

Administration of Barack Obama, 2012

Memorandum on Delegation of Certain Functions and Authorities Under the Iran Threat Reduction and Syria Human Rights Act of 2012

October 9, 2012

Memorandum for the Secretary of State, the Secretary of the Treasury, the Attorney General, the Secretary of Energy, the Secretary of Commerce, the Secretary of Homeland Security, United States Trade Representative, Chairman of the Board of Governors of the Federal Reserve System, and President of the Export-Import Bank of the United States

Subject: Delegation of Certain Functions and Authorities Under the Iran Threat Reduction and Syria Human Rights Act of 2012

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby order as follows:

I hereby delegate to the Secretary of State the functions and authorities vested in the President by sections 4(c), 5(a), 5(b), 5(c), 5(f), 6(a)(1), 6(a)(2), 6(a)(10), 6(b)(5), and 9(c) of the Iran Sanctions Act of 1996, (Public Law 104–172) (50 U.S.C. 1701 note), as amended most recently by the Iran Threat Reduction and Syria Human Rights Act of 2012 (ITRSHRA) (Public Law 112–158) (the "Iran Sanctions Act"), such functions and authorities to be exercised in consultation with the Secretaries of the Treasury and Commerce and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate. I hereby delegate to the Secretary of State the functions and authorities vested in the President by sections 4(b), 4(e), 5(d), 5(e), 9(a), 9(b), 10, and 14(4) of the Iran Sanctions Act.

I hereby delegate to the Secretary of State the functions and authorities vested in the President by section 6(a)(11) of the Iran Sanctions Act, to be exercised when the Secretary of State has been delegated the function or authority to impose some or all of the sanctions outlined in section 6(a) of the Iran Sanctions Act. Such functions and authorities are to be exercised in consultation with the Secretaries of the Treasury and Commerce and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate and, once sanctions outlined in section 6(a) of the Iran Sanctions Act are selected, authority to implement such sanctions is delegated to the relevant agency heads commensurate with delegation of such authorities in this memorandum and any relevant Executive Orders implementing the Iran Sanctions Act.

I hereby delegate to the Secretary of the Treasury the functions and authorities vested in the President by section 6(a)(11) of the Iran Sanctions Act, to be exercised when the Secretary of the Treasury has been delegated the function or authority to impose some or all of the sanctions outlined in section 6(a) of the Iran Sanctions Act. Such functions and authorities are to be exercised in consultation with the Secretaries of State and Commerce and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate and, once sanctions outlined in section 6(a) of the Iran Sanctions Act are selected, authority to implement such sanctions is

delegated to the relevant agency heads commensurate with delegation of such authorities in this memorandum and any relevant Executive Orders implementing the Iran Sanctions Act.

I hereby delegate to the Secretary of the Treasury, in consultation with the Secretary of State, the functions vested in the President by sections 6(a)(6), 6(a)(7), 6(a)(8), and 6(a)(9) of the Iran Sanctions Act, if the sanctions that those provisions authorize have been selected pursuant to section 5(a) of the Iran Sanctions Act in accordance with the terms of this memorandum.

I hereby delegate functions and authorities vested in the President by CISADA, as amended by ITRSHRA, as follows:

- section 110 to the Secretary of State, in consultation with the Secretary of the Treasury;
- sections 105A(b) and 105B(b) to the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State, with respect to the determinations described in sections 105A(b)(1), 105A(b)(2), and 105B(b)(1), respectively;
- sections 105A(b) and 105B(b) to the Secretary of State, in consultation with the Secretary of the Treasury, with respect to the requirement to submit the initial and updated lists of persons determined to meet the criteria described in sections 105A(b)(1), 105A(b)(2), and 105B(b)(1), respectively, to the appropriate congressional committees as required by sections 105A(b) and 105B(b);
- section 401(b) to the Secretary of State, in consultation with the Secretary of the Treasury, with respect to the requirement to include a person on the lists required by sections 105A(b) and 105B(b);
- section 105A(b)(3) to the Secretary of State, in consultation with the Secretary of the Treasury;
- sections 105A(a), 105A(c), 105B(a), and 401(b) to the Secretary of the Treasury, in consultation with the Secretary of State, with respect to the requirement to impose or maintain sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA) under sections 105A(a), 105A(c), and 105B(a);
- sections 105A(a), 105A(c), and 105B(a) to the Secretary of State, with respect to the requirement to impose or maintain visa sanctions;
- section 401(b) to the Secretary of State, in consultation with the Secretary of Homeland Security on matters related to admissibility or inadmissibility within the authority of the Secretary of Homeland Security, with respect to functions and waiver authorities regarding the requirement to impose or maintain visa sanctions under sections 105(a), 105A(a), 105A(c), and 105B(a); and
- sections 105A(a), 105A(c), and 401(b) to the Secretary of the Treasury, in consultation with the Secretaries of State and Commerce and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate, with respect to a determination in section 105A(c)(2)(B) regarding

sanctions to be imposed or maintained from among those described in section 6(a) of the Iran Sanctions Act; and, once sanctions outlined in section 6(a) of the Iran Sanctions Act are selected pursuant to section 105A(c)(2)(B) by the Secretary of the Treasury, authority to implement such sanctions is delegated to the relevant agency heads commensurate with delegation of such authorities in this memorandum and any relevant Executive Orders implementing the Iran Sanctions Act.

