



AMENDMENT NO. _____ Calendar No. _____

 11-19
4:54p

Purpose: To impose sanctions with respect to certain transactions with Iran.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

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By

Kirk

To:

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AMENDMENT intended to be proposed by Mr. KIRK

Viz:

- 1 At the end of title XII, add the following:
- 2 **Subtitle D—Iran Sanctions**
- 3 **SEC. 1241. FINDINGS; SENSE OF CONGRESS; STATEMENT OF**
- 4 **POLICY.**

- 5 (a) FINDINGS.—Congress makes the following find-
- 6 ings:

- 7 (1) The Government of Iran continues to ex-
- 8 pand the nuclear and missile programs of Iran in
- 9 violation of multiple United Nations Security Coun-
- 10 cil resolutions.

 McConnell
Cornyn
Rubio
Graham
Ayotte

1 (2) The Government of Iran has a decades-long
2 track record of cheating on and violating commit-
3 ments regarding the nuclear program of Iran and
4 has used more than 10 years of diplomatic negotia-
5 tions to allow more time to expand its nuclear weap-
6 ons program.

7 (3) Iran remains the number one exporter of
8 terrorism in the world and as recently as 2011 was
9 plotting to assassinate a foreign official in the
10 United States.

11 (4) Over the last 30 years, the Government of
12 Iran and its terrorist proxies have been responsible
13 for the deaths of citizens of the United States.

14 (5) The Government of Iran and its terrorist
15 proxies continue to provide military and financial
16 support to the regime of Bashar al-Assad in Syria,
17 aiding that regime in the mass killing of the people
18 of Syria.

19 (6) The Government of Iran continues to sow
20 instability in the Middle East and threaten its neigh-
21 bors, including allies of the United States such as
22 Israel.

23 (7) The Government of Iran denies its people
24 fundamental freedoms, including freedom of the

1 press, freedom of assembly, freedom of religion, and
2 freedom of conscience.

3 (8) Sanctions imposed with respect to Iran by
4 the United States and the international community
5 have assisted in bringing Iran to the negotiating
6 table, but other countries, such as North Korea,
7 have used diplomatic talks regarding their nuclear
8 programs to allow time for the development of nu-
9 clear weapons.

10 (9) President Hasan Rouhani of Iran has in the
11 past bragged about his success in buying time for
12 Iran to make nuclear advances.

13 (10) Based on the stockpile of low enriched
14 uranium held by the Government of Iran and its
15 plan to continue installing advanced centrifuges, the
16 Government of Iran could agree to suspend all en-
17 richment of uranium to greater than 3.5 percent and
18 still be in a position to produce weapons-grade ura-
19 nium without detection by the middle of 2014.

20 (11) If the Government of Iran commences the
21 operation of its heavy water reactor in Arak, it could
22 establish an alternate pathway to a nuclear weapon,
23 producing enough plutonium each year for one or 2
24 nuclear weapons.

1 (12) As of the date of the enactment of this
2 Act, 19 countries access nuclear energy for peaceful
3 purposes without conducting any enrichment or re-
4 processing activities within that country.

5 (13) The Government of Iran could likewise ac-
6 cess nuclear energy for peaceful purposes without
7 conducting any enrichment or reprocessing activities
8 within Iran.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that—

11 (1) the Government of Iran must not be allowed
12 to develop nuclear weapons capabilities;

13 (2) all instruments of power and influence of
14 the United States should remain on the table to pre-
15 vent the Government of Iran from developing nu-
16 clear weapons capabilities;

17 (3) the Government of Iran does not have an
18 absolute or inherent right to enrichment and reproc-
19 essing capabilities and technologies under the Treaty
20 on the Non-Proliferation of Nuclear Weapons, done
21 at Washington, London, and Moscow July 1, 1968,
22 and entered into force March 5, 1970 (commonly
23 known as the “Nuclear Non-Proliferation Treaty”);

24 (4) any interim agreement with Iran regarding
25 its nuclear program must require that Iran comply

