

114TH CONGRESS
2D SESSION

H. R. 4342

To impose sanctions on persons that transfer to or from Iran advanced conventional weapons or ballistic missiles, or technology, parts, components, or technical information related to advanced conventional weapons or ballistic missiles.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2016

Mr. DELANEY (for himself and Mr. KENNEDY) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, the Judiciary, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To impose sanctions on persons that transfer to or from Iran advanced conventional weapons or ballistic missiles, or technology, parts, components, or technical information related to advanced conventional weapons or 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 Ballistic Missile
5 Prevention and Sanctions Act of 2016”.

1 **SEC. 2. SANCTIONS ON PERSONS THAT TRANSFER TO OR**
2 **FROM IRAN ADVANCED CONVENTIONAL**
3 **WEAPONS OR BALLISTIC MISSILES, OR TECH-**
4 **NOLOGY, PARTS, COMPONENTS, OR TECH-**
5 **NICAL INFORMATION RELATED TO AD-**
6 **VANCED CONVENTIONAL WEAPONS OR BAL-**
7 **LISTIC MISSILES.**

8 (a) IN GENERAL.—The President shall impose 5 or
9 more of the sanctions described in subsection (b)(1) with
10 respect to a person if the President determines that the
11 person knowingly, on or after the date of enactment of
12 this Act, transfers to or from Iran advanced conventional
13 weapons or ballistic missiles, or technology, parts, compo-
14 nents, or technical information related to advanced con-
15 ventional weapons or ballistic missiles. For purposes of
16 this section, any person or entity described in this sub-
17 section shall be referred to as a “sanctioned person”.

18 (b) SANCTIONS.—

19 (1) IN GENERAL.—The sanctions to be imposed
20 on a sanctioned person under subsection (a) are as
21 follows:

22 (A) EXPORT-IMPORT BANK ASSISTANCE
23 FOR EXPORTS TO SANCTIONED PERSONS.—The
24 President may direct the Export-Import Bank
25 of the United States not to give approval to the
26 issuance of any guarantee, insurance, extension

1 of credit, or participation in the extension of
2 credit in connection with the export of any
3 goods or services to any sanctioned person.

4 (B) EXPORT SANCTION.—The President
5 may order the United States Government not to
6 issue any specific license and not to grant any
7 other specific permission or authority to export
8 any goods or technology to a sanctioned person
9 under—

10 (i) the Export Administration Act of
11 1979 (as continued in effect under the
12 International Emergency Economic Powers
13 Act);

14 (ii) the Arms Export Control Act;

15 (iii) the Atomic Energy Act of 1954;

16 or

17 (iv) any other statute that requires
18 the prior review and approval of the
19 United States Government as a condition
20 for the export or reexport of goods or serv-
21 ices.

22 (C) LOANS FROM UNITED STATES FINAN-
23 CIAL INSTITUTIONS.—The United States Gov-
24 ernment may prohibit any United States finan-
25 cial institution from making loans or providing

1 credits to any sanctioned person totaling more
2 than \$10,000,000 in any 12-month period un-
3 less such person is engaged in activities to re-
4 lieve human suffering and the loans or credits
5 are provided for such activities.

6 (D) PROHIBITIONS ON FINANCIAL INSTI-
7 TUTIONS.—The following prohibitions may be
8 imposed against a sanctioned person that is a
9 financial institution:

10 (i) PROHIBITION ON DESIGNATION AS
11 PRIMARY DEALER.—Neither the Board of
12 Governors of the Federal Reserve System
13 nor the Federal Reserve Bank of New
14 York may designate, or permit the continu-
15 ation of any prior designation of, such fi-
16 nancial institution as a primary dealer in
17 United States Government debt instru-
18 ments.

19 (ii) PROHIBITION ON SERVICE AS A
20 REPOSITORY OF GOVERNMENT FUNDS.—
21 Such financial institution may not serve as
22 agent of the United States Government or
23 serve as repository for United States Gov-
24 ernment funds.

1 The imposition of either sanction under clause
2 (i) or (ii) shall be treated as 1 sanction for pur-
3 poses of subsection (a), and the imposition of
4 both such sanctions shall be treated as 2 sanc-
5 tions for purposes of subsection (a).

6 (E) PROCUREMENT SANCTION.—The
7 United States Government may not procure, or
8 enter into any contract for the procurement of,
9 any goods or services from a sanctioned person.

10 (F) FOREIGN EXCHANGE.—The President
11 may, pursuant to such regulations as the Presi-
12 dent may prescribe, prohibit any transactions in
13 foreign exchange that are subject to the juris-
14 diction of the United States and in which the
15 sanctioned person has any interest.

16 (G) BANKING TRANSACTIONS.—The Presi-
17 dent may, pursuant to such regulations as the
18 President may prescribe, prohibit any transfers
19 of credit or payments between financial institu-
20 tions or by, through, or to any financial institu-
21 tion, to the extent that such transfers or pay-
22 ments are subject to the jurisdiction of the
23 United States and involve any interest of the
24 sanctioned person.

1 (H) PROPERTY TRANSACTIONS.—The
2 President may, pursuant to such regulations as
3 the President may prescribe, prohibit any per-
4 son from—

5 (i) acquiring, holding, withholding,
6 using, transferring, withdrawing, trans-
7 porting, importing, or exporting any prop-
8 erty that is subject to the jurisdiction of
9 the United States and with respect to
10 which the sanctioned person has any inter-
11 est;

12 (ii) dealing in or exercising any right,
13 power, or privilege with respect to such
14 property; or

15 (iii) conducting any transaction in-
16 volving such property.

17 (I) BAN ON INVESTMENT IN EQUITY OR
18 DEBT OF SANCTIONED PERSON.—The President
19 may, pursuant to such regulations or guidelines
20 as the President may prescribe, prohibit any
21 United States person from investing in or pur-
22 chasing significant amounts of equity or debt
23 instruments of a sanctioned person.

24 (J) EXCLUSION OF CORPORATE OFFI-
25 CERS.—The President may direct the Secretary

1 of State to deny a visa to, and the Secretary of
2 Homeland Security to exclude from the United
3 States, any alien that the President determines
4 is a corporate officer or principal of, or a share-
5 holder with a controlling interest in, a sanc-
6 tioned person.

7 (K) SANCTIONS ON PRINCIPAL EXECUTIVE
8 OFFICERS.—The President may impose on the
9 principal executive officer or officers of any
10 sanctioned person, or on persons performing
11 similar functions and with similar authorities as
12 such officer or officers, any of the sanctions
13 under this paragraph.

14 (2) INCLUSION OF LIST OF SPECIALLY DES-
15 IGNATED NATIONALS AND BLOCKED PERSONS.—The
16 President shall, pursuant to Executive Order 12938
17 and 13382, include a person who is a sanctioned
18 person under subsection (a) on the list of specially
19 designated nationals and blocked persons maintained
20 by the Office of Foreign Assets Control of the De-
21 partment of the Treasury.

22 (c) WAIVER.—The President may waive the applica-
23 tion of sanctions under this section, on a case by case
24 basis, if the President determines it is in the national secu-
25 rity interests of the United States to do so and, not less

1 than 15 days in advance of the issuance of such waiver,
2 submits to Congress justification of the waiver in writing

3 (d) DEFINITIONS.—In this section, the terms “finan-
4 cial institution”, “Iran”, “knowingly”, “person”, and
5 “United States person” have the meanings given such
6 terms in section 14 of the Iran Sanctions Act of 1996
7 (Public Law 104–172; 50 U.S.C. note).

○