energy-related services to Iran;

(B) the provision of insurance and reinsurance services to Iran;

(C) the provision of shipping services to Iran; and

(D) those Iranian financial institutions not yet designated for the imposition of sanctions that may be acting as intermediaries for Iranian financial institutions that are designated for the imposition of sanctions; and

(4) a focus on countering Iran’s efforts to evade sanctions, including—

(A) the activities of telecommunications, Internet, and satellite service providers, in and outside of Iran, to ensure that such providers are not participating in or facilitating, directly or indirectly, the evasion of the sanctions regime with respect to Iran or violations of the human rights of the people of Iran;

(B) the activities of financial institutions or other businesses or government agencies, in or outside of Iran, not yet designated for the imposition of sanctions; and

(C) urgent and ongoing evaluation of Iran’s energy, national security, financial, and telecommunications sectors, to gauge the effects of, and possible defects in, particular sanctions, with prompt efforts to correct any gaps in the existing sanctions regime with respect to Iran.

(Pub. L. 112–158, title I, §101, Aug. 10, 2012, 126 Stat. 1216.)

TERMINATION OF SECTION

For termination of section, see section 8785(a) of this title.

REFERENCES IN TEXT

This Act, referred to in par. (2), is Pub. L. 112–158, Aug. 10, 2012, 126 Stat. 1214, known as the Iran Threat Reduction and Syria Human Rights Act of 2012, which