

**Proposed Amendments to S. 2799**  
**The Comprehensive Iran Sanctions, Accountability, and**  
**Divestment Act of 2009**  
December 2009

For questions or further information, contact:

Lara Friedman

Director of Policy and Government Relations

Americans for Peace Now

[LFriedman@peacenow.org](mailto:LFriedman@peacenow.org)



# Summary of Concerns about S. 2799

Note: APN concerns center on Title I of the bill (Sanctions) and Title IV (Termination/Sunset).  
 APN does not take a position on Titles II and III.

Section(s)	Problem	Suggested Remedy
Title I, Sec. 102, parts (a) and (b)	<p>The “Findings” section of S. 2799 emphasizes that the US “and other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability.”</p> <p>It also states that “The serious and urgent nature of the threat from Iran demands that the United States work together with its allies to prevent Iran from acquiring a nuclear weapons capability.</p> <p>The mandatory unilateral sanctions imposed by this section <b>directly contradict those sentiments</b>, creating a situation where the US will make it harder to muster support and cooperation from allies. Moreover, as written the bill actually diminishes the President’s authority and room to maneuver on an issue of vital national security.</p>	<p>Textual changes should be incorporated to bring the legislative impact of the bill into conformity with these findings, ensuring that the President is not compelled to impose sanctions that undermine US cooperation with and support from other countries in dealing with the vital national security issues related to Iran.</p> <p>These textual changes would also bring the impact of the bill into conformity of the generally-expressed view regarding the intent of the legislation: i.e., to give the President additional authority to act, not diminish his authority and his room to maneuver.</p>
Title I, Sec. 102, part (d)	As written, this language would punish US companies, not Iran. This is a misguided approach.	This language is counterproductive should be removed.
Title I, Sec. 103	As written language in this section actually diminishes the President’s authority and room to maneuver on an issue of vital national security.	Textual changes should be incorporated to bring the legislative impact of the bill into conformity with the stated goal of the legislation: i.e., giving the President additional authority to act and supporting the ability of the US to work with the international community on Iran.
<i>Proposed new Title I, Section 112</i>	At this juncture, the absence of positive measures in what will be the single most important piece of Iran legislation in years is striking.	This new section offers constructive support for the people of Iran.
Title IV	This certification requirement is so categorical that it would be difficult if not impossible for a President to make, under any circumstances. It could also conflict with a potential future agreement with Iran over its nuclear program.	Changes should be made to make the certification requirement reasonable and to take into account the possibility of an international agreement with Iran on its nuclear program.



Bill reference	Original text	Amendment	Explanation
Section 2	<p>SEC. 2. FINDINGS.</p> <p>Congress makes the following findings:</p> <p>(1) The illicit nuclear activities of the Government of Iran and its support for international terrorism represent threats to the security of the United States, its strong ally Israel, and other allies of the United States around the world.</p> <p>(2) The United States and other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability.</p> <p>(3) The International Atomic Energy Agency has repeatedly called attention to Iran's illicit nuclear activities and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of Iran to cease those activities and comply with its obligations under the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the 'Nuclear Non-Proliferation Treaty').</p> <p>(4) The serious and urgent nature of the threat from Iran demands that the United States work together with its allies to prevent Iran from acquiring a nuclear weapons capability.</p> <p>(5) The United States and its major European allies, including the United Kingdom, France, and Germany, have advocated that sanctions be strengthened should international diplomatic efforts fail to achieve verifiable suspension of Iran's uranium enrichment program and an end to its illicit nuclear activities.</p> <p>(6) There is an increasing interest by States, local governments, educational institutions, and private institutions to seek to disassociate themselves from companies that conduct business activities in the energy sector of Iran, since such business activities may directly or indirectly support the efforts of the Government of Iran to achieve a nuclear weapons capability.</p> <p>(7) Black market proliferation networks continue to flourish in the Middle East, allowing countries like Iran to gain access to sensitive dual-use technologies.</p> <p>(8) The Government of Iran continues to engage in serious, systematic, and ongoing violations of human rights and religious freedom, including illegitimate prolonged detention, torture, and executions. Such violations have increased in the aftermath of the presidential election in Iran on June 12, 2009.</p>	No changes.	



