

115TH CONGRESS
1ST SESSION

S. 722

To impose sanctions with respect to Iran in relation to Iran’s ballistic missile program, support for acts of international terrorism, and violations of human rights, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2017

Mr. CORKER (for himself, Mr. MENENDEZ, Mr. RUBIO, Mr. CARDIN, Mr. COTTON, Mr. CASEY, Mr. CRUZ, Mr. BENNET, Mr. RISCH, Mr. COONS, Mr. SULLIVAN, Mr. BLUMENTHAL, Mr. YOUNG, and Mr. DONNELLY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To impose sanctions with respect to Iran in relation to Iran’s ballistic missile program, support for acts of international terrorism, and violations of human rights, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Countering Iran’s Destabilizing Activities Act of 2017”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Regional strategy for countering conventional and asymmetric Iranian threats in the Middle East and North Africa.
- Sec. 4. Imposition of additional sanctions in response to Iran’s ballistic missile program.
- Sec. 5. Imposition of terrorism-related sanctions with respect to the IRGC.
- Sec. 6. Imposition of additional sanctions with respect to persons responsible for human rights abuses.
- Sec. 7. Enforcement of arms embargos.
- Sec. 8. Continuation in effect of sanctions for Iranian support relating to terrorism.
- Sec. 9. Report on coordination of sanctions between the United States and the European Union.
- Sec. 10. Report on United States citizens detained by Iran.
- Sec. 11. Exceptions for national security and humanitarian assistance; rule of construction.
- Sec. 12. Presidential waiver authority.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) ACT OF INTERNATIONAL TERRORISM.—The
 4 term “act of international terrorism” has the mean-
 5 ing given that term in section 14 of the Iran Sanc-
 6 tions Act of 1996 (Public Law 104–172; 50 U.S.C.
 7 1701 note).

8 (2) APPROPRIATE CONGRESSIONAL COMMIT-
 9 TEES.—The term “appropriate congressional com-
 10 mittees” has the meaning given that term in section
 11 14 of the Iran Sanctions Act of 1996 (Public Law
 12 104–172; 50 U.S.C. 1701 note).

13 (3) FOREIGN PERSON.—The term “foreign per-
 14 son” means a person that is not a United States
 15 person.

16 (4) IRANIAN PERSON.—The term “Iranian per-
 17 son” means—

1 (A) an individual who is a citizen or na-
2 tional of Iran; or

3 (B) an entity organized under the laws of
4 Iran or otherwise subject to the jurisdiction of
5 the Government of Iran.

6 (5) IRGC.—The term “IRGC” means Iran’s Is-
7 lamic Revolutionary Guard Corps.

8 (6) KNOWINGLY.—The term “knowingly” has
9 the meaning given that term in section 14 of the
10 Iran Sanctions Act of 1996 (Public Law 104–172;
11 50 U.S.C. 1701 note).

12 (7) PERSON.—The term “person” means an in-
13 dividual or entity.

14 (8) UNITED STATES PERSON.—The term
15 “United States person” means—

16 (A) a United States citizen or an alien law-
17 fully admitted for permanent residence to the
18 United States; or

19 (B) an entity organized under the laws of
20 the United States or of any jurisdiction within
21 the United States, including a foreign branch of
22 such an entity.

1 **SEC. 3. REGIONAL STRATEGY FOR COUNTERING CONVEN-**
2 **TIONAL AND ASYMMETRIC IRANIAN THREATS**
3 **IN THE MIDDLE EAST AND NORTH AFRICA.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, and every 2 years there-
6 after, the Secretary of State, the Secretary of Defense,
7 the Secretary of the Treasury, and the Director of Na-
8 tional Intelligence shall jointly develop and submit to the
9 appropriate congressional committees a strategy for deter-
10 ring conventional and asymmetric Iranian activities and
11 threats that directly threaten the United States and key
12 allies in the Middle East, North Africa, and beyond.

13 (b) ELEMENTS.—The strategy required by subsection
14 (a) shall include at a minimum the following:

15 (1) A summary of the near- and long-term
16 United States objectives, plans, and means for coun-
17 tering Iran’s destabilizing activities, including identi-
18 fication of countries that share the objective of coun-
19 tering Iran’s destabilizing activities.

