

105TH CONGRESS
1ST SESSION

S. 1311

To impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 1997

Mr. LOTT (for himself, Mr. LIEBERMAN, Mr. McCONNELL, Mr. REID, Mr. D'AMATO, Mrs. BOXER, Mr. COVERDELL, Mr. HELMS, Mr. DURBIN, Mr. MCCAIN, Mr. BROWNBACK, Mr. BENNETT, Mr. CAMPBELL, Mr. FEINGOLD, Mr. MACK, Mr. SHELBY, Mr. WYDEN, Mr. HUTCHINSON, Mrs. FEINSTEIN, Mr. HOLLINGS, Ms. MIKULSKI, Mr. NICKLES, Mr. CLELAND, Mr. INOUE, Mr. DORGAN, Mr. BRYAN, Mr. ABRAHAM, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

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 Missile Prolifera-
5 tion Sanctions Act of 1997".

1 **SEC. 2. REPORTS ON MISSILE PROLIFERATION TO IRAN.**

2 (a) **REPORTS.**—Except as provided in subsection (c),
3 at the times specified in subsection (b), the President shall
4 submit to the Committee on International Relations of the
5 House of Representatives and the Committee on Foreign
6 Relations of the Senate a report identifying every foreign
7 person with respect to whom there is credible evidence in-
8 dicating that that person, on or after August 8, 1995—

9 (1) transferred goods or technology, or provided
10 technical assistance or facilities, that contributed to
11 Iran’s efforts to acquire, develop, or produce ballistic
12 missiles; or

13 (2) attempted to transfer goods or technology,
14 or attempted to provide technical assistance or facili-
15 ties, that would have contributed to Iran’s efforts to
16 acquire, develop, or produce ballistic missiles.

17 (b) **TIMING OF REPORTS.**—The reports under sub-
18 section (a) shall be submitted not later than 30 days after
19 the date of the enactment of this Act, not later than 180
20 days after such date of enactment, not later than 360 days
21 after such date of enactment, and annually thereafter.

22 (c) **EXCEPTION FOR PERSONS PREVIOUSLY IDENTI-**
23 **FIED OR SANCTIONED OR SUBJECT TO WAIVER.**—Any
24 person who—

25 (1) was identified in a previous report submit-
26 ted pursuant to subsection (a);

1 (2) has engaged in a transfer or transaction
 2 that was the basis for the imposition of sanctions
 3 with respect to that person pursuant to section 73
 4 of the Arms Export Control Act or section 1604 of
 5 the Iran-Iraq Arms Non-Proliferation Act of 1992;
 6 or

7 (3) may have engaged in a transfer or trans-
 8 action, or made an attempt, that was the subject of
 9 a waiver pursuant to section 4,

10 is not required to be identified on account of that same
 11 transfer, transaction, or attempt, in any report thereafter
 12 submitted pursuant to this section.

13 **SEC. 3. IMPOSITION OF SANCTIONS.**

14 (a) REQUIREMENT TO IMPOSE SANCTIONS.—

15 (1) REQUIREMENT TO IMPOSE SANCTIONS.—

16 The sanctions described in subsection (b) shall be
 17 imposed on—

18 (A) any foreign person identified under
 19 subsection (a)(1) of section 2 in a report sub-
 20 mitted pursuant to that section; and

21 (B) any foreign person identified under
 22 subsection (a)(2) of section 2 in a report sub-
 23 mitted pursuant to that section, if that person
 24 has been identified in that report or a previous

1 report as having made at least 1 other attempt
2 described in subsection (a)(2) of that section.

3 (2) EFFECTIVE DATE OF SANCTIONS.—The
4 sanctions shall be effective—

5 (A) 30 days after the date on which the re-
6 port triggering the sanction is submitted, if the
7 report is submitted on or before the date re-
8 quired by section 2(b);

9 (B) 30 days after the date required by sec-
10 tion 2(b) for submitting the report, if the report
11 triggering the sanction is submitted within 30
12 days after that date; and

13 (C) immediately after the report triggering
14 the sanction is submitted, if that report is sub-
15 mitted more than 30 days after the date re-
16 quired by section 2(b).