Bill reference	Original text	Amendment	Explanation
Title I, Sec. 101	<p>SEC. 101. DEFINITIONS.</p> <p>In this title:</p> <p>(1) AGRICULTURAL COMMODITY- The term `agricultural commodity' has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).</p> <p>(2) APPROPRIATE CONGRESSIONAL COMMITTEES- The term `appropriate congressional committees' has the meaning given that term in section 14(2) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).</p> <p>(3) EXECUTIVE AGENCY- The term `executive agency' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).</p> <p>(4) FAMILY MEMBER- The term `family member' means, with respect to an individual, the spouse, children, grandchildren, or parents of the individual.</p> <p>(5) INFORMATION AND INFORMATIONAL MATERIALS- The term `information and informational materials' includes publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds.</p> <p>(6) INVESTMENT- The term `investment' has the meaning given that term in section 14(9) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).</p> <p>(7) IRANIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN- The term `Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran' has the meaning given that term in section 14(11) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).</p> <p>(8) MEDICAL DEVICE- The term `medical device' has the meaning given the term `device' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).</p> <p>(9) MEDICINE- The term `medicine' has the meaning given the term `drug' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).</p>	No changes.	



Bill reference	Original text	Amendment	Explanation
Title I, Sec. 102, part a `(a) `(1)	<p>SEC. 102. EXPANSION OF SANCTIONS UNDER THE IRAN SANCTIONS ACT OF 1996.</p> <p>(a) In General- Section 5 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) is amended by striking subsection (a) and inserting the following:</p> <p>`(a) Sanctions With Respect to the Development of Petroleum Resources of Iran, Production of Refined Petroleum Products in Iran, and Exportation of Refined Petroleum Products to Iran-</p> <p>`(1) DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN-</p> <p>`(A) IN GENERAL- Except as provided in subsection (f), the President <b>shall</b> impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6(a) with respect to a person if the President determines that the person, with actual knowledge, on or after the effective date of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009--</p> <p>`(i) makes an investment described in subparagraph (B) of \$20,000,000 or more; or</p> <p>`(ii) makes a combination of investments described in subparagraph (B) in a 12-month period if each such investment is at least \$5,000,000 and such investments equal or exceed \$20,000,000 in the aggregate.</p> <p>`(B) INVESTMENT DESCRIBED- An investment described in this subparagraph is an investment that directly and significantly contributes to the enhancement of Iran's ability to develop petroleum resources.</p>	<p>Change:</p> <p>`(a) `(1) `(A) IN GENERAL- Except as provided in subsection (f), the President <del>shall</del> <i>may</i> impose 2...</p>	<p>Section 2 of S2799 (Findings) emphasizes that the US “and other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability.”</p> <p>It also states that “The serious and urgent nature of the threat from Iran demands that the United States work together with its allies to prevent Iran from acquiring a nuclear weapons capability.</p> <p>The mandatory unilateral sanctions imposed by this section <b>directly contradict those sentiments</b>, creating a situation where the US will make it harder to muster support and cooperation from allies. Moreover, as written the bill actually diminishes the President’s authority and room to maneuver on an issue of vital national security.</p> <p>The suggested change helps bring the legislative impact of the bill into conformity with the stated goal of supporters of the bill: i.e., giving the President additional <b>authority</b> to act.</p>
Title I, Sec. 102, part a `(a) `(2)	<p>`(2) PRODUCTION OF REFINED PETROLEUM PRODUCTS-</p> <p>`(A) IN GENERAL- Except as provided in subsection (f), the President <b>shall</b> impose the sanctions described in section 6(b) (in addition to any other sanctions imposed under this subsection) with respect to a person if the President determines that the person, with actual knowledge, on or after the effective date of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009, sells, leases, or provides to Iran any goods, services, technology, information, or support described in subparagraph (B)--</p> <p>`(i) any of which has a fair market value of \$200,000 or more; or</p> <p>`(ii) that, during a 12-month period, have an aggregate fair market value of \$1,000,000 or more.</p> <p>`(B) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED- Goods, services, technology, information, or support described in this subparagraph are goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or expansion of Iran's domestic production of refined petroleum products, including any assistance with respect to construction, modernization, or repair of petroleum refineries.</p>	<p>Change:</p> <p>`(a) `(2) `(A) IN GENERAL- Except as provided in subsection (f), the President <del>shall</del> <i>may</i> impose...</p>	<p>See above.</p>



