

**Suspend the Rules and Pass the Bill, H. R. 1698, With an  
Amendment**

**(The amendment strikes all after the enacting clause and inserts a  
new text)**

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1698

To expand sanctions against Iran with respect to the ballistic missile program  
of Iran, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2017

Mr. ROYCE of California (for himself, Mr. ENGEL, Mr. MCCARTHY, and Mr. HOYER) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, the Judiciary, Ways and Means, 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 expand sanctions against Iran with respect to the ballistic  
missile program of 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.**

4 This Act may be cited as the “Iran Ballistic Missiles  
5 and International Sanctions Enforcement Act”.

1 **SEC. 2. SANCTIONS RELATING TO EFFORTS BY THE GOV-**  
2 **ERNMENT OF IRAN WITH RESPECT TO BAL-**  
3 **LISTIC MISSILE-RELATED GOODS, SERVICES,**  
4 **AND TECHNOLOGIES.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) United Nations Security Council Resolution  
7 2231 (2015)—

8 (A) calls upon Iran “not to undertake any  
9 activity related to ballistic missiles designed to  
10 be capable of delivering nuclear weapons, in-  
11 cluding launches using such ballistic missile  
12 technology”; and

13 (B) requires member states to “take the  
14 necessary measures to prevent, except as de-  
15 cided otherwise by the UN Security Council in  
16 advance on a case-by-case basis, the supply,  
17 sale, or transfer of arms or related materiel  
18 from Iran”.

19 (2) The United States maintains bilateral sanc-  
20 tions against Iran for its efforts to manufacture, ac-  
21 quire, possess, develop, transport, transfer or use  
22 ballistic missiles or ballistic missile launch tech-  
23 nology, and its acquisition of destabilizing types and  
24 amounts of conventional weapons.

25 (3) According to the 2016 Worldwide Threat  
26 Assessment, the United States intelligence commu-

1 nity judges “that Tehran would choose ballistic mis-  
2 siles as its preferred method of delivering nuclear  
3 weapons, if it builds them. Iran’s ballistic missiles  
4 are inherently capable of delivering [weapons of  
5 mass destruction], and Tehran already has the larg-  
6 est inventory of ballistic missiles in the Middle East.  
7 Iran’s progress on space launch vehicles—along with  
8 its desire to deter the United States and its allies—  
9 provides Tehran with the means and motivation to  
10 develop longer-range missiles, including ICBMs.”.

11 (4) Since the passage of United Nations Secu-  
12 rity Council 2231, Iran has conducted numerous  
13 tests of ballistic missiles designed to be capable of  
14 delivering nuclear weapons, and has acquired desta-  
15 bilizing types of conventional weapons.

16 (5) Iran has pursued the ability to indigenously  
17 produce ballistic missile and cruise missile goods,  
18 services, and technologies.

19 (b) STATEMENT OF POLICY.—It is the policy of the  
20 United States to prevent Iran from undertaking any activ-  
21 ity related to ballistic missiles designed to be capable of  
22 delivering nuclear weapons, including launches using such  
23 ballistic missile technology.

24 (c) REPORT ON SUPPLY CHAIN OF IRAN’S BALLISTIC  
25 MISSILE PROGRAM.—

1           (1) IN GENERAL.—Not later than 180 days  
2 after the date of the enactment of this Act, the  
3 President shall submit to the appropriate congress-  
4 sional committees a report that contains the fol-  
5 lowing:

6           (A) An analysis of the foreign supply chain  
7 and domestic supply chain in Iran that directly  
8 or indirectly significantly facilitates, supports,  
9 or otherwise aids the Government of Iran’s bal-  
10 listic missile program.

11           (B) A description of the geographic dis-  
12 tribution of the foreign and domestic supply  
13 chain described in subparagraph (A).

14           (C) An assessment of the Government of  
15 Iran’s ability to indigenously manufacture or  
16 otherwise produce the goods, services, or tech-  
17 nology necessary to support its ballistic missile  
18 program.

19           (D) An identification of foreign persons  
20 that have, based on credible information, di-  
21 rectly or indirectly facilitated or supported the  
22 development of the Government of Iran’s bal-  
23 listic missile program, including the foreign and  
24 domestic supply chain described in subpara-  
25 graph (A).

