

§ 8542. Identification of countries of concern with respect to the diversion of certain goods, services, and technologies to or through Iran

(a) In general

Not later than 180 days after July 1, 2010, the Director of National Intelligence shall submit to the President, the Secretary of Defense, the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the appropriate congressional committees a report that identifies each country the government of which the Director believes, based on all information available to the Director, is allowing the diversion through the country of goods, services, or technologies described in subsection (b) to Iranian end-users or Iranian intermediaries.

(b) Goods, services, and technologies described

Goods, services, or technologies described in this subsection are goods, services, or technologies—

(1) that—

- (A) originated in the United States;
- (B) would make a material contribution to Iran's—

- (i) development of nuclear, chemical, or biological weapons;
- (ii) ballistic missile or advanced conventional weapons capabilities; or
- (iii) support for international terrorism; and

(C) are—

- (i) items on the Commerce Control List or services related to those items; or
- (ii) defense articles or defense services on the United States Munitions List; or

(2) that are prohibited for export to Iran under a resolution of the United Nations Security Council.

(c) Updates

The Director of National Intelligence shall update the report required by subsection (a)—

- (1) as new information becomes available; and
- (2) not less frequently than annually.

(d) Form

The report required by subsection (a) and the updates required by subsection (c) may be submitted in classified form.

(Pub. L. 111-195, title III, § 302, July 1, 2010, 124 Stat. 1346.)

TERMINATION OF SECTION

For termination of section, see section 8551(a) of this title.

§ 8543. Destinations of Diversion Concern

(a) Designation

(1) In general

The President shall designate a country as a Destination of Diversion Concern if the President determines that the government of the country allows substantial diversion of goods, services, or technologies described in section 8542(b) of this title through the country to Iranian end-users or Iranian intermediaries.

(2) Determination of substantial

For purposes of paragraph (1), the President shall determine whether the government of a country allows substantial diversion of goods, services, or technologies described in section 8542(b) of this title through the country to Iranian end-users or Iranian intermediaries based on criteria that include—

- (A) the volume of such goods, services, and technologies that are diverted through the country to such end-users or intermediaries;
- (B) the inadequacy of the export controls of the country;

(C) the unwillingness or demonstrated inability of the government of the country to control the diversion of such goods, services, and technologies to such end-users or intermediaries; and

(D) the unwillingness or inability of the government of the country to cooperate with the United States in efforts to interdict the diversion of such goods, services, or technologies to such end-users or intermediaries.

(b) Report on designation

Upon designating a country as a Destination of Diversion Concern under subsection (a), the President shall submit to the appropriate congressional committees a report—

(1) notifying those committees of the designation of the country; and

(2) containing a list of the goods, services, and technologies described in section 8542(b) of this title that the President determines are diverted through the country to Iranian end-users or Iranian intermediaries.

(c) Licensing requirement

Not later than 45 days after submitting a report required by subsection (b) with respect to a country designated as a Destination of Diversion Concern under subsection (a), the President shall require a license under the Export Administration Regulations or the International Traffic in Arms Regulations (whichever is applicable) to export to that country a good, service, or technology on the list required under subsection (b)(2), with the presumption that any application for such a license will be denied.

(d) Delay of imposition of licensing requirement

(1) In general

The President may delay the imposition of the licensing requirement under subsection (c) with respect to a country designated as a Destination of Diversion Concern under subsection (a) for a 12-month period if the President—

(A) determines that the government of the country is taking steps—

(i) to institute an export control system or strengthen the export control system of the country;

(ii) to interdict the diversion of goods, services, or technologies described in section 8542(b) of this title through the country to Iranian end-users or Iranian intermediaries; and

(iii) to comply with and enforce United Nations Security Council Resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), and