Bill reference	Original text	Amendment	Explanation
Title I, Sec. 102, part a` (a) ` (3)	<p>`(3) EXPORTATION OF REFINED PETROLEUM PRODUCTS TO IRAN-</p> <p>`(A) IN GENERAL- Except as provided in subsection (f), the President <b>shall</b> impose the sanctions described in section 6(b) (in addition to any other sanctions imposed under this subsection) with respect to a person if the President determines that the person, with actual knowledge, on or after the effective date of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009--</p> <p>`(i) provides Iran with refined petroleum products--</p> <p>`(I) that have a fair market value of \$200,000 or more; or</p> <p>`(II) that, during a 12-month period, have an aggregate fair market value of \$1,000,000 or more; or</p> <p>`(ii) sells, leases, or provides to Iran any goods, services, technology, information, or support described in subparagraph (B)--</p> <p>`(I) any of which has a fair market value of \$200,000 or more; or</p> <p>`(II) that, during a 12-month period, have an aggregate fair market value of \$1,000,000 or more.</p> <p>`(B) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED- Goods, services, technology, information, or support described in this subparagraph are goods, services, technology, or support that could directly and significantly contribute to the enhancement of Iran's ability to import refined petroleum products, including--</p> <p>`(i) underwriting or otherwise providing insurance or reinsurance for the sale, lease, or provision of such goods, services, technology, information, or support;</p> <p>`(ii) financing or brokering such sale, lease, or provision; or</p> <p>`(iii) providing ships or shipping services to deliver refined petroleum products to Iran.'</p>	<p>Change:</p> <p>`(a) `(3) `(A) IN GENERAL- Except as provided in subsection (f), the President <del>shall</del> <b>may impose...</b></p>	<p>See above.</p>
Title I, Sec. 102, part b	<p>(b) Description of Sanctions- Section 6 of such Act is amended--</p> <p>(1) by striking `The sanctions to be imposed on a sanctioned person under section 5 are as follows:' and inserting the following:</p> <p>`(a) In General- The sanctions to be imposed on a sanctioned person under subsections (a)(1) and (b) of section 5 are as follows:'; and</p> <p>(2) by adding at the end the following:</p> <p>`(b) Additional Sanctions- The sanctions to be imposed on a sanctioned person under paragraphs (2) and (3) of section 5(a) are as follows:</p> <p>`(1) FOREIGN EXCHANGE- The President <b>shall</b>, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange by the sanctioned person.</p> <p>`(2) BANKING TRANSACTIONS- The President <b>shall</b>, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between, by, through, or to any financial institution, to the extent that such transfers or payments involve any interest of the sanctioned person.</p> <p>`(3) PROPERTY TRANSACTIONS- The President <b>shall</b>, pursuant to such regulations as the President may prescribe and subject to the jurisdiction of the United States, prohibit any person from--</p> <p>`(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property with respect to which the sanctioned person has any interest;</p> <p>`(B) dealing in or exercising any right, power, or privilege with respect to such property; or</p> <p>`(C) conducting any transactions involving such property.'</p>	<p>Changes:</p> <p>`(a) `(b) `(1) FOREIGN EXCHANGE- The President <del>shall</del> <b>may</b>, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange by the sanctioned person.</p> <p>`(a) `(b) `(2) BANKING TRANSACTIONS- The President <del>shall</del> <b>may</b>, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit...</p> <p>`(a) `(b) PROPERTY TRANSACTIONS- The President <del>shall</del> <b>may</b>, pursuant to such regulations as the President may prescribe...</p>	<p>Similar to part (a) of this section, as written the bill actually diminishes the President's authority and room to maneuver on an issue of vital national security.</p> <p>The suggested changes bring the legislative impact of the bill into conformity with the stated goal of supporters of the bill: i.e., giving the President additional <b>authority</b> to act.</p>



