

111TH CONGRESS
2D SESSION

S. 4008

To enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 2010

Mr. CASEY (for himself and Mr. BROWN of Massachusetts) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Stop Iran’s Nuclear Weapons Program Act of 2010”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—ADDITIONAL SANCTIONS WITH RESPECT TO IRAN

Sec. 101. Expansion of sanctions under the Iran Sanctions Act of 1996.

- Sec. 102. Application of sanctions to subsidiaries.
- Sec. 103. Elimination of certain tax incentives for oil companies investing in Iran.
- Sec. 104. Inadmissibility of certain aliens who engage in certain activities with respect to Iran.

TITLE II—APPLICATION OF SANCTIONS AGAINST AFFILIATES OF IRAN'S REVOLUTIONARY GUARD CORPS

- Sec. 201. Definitions.
- Sec. 202. Sanctions on affiliates of Iran's Revolutionary Guard Corps.
- Sec. 203. Measures against foreign persons or entities supporting Iran's Revolutionary Guard Corps and its agents and affiliates.
- Sec. 204. Special measures against foreign governments supporting Iran's Revolutionary Guard Corps.
- Sec. 205. Sunset.

TITLE III—ROLLOVER OF GAIN FROM DIVESTING CERTAIN QUALIFIED SECURITIES OF BUSINESS ENTITIES ENGAGED IN DISCOURAGED ACTIVITIES IN IRAN

- Sec. 301. Rollover of gain from divesting certain qualified securities of business entities engaged in discouraged activities in Iran.

TITLE IV—PROHIBITION ON UNITED STATES GOVERNMENT CONTRACTS AND INVESTMENT FOR COMPANIES CONDUCTING BUSINESS IN IRAN

- Sec. 401. Definitions.
- Sec. 402. Expansion of prohibition on United States Government contracts for persons that conduct business operations in Iran.
- Sec. 403. Prohibition on provision of Federal grants, loans, or other assistance to persons that conduct business operations in Iran.
- Sec. 404. Report on expansion of prohibition on United States Government contracts for, and prohibition on provision of Federal grants, loans, and other assistance to, persons that conduct business operations in Iran.
- Sec. 405. Divestiture from Iran by United States Government retirement systems.
- Sec. 406. Sunset.

1 SEC. 2. FINDINGS.

2 Congress finds the following:

3 (1) On July 1, 2010, President Obama signed
 4 into law the Comprehensive Iran Sanctions, Ac-
 5 countability, and Divestment Act of 2010 (Public
 6 Law 111-195; 124 Stat. 1312).

7 (3) The latest report by the Director General of
8 the International Atomic Energy Agency to its
9 Board of Directors, issued on September 6, 2010,
10 notes that Iran has continued its record of insuffi-
11 cient cooperation with the agency, has continued to
12 fail to answer questions posed by the agency regard-
13 ing potential noncivilian nuclear activities by Iran,
14 and has failed to suspend sensitive nuclear activities,
15 as required by successive United Nations Security
16 Council resolutions.

1 **TITLE I—ADDITIONAL SAN-
2 TIONS WITH RESPECT TO
3 IRAN**

4 **SEC. 101. EXPANSION OF SANCTIONS UNDER THE IRAN
5 SANCTIONS ACT OF 1996.**

6 (a) SANCTIONS WITH RESPECT TO PURCHASING PE-
7 TROLEUM RESOURCES OR SOVEREIGN DEBT OF IRAN.—
8 Section 5(a) of the Iran Sanctions Act of 1996 (Public
9 Law 104–172; 50 U.S.C. 1701 note) is amended—

10 (1) in the heading, by inserting at the end be-
11 fore the period the following: “, ETC”; and
12 (2) by adding at the end the following new
13 paragraphs:

14 “(4) OTHER ACTIONS RELATING TO PETRO-
15 LEUM RESOURCES OF IRAN.—

16 “(A) IN GENERAL.—Except as provided in
17 subsection (f), the President shall impose 3 or
18 more of the sanctions described in section 6(a)
19 with respect to a person if the President deter-
20 mines that the person knowingly, on or after
21 the date of the enactment of the Stop Iran’s
22 Nuclear Weapons Program Act of 2010—

23 “(i) enters into a long-term agreement
24 to purchase petroleum resources from Iran;

1 “(ii) enters into an agreement to pro-
2 vide payment for future delivery of petro-
3 leum resources from Iran; or

4 “(iii) enters into an agreement with
5 the National Iranian Oil Company, any of
6 its affiliates, or any entity owned or con-
7 trolled by the Government of Iran, to pro-
8 vide for the development of petroleum re-
9 sources wherever located.

10 “(B) DEFINITIONS.—

11 “(i) LONG-TERM AGREEMENT.—For
12 purposes of subparagraph (A)(i), the term
13 ‘long-term agreement’ means a contract or
14 other agreement that provides for delivery
15 of petroleum resources beginning more
16 than 1 year after the date of entry into the
17 contract or agreement (as the case may
18 be).

19 “(ii) FUTURE DELIVERY.—For pur-
20 poses of subparagraph (A)(ii), the term
21 ‘future delivery’ means delivery that occurs
22 more than 180 days after payment is ef-
23 fected under the agreement.

