

(Pub. L. 112-158, title IV, § 415, Aug. 10, 2012, 126 Stat. 1257.)

SUBCHAPTER V—MISCELLANEOUS

§ 8771. Exclusion of citizens of Iran seeking education relating to the nuclear and energy sectors of Iran

(a) In general

The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a citizen of Iran that the Secretary of State determines seeks to enter the United States to participate in coursework at an institution of higher education (as defined in section 1001(a) of title 20) to prepare the alien for a career in the energy sector of Iran or in nuclear science or nuclear engineering or a related field in Iran.

(b) Applicability

Subsection (a) applies with respect to visa applications filed on or after August 10, 2012.

(Pub. L. 112-158, title V, § 501, Aug. 10, 2012, 126 Stat. 1258.)

TERMINATION OF SECTION

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

§ 8772. Interests in certain financial assets of Iran

(a) Interests in blocked assets

(1) In general

Subject to paragraph (2), notwithstanding any other provision of law, including any provision of law relating to sovereign immunity, and preempting any inconsistent provision of State law, a financial asset that is—

(A) held by or for a foreign securities intermediary doing business in the United States;

(B) a blocked asset (whether or not subsequently unblocked), or an asset that would be blocked if the asset were located in the United States, that is property described in subsection (b); and

(C) equal in value to a financial asset of Iran, including an asset of the central bank or monetary authority of the Government of Iran or any agency or instrumentality of that Government, that such foreign securities intermediary or a related intermediary holds abroad,

shall be subject to execution or attachment in aid of execution, or to an order directing that the asset be brought to the State in which the court is located and subsequently to execution or attachment in aid of execution, in order to satisfy any judgment to the extent of any compensatory damages awarded against Iran for damages for personal injury or death caused by an act of torture, extrajudicial killing, aircraft sabotage, or hostage-taking, or the provision of material support or resources for such an act, without regard to concerns relating to international comity.

(2) Court determination required

In order to ensure that Iran is held accountable for paying the judgments described in

paragraph (1) and in furtherance of the broader goals of this Act to sanction Iran, prior to an award turning over any asset pursuant to execution or attachment in aid of execution with respect to any judgments against Iran described in paragraph (1), the court shall determine whether Iran holds equitable title to, or the beneficial interest in, the assets described in subsection (b) and that no other person possesses a constitutionally protected interest in the assets described in subsection (b) under the Fifth Amendment to the Constitution of the United States. To the extent the court determines that a person other than Iran holds—

(A) equitable title to, or a beneficial interest in, the assets described in subsection (b) (excluding a custodial interest of a foreign securities intermediary or a related intermediary that holds the assets abroad for the benefit of Iran); or

(B) a constitutionally protected interest in the assets described in subsection (b),

such assets shall be available only for execution or attachment in aid of execution to the extent of Iran's equitable title or beneficial interest therein and to the extent such execution or attachment does not infringe upon such constitutionally protected interest.

(b) Financial assets described

The financial assets described in this section are the financial assets that are—

(1) identified in and the subject of proceedings in the United States District Court for the Southern District of New York in *Peterson et al. v. Islamic Republic of Iran et al.*, Case No. 10 Civ. 4518 (BSJ) (GWG), that were restrained by restraining notices and levies secured by the plaintiffs in those proceedings, as modified by court order dated June 27, 2008, and extended by court orders dated June 23, 2009, May 10, 2010, and June 11, 2010, so long as such assets remain restrained by court order; and

(2) identified in and the subject of proceedings in the United States District Court for the Southern District of New York in *Peterson et al. v. Islamic Republic of Iran et al.*, Case No. 13 Civ. 9195 (LAP).

(c) Rules of construction

Nothing in this section shall be construed—

(1) to affect the availability, or lack thereof, of a right to satisfy a judgment in any other action against a terrorist party in any proceedings other than proceedings referred to in subsection (b); or

(2) to apply to assets other than the assets described in subsection (b), or to preempt State law, including the Uniform Commercial Code, except as expressly provided in subsection (a)(1).