Bill reference	Original text	Amendment	Explanation
Title I, Sec. 102, part c	(c) Report Relating to Presidential Waiver- Section 9(c)(2) of such Act is amended by striking subparagraph (C) and inserting the following: `(C) an estimate of the significance of the conduct of the person in contributing to the ability of Iran to, as the case may be-- `(i) develop petroleum resources, produce refined petroleum products, or import refined petroleum products; or `(ii) acquire or develop-- `(I) chemical, biological, or nuclear weapons or related technologies; or `(II) destabilizing numbers and types of advanced conventional weapons; and'.	No change.	
Title I, Sec. 102, part d	(d) Clarification and Expansion of Definitions- Section 14 of such Act is amended-- (1) in paragraph (13)(B)-- (A) by inserting `financial institution, insurer, underwriter, guarantor, and any other business organization, including any foreign subsidiary, parent, or affiliate thereof,' after `trust,`; and <b>(B) by inserting ` , such as an export credit agency' before the semicolon at the end;</b> (2) in paragraph (14), by striking `petroleum and natural gas resources' and inserting `petroleum, refined petroleum products, oil or liquefied natural gas, natural gas resources, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or liquefied natural gas'; (3) by redesignating paragraphs (15) and (16) as paragraphs (16) and (17), respectively; and (4) by inserting after paragraph (14) the following: `(15) REFINED PETROLEUM PRODUCTS- The term `refined petroleum products' means diesel, gasoline, jet fuel (including naphtha-type and kerosene-type jet fuel), and aviation gasoline.'.	Delete (d)(1)(B)	As written, this language would punish US companies, not Iran. This is a misguided approach.  Specifically, this language would mean that Ex-Im bank would be forbidden from supporting a US company in any project in any country (say, India) where a foreign partner company (for example, Company X, from India) engages in almost any business with Iran.  So the US company loses the deal and pays the price, while Company X finds another partner from another country that does not impose such draconian and self-defeating limits.
Title I, Sec. 102, part e	(e) Conforming Amendment- Section 4 of such Act is amended-- (1) in subsection (b)(2), by striking `(in addition to that provided in subsection (d))'; (2) by striking subsection (d); and (3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.	No changes.	



