

109TH CONGRESS
1ST SESSION

S. 1976

To make amendments to the Iran Nonproliferation Act of 2000.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 2005

Mr. FEINGOLD (for himself and Mr. KYL) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To make amendments to the Iran Nonproliferation Act of 2000.

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.**

4 This Act may be cited as the “Iran Nonproliferation
5 Enforcement Act of 2005”.

6 **SEC. 2. SANCTIONS APPLICABLE UNDER THE IRAN NON-**
7 **PROLIFERATION ACT OF 2000.**

8 (a) APPLICATION OF CERTAIN MEASURES.—Section
9 3 of the Iran Nonproliferation Act of 2000 (50 U.S.C.
10 1701 note) is amended—

1 (1) by amending subsection (a) to read as fol-
2 lows:

3 “(a) APPLICATION OF MEASURES.—Subject to sec-
4 tions 4 and 5, the President shall apply, for a period of
5 not less than 2 years, the measures described in subsection
6 (b) with respect to—

7 “(1) each foreign person identified in a report
8 submitted pursuant to section 2(a);

9 “(2) all successors, subunits, and subsidiaries of
10 each such foreign person; and

11 “(3) any entity (if operating as a business en-
12 terprise) that owns more than 50 percent of, or con-
13 trols in fact, any such foreign person and any suc-
14 cessors, subunits, and subsidiaries of such entity.”;

15 (2) in subsection (b)—

16 (A) by amending paragraph (1) to read as
17 follows:

18 “(1) EXECUTIVE ORDER NO. 12938 PROHIBI-
19 TIONS.—The measures set forth in subsections (b),
20 (c), and (d) of section 4 of Executive Order 12938.”;

21 (B) in paragraph (2)—

22 (i) by striking “to that foreign per-
23 son”; and

24 (ii) by striking “to that person”;

1 (C) in paragraph (3), by striking “to that
2 person”; and

3 (D) by adding at the end the following new
4 paragraphs:

5 “(4) INVESTMENT PROHIBITION.—Prohibition
6 of any new investment by a United States person in
7 property, including entities, owned or controlled
8 by—

9 “(A) that foreign person;

10 “(B) any entity (if operating as a business
11 enterprise) that owns more than 50 percent of,
12 or controls in fact, such foreign person; or

13 “(C) any successor, subunit, or subsidiary
14 of such entity.

15 “(5) FINANCING PROHIBITION.—Prohibition of
16 any approval, financing, or guarantee by a United
17 States person, wherever located, of a transaction
18 by—

19 “(A) that foreign person;

20 “(B) any entity (if operating as a business
21 enterprise) that owns more than 50 percent of,
22 or controls in fact, such foreign person; or

23 “(C) any successor, subunit, or subsidiary
24 of such entity.

1 “(6) FINANCIAL ASSISTANCE PROHIBITION.—
2 Denial by the United States Government of any
3 credit, credit guarantees, grants, or other financial
4 assistance by any department, agency, or instrumen-
5 tality of the United States Government to—

6 “(A) that foreign person;

7 “(B) any entity (if operating as a business
8 enterprise) that owns more than 50 percent of,
9 or controls in fact, such foreign person; and

10 “(C) any successor, subunit, or subsidiary
11 of such entity.”; and

12 (3) by amending subsection (d) to read as fol-
13 lows:

14 “(d) PUBLICATION IN FEDERAL REGISTER.—

15 “(1) IN GENERAL.—The application of meas-
16 ures pursuant to subsection (a) shall be announced
17 by notice published in the Federal Register.

18 “(2) CONTENT.—Each notice published pursu-
19 ant to paragraph (1) shall include the name and ad-
20 dress (where known) of each person or entity to
21 whom measures have been applied pursuant to sub-
22 section (a).”.

23 (b) NATIONAL SECURITY WAIVER.—Section 4 of
24 such Act is amended to read as follows:

1 **“SEC. 4. WAIVER ON BASIS OF NATIONAL SECURITY.**

2 “(a) IN GENERAL.—The President may waive the im-
3 position of any sanction that would otherwise be required
4 under section 3 on any person or entity 15 days after the
5 President determines and reports to the Committee on
6 International Relations of the House of Representatives
7 and the Committee on Foreign Relations of the Senate
8 that such waiver is essential to the national security of
9 the United States.

10 “(b) WRITTEN JUSTIFICATION.—The determination
11 and report of the President under subsection (a) shall in-
12 clude a written justification—

13 “(1) describing in detail the circumstances and
14 rationale supporting the President’s conclusion that
15 the waiver is essential to the national security of the
16 United States; and

17 “(2) identifying—

18 “(A) the name and address (where known)
19 of the person or entity to whom the waiver is
20 applied pursuant to subsection (a);

21 “(B) the specific goods, services, or tech-
22 nologies, the transfer of which would have re-
23 quired the imposition of measures pursuant to
24 section 3 if the President had not invoked the
25 waiver authority under subsection (a); and

1 “(C) the name and address (where known)
2 of the recipient of such transfer.

3 “(e) FORM.—The written justification shall be sub-
4 mitted in unclassified form, but may contain a classified
5 annex.”.

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