24 “(5) PURCHASE, SUBSCRIPTION TO, OR FACILI-
25 TATION OF THE ISSUANCE OF SOVEREIGN DEBT OF

1 THE GOVERNMENT OF IRAN.—Except as provided in
2 subsection (f), the President shall impose 3 or more
3 of the sanctions described in section 6(a) with re-
4 spect to a person if the President determines that
5 the person knowingly, on or after the date of the en-
6 actment of the Stop Iran's Nuclear Weapons Pro-
7 gram Act of 2010, purchases, subscribes to, or facili-
8 tates the issuance of—

9 “(A) sovereign debt of the Government of
10 Iran, including government bonds; or
11 “(B) debt of any entity owned or con-
12 trolled by the Government of Iran, including
13 bonds.”.

14 (b) SANCTIONS WITH RESPECT TO FACILITATING
15 EXTRACTION OR MILLING OF URANIUM ORE IN IRAN.—
16 Section 5(b)(1) of the Iran Sanctions Act of 1996 (Public
17 Law 104–172; 50 U.S.C. 1701 note) is amended—

18 (1) by redesignating subparagraphs (A) and
19 (B) as clauses (i) and (ii), respectively;
20 (2) by striking “the President determines that
21 a person has, on or after” and inserting the fol-
22 lowing: “the President determines that a person
23 has—

24 “(A) on or after”; and

3 (4) by adding at the end the following:

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall—

15 (1) take effect on the date of the enactment of
16 this Act; and

21 SEC. 102. APPLICATION OF SANCTIONS TO SUBSIDIARIES.

22 (a) IN GENERAL.—Except as provided in subsection
23 (b), in any case in which an entity engages in an act out-
24 side the United States that, if committed in the United
25 States or by a United States person, would violate Execu-

1 tive Order 12959 (50 U.S.C. 1701 note) or Executive
2 Order 13059 (50 U.S.C. 1701 note) (or any successor
3 thereto), section 103 of the Comprehensive Iran Sanc-
4 tions, Accountability, and Divestment Act of 2010 (22
5 U.S.C. 8512), or any other prohibition on transactions
6 with respect to Iran that is imposed under the Inter-
7 national Emergency Economic Powers Act (50 U.S.C.
8 1701 et seq.), the parent company of that entity shall be
9 subject to the penalties for the act to the same extent as
10 if the parent company had engaged in the act.

11 (b) EXCEPTION.—Subsection (a) shall not apply to
12 any act carried out under a contract or other obligation
13 of any entity if—

14 (1) the contract or obligation existed on the
15 date of the enactment of this Act, unless such con-
16 tract or obligation is extended in time in any man-
17 ner or expanded to cover additional activities beyond
18 the terms of the contract or other obligation as it ex-
19 isted on the date of the enactment of this Act; or

20 (2) the parent company acquired that entity not
21 knowing, and not having reason to know, that such
22 contract or other obligation existed, unless such con-
23 tract or other obligation is extended in time in any
24 manner or expanded to cover additional activities be-

1 yond the terms of such contract or other obligation
2 as it existed at the time of such acquisition.

3 (c) CONSTRUCTION.—Nothing in this section shall be
4 construed as prohibiting the issuance of regulations, or-
5 ders, directives, or licenses under the Executive orders de-
6 scribed in subsection (a) or as being inconsistent with the
7 authorities under the International Emergency Economic
8 Powers Act.

9 (d) DEFINITIONS.—In this section:

10 (1) ENTITY.—The term “entity” means a part-
11 nership, association, trust, joint venture, corpora-
12 tion, or other organization.

13 (2) PARENT COMPANY.—An entity is a “parent
14 company” of another entity if it controls, directly or
15 indirectly, that other entity and is a United States
16 person.

17 (3) UNITED STATES PERSON.—The term
18 “United States person” means a United States cit-
19 ized, an alien lawfully admitted for permanent resi-
20 dence to the United States, an entity organized
21 under the laws of the United States, or a person in
22 the United States.

1 **SEC. 103. ELIMINATION OF CERTAIN TAX INCENTIVES FOR**
2 **OIL COMPANIES INVESTING IN IRAN.**

3 (a) IN GENERAL.—Subsection (h) of section 167 of
4 the Internal Revenue Code of 1986 (relating to amortiza-
5 tion of geological and geophysical expenditures) is amend-
6 ed by adding at the end the following new paragraph:

7 “(6) DENIAL WHEN IRAN SANCTIONS IN EF-
8 FECT.—

9 “(A) IN GENERAL.—If sanctions are im-
10 posed under section 5(a) of the Iran Sanctions
11 Act of 1996 (relating to sanctions with respect
12 to the development of petroleum resources in
13 Iran and the production of refined petroleum
14 products in, and the exportation of refined pe-
15 troleum products to, Iran) on any member of
16 an expanded affiliated group the common par-
17 ent of which is a foreign corporation, paragraph
18 (1) shall not apply to any expense paid or in-
19 curred by any such member in any period dur-
20 ing which the sanctions are in effect.