Bill reference	Original text	Amendment	Explanation
Title I, Sec. 103, Part a	<p>SEC. 103. ECONOMIC SANCTIONS RELATING TO IRAN.</p> <p>(a) In General- Notwithstanding any other provision of law, and in addition to any other sanction in effect, beginning on the date that is 15 days after the effective date of this Act, the economic sanctions described in subsection (b) <b>shall</b> apply with respect to Iran.</p>	<p>(a) In General- Notwithstanding any other provision of law, and in addition to any other sanction in effect, beginning on the date that is 15 days after the effective date of this Act, the economic sanctions described in subsection (b) <del>shall</del> <i>should</i> apply with respect to Iran.</p>	<p>Similar to parts (a) and (b) of this section, as written the bill actually diminishes the President’s authority and room to maneuver on an issue of vital national security.</p> <p>The suggested changes bring the legislative impact of the bill into conformity with the stated goal of supporters of the bill: i.e., giving the President additional <b>authority</b> to act.</p>
Title I, Sec. 103, Part b (1)	<p>(b) Sanctions- The sanctions described in this subsection are the following:</p> <p>(1) PROHIBITION ON IMPORTS-</p> <p>(A) IN GENERAL- Except as provided in subparagraph (B), no article of Iranian origin may be imported directly or indirectly into the United States.</p> <p>(B) EXCEPTION- The prohibition in subparagraph (A) does not apply to imports from Iran of information and informational materials.</p>	No change.	
Title I, Sec. 103, Part b (2)	<p>(2) PROHIBITION ON EXPORTS-</p> <p>(A) IN GENERAL- Except as provided in subparagraph (B), no article of United States origin may be exported directly or indirectly to Iran.</p> <p>(B) EXCEPTIONS- The prohibition in subparagraph (A) does not apply to exports to Iran of--</p> <p>(i) agricultural commodities, food, medicine, or medical devices;</p> <p>(ii) articles exported to Iran to provide humanitarian assistance to the people of Iran;</p> <p>(iii) except as provided in subparagraph (C), information or informational materials;</p> <p>(iv) goods, services, or technologies necessary to ensure the safe operation of commercial passenger aircraft produced in the United States if the exportation of such goods, services, or technologies is approved by the Secretary of the Treasury, in consultation with the Secretary of Commerce, pursuant to regulations promulgated by the Secretary of the Treasury regarding the exportation of such goods, services, or technologies, if appropriate; or</p> <p>(v) goods, services, or technologies that--</p> <p>(I) are provided to the International Atomic Energy Agency and are necessary to support activities of that Agency in Iran;</p> <p>(II) are necessary to support activities, including the activities of nongovernmental organizations, relating to promoting democracy in Iran; or</p> <p>(III) the President determines to be necessary to the national interest of the United States.</p> <p>(C) SPECIAL RULE WITH RESPECT TO INFORMATION AND INFORMATIONAL MATERIALS- Notwithstanding subparagraph (B)(iii), information and informational materials of United States origin may not be exported directly or indirectly to Iran--</p> <p>(i) if the exportation of such information or informational materials is otherwise controlled--</p> <p>(I) under section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2404) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)); or</p> <p>(II) under section 6 of that Act (50 U.S.C. App. 2405), to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States; or</p> <p>(ii) if such information or informational materials are information or informational materials with respect to which acts are prohibited by chapter 37 of title 18, United States Code.</p>	No change.	





Bill reference	Original text	Amendment	Explanation
Title I, Sec. 103, Part b (3)	<p>(3) FREEZING ASSETS-</p> <p>(A) IN GENERAL- At such time as the United States has access to the names of persons in Iran, including Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran (including Iran's Revolutionary Guard Corps and its affiliates), that satisfy the criteria for designation with respect to the imposition of sanctions under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or are otherwise subject to sanctions under any other provision of law, the President shall take such action as may be necessary to freeze, as soon as possible, the funds and other assets belonging to anyone so named and any family members or associates of those so named to whom assets or property of those so named were transferred on or after January 1, 2009. The action described in the preceding sentence includes requiring any United States financial institution that holds funds and assets of a person so named to report promptly to the Office of Foreign Assets Control information regarding such funds and assets.</p> <p>(B) ASSET REPORTING REQUIREMENT- Not later than 14 days after a decision is made to freeze the property or assets of any person under this paragraph, the President shall report the name of such person to the appropriate congressional committees. Such a report may contain a classified annex.</p>	No change.	
Title I, Sec. 103, Part b (4)	<p>(4) UNITED STATES GOVERNMENT CONTRACTS- The head of an executive agency may not procure, or enter into a contract for the procurement of, any goods or services from a person that meets the criteria for the imposition of sanctions under section 5 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).</p>	No change.	
Title I, Sec. 103, Part c	<p>(c) Waiver- The President may waive the application of the sanctions described in subsection (b) if the President--</p> <p>(1) determines that such a waiver is in the national interest of the United States; and</p> <p>(2) submits to the appropriate congressional committees a report describing the reasons for the determination.</p>	No change.	
Title I, Sec. 104, Part a	<p>SEC. 104. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN SUBSIDIARIES.</p> <p>(a) Definitions- In this section:</p> <p>(1) ENTITY- The term 'entity' means a partnership, association, trust, joint venture, corporation, or other organization.</p> <p>(2) OWN OR CONTROL- The term 'own or control' means, with respect to an entity--</p> <p>(A) to hold more than 50 percent of the equity interest by vote or value in the entity;</p> <p>(B) to hold a majority of seats on the board of directors of the entity; or</p> <p>(C) to otherwise control the actions, policies, or personnel decisions of the entity.</p> <p>(3) SUBSIDIARY- The term 'subsidiary' means an entity that is owned or controlled, directly or indirectly, by a United States person.</p> <p>(4) UNITED STATES PERSON- The term 'United States person' means--</p> <p>(A) a natural person who is a citizen, resident, or national of the United States; and</p> <p>(B) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own or control the entity.</p>	No change.	