17 (b) DESCRIPTION OF SANCTIONS.—The sanctions re-
18 ferred to in subsection (a) that are to be imposed on a
19 foreign person described in that subsection are the follow-
20 ing:

21 (1) ARMS EXPORT SANCTION.—For a period of
22 not less than 2 years, the United States Government
23 shall not sell to that person any item on the United
24 States Munitions List as of August 8, 1995, and
25 shall terminate sales to that person of any defense

1 articles, defense services, or design and construction
2 services under the Arms Export Control Act.

3 (2) DUAL USE SANCTION.—For a period of not
4 less than 2 years, the authorities of section 6 of the
5 Export Administration Act of 1979 shall be used to
6 prohibit the export of any goods or technology on
7 the control list established pursuant to section
8 5(c)(1) of that Act to that person.

9 (3) UNITED STATES ASSISTANCE.—For a pe-
10 riod of not less than 2 years, the United States Gov-
11 ernment shall not provide any assistance in the form
12 of grants, loans, credits, guarantees, or otherwise, to
13 that person.

14 **SEC. 4. WAIVER.**

15 The President may waive the imposition of any sanc-
16 tion that otherwise would be required to be imposed pursu-
17 ant to section 3 on any foreign person 15 days after the
18 President determines and reports to the Committee on
19 International Relations of the House of Representatives
20 and the Committee on Foreign Relations of the Senate
21 that, on the basis of information provided by the person,
22 or otherwise obtained by the President, the President is
23 persuaded that the person did not, on or after August 8,
24 1995—

1 (1) transfer goods or technology, or provide
2 technical assistance or facilities, that contributed to
3 Iran's efforts to acquire, develop, or produce ballistic
4 missiles; or

5 (2) attempt on more than one occasion to
6 transfer goods or technology, or to provide technical
7 assistance or facilities, that would have contributed
8 to Iran's efforts to acquire, develop, or produce bal-
9 listic missiles.

10 **SEC. 5. ADDITIONAL INFORMATION REGARDING ACTIONS**
11 **BY GOVERNMENT OF PRIMARY JURISDIC-**
12 **TION.**

13 As part of each report submitted pursuant to section
14 2, the President shall include the following information
15 with respect to each person identified in that report:

16 (1) A statement regarding whether the govern-
17 ment of primary jurisdiction over that person was
18 aware of the activities that were the basis for the
19 identification of that individual in the report.

20 (2) If the government of primary jurisdiction
21 was not aware of the activities that were the basis
22 for the identification of that individual in the report,
23 an explanation of the reasons why the United States
24 Government did not inform that government of those
25 activities.

1 (3) If the government of primary jurisdiction
2 was aware of the activities that were the basis for
3 the identification of that individual in the report, a
4 description of the efforts, if any, undertaken by that
5 government to prevent those activities, and an as-
6 sessment of the effectiveness of those efforts, includ-
7 ing an explanation of why those efforts failed.

8 (4) If the government of primary jurisdiction
9 was aware of the activities that were the basis for
10 the identification of that individual in the report and
11 failed to undertake effective efforts to prevent those
12 activities, a description of any sanctions that have
13 been imposed on that government by the United
14 States Government because of such failure.

15 **SEC. 6. DEFINITIONS.**

16 In this Act:

17 (1) GOVERNMENT OF PRIMARY JURISDIC-
18 TION.—The term “government of primary jurisdic-
19 tion” means the government under whose laws a for-
20 eign person is organized, or the government of the
21 place where a foreign person is headquartered or ha-
22 bitually resides.

23 (2) FOREIGN PERSON.—The term “foreign per-
24 son” means a natural person as well as a corpora-
25 tion, business association, partnership, society, trust,

1 any other nongovernmental entity, organization, or
2 group, and any governmental entity operating as a
3 business enterprise, and any successor or subsidiary
4 of any such entity that is organized, headquartered,
5 or habitually resides outside the United States.

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