21 “(B) EXPANDED AFFILIATED GROUP.—
22 For purposes of subparagraph (A), the term
23 ‘expanded affiliated group’ means an affiliated
24 group as defined in section 1504(a), deter-
25 mined—

1 “(i) by substituting ‘more than 50
2 percent’ for ‘at least 80 percent’ each place
3 it appears, and

4 “(ii) without regard to paragraphs
5 (2), (3), and (4) of section 1504(b).”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 subsection (a) shall apply to expenses paid or incurred on
8 or after January 1, 2010.

9 **SEC. 104. INADMISSIBILITY OF CERTAIN ALIENS WHO EN-**

10 **GAGE IN CERTAIN ACTIVITIES WITH RESPECT**
11 **TO IRAN.**

12 (a) IN GENERAL.—Section 212(a)(3) of the Immigra-
13 tion and Nationality Act (8 U.S.C. 1182(a)(3)) is
14 amended by adding at the end the following:

15 “(H) INDIVIDUALS WHO ENGAGE IN CER-
16 TAIN ACTIVITIES WITH RESPECT TO IRAN.—

17 “(i) IN GENERAL.—Subject to clause
18 (iii), any alien described in clause (ii) is in-
19 admissible.

20 “(ii) ALIENS DESCRIBED.—An alien
21 described in this clause is an alien that the
22 Secretary of State determines—

23 “(I) engages in—

24 “(aa) an activity for which
25 sanctions may be imposed pursu-

1 ant to section 5 of the Iran San-
2 cations Act of 1996 (Public Law
3 104-172; 50 U.S.C. 1701 note);

or

1 “(dd) any other activity with
2 respect to Iran for which sanc-
3 tions may be imposed pursuant
4 to any other provision of law;

5 “(II) is the chief executive offi-
6 cer, president, or other individual in
7 charge of overall management of, a
8 member of the board of directors of,
9 or a shareholder with a controlling in-
10 terest in, an entity that engages in an
11 activity described in subclause (I); or

12 “(III) is a spouse or minor child
13 of—

14 “(aa) an alien who engages
15 in an activity described in sub-
16 clause (I); or

17 “(bb) the chief executive of-
18 ficer, president, or other indi-
19 vidual in charge of overall man-
20 agement of, a member of the
21 board of directors of, or a share-
22 holder with a controlling interest
23 in, an entity that engages in an
24 activity described in subclause
25 (I).

1 “(iii) NOTICE; WAIVER WITH RESPECT
2 TO CERTAIN ENTITIES.—

3 “(I) NOTICE.—The Secretary of
4 State may notify an alien the Sec-
5 retary determines may be inadmissible
6 under this subparagraph—

7 “(aa) that the alien may be
8 inadmissible; and

9 “(bb) of the reason for the
10 inadmissibility of the alien.

11 “(II) WAIVER.—The President
12 may waive the application of this sub-
13 paragraph and admit an alien to the
14 United States if—

15 “(aa) the alien is described
16 in subclause (II) or (III)(bb) of
17 clause (ii);

18 “(bb) the entity that en-
19 gaged in the activity that would
20 otherwise result in the inadmis-
21 sibility of the alien under this
22 subparagraph is no longer engag-
23 ing the activity or has taken sig-
24 nificant steps toward stopping
25 the activity; and

6 (b) REGULATIONS.—Section 428 of the Homeland
7 Security Act of 2002 (6 U.S.C. 236) is amended by adding
8 at the end the following:

9 “(j) REGULATIONS WITH RESPECT TO INADMIS-
10 SIBILITY OF ALIENS WHO ENGAGE IN CERTAIN TRANS-
11 ACTIONS WITH IRAN.—Not later than 180 days after the
12 date of the enactment of this subsection, the Secretary
13 shall issue regulations and guidelines for interpreting and
14 enforcing the prohibition under subparagraph (H) of sec-
15 tion 212(a)(3) of the Immigration and Nationality Act (8
16 U.S.C. 1182(a)(3)) on the admissibility of aliens who en-
17 gage in certain sanctionable activities with respect to
18 Iran.”.

19 **TITLE II—APPLICATION OF**
20 **SANCTIONS AGAINST AFFILI-**
21 **ATES OF IRAN'S REVOLU-**
22 **TIONARY GUARD CORPS**

23 SEC. 201. DEFINITIONS.

24 In this title:

13 SEC. 202. SANCTIONS ON AFFILIATES OF IRAN'S REVOLU-
14 TIONARY GUARD CORPS.

15 (a) PUBLICATION OF NAMES OF AFFILIATES IN FED-
16ERAL REGISTER.—Not later than 90 days after the date
17 of the enactment of this Act, and as appropriate there-
18 after, the President shall publish in the Federal Register
19 the name of each foreign person or foreign entity for which
20 there is credible information indicating that the person or
21 entity is as an agent, alias, front, instrumentality, official,
22 or affiliate of Iran’s Revolutionary Guard Corps or is an
23 individual serving as a representative of Iran’s Revolu-
24 tionary Guard Corps.

1 (b) APPLICATION OF EXISTING SANCTIONS AGAINST
2 IRAN TO AFFILIATES.—The President shall designate
3 each foreign person or foreign entity identified in the Fed-
4 eral Register pursuant to subsection (a) for inclusion in
5 the Annex to Executive Order 13382 (70 Fed. Reg.
6 38567; relating to blocking property of weapons of mass
7 destruction proliferators and their supporters) and shall
8 apply to each such foreign person or foreign entity all ap-
9 plicable sanctions of the United States pursuant to Execu-
10 tive Order 13382.