Bill reference	Original text	Amendment	Explanation
Title I, Sec. 104, Part b	<p>(b) In General- A United States person shall be subject to a penalty for a violation of the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), if--</p> <p>(1) the President determines, pursuant to such regulations as the President may prescribe, that the United States person establishes or maintains a subsidiary outside of the United States for the purpose of circumventing such provisions; and</p> <p>(2) that subsidiary engages in an act that, if committed in the United States or by a United States person, would violate such provisions.</p>	No change.	
Title I, Sec. 104, Part c	<p>(c) Waiver- The President may waive the application of subsection (b) if the President--</p> <p>(1) determines that such a waiver is in the national interest of the United States; and</p> <p>(2) submits to the appropriate congressional committees a report describing the reasons for the determination.</p>	No change.	
Title I, Sec. 104, Part d	<p>(d) Effective Date-</p> <p>(1) IN GENERAL- Subsection (b) shall take effect on the date of the enactment of this Act and apply with respect to acts described in subsection (b)(2) that are--</p> <p>(A) commenced on or after the date of the enactment of this Act; or</p> <p>(B) except as provided in paragraph (2), commenced before such date of enactment, if such acts continue on or after such date of enactment.</p> <p>(2) EXCEPTION- Subsection (b) shall not apply with respect to an act described in paragraph (1)(B) by a subsidiary owned or controlled by a United States person if the United States person divests or terminates its business with the subsidiary not later than 90 days after the date of the enactment of this Act.</p>	No change.	
Title I, Sec. 105	<p>SEC. 105. PROHIBITION ON PROCUREMENT CONTRACTS WITH PERSONS THAT EXPORT SENSITIVE TECHNOLOGY TO IRAN.</p> <p>(a) In General- Notwithstanding any other provision of law, and pursuant to such regulations as the President may prescribe, the head of an executive agency may not enter into or renew a contract for the procurement of goods or services with a person that exports sensitive technology to Iran.</p> <p>(b) Waiver- The President may waive the application of the prohibition under subsection (a) if the President--</p> <p>(1) determines that such a waiver is in the national interest of the United States; and</p> <p>(2) submits to Congress a report describing the reasons for the determination.</p> <p>(c) Sensitive Technology Defined- The term 'sensitive technology' means hardware, software, telecommunications equipment, or any other technology that the President determines is to be used specifically--</p> <p>(1) to restrict the free flow of unbiased information in Iran; or</p> <p>(2) to disrupt, monitor, or otherwise restrict speech of the people of Iran.</p>	No change.	