1 (E) A determination with respect to each  
2 foreign person identified under subparagraph  
3 (D) as to whether the foreign person meets the  
4 criteria for designation under—

5 (i) paragraph (1) of section 5(b) of  
6 the Iran Sanctions Act of 1996 (Public  
7 Law 104–172; 50 U.S.C. 1701 note), as  
8 amended by this section;

9 (ii) section 104 of the Countering  
10 America’s Adversaries Through Sanctions  
11 Act (Public Law 115–44); or

12 (iii) Executive Order 13382 (2005).

13 (2) FORM.—The report required under para-  
14 graph (1) shall be submitted in unclassified form,  
15 but may contain a classified annex.

16 (d) SANCTIONABLE ACTIVITIES WITH RESPECT TO  
17 WEAPONS OF MASS DESTRUCTION.—Paragraph (1) of  
18 section 5(b) of the Iran Sanctions Act of 1996 (Public  
19 Law 104–172; 50 U.S.C. 1701 note) is amended—

20 (1) in the heading, by striking “EXPORTS,  
21 TRANSFERS, AND TRANSSHIPMENTS” and inserting  
22 “WEAPONS OF MASS DESTRUCTION; BALLISTIC MIS-  
23 SILES; CONVENTIONAL WEAPONS”;

24 (2) by striking “Except as” and inserting the  
25 following:

1                   “(A) WEAPONS OF MASS DESTRUCTION.—

2                   Except as”;

3                   (3) by striking “(A) on or after the date of the  
4                   enactment of the Iran Threat Reduction and Syria  
5                   Human Rights Act of 2012” and inserting the fol-  
6                   lowing:

7                                 “(i)(I) on or after the date of the en-  
8                                 actment of the Iran Ballistic Missiles and  
9                                 International Sanctions Enforcement Act”;

10                   (4) by striking “(B) knew” and inserting the  
11                   following:

12                                 “(II) knew”;

13                   (5) by striking “(i) the export” and inserting  
14                   the following:

15                                 “(aa) the export”;

16                   (6) by striking “would likely” and inserting  
17                   “may”;

18                   (7) by striking “(ii) the export” and inserting  
19                   the following:

20                                 “(bb) the export”;

21                   (8) by striking “(I) acquire” and inserting the  
22                   following:

23                                 “(AA) acquire”;

24                   (9) by striking “; or” at the end of subpara-  
25                   graph (A)(ii)(II)(bb)(AA) (as so redesignated);

1           (10) by inserting after subparagraph  
2           (A)(ii)(II)(bb)(AA) (as so redesignated) the fol-  
3           lowing:

4                               “(BB) acquire or develop  
5                               ballistic missiles or ballistic mis-  
6                               sile launch technologies; or”;

7           (11) by striking “(II) acquire” and inserting  
8           the following:

9                               “(CC) acquire”;

10          (12) by striking the period at the end of sub-  
11          paragraph (A)(ii)(II)(bb)(CC) (as so redesignated)  
12          and inserting “; or”; and

13          (13) by adding at the end of subparagraph (A)  
14          the following:

15                               “(ii) knowingly exports or transfers,  
16                               or permits or otherwise facilitates the  
17                               transshipment or re-export of, goods, serv-  
18                               ices, technology, or other items to Iran  
19                               that materially supports Iran’s efforts to—

20                               “(I) acquire or develop ballistic  
21                               missiles or ballistic missile launch  
22                               technologies; or

23                               “(II) acquire or develop desta-  
24                               bilizing numbers and types of ad-  
25                               vanced conventional weapons (as such

1 term is defined in paragraphs (1) and  
2 (2) of section 1608 of the Iran-Iraq  
3 Arms Non-Proliferation Act of  
4 1992).”.

5 (e) SANCTIONABLE ACTIVITIES WITH RESPECT TO  
6 BALLISTIC MISSILES.—Paragraph (1) of section 5(b) of  
7 the Iran Sanctions Act of 1996 (Public Law 104–172; 50  
8 U.S.C. 1701 note), as amended by subsection (e), is fur-  
9 ther amended by adding at the end the following:

10 “(B) ADDITIONAL BALLISTIC MISSILE-RE-  
11 LATED GOODS, SERVICES, AND TECHNOLOGY.—

12 “(i) ADDITIONAL AUTHORITY.—The  
13 President shall impose the sanctions de-  
14 scribed in paragraph (8), (10), or (12) of  
15 section 6(a), as the case may be, with re-  
16 spect to—