11 (c) EXCLUSION FROM UNITED STATES.—The Sec-
12 retary of State shall deny a visa to, and the Secretary of
13 Homeland Security shall exclude from the United States,
14 any alien who, on or after the date of the enactment of
15 this Act, is a foreign person identified in the Federal Reg-
16 ister pursuant to subsection (a).

17 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to remove any sanction of the
19 United States in force against Iran's Revolutionary Guard
20 Corps as of the date of the enactment of this Act by reason
21 of the fact that Iran's Revolutionary Guard Corps is an
22 entity of the Government of Iran.

1 **SEC. 203. MEASURES AGAINST FOREIGN PERSONS OR ENTI-**
2 **TIES SUPPORTING IRAN'S REVOLUTIONARY**
3 **GUARD CORPS AND ITS AGENTS AND AFFILI-**
4 **ATES.**

5 (a) **IDENTIFICATION AND NOTIFICATION.**—The
6 President shall notify the appropriate congressional com-
7 mittees in any case in which the President determines that
8 there is credible information indicating that a foreign per-
9 son or foreign entity, on or after the date of the enactment
10 of this Act, knowingly—

11 (1) provides material support to Iran's Revolu-
12 tionary Guard Corps or any person or entity identi-
13 fied pursuant to section 202(a) as an agent, alias,
14 front, instrumentality, official, or affiliate of Iran's
15 Revolutionary Guard Corps or an individual serving
16 as a representative of Iran's Revolutionary Guard
17 Corps; or

18 (2) conducts any commercial transaction or fi-
19 nancial transaction with Iran's Revolutionary Guard
20 Corps or any such person or entity.

21 (b) **FORM.**—The President may submit the notifica-
22 tion required under subsection (a) in classified form.

23 (c) **SANCTIONS UNDER EXECUTIVE ORDER 12938.**—
24 Not later than 60 days after the date on which the Presi-
25 dent provides notice to the appropriate congressional com-
26 mittees pursuant to subsection (a), the President shall

1 apply to each foreign person or foreign entity identified
2 in the notice, for such time as the President may deter-
3 mine, the measures set forth in section 4 of Executive
4 Order 12938 (59 Fed. Reg. 59099; relating to prolifera-
5 tion of weapons of mass destruction) and shall terminate
6 such measures in accordance with the provisions of that
7 section.

8 (d) IEEPA SANCTIONS.—The President may exer-
9 cise the authorities provided under section 203(a) of the
10 International Emergency Economic Powers Act (50
11 U.S.C. 1702(a)) to impose additional sanctions on each
12 foreign person or foreign entity identified pursuant to sub-
13 section (a) of this section, for such time as the President
14 may determine, without regard to section 202 of that Act.

15 (e) WAIVER.—The President may waive the applica-
16 tion of any measure described in subsection (c) with re-
17 spect to a foreign person or foreign entity if the Presi-
18 dent—

19 (1)(A) determines that the person or entity has
20 ceased the activity that resulted in the notification
21 under subsection (a) with respect to the person or
22 entity (as the case may be) and has taken measures
23 to prevent its recurrence; or

24 (B) determines that it is vital to the national
25 security interests of the United States to do so; and

4 SEC. 204. SPECIAL MEASURES AGAINST FOREIGN GOVERN-
5 MENTS SUPPORTING IRAN'S REVOLU-
6 TIONARY GUARD CORPS.

7 (a) EXECUTIVE ORDER 12938 SANCTIONS.—With
8 respect to any foreign entity identified pursuant to section
9 203(a) that is a foreign government, the President shall,
10 in addition to applying to the entity the measures de-
11 scribed in section 203(d), apply to that government the
12 measures set forth in section 5(b) of Executive Order
13 12938.

14 (b) WAIVER.—The President may waive the applica-
15 tion of any measure described in subsection (a) with re-
16 spect to a foreign government if the President—

17 (1)(A) determines that the entity has ceased
18 the activity that resulted in the identification of the
19 government pursuant to section 203(a) and has
20 taken measures to prevent its recurrence; or

21 (B) determines that it is vital to the national
22 security interests of the United States to do so; and

1 **SEC. 205. SUNSET.**

2 This title shall terminate on the date that is 30 days
3 after the date on which the President makes the certifi-
4 cation described in section 401(a) of the Comprehensive
5 Iran Sanctions, Accountability, and Divestment Act of
6 2010 (22 U.S.C. 8551(a)).