Bill reference	Original text	Amendment	Explanation
Title I, Sec. 106	<p>SEC. 106. INCREASED CAPACITY FOR EFFORTS TO COMBAT UNLAWFUL OR TERRORIST FINANCING.</p> <p>(a) Finding- Congress finds that the work of the Office of Terrorism and Financial Intelligence of the Department of the Treasury, which includes the Office of Foreign Assets Control and the Financial Crimes Enforcement Network, is critical to ensuring that the international financial system is not used for purposes of supporting terrorism and developing weapons of mass destruction.</p> <p>(b) Authorization of Appropriations for Office of Terrorism and Financial Intelligence- There are authorized to be appropriated to the Secretary of the Treasury for the Office of Terrorism and Financial Intelligence--</p> <p>(1) \$64,611,000 for fiscal year 2010; and</p> <p>(2) such sums as may be necessary for each of the fiscal years 2011 and 2012.</p> <p>(c) Authorization of Appropriations for the Financial Crimes Enforcement Network- Section 310(d)(1) of title 31, United States Code, is amended by striking `such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005' and inserting ` \$104,260,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 and 2012'.</p>	No change.	
Title I, Sec. 107	<p>SEC. 107. REPORTING REQUIREMENTS.</p> <p>(a) Report on Investment and Activities That May Be Sanctionable Under Iran Sanctions Act of 1996-</p> <p>(1) IN GENERAL- Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report containing--</p> <p>(A) a description of--</p> <p>(i) any foreign investments of \$20,000,000 or more that contribute directly and significantly to the enhancement of Iran's ability to develop petroleum resources made during the period described in paragraph (2);</p> <p>(ii) any sale, lease, or provision to Iran during the period described in paragraph (2) of any goods, services, technology, information, or support that would facilitate the maintenance or expansion of Iran's domestic production of refined petroleum products; and</p> <p>(iii) any refined petroleum products provided to Iran during the period described in paragraph (2) and any other activity that could contribute directly and significantly to the enhancement of Iran's ability to import refined petroleum products during that period;</p> <p>(B) with respect to each investment or other activity described in subparagraph (A), an identification of--</p> <p>(i) the date or dates of the investment or activity;</p> <p>(ii) the steps taken by the United States to respond to the investment or activity;</p> <p>(iii) the name and United States domiciliary of any person that participated or invested in or facilitated the investment or activity; and</p> <p>(iv) any Federal Government contracts to which any person referred to in clause (iii) are parties; and</p> <p>(C) the determination of the President with respect to whether each such investment or activity qualifies as a sanctionable offense under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).</p> <p>(2) PERIOD DESCRIBED- The period described in this paragraph is the period beginning on January 1, 2009, and ending on the date on which the President submits the report under paragraph (1).</p> <p>(b) Subsequent Reports- Not later than 1 year after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees an updated version of the report required under subsection (a) that contains the information required under that subsection for the 180-day period preceding the submission of the updated report.</p> <p>(c) Form of Reports; Publication- A report submitted under subsection (a) or (b) shall be submitted in unclassified form, but may contain a classified annex. The unclassified portion of the report shall be published in the Federal Register.</p>	No change.	



Bill reference	Original text	Amendment	Explanation
Title I, Sec. 108	SEC. 108. SENSE OF CONGRESS REGARDING THE IMPOSITION OF SANCTIONS ON THE CENTRAL BANK OF IRAN. Congress urges the President, in the strongest terms, to consider immediately using the authority of the President to impose sanctions on the Central Bank of Iran and any other Iranian bank engaged in proliferation activities or support of terrorist groups.	No change.	
Title I, Sec. 109	SEC. 109. POLICY OF THE UNITED STATES REGARDING IRAN'S REVOLUTIONARY GUARD CORPS AND ITS AFFILIATES. It is the sense of Congress that the United States should-- (1) continue to target Iran's Revolutionary Guard Corps persistently with economic sanctions for its support for terrorism, its role in proliferation, and its oppressive activities against the people of Iran; and (2) impose sanctions, including travel restrictions, sanctions authorized pursuant to this Act, and the full range of sanctions available to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), on-- (A) any foreign individual or entity that is an agent, alias, front, instrumentality, official, or affiliate of Iran's Revolutionary Guard Corps and is designated for the imposition of sanctions by the President; (B) any individual or entity who-- (i) has provided material support to Iran's Revolutionary Guard Corps or any of its affiliates designated for the imposition of sanctions by the President; or (ii) has conducted any financial or commercial transaction with Iran's Revolutionary Guard Corps or any of its affiliates so designated; and (C) any foreign government found-- (i) to be providing material support to Iran's Revolutionary Guard Corps or any of its affiliates designated for the imposition of sanctions by the President; or (ii) to have conducted any commercial transaction or financial transaction with Iran's Revolutionary Guard Corps or any of its affiliates so designated.	No change.	
Title I, Sec. 110	SEC. 110. POLICY OF THE UNITED STATES WITH RESPECT TO IRAN AND HEZBOLLAH. It is the sense of Congress that the United States should-- (1) continue to counter support received by Hezbollah from the Government of Iran and other foreign governments in response to Hezbollah's terrorist activities and the threat Hezbollah poses to Israel, the democratic sovereignty of Lebanon, and the national security interests of the United States; (2) impose the full range of sanctions available to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) on Hezbollah, its designated affiliates and supporters, and persons providing Hezbollah with commercial, financial, or other services; (3) urge the European Union, individual countries in Europe, and other countries to classify Hezbollah as a terrorist organization to facilitate the disruption of Hezbollah's operations; and (4) renew international efforts to disarm Hezbollah and disband its militias in Lebanon, as called for by United Nations Security Council Resolutions 1559 (2004) and 1701 (2006).	No change.	
Title I, Sec. 111	SEC. 111. SENSE OF CONGRESS REGARDING THE IMPOSITION OF MULTILATERAL SANCTIONS WITH RESPECT TO IRAN. It is the sense of Congress that-- (1) in general, multilateral sanctions are more effective than unilateral sanctions at achieving desired results from countries such as Iran; (2) the President should continue to work with allies of the United States to impose such sanctions as may be necessary to prevent the Government of Iran from acquiring a nuclear weapons capability; and (3) the United States should continue to consult with the 5 permanent members of the United Nations Security Council and Germany (commonly referred to as the 'P5-plus-1') and other interested countries regarding imposing new sanctions with respect to Iran in the event that diplomatic efforts to prevent Iran from acquiring a nuclear weapons capability fail.	No change.	