17 “(I) an agency or instrumentality  
18 of the Government of Iran if the  
19 President determines that the agency  
20 or instrumentality, on or after the  
21 date of the enactment of this subpara-  
22 graph, knowingly seeks to develop,  
23 procure, or acquire goods, services, or  
24 technology that materially supports  
25 efforts by the Government of Iran



1 with respect to ballistic missile-related  
2 goods, services, and technologies as  
3 described in clause (iii);

4 “(II) a foreign person or an  
5 agency or instrumentality of a foreign  
6 state if the President determines that  
7 the person or agency or instrumen-  
8 tality knowingly, on or after the date  
9 of the enactment of this paragraph,  
10 provides significant material support  
11 to the Government of Iran that sup-  
12 ports efforts by the Government of  
13 Iran with respect to ballistic missile-  
14 related goods, services, and tech-  
15 nologies as described in clause (iii);  
16 and

17 “(III) a foreign person that the  
18 President determines knowingly en-  
19 gages in a significant transaction or  
20 transactions with, or provides signifi-  
21 cant financial services for, a foreign  
22 person or an agency or instrumen-  
23 tality of a foreign state described in  
24 subclause (I) or (II) with respect to  
25 ballistic missile-related goods, services,

1 and technologies as described in  
2 clause (iii).

3 “(ii) DETERMINATION AND REPORT  
4 ON BALLISTIC MISSILE TESTS.—

5 “(I) IN GENERAL.—Not later  
6 than 30 days after the date on which  
7 the President determines that the  
8 Government of Iran has conducted a  
9 test of a ballistic missile that fails to  
10 comply with, violates, or is in defiance  
11 of United Nations Security Council  
12 Resolution 2231 (2015), the President  
13 shall submit to the appropriate con-  
14 gressional committees a report that  
15 identifies each senior official of the  
16 Government of Iran that the Presi-  
17 dent determines is responsible for or-  
18 dering, controlling, or otherwise di-  
19 recting the missile test.

20 “(II) MATTERS TO BE IN-  
21 CLUDED.—The report required by  
22 subclause (I) should include available  
23 information on the ballistic missile or  
24 the generic class of ballistic missile or  
25 space rocket that was launched; the

1 trajectory, duration, range, and alti-  
2 tude of the missile flight; the dura-  
3 tion, range, and altitude of the flight  
4 of each stage of the missile; the loca-  
5 tion of the launch point and impact  
6 point; the payload; and other technical  
7 information that is available.

8 “(III) FORM.—The report re-  
9 quired by subclause (I) shall be sub-  
10 mitted in unclassified form, but may  
11 contain a classified annex.

12 “(iii) EFFORTS BY THE GOVERNMENT  
13 OF IRAN WITH RESPECT TO BALLISTIC  
14 MISSILE-RELATED GOODS, SERVICES, AND  
15 TECHNOLOGIES DESCRIBED.—

16 “(I) IN GENERAL.—For purposes  
17 of subclauses (I), (II), and (III) of  
18 clause (i), and except as provided in  
19 subclause (II) of this clause, efforts  
20 by the Government of Iran with re-  
21 spect to ballistic missile-related goods,  
22 services, and technologies described in  
23 this subsection are efforts by the Gov-  
24 ernment of Iran to manufacture, ac-  
25 quire, possess, develop, transport,

1 transfer, test or use ballistic missiles  
2 or associated goods, services, or tech-  
3 nology by the Government of Iran, in-  
4 cluding efforts by the Government of  
5 Iran to manufacture, acquire, possess,  
6 develop, transport, transfer, pur-  
7 chase—

8 “(aa) goods, services, or  
9 technology listed on the Missile  
10 Technology Control Regime  
11 Equipment and Technology  
12 Annex of October 8, 2015, and  
13 subsequent revisions that have  
14 been acquired outside of the Pro-  
15 curement Working Group or not  
16 otherwise approved by the United  
17 Nations Security Council; or

18 “(bb) goods, services, or  
19 technology not described in the  
20 matter preceding item (aa) or  
21 item (aa) but which nevertheless  
22 the President determines would  
23 be, if such goods, services, or  
24 technology were United States  
25 goods, services, or technology,

1 prohibited for export to Iran be-  
2 cause of their potential to materi-  
3 ally support the development of  
4 ballistic missile systems or bal-  
5 listic missile launch technologies.