1 with all United Nations Security Council resolutions
2 concerning the nuclear program of Iran, including
3 by—

4 (A) suspending enrichment at all facilities;

5 (B) suspending construction of a heavy
6 water nuclear reactor in Arak; and

7 (C) ceasing all work related to nuclear
8 weaponization and providing full transparency
9 with respect to the cessation of that work;

10 (5) given the decades-long history of deception
11 by the Government of Iran with respect to the nu-
12 clear program of Iran, and violations by that govern-
13 ment of its obligations under the Treaty on the Non-
14 Proliferation of Nuclear Weapons, any final agree-
15 ment with Iran regarding its nuclear program
16 must—

17 (A) prevent that government from pos-
18 sessing any enrichment or reprocessing capabili-
19 ties;

20 (B) provide for the continuous monitoring
21 of the nuclear program of Iran under a strict
22 verification regime, including inspections at any
23 time or place;

1 (C) result in Iran surrendering its supply
2 of enriched material to the International Atomic
3 Energy Agency;

4 (D) prevent any operation of the reactor in
5 Arak; and

6 (E) require that Iran sign and abide by the
7 Protocol Additional to the Agreement Between
8 Iran and the International Atomic Energy
9 Agency for the Application of Safeguards in
10 Connection with the Treaty on the Non-Pro-
11 liferation of Nuclear Weapons, done at Vienna
12 December 18, 2003 (commonly referred to as
13 the "Additional Protocol");

14 (6) a violation by Iran of any interim or final
15 agreement with respect to the nuclear program of
16 Iran should result in the immediate imposition of
17 comprehensive economic sanctions, including on all
18 petroleum-related exports and additional restrictions
19 on financial and commercial activity by Iran; and

20 (7) if the Government of Israel is compelled to
21 take military action against Iran in self-defense, the
22 Government of the United States should provide dip-
23 lomatic, military, and economic support to the Gov-
24 ernment of Israel in its defense of its territory, peo-
25 ple, and existence.

1 (c) STATEMENT OF POLICY.—It is the policy of the
2 United States—

3 (1) to prevent the proliferation of nuclear weap-
4 ons and material related to nuclear weapons because
5 of the significant negative impact of that prolifera-
6 tion, particularly to countries that do not possess
7 nuclear weapons, including Iran, on the national se-
8 curity and economic interests of the United States
9 and other countries;

10 (2) to ensure that the proliferation of nuclear
11 weapons and material related to nuclear weapons be
12 strictly restricted;

13 (3) to ensure that countries that do not possess
14 nuclear weapons, including Iran, do not obtain nu-
15 clear weapons;

16 (4) to take such actions as may be necessary to
17 implement the policy described in paragraph (3);

18 (5) to ensure that Iran ceases all domestic ura-
19 nium enrichment and reprocessing technology devel-
20 opment, installation, and operation;

21 (6) to ensure that Iran ceases all plutonium-re-
22 lated activities and dismantles all plutonium-related
23 facilities; and

(7) that any negotiated agreement with the Government of Iran regarding its nuclear program, whether interim or otherwise, must—

(A) include clear, measurable, and verifiable requirements for the Government of Iran to substantially and effectively terminate any activities that may be related to the development of a nuclear weapons capability before any existing sanctions or other measures with respect to Iran are modified, whether temporarily or otherwise; and

(B) because of the significant impact of such an agreement on the national security and economic interests of the United States, including the impact on commerce, trade, and sanctions policy, be submitted to Congress and be subject to a congressional resolution of disapproval.

SEC. 1242. DEFINITIONS.

In this subtitle:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms “account”, “correspondent account”, and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

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

5 (3) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Foreign Relations
9 and the Committee on Banking, Housing, and
10 Urban Affairs of the Senate; and

11 (B) the Committee on Foreign Affairs and
12 the Committee on Financial Services of the
13 House of Representatives.