The delegation of Presidential functions and authorities in CISADA in my memorandum of September 23, 2010 (Delegation of Certain Functions and Authorities Under the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010), and Executive Order 13553 of September 28, 2010, shall remain in effect to the extent not inconsistent with this memorandum.

I hereby delegate the functions vested in the President by section 13(r)(5) of the Securities Exchange Act of 1934, as amended by ITRSHRA, to the Secretary of State and the Secretary of the Treasury commensurate with their respective areas of responsibility.

I hereby delegate the functions and authorities vested in the President by ITRSHRA, and portions of the Iran Sanctions Act as referenced in ITRSHRA, as follows:

- section 102(b) to the Secretary of State, in consultation with the Secretary of the Treasury;
- section 202(b) to the Secretary of State in consultation with the Secretary of the Treasury;
- section 211(a) to the Secretary of State and the Secretary of the Treasury in consultation with each other and commensurate with their respective areas of responsibility outlined in Executive Orders 13382 and 13224;
- section 211(c) to the Secretary of State, in consultation with the Secretary of the Treasury;
- section 212, except the Presidential function in section 212(d)(3), to the Secretary of State, in consultation with the Secretaries of the Treasury and Commerce and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate and, once sanctions outlined in section 6(a) of the Iran Sanctions Act are selected pursuant to section 212(a), authority to implement such sanctions is delegated to the relevant agency heads commensurate with delegation of such authorities in this memorandum and any relevant Executive Orders implementing the Iran Sanctions Act;
- section 213, except the Presidential function in section 213(b)(3), to the Secretary of the Treasury, in consultation with the Secretaries of State and Commerce and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate and, once sanctions outlined in section 6(a) of the Iran Sanctions Act are selected pursuant to section 213(a), authority to implement such sanctions is delegated to the relevant agency heads commensurate with delegation

of such authorities in this memorandum and any relevant Executive Orders implementing the Iran Sanctions Act;

- section 218(b) to the Secretary of the Treasury, in consultation with the Secretary of State;
- section 220(c) to the Secretary of the Treasury, in consultation with the Secretary of State;
- section 221(a) to the Secretary of State, in consultation with the Secretary of the Treasury;
- section 221(e) to the Secretary of State, in consultation with the Secretary of Homeland Security;
- sections 301(a) and 301(b) to the Secretary of the Treasury, in consultation with the Secretary of State;
- section 301(d)(2) to the Secretary of State;
- section 301(e) to the Secretary of State, in consultation with the Secretaries of the Treasury and Homeland Security;
- sections 302(a), 302(b), 302(c), and section 302(f), except the Presidential function in section 302(f)(3), to the Secretary of the Treasury, in consultation with the Secretaries of State and Commerce and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate and, once sanctions outlined in section 6(a) of the Iran Sanctions Act are selected pursuant to section 302(b)(1), authority to implement such sanctions is delegated to the relevant agency heads commensurate with delegation of such authorities in this memorandum and any relevant Executive Orders implementing the Iran Sanctions Act;
- sections 302(d) and 302(e) to the Secretary of State, in consultation with the Secretary of the Treasury;
- section 303 to the Secretary of State, in consultation with the Secretary of the Treasury and other agencies as appropriate; all agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out any sanctions that the Secretary of State, in exercising the authority delegated by this subparagraph, determines should be imposed;
- section 312(d) to the Secretary of State and the Secretary of the Treasury in consultation with each other and commensurate with their respective areas of responsibility;
- section 505(b) to the Secretary of State, in consultation with the Secretaries of the Treasury and Energy;
- section 601 to the Secretary of the Treasury and the Secretary of State, commensurate with their respective areas of responsibility outlined in this memorandum;

- sections 702, 703, and 704 to the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State, with respect to the determinations described in sections 702(b), 703(b)(1)-(2), and 704(b) and the imposition of IEEPA sanctions required under sections 702(a), 703(a), and 704(a);
- sections 702(b), 703(b), and 704(b) to the Secretary of State, in consultation with the Secretary of the Treasury, with respect to the submission of initial and updated lists of persons determined to meet the criteria described in sections 702(b), 703(a), 703(b)(1)-(2), and 704(b), respectively;
- section 703(b)(3) to the Secretary of State, in consultation with the Secretary of the Treasury, with respect to certifications to the appropriate congressional committees;
- section 705 to the Secretary of the Treasury, in consultation with the Secretary of State, with respect to the requirement to impose or maintain sanctions pursuant to IEEPA under section 702(a), 703(a), or 704(a); and
- section 705 to the Secretary of State, in consultation with the Secretary of the Treasury, with respect to the requirement to include a person on a list required by section 702(b), 703(b), or 704(b).

Any reference in this memorandum to provisions of any Act related to the subject of this memorandum shall be deemed to include references to any hereafter-enacted provisions of law that is the same or substantially the same as such provisions.

The Secretary of State is authorized and directed to publish this memorandum in the *Federal Register*.

BARACK OBAMA

Categories: Communications to Federal Agencies : Iran Threat Reduction and Syria Human Rights Act of 2012, delegation of functions, memorandum.

Subjects: Iran : U.S. sanctions; Iran Threat Reduction and Syria Human Rights Act of 2012.

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