7 **TITLE III—ROLLOVER OF GAIN**
8 **FROM DIVESTING CERTAIN**
9 **QUALIFIED SECURITIES OF**
10 **BUSINESS ENTITIES EN-**
11 **GAGED IN DISCOURAGED AC-**
12 **TIVITIES IN IRAN**

13 **SEC. 301. ROLLOVER OF GAIN FROM DIVESTING CERTAIN**
14 **QUALIFIED SECURITIES OF BUSINESS ENTI-**
15 **TIES ENGAGED IN DISCOURAGED ACTIVITIES**
16 **IN IRAN.**

17 (a) **IN GENERAL.**—Part III of subchapter O of chap-
18 ter 1 of the Internal Revenue Code of 1986 (relating to
19 common nontaxable exchanges) is amended by adding at
20 the end the following new section:

21 **“SEC. 1046. ROLLOVER OF GAIN FROM DIVESTING CERTAIN**
22 **QUALIFIED SECURITIES OF BUSINESS ENTI-**
23 **TIES ENGAGED IN DISCOURAGED ACTIVITIES**
24 **IN IRAN.**

25 **“(a) NONRECOGNITION OF GAIN.—**

1 “(1) IN GENERAL.—In the case of any sale of
2 any qualified security held by a taxpayer with re-
3 spect to which such taxpayer elects the application
4 of this section, in any business entity that is en-
5 gaged in an Iran discouraged activity, gain from
6 such sale shall be recognized only to the extent that
7 the amount realized on such sale exceeds—

8 “(A) the cost of any qualified replacement
9 property purchased by the taxpayer during the
10 30-day period beginning on the date of such
11 sale, reduced by

12 “(B) any portion of such cost previously
13 taken into account under this section.

14 “(2) EXCEPTION FOR ORDINARY INCOME
15 GAIN.—This section shall not apply to any gain
16 which is treated as ordinary income for purposes of
17 this title.

18 “(3) EXCEPTION WHERE TAXPAYER OWNS CON-
19 TROLLING INTEREST IN THE BUSINESS ENTITY.—

20 “(A) IN GENERAL.—Paragraph (1) shall
21 not apply to any sale if, immediately before
22 such sale, the taxpayer owns a controlling inter-
23 est in the business entity that is engaged in an
24 Iran discouraged activity.

1 “(B) CONTROLLING INTEREST.—For pur-
2 poses of subparagraph (A), the term ‘control-
3 ling interest’ means direct or indirect ownership
4 of at least 50 percent of the total voting power
5 and value of all classes of stock of a corpora-
6 tion. For purposes of the preceding sentence,
7 the rules of paragraphs (1) and (5) of section
8 267(c) shall apply.

9 “(C) AGGREGATION RULE.—For purposes
10 of this paragraph, all members of the same con-
11 trolled group of corporations (within the mean-
12 ing of section 267(f)) and all persons under
13 common control (within the meaning of section
14 52(b) but determined by treating an interest of
15 more than 50 percent as a controlling interest)
16 shall be treated as 1 person.

17 “(b) IDENTIFICATION OF BUSINESS ENTITIES EN-
18 GAGING IN IRAN DISCOURAGED ACTIVITIES.—

19 “(1) PUBLICATION OF LIST.—For purposes of
20 this section, the Secretary shall publish and update
21 at least every six months a list of business entities
22 engaging in any Iran discouraged activities.

23 “(2) REGULATIONS.—The Secretary shall issue
24 regulations defining how a business entity shall not

1 be deemed to be engaged in an Iran discouraged ac-
2 tivity, if—

3 “(A) with regard to activities on the date
4 this section becomes effective, the business enti-
5 ty limits its activity to continuing existing con-
6 tracts, without extension or expansion (except
7 that an investment (as defined in section 14 of
8 the Iran Sanctions Act of 1996 (Public Law
9 104–172; 50 U.S.C. 1701 note)) that would
10 subject a business entity to sanctions under sec-
11 tion 5 of the Iran Sanctions Act of 1996 shall
12 be considered an Iran discouraged activity, not-
13 withstanding contracts entered into prior to the
14 effective date of this section), and

15 “(B) with regard to any Iran discouraged
16 activity carried on under contracts entered into
17 or expanded after the effective date of this sec-
18 tion, the contract was entered into at a time
19 when the business entity did not own or control
20 the subsidiary business entity, and after acquir-
21 ing such ownership or control the business enti-
22 ty has not extended or expanded or renewed
23 such contract.

24 “(3) TAXPAYER SELF-HELP.—Until such time
25 as the Secretary publishes a list of those engaging

1 in Iran discouraged activities or if the Secretary fails
2 to update that list as required in paragraph (1), the
3 taxpayer may determine, using credible, publicly
4 available information, which business entities engage
5 in an Iran discouraged activity.

6 **“(c) DEFINITIONS RELATING TO DISCOURAGED AC-
7 TIVITIES.—**

8 **“(1) FOREIGN TERRORIST ORGANIZATION.—**
9 The term ‘foreign terrorist organization’ means an
10 organization designated under section 219 of the
11 Immigration and Nationality Act (8 U.S.C. 1189) as
12 a foreign terrorist organization.

13 **“(2) IRAN DISCOURAGED ACTIVITY.—**The term
14 ‘Iran discouraged activity’ means—

15 **“(A) engaging in an investment activity**
16 described in section 202(c) of the Comprehen-
17 sive Iran Sanctions, Accountability, and Divest-
18 ment Act of 2010 (22 U.S.C. 8532(c));

19 **“(B) engaging in an activity described in**
20 section 5(a) of the Iran Sanctions Act of 1996
21 (Public Law 104–172; 50 U.S.C. 1701 note); or

22 **“(C) conducting business with or making**
23 any charitable donation to any Iranian person
24 designated as a terrorist or to any foreign ter-
25 rorist organization.

