

118TH CONGRESS
1ST SESSION

S. 3028

To continue in effect certain Executive orders imposing sanctions with respect to Iran, to prevent the waiver of certain sanctions imposed by the United States with respect to Iran until the Government of Iran ceases to attempt to assassinate United States officials, other United States citizens, and Iranian nationals residing in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2023

Ms. ERNST (for herself, Mr. GRAHAM, Mr. HAGERTY, Mr. CRUZ, Mr. RUBIO, Mr. CRAMER, Mr. SCOTT of Florida, Mr. BRAUN, Mr. HOEVEN, Mr. WICKER, Mr. BOOZMAN, Mr. CRAPO, Mr. THUNE, Mrs. BRITT, and Mr. BARRASSO) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To continue in effect certain Executive orders imposing sanctions with respect to Iran, to prevent the waiver of certain sanctions imposed by the United States with respect to Iran until the Government of Iran ceases to attempt to assassinate United States officials, other United States citizens, and Iranian nationals residing in the United States, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Preventing Under-
3 handed and Nefarious Iranian Supported Homicides Act
4 of 2023” or the “PUNISH Act of 2023”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
8 **TEES.**—The term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Armed Services, the
11 Committee on Foreign Relations, the Com-
12 mittee on Appropriations, and the Select Com-
13 mittee on Intelligence of the Senate; and

14 (B) the Committee on Armed Services, the
15 Committee on Foreign Affairs, the Committee
16 on Appropriations, and the Permanent Select
17 Committee on Intelligence of the House of Rep-
18 resentatives.

19 (2) **COVERED EXECUTIVE ORDER.**—The term
20 “covered Executive order” means any of the fol-
21 lowing:

22 (A) Executive Order 13871 (50 U.S.C.
23 1701 note; relating to imposing sanctions with
24 respect to the iron, steel, aluminum, and copper
25 sectors of Iran), as in effect on May 10, 2019.

1 (B) Executive Order 13876 (50 U.S.C.
2 1701 note; relating to imposing sanctions with
3 respect to Iran), as in effect on June 24, 2019.

4 (C) Executive Order 13902 (50 U.S.C.
5 1701 note; relating to imposing sanctions with
6 respect to additional sectors of Iran), as in ef-
7 fect on January 10, 2020.

8 (D) Executive Order 13949 (50 U.S.C.
9 1701 note; relating to blocking property of cer-
10 tain persons with respect to the conventional
11 arms activities of Iran), as in effect on Sep-
12 tember 21, 2020.

13 (3) COVERED PROVISION OF LAW.—The term
14 “covered provision of law” means any of the fol-
15 lowing:

16 (A) This Act.

17 (B) Each covered Executive order.

18 (C) The Iran Sanctions Act of 1996 (Pub-
19 lic Law 104–172; 50 U.S.C. 1701 note).

20 (D) The Comprehensive Iran Sanctions,
21 Accountability, and Divestment Act of 2010 (22
22 U.S.C. 8501 et seq.).

23 (E) Section 1245 of the National Defense
24 Authorization Act for Fiscal Year 2012 (22
25 U.S.C. 8513a).

1 (F) The Iran Threat Reduction and Syria
 2 Human Rights Act of 2012 (22 U.S.C. 8701 et
 3 seq.).

4 (G) The Iran Freedom and Counter-Pro-
 5 liferation Act of 2012 (22 U.S.C. 8801 et seq.).

6 (H) Title I of the Countering America's
 7 Adversaries Through Sanctions Act (22 U.S.C.
 8 9401 et seq.).

9 (I) The International Emergency Economic
 10 Powers Act (50 U.S.C. 1701 et seq.).

11 (4) GOVERNMENT OF IRAN.—The term “Gov-
 12 ernment of Iran” includes—

13 (A) any agency or instrumentality of the
 14 Government of Iran; and

15 (B) any person owned or controlled by that
 16 Government.