6 “(II) EXCEPTION.—Subclause (I)  
7 shall not apply with respect to efforts  
8 by the Government of Iran with re-  
9 spect to ballistic missile-related goods,  
10 services, and technologies that have  
11 been approved under paragraph 4 of  
12 Annex B of United Nations Security  
13 Council Resolution 2231 (2015).

14 “(iv) PROCUREMENT WORKING GROUP  
15 DEFINED.—In clause (iii)(I), the term  
16 ‘procurement working group’ means the  
17 Procurement Working Group of the Joint  
18 Commission established under Annex IV of  
19 the applicable provisions in Annex A of  
20 United Nations Security Council Resolu-  
21 tion 2231 (2015).

22 “(v) ADDITIONAL REPORT ON BAL-  
23 LISTIC MISSILE TESTS.—

24 “(I) IN GENERAL.—Not later  
25 than January 31 of each calendar

1 year, the President should submit to  
2 the Committee on Foreign Affairs of  
3 the House of Representatives and the  
4 Committee on Foreign Relations of  
5 the Senate a report that specifies the  
6 number and generic class of ballistic  
7 missiles and space rockets launched  
8 by Iran during the preceding calendar  
9 year and the dates of each missile  
10 launch and the type of missile  
11 launched on each relevant date. The  
12 report should include definitions used  
13 for classifying the generic classes of  
14 missiles.

15 “(II) FORM.—The report re-  
16 quired by subclause (I) shall be sub-  
17 mitted in unclassified form, but may  
18 contain a classified annex.”.

19 (f) SANCTIONABLE ACTIVITIES WITH RESPECT TO  
20 CONVENTIONAL WEAPONS.—Paragraph (1) of section  
21 5(b) of the Iran Sanctions Act of 1996 (Public Law 104–  
22 172; 50 U.S.C. 1701 note), as amended by subsections  
23 (e) and (f), is further amended by adding at the end the  
24 following:

1           “(C) CONVENTIONAL WEAPONS.—The  
2           President shall impose the sanctions described  
3           in paragraph (8) or (12) of section 6(a), as the  
4           case may be, with respect to a foreign person  
5           or an agency or instrumentality of a foreign  
6           state if the President determines that the per-  
7           son or agency or instrumentality knowingly, on  
8           or after the date of the enactment of this para-  
9           graph, imports, exports, or re-exports to, into,  
10          or from Iran, whether directly or indirectly, any  
11          significant arms or related materiel prohibited  
12          under paragraph (5) or (6) of Annex B of  
13          United Nations Security Council Resolution  
14          2231 (2015).”.

15          (g) EXCEPTION AND DEFINITIONS.—Paragraph (1)  
16          of section 5(b) of the Iran Sanctions Act of 1996 (Public  
17          Law 104–172; 50 U.S.C. 1701 note), as amended by sub-  
18          sections (e), (f), and (g), is further amended by adding  
19          at the end the following:

20                 “(D) EXCEPTION.—The President may not  
21                 impose sanctions under subparagraph (B) or  
22                 (C) with respect to a foreign person or a United  
23                 States person if the President determines that  
24                 the person has exercised due diligence in estab-  
25                 lishing and enforcing official policies, proce-

1           dures, and controls to ensure that the person  
2           does not sell, supply, or transfer to or from  
3           Iran materials the sale, supply, or transfer of  
4           which would subject a person to the imposition  
5           of sanctions under subparagraph (B) or (C), as  
6           the case may be, or conduct or facilitate a fi-  
7           nancial transaction for such a sale, supply, or  
8           transfer.

9           “(E) DEFINITIONS.—In subparagraphs  
10          (B) and (C) of this paragraph:

11           “(i) AGENCY OR INSTRUMEN-  
12          TALITY.—The term ‘agency or instrumen-  
13          tality’ has the meaning given such term in  
14          section 1603(b) of title 28, United States  
15          Code.

16           “(ii) FOREIGN STATE.—The term  
17          ‘foreign state’ has the meaning given such  
18          term in section 1603(a) of title 28, United  
19          States Code.