1 “(3) TERRORIST.—The term ‘terrorist’ means a
2 person designated or otherwise individually identified
3 in or pursuant to an executive order that is related
4 to terrorism and issued under the authority of the
5 International Emergency Economic Powers Act (50
6 U.S.C. 1701 et seq.) or section 5 of the United Na-
7 tions Participation Act of 1945 (22 U.S.C. 287c) for
8 the purpose of imposing on such organization an
9 economic or other sanction.

10 “(d) DEFINITIONS AND SPECIAL RULES RELATING
11 TO SECURITIES AND REPLACEMENT PROPERTY.—In this
12 section:

13 “(1) QUALIFIED SECURITY.—

14 “(A) IN GENERAL.—The term ‘qualified
15 security’ means any security held by a taxpayer
16 in any business entity that is engaged in an
17 Iran discouraged activity.

18 “(B) EXCEPTION.—Such term shall not in-
19 clude any security purchased or otherwise ac-
20 quired after the date of the enactment of this
21 section which, at the time of such purchase or
22 acquisition, was issued by a business entity
23 then engaged in an Iran discouraged activity.

1 “(C) SECURITY DEFINED.—The term ‘se-
2 curity’ has the meaning given such term by sec-
3 tion 165(g)(2).

4 “(2) QUALIFIED REPLACEMENT PROPERTY.—

5 “(A) IN GENERAL.—The term ‘qualified
6 replacement property’ means any security of a
7 business entity that, on the date of purchase by
8 the taxpayer—

9 “(i) is not engaged in an Iran discour-
10 aged activity on such date,

11 “(ii) is not a member of an expanded
12 affiliated group, any member of which is
13 engaged in an Iran discouraged activity on
14 such date, and

15 “(iii) meets the requirements of sub-
16 paragraph (B).

17 “(B) REPLACEMENT PROPERTY.—Property
18 meets the requirements of this paragraph if,
19 with respect to the sale of any security—

20 “(i) except as provided in clause (ii),
21 in the case that the security is a share of
22 stock in a corporation, the replacement
23 property is a share of stock in a corpora-
24 tion,

1 “(ii) in the case that the security is a
2 share of stock of a regulated investment
3 company, real estate investment trust,
4 hedge fund, investment partnership, or
5 similar business entity, the replacement
6 property is a share of stock in a regulated
7 investment company, real estate invest-
8 ment trust, hedge fund, investment part-
9 nership, or similar business entity,

10 “(iii) in the case that the security is
11 a right to subscribe for, or to receive, a
12 share of stock in a corporation, the re-
13 placement property is a right to subscribe
14 for, or to receive, a share of stock in a cor-
15 poration, and

16 “(iv) in the case that the security is
17 a bond, debenture, note, or certificate, or
18 other evidence of indebtedness issued by a
19 corporation, with interest coupons or in
20 registered form, the replacement property
21 is a bond, debenture, note, or certificate,
22 or other evidence of indebtedness issued by
23 a corporation, with interest coupons or in
24 registered form.

1 “(C) DEEMED INVESTMENT IF INVESTING
2 IN ENTITIES ENGAGED IN DISCOURAGED AC-
3 TIVITIES.—Any regulated investment company,
4 real estate investment trust, hedge fund, invest-
5 ment partnership, or similar business entity,
6 which invests in the securities—

7 “(i) issued by a business entity deter-
8 mined to be engaging in Iran discouraged
9 activities, or

10 “(ii) issued by the Government of
11 Iran or any agency thereof,
12 shall be deemed to be a business entity engag-
13 ing in Iran discouraged activities.

14 “(D) BUSINESS DECLARATION OF POL-
15 ICY.—

16 “(i) IN GENERAL.—Notwithstanding
17 any other provision of this section, in the
18 case of a business entity described in
19 clause (iii), a security in such business en-
20 tity shall not be treated as qualified re-
21 placement property unless the business en-
22 tity has made the following declaration: ‘It
23 is our policy not to make investments in
24 business entities which engage in Iran dis-
25 couraged activities as defined in section

1 1046 of the Internal Revenue Code of
2 1986, and to use due diligence to avoid
3 making such investments. It is our policy
4 to divest on or before December 31, 2010,
5 from business entities engaged in Iran dis-
6 couraged activities.'.

1 “(ii) without regard to paragraphs (2)
2 and (4) of section 1504(b).

3 “(F) BASIS ADJUSTMENTS.—If gain from
4 any sale is not recognized by reason of sub-
5 section (a), such gain shall be applied to reduce
6 (in the order acquired) the basis for deter-
7 mining gain or loss of any qualified replacement
8 property which is purchased by the taxpayer
9 during the 30-day period described in sub-
10 section (a).

11 “(G) HOLDING PERIOD.—For purposes of
12 determining the period for which the taxpayer
13 has held qualified replacement property the ac-
14 quisition of which resulted in the nonrecognition
15 under subsection (a) of any part of the gain re-
16 alized on the sale of a qualified security, there
17 shall be included the period for which such
18 qualified security had been held by the tax-
19 payer.