14 (4) FOREIGN FINANCIAL INSTITUTION.—The
15 term “foreign financial institution” has the meaning
16 determined by the Secretary of the Treasury pursu-
17 ant to section 104(i) of the Comprehensive Iran
18 Sanctions, Accountability, and Divestment Act of
19 2010 (22 U.S.C. 8513(i)).

20 (5) KNOWINGLY.—The term “knowingly”, with
21 respect to conduct, a circumstance, or a result,
22 means that a person has actual knowledge, or should
23 have known, of the conduct, the circumstance, or the
24 result.

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

5 (7) MEDICINE.—The term “medicine” has the
6 meaning given the term “drug” in section 201 of the
7 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
8 321).

9 (8) NATIONAL BALANCE SHEET.—The term
10 “national balance sheet of Iran” refers to the ratio
11 of the assets of the Government of Iran to the liabil-
12 ities of that Government.

13 **SEC. 1243. IMPOSITION OF SANCTIONS WITH RESPECT TO**
14 **FOREIGN FINANCIAL INSTITUTIONS THAT**
15 **PROVIDE THE GOVERNMENT OF IRAN AC-**
16 **CESS TO ASSETS OF THAT GOVERNMENT OR**
17 **UNDERWRITING, INSURANCE, OR REINSUR-**
18 **ANCE SERVICES.**

19 (a) PROHIBITION ON PROVIDING ACCESS TO OR USE
20 OF CERTAIN ASSETS.—Notwithstanding any other provi-
21 sion of law, the President shall prohibit the opening, and
22 prohibit or impose strict conditions on the maintaining,
23 in the United States of a correspondent account or a pay-
24 able-through account by a foreign financial institution
25 that the President determines has knowingly, on or after

1 the date of the enactment of this Act, directly or indirectly
2 provided to a person described in subsection (c) access to,
3 the use of, or the ability to make a payment with, any
4 asset, fund, or account owned or controlled by, or owed
5 to, that person or another person described in subsection
6 (c).

7 (b) PROHIBITION ON PROVIDING UNDERWRITING,
8 INSURANCE, AND REINSURANCE.—

9 (1) IN GENERAL.—Notwithstanding any other
10 provision of law, the President shall impose 5 or
11 more of the sanctions described in section 6(a) of
12 the Iran Sanctions Act of 1996 (Public Law 104-
13 172; 50 U.S.C. 1701 note) with respect to a person
14 if the President determines that the person know-
15 ingly, on or after the date of the enactment of this
16 Act, provides underwriting services or insurance or
17 reinsurance to a person described in subsection (c).

18 (2) TREATMENT OF SANCTIONS RELATING TO
19 IMPORTATION OF GOODS.—The requirement to im-
20 pose sanctions under paragraph (1) shall not include
21 the authority to impose sanctions relating to the im-
22 portation of goods under paragraph (8)(A) or (12)
23 of section 6(a) of the Iran Sanctions Act of 1996,
24 and any sanction relating to the importation of

1 goods shall not count for purposes of the require-
2 ment to impose sanctions under paragraph (1).

3 (3) EXCEPTION FOR UNDERWRITERS AND IN-
4 SURANCE PROVIDERS EXERCISING DUE DILI-
5 GENCE.—The President may not impose sanctions
6 under paragraph (1) with respect to a person that
7 provides underwriting services or insurance or rein-
8 surance if the President determines that the person
9 has exercised due diligence in establishing and en-
10 forcing official policies, procedures, and controls to
11 ensure that the person does not underwrite or enter
12 into a contract to provide insurance or reinsurance
13 for a person described in subsection (c).

14 (c) PERSON DESCRIBED.—A person described in this
15 subsection is any of the following:

16 (1) The state and the Government of Iran, or
17 any political subdivision, agency, or instrumentality
18 of that Government, including the Central Bank of
19 Iran.

20 (2) Any person owned or controlled, directly or
21 indirectly, by that Government.

22 (3) Any person acting or purporting to act, di-
23 rectly or indirectly, for or on behalf of that Govern-
24 ment.