20 (2) A summary of the capabilities and contribu-
21 tions of individual countries to shared efforts to
22 counter Iran’s destabilizing activities, and a sum-
23 mary of additional actions or contributions that each
24 country could take to further contribute.

25 (3) An assessment of Iran’s conventional force
26 capabilities and an assessment of Iran’s plans to up-

1 grade its conventional force capabilities, including its
2 acquisition, development, and deployment of ballistic
3 and cruise missile capabilities, unmanned aerial vehi-
4 cles, and maritime offensive and anti-access or area
5 denial capabilities.

6 (4) An assessment of Iran's chemical and bio-
7 logical weapons capabilities and an assessment of
8 Iranian plans to upgrade its chemical or biological
9 weapons capabilities.

10 (5) An assessment of Iran's asymmetric activi-
11 ties in the region, including—

12 (A) the size, capabilities, and activities of
13 the IRGC, including the Quds Force;

14 (B) the size, capabilities, and activities of
15 Iran's cyber operations;

16 (C) the types and amount of support, in-
17 cluding funding, lethal and nonlethal contribu-
18 tions, and training, provided to Hezbollah,
19 Hamas, special groups in Iraq, the regime of
20 Bashar al-Assad in Syria, Houthi fighters in
21 Yemen, and other violent groups across the
22 Middle East; and

23 (D) the scope and objectives of Iran's in-
24 formation operations and use of propaganda.

1 (6) A summary of United States actions, unilat-
2 erally and in cooperation with foreign governments,
3 to counter destabilizing Iranian activities, includ-
4 ing—

5 (A) interdiction of Iranian lethal arms
6 bound for groups designated as foreign terrorist
7 organizations under section 219 of the Immi-
8 gration and Nationality Act (8 U.S.C. 1189);

9 (B) Iran’s interference in international
10 commercial shipping lanes;

11 (C) attempts by Iran to undermine or sub-
12 vert internationally recognized governments in
13 the Middle East region; and

14 (D) Iran’s support for the regime of
15 Bashar al-Assad in Syria, including—

16 (i) financial assistance, military equip-
17 ment and personnel, and other support
18 provided to that regime; and

19 (ii) support and direction to other
20 armed actors that are not Syrian or Ira-
21 nian and are acting on behalf of that re-
22 gime.

23 (c) FORM OF STRATEGY.—The strategy required by
24 subsection (a) shall be submitted in unclassified form but
25 may include a classified annex.

1 **SEC. 4. IMPOSITION OF ADDITIONAL SANCTIONS IN RE-**
2 **SPONSE TO IRAN'S BALLISTIC MISSILE PRO-**
3 **GRAM.**

4 (a) IN GENERAL.—The President shall impose the
5 sanctions described in subsection (b) with respect to any
6 person that the President determines, on or after the date
7 of the enactment of this Act—

8 (1) has engaged in any activity that has materi-
9 ally contributed, or poses a risk of materially con-
10 tributing, to the activities of the Government of Iran
11 with respect to its ballistic missile program, or any
12 other program in Iran for developing, deploying, or
13 maintaining systems capable of delivering weapons
14 of mass destruction, including any efforts to manu-
15 facture, acquire, possess, develop, transport, trans-
16 fer, or use such capabilities;

17 (2) is a successor entity to a person referred to
18 in paragraph (1);

19 (3) owns or controls, is owned or controlled by,
20 or is under common ownership or control with, a
21 person referred to in paragraph (1);

22 (4) is acting for or on behalf of a person re-
23 ferred to in paragraph (1), (2), or (3); or

24 (5) has knowingly provided, or attempted to
25 provide, financial, material, technological, or other

1 support for, or goods or services in support of, a
2 person referred to in paragraph (1), (2), (3), or (4).

3 (b) SANCTIONS DESCRIBED.—The sanctions de-
4 scribed in this subsection are the following:

5 (1) BLOCKING OF PROPERTY.—The President
6 shall block, in accordance with the International
7 Emergency Economic Powers Act (50 U.S.C. 1701
8 et seq.), all transactions in all property and interests
9 in property of any person subject to subsection (a)
10 if such property and interests in property are in the
11 United States, come within the United States, or are
12 or come within the possession or control of a United
13 States person.