20 “(3) SPECIAL RULE FOR SECURITIES OF CER-
21 TAIN ENTITIES.—

22 “(A) IN GENERAL.—For any business enti-
23 ty described in subparagraph (C), a security in
24 such business entity shall be treated as quali-
25 fied replacement property if the business entity

1 has made the following declaration: 'It is our
2 policy not to make investments in any person
3 having an investment in, or carrying on a trade
4 or business (within the meaning of section 162)
5 in or with, Iran. This policy may or may not in-
6 clude investments concerning the provision of
7 food, medicine, humanitarian services in or to
8 Iran.'

9 “(B) NOT QUALIFIED SECURITY.—If a
10 business entity described in subparagraph (C)
11 has made the declaration specified in subpara-
12 graph (A), then from the time of such declara-
13 tion an interest in such business entity shall not
14 be treated as a qualified security.

15 “(C) BUSINESS ENTITY DESCRIBED.—A
16 business entity described in this subparagraph
17 is a regulated investment company, real estate
18 investment trust, hedge fund, investment part-
19 nership, or similar business entity.

20 “(D) CERTAIN BUSINESS ENTITIES AS RE-
21 PLACEMENT PROPERTY.—A business entity de-
22 scribed in subparagraph (C) making the dec-
23 laration described in subparagraph (A) may
24 qualify as replacement property if it has adopt-
25 ed restrictions on investment in persons that in-

18 “(4) BUSINESS ENTITY.—The term ‘business
19 entity’ means any corporation, limited liability part-
20 nership, limited liability company, or any other busi-
21 ness entity conducting business activities in which
22 the taxpayer has purchased or can purchase securi-
23 ties.

24 "(e) TERMINATION.—Subsection (a) shall not apply
25 with respect to any Iran discouraged activity on or after

1 the date on which the President makes the certification
2 described in section 401(a) of the Comprehensive Iran
3 Sanctions, Accountability, and Divestment Act of 2010
4 (22 U.S.C. 8551(a)).”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 for part III of subchapter O of chapter 1 of such Code
7 is amended by adding at the end the following new item:

“Sec. 1046. Rollover of gain from divesting certain qualified securities of business entities engaged in discouraged activities in Iran.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply with respect to sales of securities
10 after the date of the enactment of this Act.

11 **TITLE IV—PROHIBITION ON**
12 **UNITED STATES GOVERN-**
13 **MENT CONTRACTS AND IN-**
14 **VESTMENT FOR COMPANIES**
15 **CONDUCTING BUSINESS IN**
16 **IRAN**

17 **SEC. 401. DEFINITIONS.**

18 In this title:

19 (1) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—The term “appropriate congressional com-
21 mittees” means—

22 (A) the Committee on Banking, Housing,
23 and Urban Affairs, the Committee on Foreign

1 Relations, and the Select Committee on Intel-
2 ligence of the Senate; and

1 **SEC. 402. EXPANSION OF PROHIBITION ON UNITED STATES**2 **GOVERNMENT CONTRACTS FOR PERSONS**
3 **THAT CONDUCT BUSINESS OPERATIONS IN**
4 **IRAN.**

5 (a) IN GENERAL.—Section 6(b) of the Iran Sanctions

6 Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note)

7 is amended—

8 (1) in paragraph (1), by striking “does not en-
9 gage in any activity for which sanctions may be im-
10 posed under section 5.” and inserting the following:
11 “does not—12 “(A) engage in any activity for which sanc-
13 tions may be imposed under section 5;14 “(B) export sensitive technology (as de-
15 fined in paragraph (6)) to Iran; or16 “(C) engage in any activity described in
17 section 203(a) of the Stop Iran’s Nuclear
18 Weapons Program Act of 2010.”;

19 (2) in paragraph (5)—

20 (A) by striking “The President may” and
21 inserting the following:22 “(A) IN GENERAL.—The President may”;
23 and

24 (B) by adding at the end the following:

25 “(B) REPORTING REQUIREMENT.—Not
26 later than 120 days after the date of the enact-

9 “(6) DEFINITIONS.—In this subsection:

10 “(A) EXECUTIVE AGENCY.—The term ‘ex-
11 ecutive agency’ has the meaning given that
12 term in section 4 of the Office of Federal Pro-
13 curement Policy Act (41 U.S.C. 403).

14 “(B) SENSITIVE TECHNOLOGY.—

1 “(ii) EXCEPTION.—The term ‘sen-
2 sitive technology’ does not include informa-
3 tion or informational materials the expor-
4 tation of which the President does not have
5 the authority to regulate or prohibit pursu-
6 ant to section 203(b)(3) of the Inter-
7 national Emergency Economic Powers Act
8 (50 U.S.C. 1702(b)(3)).”.

9 (b) IMPLEMENTATION THROUGH THE FEDERAL AC-
10 QUISITION REGULATION.—Not later than 120 days after
11 the date of the enactment of this Act, the Federal Acquisi-
12 tion Regulation issued pursuant to section 25 of the Office
13 of Federal Procurement Policy Act (41 U.S.C. 421) shall
14 be revised to provide for the implementation of the amend-
15 ments made by subsection (a).