Bill reference	Original text	Amendment	Explanation
<p><b>Proposed new Title I, Section 112</b></p>	<p><b>SEC. 112. SUPPORT FOR THE PEOPLE OF IRAN.</b>  <i>(A) Sense of Congress- It is the sense of the Congress that the United States should seek ways to support and show solidarity with the people of Iran.</i>  <i>(B) Report. – The President shall review and report back to relevant congressional committees within 30 days of this Act becoming law examining:</i>  <i>(1) How to facilitate legitimate charitable donations from American citizens to the people of Iran, including the legal changes and oversight mechanism required;</i>  <i>(2) U.S. law as it pertains to internet and telecommunications links to Iran, bearing in mind that it is in the United States’ national interest to promote and preserve free communications within and into Iran; and</i>  <i>(3) Potential US sanctions that could be imposed on parties cooperating in the stifling or censorship of free expression and communication inside and into Iran.</i></p>	<p>NEW SECTION</p>	<p>At this juncture, the absence of positive measures in what will be the single most important piece of Iran legislation in years is striking and should be corrected. This section offers constructive support for the people of Iran.</p>
<p>Title IV.</p>	<p>SEC. 401. EFFECTIVE DATE; SUNSET.  (a) Effective Date- Except as provided in sections 104, 202, and 303(b)(2), the provisions of, and amendments made by, this Act shall take effect on the date that is 120 days after the date of the enactment of this Act.  (b) Sunset- The provisions of this Act shall terminate on the date that is 30 days after the date on which the President certifies to Congress that--  (1) the Government of Iran has ceased providing support for acts of international terrorism and no longer satisfies the requirements for designation as a state sponsor of terrorism under--  (A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);  (B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or  (C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)); and  <b>(2) Iran has ceased the pursuit, acquisition, and development of nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.</b></p>	<p>Delete (a)(2) and insert the following:   <i>(2) It is the best assessment of the US Government that Iran has:</i>  <i>(A) ceased the pursuit, acquisition, and development of biological, and chemical weapons and ballistic missiles and ballistic missile launch technology;</i>  <i>(B) ceased the pursuit, acquisition, and development of nuclear technology, except as agreed to by the United States and the international community; and</i>  <i>(C) is complying with all agreements for international monitoring of nuclear activities referred to in paragraph (2)(B) of this subsection.”</i></p>	<p>This certification requirement is so categorical that it would be difficult if not impossible for a President to make, under any circumstances.</p> <p>It could also conflict with a potential future agreement with Iran over its nuclear program.</p> <p>The suggested amendments make the certification requirement reasonable and take into account the possibility of an international agreement with Iran on its nuclear program.</p>