14 (2) EXCLUSION FROM UNITED STATES.—The
15 Secretary of State shall deny a visa to, and the Sec-
16 retary of Homeland Security shall exclude from the
17 United States, any person subject to subsection (a)
18 that is an alien.

19 (c) PENALTIES.—A person that violates, attempts to
20 violate, conspires to violate, or causes a violation of sub-
21 section (b)(1) or any regulation, license, or order issued
22 to carry out that subsection shall be subject to the pen-
23 alties set forth in subsections (b) and (c) of section 206
24 of the International Emergency Economic Powers Act (50

1 U.S.C. 1705) to the same extent as a person that commits
2 an unlawful act described in subsection (a) of that section.

3 (d) REPORT ON CONTRIBUTIONS TO IRAN'S BAL-
4 LISTIC MISSILE PROGRAM.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of the enactment of this Act, and every 180
7 days thereafter, the President shall submit to the
8 appropriate congressional committees a report de-
9 scribing each person that—

10 (A) has, during the period specified in
11 paragraph (2), conducted any activity that has
12 materially contributed, or poses a risk of mate-
13 rially contributing, to the activities of the Gov-
14 ernment of Iran with respect to its ballistic mis-
15 sile program, or any other program in Iran for
16 developing, deploying, or maintaining systems
17 capable of delivering weapons of mass destruc-
18 tion, including any efforts to manufacture, ac-
19 quire, possess, develop, transport, transfer, or
20 use such capabilities;

21 (B) is a successor entity to a person re-
22 ferred to in subparagraph (A);

23 (C) owns or controls, is owned or con-
24 trolled by, or is under common ownership or

1 control with, a person referred to in subpara-
2 graph (A);

3 (D) is acting for or on behalf of a person
4 referred to in subparagraph (A), (B), or (C); or

5 (E) is known or believed to have provided,
6 or attempted to provide, during the period spec-
7 ified in paragraph (2), financial, material, tech-
8 nological, or other support for, or goods or serv-
9 ices in support of, any material contribution to
10 a program described in subparagraph (A) car-
11 ried out by a person described in subparagraph
12 (A), (B), (C), or (D).

13 (2) PERIOD SPECIFIED.—The period specified
14 in this paragraph is—

15 (A) in the case of the first report sub-
16 mitted under paragraph (1), the period begin-
17 ning on July 14, 2015, and ending on the date
18 the report is submitted; and

19 (B) in the case of a subsequent such re-
20 port, the 180-day period preceding the submis-
21 sion of the report.

22 (3) FORM OF REPORT.—Each report required
23 by paragraph (1) shall be submitted in unclassified
24 form but may include a classified annex.

1 **SEC. 5. IMPOSITION OF TERRORISM-RELATED SANCTIONS**
2 **WITH RESPECT TO THE IRGC.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) The IRGC is subject to sanctions pursuant
6 to Executive Order 13382 (50 U.S.C. 1701 note; re-
7 lating to blocking property of weapons of mass de-
8 struction delivery system proliferators and their sup-
9 porters), the Comprehensive Iran Sanctions, Ac-
10 countability, and Divestment Act of 2010 (22 U.S.C.
11 8501 et seq.), Executive Order 13553 (50 U.S.C.
12 1701 note; relating to blocking property of certain
13 persons with respect to serious human rights abuses
14 by the Government of Iran), and Executive Order
15 13606 (50 U.S.C. 1701 note; relating to blocking
16 the property and suspending entry into the United
17 States of certain persons with respect to grave
18 human rights abuses by the Governments of Iran
19 and Syria via information technology).

20 (2) The Iranian Revolutionary Guard Corps-
21 Qods Force (in this section referred to as the
22 “IRGC–QF”) is the primary arm of the Government
23 of Iran for executing its policy of supporting ter-
24 rorist and insurgent groups. The IRGC–QF provides
25 material, logistical assistance, training, and financial
26 support to militants and terrorist operatives

1 throughout the Middle East and South Asia and was
2 designated for the imposition of sanctions by the
3 Secretary of the Treasury pursuant to Executive
4 Order 13224 (50 U.S.C. 1701 note; relating to
5 blocking property and prohibiting transactions with
6 persons who commit, threaten to commit, or support
7 terrorism) in October 2007 for its support of ter-
8 rorism.