(d) Definitions

In this section:

(1) Blocked asset

The term “blocked asset”—

(A) means any asset seized or frozen by the United States under section 4305(b) of title 50 or under section 202 or 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701 and 1702); and

(B) does not include property that—

(i) is subject to a license issued by the United States Government for final payment, transfer, or disposition by or to a person subject to the jurisdiction of the United States in connection with a transaction for which the issuance of the license has been specifically required by a provision of law other than the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.); or

(ii) is property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, or that enjoys equivalent privileges and immunities under the laws of the United States, and is being used exclusively for diplomatic or consular purposes.

(2) Financial asset; securities intermediary

The terms “financial asset” and “securities intermediary” have the meanings given those terms in the Uniform Commercial Code, but the former includes cash.

(3) Iran

The term “Iran” means the Government of Iran, including the central bank or monetary authority of that Government and any agency or instrumentality of that Government.

(4) Person

(A) In general

The term “person” means an individual or entity.

(B) Entity

The term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

(5) Terrorist party

The term “terrorist party” has the meaning given that term in section 201(d) of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note).

(6) United States

The term “United States” includes all territory and waters, continental, or insular, subject to the jurisdiction of the United States.

(Pub. L. 112–158, title V, §502, Aug. 10, 2012, 126 Stat. 1258; Pub. L. 116–92, div. A, title XII, §1226, Dec. 20, 2019, 133 Stat. 1645.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(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 is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 8701 of this title and Tables.

The International Emergency Economic Powers Act, referred to in subsec. (d)(1)(B)(i), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

The United Nations Participation Act of 1945, referred to in subsec. (d)(1)(B)(i), is act of Dec. 20, 1945, ch. 583, 59 Stat. 619, which is classified to subchapter XVI (§287 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 287 of this title and Tables.

Section 201(d) of the Terrorism Risk Insurance Act of 2002, referred to in subsec. (d)(5), is section 201(d) of Pub. L. 107–297, which is set out as a note under section 1610 of Title 28, Judiciary and Judicial Procedure.

CODIFICATION

Section is comprised of section 502 of Pub. L. 112–158. Subsec. (e) of section 502 of Pub. L. 112–158 amended section 1610 of Title 28, Judiciary and Judicial Procedure, and amended section 201 of Pub. L. 107–297, set out as a note under section 1610 of Title 28.

AMENDMENTS

2019—Subsec. (a)(1). Pub. L. 116–92, §1226(1)(C), inserted “, or to an order directing that the asset be brought to the State in which the court is located and subsequently to execution or attachment in aid of execution,” after “in aid of execution” and “, without regard to concerns relating to international comity” after “resources for such an act” in concluding provisions.

Subsec. (a)(1)(A). Pub. L. 116–92, §1226(1)(A), which directed substitution of “by or” for “in the United States” in subpar. (A), was executed by making the substitution for “in the United States” the first time appearing in subpar. (A), to reflect the probable intent of Congress.

Subsec. (a)(1)(B). Pub. L. 116–92, §1226(1)(B), inserted “, or an asset that would be blocked if the asset were located in the United States,” after “unblocked”).

Subsec. (b). Pub. L. 116–92, §1226(2), substituted “that are—” and par. (1) designation for “that are” and “court order; and” for “court order.” and added par. (2).

§ 8773. Report on membership of Iran in international organizations

Not later than 180 days after August 10, 2012, and not later than September 1 of each year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report listing the international organizations of which Iran is a member and detailing the amount that the United States contributes to each such organization on an annual basis.

(Pub. L. 112–158, title V, §506, Aug. 10, 2012, 126 Stat. 1263.)

SUBCHAPTER VI—GENERAL PROVISIONS

§ 8781. Implementation; penalties

(a) Implementation

The President may exercise all authorities provided under sections 1702 and 1704 of title 50 to carry out—

(1) sections 8721, 8722, 8723, 8724, 8725, 8726 of this title, 312,¹ and 8751 of this title, subchapter III, and subchapter VII;

(2) section 8513b of this title, as added by section 312;¹ and

(3) sections 8514a and 8514b of this title, as added by subtitle A of title IV.

(b) Penalties

(1) In general

The penalties provided for in subsections (b) and (c) of section 1705 of title 50 shall apply to

¹ See References in Text note below.