16 (c) CONFORMING AMENDMENTS.—
17 (1) Section 106 of the Comprehensive Iran
18 Sanctions, Accountability, and Divestment Act of
19 2010 (22 U.S.C. 8515) is amended to read as fol-
20 lows:

1 **“SEC. 106. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
2 **PORT ON EFFECT OF PROHIBITION ON GOV-**
3 **ERNMENT PROCUREMENT FROM PERSONS**
4 **THAT EXPORT SENSITIVE TECHNOLOGY TO**
5 **IRAN.**

6 “Not later than 1 year after the date of the enact-
7 ment of this Act, the Comptroller General of the United
8 States shall submit to the appropriate congressional com-
9 mittees, the Committee on Armed Services of the Senate,
10 and the Committee on Armed Services of the House of
11 Representatives, a report assessing the extent to which ex-
12 ecutive agencies would have entered into or renewed con-
13 tracts for the procurement of goods or services with per-
14 sons that export sensitive technology to Iran if the prohibi-
15 tion under section 6(b)(1)(B) of the Iran Sanctions Act
16 of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) were
17 not in effect.”.

18 (2) The table of contents for the Comprehensive
19 Iran Sanctions, Accountability, and Divestment Act
20 of 2010 is amended by striking the item relating to
21 section 106 and inserting the following:

“Sec. 106. Government Accountability Office report on effect of prohibition on
government procurement from persons that export sensitive
technology to Iran.”.

1 **SEC. 403. PROHIBITION ON PROVISION OF FEDERAL**
2 **GRANTS, LOANS, OR OTHER ASSISTANCE TO**
3 **PERSONS THAT CONDUCT BUSINESS OPER-**
4 **ATIONS IN IRAN.**

5 (a) **IN GENERAL.**—Notwithstanding any other provi-
6 sion of law, the head of each executive agency shall require
7 any person seeking Federal funds in the form of a grant,
8 loan, or loan guarantee, insurance or reinsurance, or tech-
9 nical assistance from the agency to certify that the person
10 does not—

11 (1) engage in any activity for which sanctions
12 may be imposed under section 5 of the Iran Sanc-
13 tions Act of 1996 (Public Law 104–172; 50 U.S.C.
14 1701 note);

15 (2) export sensitive technology (as defined in
16 section 6(b)(6) of the Iran Sanctions Act of 1996)
17 to Iran; or

18 (3) engage in any activity described in section
19 203(a) of this Act.

20 (b) **WAIVER.**—The President may waive the require-
21 ment under subsection (a) on a case-by-case basis if the
22 President determines and certifies in writing to the appro-
23 priate congressional committees that it is in the national
24 interest of the United States to do so.

1 **SEC. 404. REPORT ON EXPANSION OF PROHIBITION ON**
2 **UNITED STATES GOVERNMENT CONTRACTS**
3 **FOR, AND PROHIBITION ON PROVISION OF**
4 **FEDERAL GRANTS, LOANS, AND OTHER AS-**
5 **SISTANCE TO, PERSONS THAT CONDUCT**
6 **BUSINESS OPERATIONS IN IRAN.**

7 Not later than one year after the date on which the
8 Federal Acquisition Regulation is revised pursuant to sec-
9 tion 402(b) to provide for the implementation of the
10 amendments made by section 402(a), the Administrator
11 of General Services, in consultation with the heads of
12 other executive agencies, shall submit to the Office of
13 Management and Budget and the appropriate congres-
14 sional committees a report on the actions taken pursuant
15 to such amendments and section 403.

16 **SEC. 405. DIVESTITURE FROM IRAN BY UNITED STATES**
17 **GOVERNMENT RETIREMENT SYSTEMS.**

18 (a) **DIVESTITURE FROM IRAN.**—The managers of
19 each Government retirement system (including any thrift
20 savings plan) shall take, to the extent consistent with the
21 legal and fiduciary duties otherwise imposed on them, im-
22 mediate steps to divest all investments in any entity with
23 respect to which sanctions are imposed for activities de-
24 scribed in section 5(a) of the Iran Sanctions Act of 1996
25 (Public Law 104-172; 50 U.S.C. 1701 note), section

1 6(b)(1)(B) of the Iran Sanctions Act of 1996, as amended
2 by section 402 of this Act, or section 203(a) of this Act.

3 (b) PROHIBITION ON FUTURE INVESTMENT.—The
4 managers of each Government retirement system (includ-
5 ing any thrift savings plan) shall ensure that there is no
6 future investment in any entity described in subsection (a)
7 for the duration of the period of time during which the
8 entity is sanctioned under the applicable provision of law
9 described in subsection (a).

10 (c) GOVERNMENT RETIREMENT SYSTEM DE-
11 FINED.—In this section, the term “Government retire-
12 ment system” means a retirement system established by
13 law for employees of the Government of the United States.

14 **SEC. 406. SUNSET.**

15 The provisions of this title (other than the amend-
16 ments made by section 402) shall terminate on the date
17 that is 30 days after the date on which the President
18 makes the certification described in section 401(a) of the
19 Comprehensive Iran Sanctions, Accountability, and Di-
20 vestment Act of 2010 (22 U.S.C. 8551(a)).

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