9 (3) The IRGC, not just the IRGC-QF, is re-
10 sponsible for implementing Iran's international pro-
11 gram of destabilizing activities, support for acts of
12 international terrorism, and ballistic missile pro-
13 gram.

14 (b) IN GENERAL.—Beginning on the date that is 90
15 days after the date of the enactment of this Act, the Presi-
16 dent shall impose the sanctions described in subsection (c)
17 with respect to the IRGC and foreign persons that are
18 officials, agents, or affiliates of the IRGC.

19 (c) SANCTIONS DESCRIBED.—The sanctions de-
20 scribed in this subsection are sanctions applicable with re-
21 spect to a foreign person pursuant to Executive Order
22 13224 (50 U.S.C. 1701 note; relating to blocking property
23 and prohibiting transactions with persons who commit,
24 threaten to commit, or support terrorism).

1 **SEC. 6. IMPOSITION OF ADDITIONAL SANCTIONS WITH RE-**
 2 **SPECT TO PERSONS RESPONSIBLE FOR**
 3 **HUMAN RIGHTS ABUSES.**

4 (a) IN GENERAL.—Not later than 90 days after the
 5 date of the enactment of this Act, and annually thereafter,
 6 the Secretary of State shall submit to the appropriate con-
 7 gressional committees a list of each person the Secretary
 8 determines, based on credible evidence—

9 (1) has been responsible for extrajudicial
 10 killings, torture, or other gross violations of inter-
 11 nationally recognized human rights committed
 12 against individuals in Iran who seek—

13 (A) to expose illegal activity carried out by
 14 officials of the Government of Iran; or

15 (B) to obtain, exercise, defend, or promote
 16 internationally recognized human rights and
 17 freedoms, such as the freedoms of religion, ex-
 18 pression, association, and assembly, and the
 19 rights to a fair trial and democratic elections;
 20 and

21 (2) has acted as an agent of or on behalf of a
 22 foreign person in a matter relating to an activity de-
 23 scribed in paragraph (1).

24 (b) SANCTIONS DESCRIBED.—

25 (1) IN GENERAL.—The President may, in ac-
 26 cordance with the International Emergency Eco-

1 nomic Powers Act (50 U.S.C. 1701 et seq.), block
2 all transactions in all property and interests in prop-
3 erty of a person on the list required by subsection
4 (a) if such property and interests in property are in
5 the United States, come within the United States, or
6 are or come within the possession or control of a
7 United States person.

8 (2) PENALTIES.—A person that violates, at-
9 tempts to violate, conspires to violate, or causes a
10 violation of paragraph (1) or any regulation, license,
11 or order issued to carry out paragraph (1) shall be
12 subject to the penalties set forth in subsections (b)
13 and (c) of section 206 of the International Emer-
14 gency Economic Powers Act (50 U.S.C. 1705) to the
15 same extent as a person that commits an unlawful
16 act described in subsection (a) of that section.

17 **SEC. 7. ENFORCEMENT OF ARMS EMBARGOS.**

18 (a) IN GENERAL.—Except as provided in subsection
19 (d), the President shall impose the sanctions described in
20 subsection (b) with respect to any person that—

21 (1) engages in any activity that materially con-
22 tributes to the supply, sale, or transfer directly or
23 indirectly to or from Iran, or for the use in or ben-
24 efit of Iran, of any battle tanks, armored combat ve-
25 hicles, large caliber artillery systems, combat air-

1 craft, attack helicopters, warships, missiles or mis-
2 sile systems, as defined for the purpose of the
3 United Nations Register of Conventional Arms, or
4 related materiel, including spare parts; or

5 (2) provides to Iran any technical training, fi-
6 nancial resources or services, advice, other services
7 or assistance related to the supply, sale, transfer,
8 manufacture, maintenance, or use of arms and re-
9 lated materiel described in paragraph (1).

10 (b) SANCTIONS DESCRIBED.—

11 (1) BLOCKING OF PROPERTY.—The President
12 shall block, in accordance with the International
13 Emergency Economic Powers Act (50 U.S.C. 1701
14 et seq.), all transactions in all property and interests
15 in property of any person subject to subsection (a)
16 if such property and interests in property are in the
17 United States, come within the United States, or are
18 or come within the possession or control of a United
19 States person.