17 **SEC. 3. CONTINUATION IN EFFECT OF CERTAIN EXECUTIVE**
 18 **ORDERS IMPOSING SANCTIONS WITH RE-**
 19 **SPECT TO IRAN.**

20 (a) IN GENERAL.—Each covered Executive order
 21 shall remain in effect and continue to apply, and may not
 22 be modified, until the termination date described in section
 23 10.

24 (b) CONTINUATION IN EFFECT OF SANCTIONS DES-
 25 IGNATIONS.—With respect to each person designated for

1 the imposition of sanctions pursuant to a covered Execu-
2 tive order before the date of the enactment of this Act,
3 the designation of the person, and sanctions applicable to
4 the person pursuant to the designation, shall remain in
5 effect and continue to apply, and may not be modified,
6 until the termination date described in section 10.

7 (c) PUBLICATION.—In publishing this Act in slip
8 form and in the United States Statutes at Large pursuant
9 to section 112 of title 1, United States Code, the Archivist
10 of the United States shall include at the end an appendix
11 setting forth the text of each covered Executive order.

12 **SEC. 4. CONTINUATION IN EFFECT OF NATIONAL EMER-**
13 **GENCIES DECLARED WITH RESPECT TO IRAN.**

14 (a) IN GENERAL.—Notwithstanding subsection
15 (a)(2) or (d) of section 202 of the National Emergencies
16 Act (50 U.S.C. 1622), the national emergencies specified
17 in subsection (b) shall remain in effect and continue to
18 apply, and may not be modified, until the termination date
19 described in section 10.

20 (b) NATIONAL EMERGENCIES SPECIFIED.—The na-
21 tional emergencies specified in this subsection are the fol-
22 lowing national emergencies declared with respect to Iran:

23 (1) The national emergency declared by Execu-
24 tive Order 12170 (50 U.S.C. 1701 note; relating to
25 blocking Iranian Government property) and most re-

1 cently continued by the Notice of the President
2 issued November 8, 2022 (87 Fed. Reg. 68,013).

3 (2) The national emergency declared by Execu-
4 tive Order 12957 (50 U.S.C. 1701 note; relating to
5 prohibiting certain transactions with respect to the
6 development of Iranian petroleum resources) and
7 most recently continued by the Notice of the Presi-
8 dent issued March 10, 2023 (88 Fed. Reg. 15,595).

9 **SEC. 5. CONTINUATION IN EFFECT OF SANCTIONS WITH RE-**
10 **SPECT TO THE CENTRAL BANK OF IRAN, THE**
11 **NATIONAL DEVELOPMENT FUND OF IRAN,**
12 **THE ETEMAD TEJARTE PARS COMPANY, THE**
13 **NATIONAL IRANIAN OIL COMPANY, AND THE**
14 **NATIONAL IRANIAN TANKER COMPANY**
15 **UNDER EXECUTIVE ORDER 13224.**

16 With respect to each Iranian person designated on
17 January 1, 2021, for the imposition of sanctions under
18 Executive Order 13224 (50 U.S.C. 1701 note; relating to
19 blocking property and prohibiting transactions with per-
20 sons who commit, threaten to commit, or support ter-
21 rorism), as in effect on September 9, 2019, the designa-
22 tion of the person, and sanctions applicable to the person
23 pursuant to the designation, shall remain in effect and
24 continue to apply, and may not be modified, until the ter-
25 mination date described in section 10.

1 **SEC. 6. CONTINUATION IN EFFECT OF FOREIGN TER-**
2 **RORIST ORGANIZATION DESIGNATION OF**
3 **THE ISLAMIC REVOLUTIONARY GUARD**
4 **CORPS.**

5 The designation of the Islamic Revolutionary Guard
6 Corps as a foreign terrorist organization under section
7 219 of the Immigration and Nationality Act (8 U.S.C.
8 1189), and sanctions applicable to the Islamic Revolu-
9 tionary Guard Corps pursuant to that designation, shall
10 remain in effect and continue to apply, and may not be
11 modified, until the termination date described in section
12 10.