20           “(iii) GOVERNMENT OF IRAN.—The  
21          term ‘Government of Iran’ has the mean-  
22          ing given such term in section 560.304 of  
23          title 31, Code of Federal Regulations, as  
24          such section was in effect on January 1,  
25          2016.



1                   “(iv) SIGNIFICANT TRANSACTION OR  
2                   TRANSACTIONS; SIGNIFICANT FINANCIAL  
3                   SERVICES.—The terms ‘significant trans-  
4                   action or transactions’ and ‘significant fi-  
5                   nancial services’ shall be determined in ac-  
6                   cordance with section 561.404 of title 31,  
7                   Code of Federal Regulations, as such sec-  
8                   tion 561.404 was in effect on January 1,  
9                   2016.”.

10           (h) SANCTIONS DESCRIBED.—Section 6(a) of the  
11 Iran Sanctions Act of 1996 (Public Law 104–172; 50  
12 U.S.C. 1701 note) is amended—

13           (1) by striking paragraph (10) and inserting  
14           the following:

15           “(10) INADMISSIBILITY TO UNITED STATES.—

16                   “(A) IN GENERAL.—The President may di-  
17                   rect the Secretary of State to deny a visa to,  
18                   and the Secretary of Homeland Security to ex-  
19                   clude from the United States and, if the indi-  
20                   vidual has been issued a visa or other docu-  
21                   mentation, revoke, in accordance with the Im-  
22                   migration and Nationality Act (8 U.S.C. 1101  
23                   et seq.) the visa or other documentation of any  
24                   alien that—

1 “(i) is designated pursuant to sub-  
2 paragraph (B) or (C) of section 5(b)(1); or

3 “(ii) the President determines is a  
4 corporate officer or principal of, or a  
5 shareholder with a controlling interest in, a  
6 sanctioned person.

7 “(B) EXCEPTION TO COMPLY WITH  
8 UNITED NATIONS HEADQUARTERS AGREE-  
9 MENT.—Sanctions under subparagraph (A)  
10 shall not apply to an alien if admitting the alien  
11 into the United States is necessary to permit  
12 the United States to comply with the Agree-  
13 ment regarding the Headquarters of the United  
14 Nations, signed at Lake Success June 26,  
15 1947, and entered into force November 21,  
16 1947, between the United Nations and the  
17 United States, or other applicable international  
18 obligations.”;

19 (2) by redesignating paragraph (12) as para-  
20 graph (13); and

21 (3) by inserting after paragraph (11) the fol-  
22 lowing:

23 “(12) EXPORT SANCTION.—In the case of an  
24 agency or instrumentality of a foreign state, no item  
25 on the United States Munitions List or Commerce

1 Munitions List may be exported to that foreign state  
2 for a period of two years.”.

3 (i) RULE OF CONSTRUCTION.—The sanctions that  
4 are required to be imposed under this section and the  
5 amendments made by this section are in addition to other  
6 similar or related sanctions that are required to be im-  
7 posed under any other provision of law.

8 (j) IMPLEMENTATION.—The President may exercise  
9 all authorities provided under sections 203 and 205 of the  
10 International Emergency Economic Powers Act (50  
11 U.S.C. 1702 and 1704) to carry out any amendments  
12 made by this section.

13 (k) IMPLEMENTATION PLAN.—Not later than 60  
14 days after the date of the enactment of this Act, the Presi-  
15 dent shall transmit to the appropriate congressional com-  
16 mittees a plan to implement—

17 (1) paragraph (1) of section 5(b) of the Iran  
18 Sanctions Act of 1996 (Public Law 104–172; 50  
19 U.S.C. 1701 note), as amended by this section; and

20 (2) section 104 of the Countering America’s  
21 Adversaries Through Sanctions Act (Public Law  
22 115–44).

23 (l) EFFECTIVE DATE.—

24 (1) IN GENERAL.—The amendments made by  
25 this section shall—

1 (A) take effect on the date of the enact-  
2 ment of this Act; and

3 (B) apply with respect to an activity de-  
4 scribed in subsection (b) of section 5 of the  
5 Iran Sanctions Act of 1996, as amended by this  
6 section, that is commenced on or after such  
7 date of enactment.