20 (2) EXCLUSION FROM UNITED STATES.—The
21 Secretary of State shall deny a visa to, and the Sec-
22 retary of Homeland Security shall exclude from the
23 United States, any person subject to subsection (a)
24 that is an alien.

1 (c) PENALTIES.—A person that violates, attempts to
 2 violate, conspires to violate, or causes a violation of sub-
 3 section (b)(1) or any regulation, license, or order issued
 4 to carry out that subsection shall be subject to the pen-
 5 alties set forth in subsections (b) and (c) of section 206
 6 of the International Emergency Economic Powers Act (50
 7 U.S.C. 1705) to the same extent as a person that commits
 8 an unlawful act described in subsection (a) of that section.

9 (d) EXCEPTION.—The President is not required to
 10 impose sanctions under subsection (a) with respect to a
 11 person for engaging in an activity described in that sub-
 12 section if the President certifies to the appropriate con-
 13 gressional committees that—

14 (1) permitting the activity is in the national se-
 15 curity interest of the United States;

16 (2) Iran no longer presents a significant threat
 17 to the national security of the United States and to
 18 the allies of the United States; and

19 (3) the Government of Iran has ceased pro-
 20 viding operational or financial support for acts of
 21 international terrorism and no longer satisfies the
 22 requirements for designation as a state sponsor of
 23 terrorism.

24 (e) STATE SPONSOR OF TERRORISM DEFINED.—In
 25 this section, the term “state sponsor of terrorism” means

1 a country the government of which the Secretary of State
 2 has determined to be a government that has repeatedly
 3 provided support for acts of international terrorism for
 4 purposes of—

5 (1) section 6(j)(1)(A) of the Export Administra-
 6 tion Act of 1979 (50 U.S.C. 4605(j)(1)(A)) (as con-
 7 tinued in effect pursuant to the International Emer-
 8 gency Economic Powers Act (50 U.S.C. 1701 et
 9 seq.));

10 (2) section 620A(a) of the Foreign Assistance
 11 Act of 1961 (22 U.S.C. 2371(a));

12 (3) section 40(d) of the Arms Export Control
 13 Act (22 U.S.C. 2780(d)); or

14 (4) any other provision of law.

15 **SEC. 8. CONTINUATION IN EFFECT OF SANCTIONS FOR IRA-**
 16 **NIAN SUPPORT RELATING TO TERRORISM.**

17 (a) IN GENERAL.—United States sanctions imposed
 18 with respect to a person under Executive Order 13382 (50
 19 U.S.C. 1701 note; relating to blocking property of weap-
 20 ons of mass destruction delivery system proliferators and
 21 their supporters) or Executive Order 13224 (50 U.S.C.
 22 1701 note; relating to blocking property and prohibiting
 23 transactions with persons who commit, threaten to com-
 24 mit, or support terrorism), and imposed as a result of ac-
 25 tivities described in subsection (b), that are in effect on

1 the day before the date of the enactment of this Act, shall
2 remain in effect until the date that is 90 days after the
3 date on which the President submits to the appropriate
4 congressional committees the certification described in
5 subsection (c) with respect to the person.

6 (b) ACTIVITIES DESCRIBED.—An activity described
7 in this subsection is—

8 (1) any activity that materially contributes to
9 the activities of the Government of Iran with respect
10 to its ballistic missile program; or

11 (2) support by the Government of Iran for acts
12 of international terrorism.

13 (c) CERTIFICATION.—

14 (1) IN GENERAL.—A certification described in
15 this subsection is a certification that the person with
16 respect to which sanctions were imposed under Exec-
17 utive Order 13382 or Executive Order 13224 has
18 not, during the 3-month period immediately pre-
19 ceding the date of the certification, provided support
20 for or otherwise facilitated or engaged in any activ-
21 ity described in subsection (b).

22 (2) SUBMISSION TO CONGRESS.—

23 (A) IN GENERAL.—The President shall
24 submit the certification described in paragraph

25 (1) to the appropriate congressional committees

1 in writing and shall include a detailed justifica-
 2 tion for the certification.