13 **SEC. 7. PROHIBITION ON SANCTIONS RELIEF FOR IRANIAN**
14 **FINANCIAL INSTITUTIONS, INCLUDING WITH**
15 **RESPECT TO PETROLEUM PURCHASES FROM**
16 **IRAN.**

17 Section 1245(d) of the National Defense Authoriza-
18 tion Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)) is
19 amended by striking paragraph (4) and inserting the fol-
20 lowing:

21 “(4) **LIMITATION ON AUTHORITY.**—The Presi-
22 dent may not exercise the authority under paragraph
23 (5) to waive the imposition of sanctions under para-
24 graph (1), or issue any license to authorize the pur-
25 chase of petroleum or petroleum products from Iran,
26 unless the determination set forth in the most recent

1 report submitted under subsection (a) of section 9 of
2 the Preventing Underhanded and Nefarious Iranian
3 Supported Homicides Act of 2023 was a determina-
4 tion that the Government of Iran has not engaged
5 in any of activities described in subsection (b) of
6 that section during the 5-year period preceding sub-
7 mission of the report.”.

8 **SEC. 8. LIMITATION ON WAIVER, SUSPENSION, OR REDUC-**
9 **TION OF SANCTIONS WITH RESPECT TO IRAN.**

10 The President may not waive, suspend, reduce, pro-
11 vide relief from, or otherwise limit the application of sanc-
12 tions imposed pursuant to any covered provision of law
13 unless, in addition to the requirements for a waiver under
14 that provision of law, the determination set forth in the
15 most recent report submitted under subsection (a) of sec-
16 tion 9 was a determination that the Government of Iran
17 has not engaged in any of activities described in subsection
18 (b) of that section during the 5-year period preceding sub-
19 mission of the report.

1 **SEC. 9. DETERMINATION ON THE CESSATION OF IRANIAN-**
2 **SPONSORED ASSASSINATIONS OR AT-**
3 **TEMPTED ASSASSINATIONS OF UNITED**
4 **STATES CITIZENS AND IRANIAN RESIDENTS**
5 **OF THE UNITED STATES.**

6 (a) DETERMINATION REQUIRED.—Not later than
7 180 days after the date of the enactment of this Act, and
8 every 180 days thereafter, the Secretary of State, in con-
9 sultation with the Secretary of Defense, the Director of
10 National Intelligence, and the Secretary of the Treasury,
11 shall submit to the appropriate congressional committees
12 a report setting forth a determination of whether the Gov-
13 ernment of Iran or any foreign person (including any for-
14 eign financial institution) has directly or indirectly or-
15 dered, controlled, directed, or otherwise supported (includ-
16 ing through the use of Iranian agents or affiliates of the
17 Government of Iran, including Hezbollah, Hamas, Kata'ib
18 Hezbollah, Palestinian Islamic Jihad, or any other entity
19 determined to be such an agent or affiliate) any of the
20 activities described in subsection (b) during the 5-year pe-
21 riod preceding submission of the report.

22 (b) ACTIVITIES DESCRIBED.—The activities de-
23 scribed in this subsection are—

24 (1) the murder, attempted murder, assault, or
25 other use or threat to use violence against—

1 (A) any current or former official of the
2 Government of the United States, wherever lo-
3 cated;

4 (B) any United States citizen or alien law-
5 fully admitted for permanent residence in the
6 United States, wherever located; or

7 (C) any Iranian national residing in the
8 United States; or

9 (2) the politically motivated intimidation, abuse,
10 extortion, or detention or trial—

11 (A) in Iran, of a United States citizen or
12 alien lawfully admitted for permanent residence
13 in the United States; or

14 (B) outside of Iran, of an Iranian national
15 or resident or individual of Iranian origin.

16 **SEC. 10. TERMINATION DATE.**

17 The termination date described in this section is the
18 date that is 30 days after the date on which the President
19 submits to Congress the certification described in section
20 401(a) of the Comprehensive Iran Sanctions, Account-
21 ability, and Divestment Act of 2010 (22 U.S.C. 8551(a)).

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