8 (2) APPLICABILITY TO ONGOING ACTIVITIES RE-  
9 LATING TO CERTAIN ACTIVITIES.—A person that,  
10 before the date of the enactment of this Act, com-  
11 menced an activity described in section 5(b) of the  
12 Iran Sanctions Act of 1996, as in effect on the day  
13 before such date of enactment, and continues the ac-  
14 tivity on or after such date of enactment, shall be  
15 subject to the provisions of the Iran Sanctions Act  
16 of 1996, as amended by this Act.

17 **SEC. 3. REPORT ON SANCTIONABLE ACTIVITIES.**

18 (a) IN GENERAL.—Not later than 180 days after the  
19 date of the enactment of this Act, and every 180 days  
20 thereafter for a period not to exceed three years, the Presi-  
21 dent shall submit to the appropriate congressional com-  
22 mittees a report that contains the following information:

23 (1) Any credible information regarding Iran's  
24 attempts to develop, procure, or acquire goods, serv-  
25 ices, or technology with respect to which sanctions

1        may be imposed pursuant to subparagraphs (B) and  
2        (C) of section 5(b)(1) of the Iran Sanctions Act of  
3        1996 (Public Law 104–172; 50 U.S.C. 1701 note),  
4        as added by section 2 of this Act.

5            (2) Any credible information regarding Iran’s  
6        acquisition or attempted acquisition of significant  
7        arms and related material in violation of paragraph  
8        5 of Annex B of United Nations Security Council  
9        Resolution 2231 (2015).

10           (3) Any credible information regarding Iran’s  
11        export or attempted export of significant arms and  
12        related material in violation of paragraph 6 of  
13        Annex B of United Nations Security Council Resolu-  
14        tion 2231 (2015).

15           (4) Any approval granted by the United Na-  
16        tions Security Council for the export of significant  
17        arms and related material identified under para-  
18        graphs 5 or 6 of Annex B of United Nations Secu-  
19        rity Council Resolution 2231 (2015).

20           (5) Any credible information regarding viola-  
21        tions of travel restrictions described in paragraph 6  
22        of Annex B of United Nations Security Council Res-  
23        olution 2231 (2015).

24           (6) Any approval granted by the United Na-  
25        tions Security Council for exemptions to the travel

1 restrictions described in paragraph 6 of Annex B of  
2 United Nations Security Council Resolution 2231  
3 (2015).

4 (b) FORM.—The report required by subsection (a)  
5 shall be submitted in unclassified form, but may contain  
6 a classified annex.

7 **SEC. 4. DETERMINATIONS WITH RESPECT TO THE IMPOSI-**  
8 **TION OF SANCTIONS FOR THE SALE OR**  
9 **TRANSFER OF DESTABILIZING TYPES AND**  
10 **AMOUNTS OF CONVENTIONAL WEAPONS TO**  
11 **THE GOVERNMENT OF IRAN.**

12 (a) NOTIFICATION OF SALES AND TRANSFERS.—Not  
13 later than 90 days after the date on which the President  
14 receives credible information that destabilizing numbers  
15 and types of conventional weapons have been sold or  
16 transferred to Iran, the President shall notify the appro-  
17 priate congressional committees of the sale or transfer.

18 (b) DETERMINATIONS WITH RESPECT TO SANC-  
19 TIONS.—

20 (1) IN GENERAL.—Not later than 120 days  
21 after the date on which the President notifies the  
22 appropriate congressional committees of a sale or  
23 transfer under subsection (a), the President shall—

24 (A) determine whether such sale or trans-  
25 fer meets the requirements to impose sanctions

1 under each provision of law specified in sub-  
2 section (c); and

3 (B)(i) if the determination is that the sale  
4 or transfer is subject to any such sanctions, the  
5 President shall—

6 (I) make a determination whether to  
7 impose or waive such sanctions with re-  
8 spect to such sale or transfer; and

9 (II) submit that determination to the  
10 appropriate congressional committees; or

11 (ii) if the determination is that the sale or  
12 transfer is not subject to any such sanctions,  
13 the President shall submit to the appropriate  
14 congressional committees a detailed report on  
15 the determination and the specific reasons for  
16 the determination.

17 (2) FORM.—The determination in paragraph  
18 (1) shall be provided in an unclassified form, and  
19 may contain a classified annex.

20 (c) PROVISIONS OF LAW SPECIFIED.—The provisions  
21 of law specified in this subsection are the following:

22 (1) Section 5(b)(1) of the Iran Sanctions Act of  
23 1996 (50 U.S.C. 1701 note), as amended by section  
24 2 of this Act.