3 (B) FORM OF CERTIFICATION.—The cer-
 4 tification described in paragraph (1) shall be
 5 submitted in unclassified form but may include
 6 a classified annex.

7 (d) REIMPOSITION.—If sanctions are suspended with
 8 respect to a person under this section, such sanctions shall
 9 be reinstated if the President determines that the person
 10 has resumed any activity described in subsection (b).

11 **SEC. 9. REPORT ON COORDINATION OF SANCTIONS BE-**
 12 **TWEEN THE UNITED STATES AND THE EURO-**
 13 **PEAN UNION.**

14 (a) IN GENERAL.—Not later than 90 days after the
 15 date of the enactment of this Act, and every 180 days
 16 thereafter, the President shall submit to the appropriate
 17 congressional committees a report that includes the fol-
 18 lowing:

19 (1) A description of each instance, during the
 20 period specified in subsection (b)—

21 (A) in which the United States has im-
 22 posed sanctions with respect to a person for ac-
 23 tivity related to the proliferation of weapons of
 24 mass destruction or delivery systems for such
 25 weapons to or by Iran, support for acts of inter-

1 national terrorism by Iran, or human rights
2 abuses in Iran, but in which the European
3 Union has not imposed corresponding sanctions;
4 and

5 (B) in which the European Union has im-
6 posed sanctions with respect to a person for ac-
7 tivity related to the proliferation of weapons of
8 mass destruction or delivery systems for such
9 weapons to or by Iran, support for acts of inter-
10 national terrorism by Iran, or human rights
11 abuses in Iran, but in which the United States
12 has not imposed corresponding sanctions.

13 (2) An explanation for the reason for each dis-
14 crepancy between sanctions imposed by the Euro-
15 pean Union and sanctions imposed by the United
16 States described in subparagraphs (A) and (B) of
17 paragraph (1).

18 (b) PERIOD SPECIFIED.—The period specified in this
19 subsection is—

20 (1) in the case of the first report submitted
21 under subsection (a), the period beginning on Sep-
22 tember 1, 2009, and ending on the date the report
23 is submitted; and

1 (2) in the case of a subsequent such report, the
2 180-day period preceding the submission of the re-
3 port.

4 (c) FORM OF REPORT.—The report required by sub-
5 section (a) shall be submitted in unclassified form but may
6 include a classified annex.

7 **SEC. 10. REPORT ON UNITED STATES CITIZENS DETAINED**
8 **BY IRAN.**

9 (a) IN GENERAL.—Not later than 90 days after the
10 date of the enactment of this Act, and every 180 days
11 thereafter, the President shall submit to the appropriate
12 congressional committees a report on United States citi-
13 zens, including United States citizens who are also citizens
14 of other countries, detained by Iran or groups supported
15 by Iran that includes—

16 (1) information regarding any officials of the
17 Government of Iran involved in any way in the de-
18 tentions; and

19 (2) a summary of efforts the United States
20 Government has taken to secure the swift release of
21 those United States citizens.

22 (b) FORM OF REPORT.—The report required by sub-
23 section (a) shall be submitted in unclassified form, but
24 may include a classified annex.

1 **SEC. 11. EXCEPTIONS FOR NATIONAL SECURITY AND HU-**
2 **MANITARIAN ASSISTANCE; RULE OF CON-**
3 **STRUCTION.**

4 (a) IN GENERAL.—The following activities shall be
5 exempt from sanctions under sections 4, 5, 6, and 7:

6 (1) Any activity subject to the reporting re-
7 quirements under title V of the National Security
8 Act of 1947 (50 U.S.C. 3091 et seq.), or to any au-
9 thorized intelligence activities of the United States.

10 (2) The admission of an alien to the United
11 States if such admission is necessary to comply with
12 United States obligations under the Agreement be-
13 tween the United Nations and the United States of
14 America regarding the Headquarters of the United
15 Nations, signed at Lake Success June 26, 1947, and
16 entered into force November 21, 1947, or under the
17 Convention on Consular Relations, done at Vienna
18 April 24, 1963, and entered into force March 19,
19 1967.