1 (4) Any other person determined by the Presi-
2 dent to be described in paragraph (1), (2), or (3).

3 **SEC. 1244. IMPOSITION OF SANCTIONS WITH RESPECT TO**
4 **THE SALE, SUPPLY, OR TRANSFER OF CER-**
5 **TAIN GOODS AND SERVICES TO OR FROM**
6 **IRAN.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, the President shall impose 5 or more of the
9 sanctions described in section 6(a) of the Iran Sanctions
10 Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note)
11 with respect to a person if the President determines that
12 the person knowingly, on or after the date of the enact-
13 ment of this Act, sells, supplies, or transfers to Iran, di-
14 rectly or indirectly, a good or service that is a type of good
15 or service that is—

16 (1) used by Iran as a medium for barter, swap,
17 or any other exchange or transaction; or

18 (2) listed as an asset of the Government of Iran
19 for the purpose of the national balance sheet of Iran.

20 (b) TREATMENT OF SANCTIONS RELATING TO IM-
21 PORTATION OF GOODS.—The requirement to impose sanc-
22 tions under subsection (a) shall not include the authority
23 to impose sanctions relating to the importation of goods
24 under paragraph (8)(A) or (12) of section 6(a) of the Iran
25 Sanctions Act of 1996, and any sanction relating to the

1 importation of goods shall not count for purposes of the
2 requirement to impose sanctions under subsection (a).

3 **SEC. 1245. HUMANITARIAN EXCEPTION.**

4 The President may not impose sanctions under this
5 subtitle with respect to any person for conducting or facili-
6 tating a transaction for the sale of agricultural commod-
7 ities, food, medicine, or medical devices to Iran or for the
8 provision of humanitarian assistance to the people of Iran.

9 **SEC. 1246. SUSPENSION OF SANCTIONS.**

10 (a) IN GENERAL.—The President may suspend the
11 imposition of sanctions under this subtitle if the President
12 determines and reports to the appropriate congressional
13 committees that Iran has—

14 (1) suspended all enrichment, reprocessing, and
15 heavy water-related activities and facility construc-
16 tion;

17 (2) suspended any activity related to ballistic
18 missiles capable of delivering nuclear weapons, in-
19 cluding any launch using ballistic missile technology;

20 (3) ratified and begun to make substantial ef-
21 forts toward the full implementation of the Protocol
22 Additional to the Agreement Between Iran and the
23 International Atomic Energy Agency for the Appli-
24 cation of Safeguards in Connection with the Treaty
25 on the Non-Proliferation of Nuclear Weapons, done

1 at Vienna December 18, 2003 (commonly referred to
2 as the “Additional Protocol”);

3 (4) fully cooperated with the International
4 Atomic Energy Agency on all outstanding issues,
5 particularly those that give rise to concerns about
6 the possible military dimensions of the Iranian nu-
7 clear program; and

8 (5) fulfilled its obligations pursuant to United
9 Nations Security Council Resolution 1929 (2010).

10 (b) REINSTATEMENT OF SANCTIONS.—If the Presi-
11 dent, during a period in which the President has sus-
12 pended sanctions under subsection (a), receives informa-
13 tion from any entity, including the International Atomic
14 Energy Agency, the Secretary of Defense, the Secretary
15 of State, the Secretary of Energy, or the Director of Na-
16 tional Intelligence, that Iran has, since the suspension of
17 sanctions took effect, engaged in any enrichment, reproc-
18 essing, heavy water, or ballistic missile-related activity or
19 construction, or has refused to cooperate in any way with
20 the requests of the International Atomic Energy Agency,
21 the President shall—

22 (1) not later than 10 days after receiving the
23 information, determine whether the information is
24 credible and accurate;

- 1 (2) notify the appropriate congressional com-
2 mittees of that determination; and
- 3 (3) if the President determines that the infor-
4 mation is credible and accurate, not later than 5
5 days after that determination, reinstate the sanc-
6 tions suspended under subsection (a).