20 (3) The conduct or facilitation of a transaction
21 for the sale of agricultural commodities, food, medi-
22 cine, or medical devices to Iran or for the provision
23 of humanitarian assistance to the people of Iran, in-
24 cluding engaging in a financial transaction relating
25 to humanitarian assistance or for humanitarian pur-
26 poses, transporting goods or services that are nec-

1 essary to carry out operations relating to humani-
2 tarian assistance or humanitarian purposes, and
3 having merely incidental contact, in the course of
4 providing humanitarian assistance or aid for human-
5 itarian purposes, with individuals who are under the
6 control of a foreign person subject to sanctions
7 under this Act.

8 (b) DEFINITIONS.—In this section:

9 (1) AGRICULTURAL COMMODITY.—The term
10 “agricultural commodity” has the meaning given
11 that term in section 102 of the Agricultural Trade
12 Act of 1978 (7 U.S.C. 5602).

13 (2) MEDICAL DEVICE.—The term “medical de-
14 vice” has the meaning given the term “device” in
15 section 201 of the Federal Food, Drug, and Cos-
16 metic Act (21 U.S.C. 321).

17 (3) MEDICINE.—The term “medicine” has the
18 meaning given the term “drug” in section 201 of the
19 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
20 321).

21 (c) RULE OF CONSTRUCTION.—Nothing in this Act
22 shall be construed to limit the authority of the President
23 to designate persons for the imposition of sanctions pursu-
24 ant to the International Emergency Economic Powers Act
25 (50 U.S.C. 1701 et seq.).

1 **SEC. 12. PRESIDENTIAL WAIVER AUTHORITY.**

2 (a) CASE-BY-CASE WAIVER AUTHORITY.—

3 (1) IN GENERAL.—The President may waive,
4 on a case-by-case basis and for a period of not more
5 than 180 days, a requirement under section 4, 5, 6,
6 7, or 8 to impose or maintain sanctions with respect
7 to a person, and may waive the continued imposition
8 of such sanctions, not less than 30 days after the
9 President determines and reports to the appropriate
10 congressional committees that it is vital to the na-
11 tional security interests of the United States to
12 waive such sanctions.

13 (2) RENEWAL OF WAIVERS.—The President
14 may, on a case-by-case basis, renew a waiver under
15 paragraph (1) for an additional period of not more
16 than 180 days if, not later than 15 days before that
17 waiver expires, the President makes the determina-
18 tion and submits to the appropriate congressional
19 committees a report described in paragraph (1).

20 (3) SUCCESSIVE RENEWAL.—The renewal au-
21 thority provided under paragraph (2) may be exer-
22 cised for additional successive periods of not more
23 than 180 days if the President follows the proce-
24 dures set forth in paragraph (2), and submits the
25 report described in paragraph (1), for each such re-
26 newal.

1 (b) CONTENTS OF WAIVER REPORTS.—Each report
2 submitted under subsection (a) in connection with a waiv-
3 er of sanctions under section 4, 5, 6, 7, or 8 with respect
4 to a person, or the renewal of such a waiver, shall in-
5 clude—

6 (1) a specific and detailed rationale for the de-
7 termination that the waiver is vital to the national
8 security interests of the United States;

9 (2) a description of the activity that resulted in
10 the person being subject to sanctions;

11 (3) an explanation of the efforts made by the
12 United States to secure the cooperation of the gov-
13 ernment with primary jurisdiction over the person or
14 the location where the activity described in para-
15 graph (2) occurred in terminating or, as appro-
16 priate, penalizing the activity; and

17 (4) an assessment of the significance of the ac-
18 tivity described in paragraph (2) in contributing to
19 the ability of Iran to threaten the interests of the
20 United States or allies of the United States, develop
21 systems capable of delivering weapons of mass de-
22 struction, support acts of international terrorism, or
23 violate the human rights of any person in Iran.

24 (c) EFFECT OF REPORT ON WAIVER.—If the Presi-
25 dent submits a report under subsection (a) in connection

1 with a waiver of sanctions under section 4, 5, 6, 7, or
2 8 with respect to a person, or the renewal of such a waiver,
3 the President shall not be required to impose or maintain
4 sanctions under section 4, 5, 6, 7, or 8, as applicable, with
5 respect to the person described in the report during the
6 30-day period referred to in subsection (a).