1           (2) The Iran-Iraq Arms Non-Proliferation Act  
2           of 1992 (50 U.S.C. 1701 note).

3           (3) The Iran, North Korea, and Syria Non-  
4           proliferation Act (50 U.S.C. 1701 note).

5           (d) DEFINITION.—In this section, the term “desta-  
6           bilizing numbers and types of advanced conventional  
7           weapons”—

8           (1) has the meaning given the terms “advanced  
9           conventional weapons” and “cruise missile” as de-  
10          fined in paragraphs (1) and (2), respectively, of sec-  
11          tion 1608 of the Iran-Iraq Arms Non-Proliferation  
12          Act of 1992 (50 U.S.C. 1701 note); and

13          (2) includes the S-300 and S-400 missile de-  
14          fense systems and air superiority fighters.

15   **SEC. 5. DETERMINATION ON USE BY THE GOVERNMENT OF**  
16                   **IRAN OF COMMERCIAL PASSENGER AIR-**  
17                   **CRAFT AND RELATED SERVICES FOR ILLICIT**  
18                   **MILITARY OR OTHER ACTIVITIES.**

19          (a) DETERMINATION.—Not later than 180 days after  
20          the date of the enactment of this Act, and every 180 days  
21          thereafter for three years, the President shall submit to  
22          the appropriate congressional committees a determination  
23          on use by the Government of Iran of commercial passenger  
24          aircraft and related services for illicit military or other ac-  
25          tivities on or after the date of the enactment of this Act.



1 (b) ELEMENTS OF DETERMINATION.—The deter-  
2 mination required under subsection (a) shall include a de-  
3 scription of the extent to which—

4 (1) commercial passenger aircraft in Iran are  
5 being used to transport—

6 (A) arms or related materiel, including de-  
7 fense articles, defense services, or technical data  
8 that are controlled on the United States Muni-  
9 tions List established under section 38 of the  
10 Arms Export Control Act (22 U.S.C. 2778);

11 (B) any item that is, or would be, if lo-  
12 cated in the United States, controlled by Export  
13 Control Classification Number 600 series listed  
14 on the Commerce Control List maintained  
15 under Supplement No. 1 to part 774 of the Ex-  
16 port Administration Regulations;

17 (C) items used to facilitate the develop-  
18 ment or production of a chemical or biological  
19 weapon or other weapon of mass destruction  
20 and their means of delivery, including ballistic  
21 missiles and cruise missiles; or

22 (D) any foreign person that facilitates the  
23 transfer of any of the articles described in sub-  
24 paragraphs (A) through (C);

1           (2) commercial passenger aircraft licensed by  
2           the Office of Foreign Assets Control of the Depart-  
3           ment of the Treasury are being used for activities  
4           described in paragraph (1); and

5           (3) foreign governments and persons have fa-  
6           cilitated the activities described in paragraph (1), in-  
7           cluding allowing the use of airports, services, or  
8           other resources.

9           (c) FORM OF DETERMINATION.—The determination  
10          required under subsection (a) shall be submitted in unclas-  
11          sified form but may include a classified annex.

12          (d) DEFINITIONS.—In this section:

13           (1) COMMERCIAL PASSENGER AIRCRAFT.—The  
14          term “commercial passenger aircraft” includes—

15           (A) an aircraft of United States origin and  
16           that is classified under Export Control Classi-  
17           fication Number (ECCN) 9A991 on the Com-  
18           merce Control List maintained under Supple-  
19           ment No. 1 to part 774 of the Export Adminis-  
20           tration Regulations; or

21           (B) an aircraft not of United States origin  
22           of which United States-controlled content con-  
23           stitutes 10 percent or more of the total value of  
24           the aircraft and that is—

1 (i) classified under Export Control  
2 Classification Number (ECCN) 9A991 on  
3 the Commerce Control List maintained  
4 under Supplement No. 1 to part 774 of the  
5 Export Administration Regulations; and

6 (ii) is registered in a jurisdiction other  
7 than the United States.

8 (2) EXPORT ADMINISTRATION REGULATIONS.—

9 The term “Export Administration Regulations”  
10 means subchapter C of chapter VII of title 15, Code  
11 of Federal Regulations.

12 (3) RELATED SERVICES.—The term “related  
13 services”, with respect to a commercial passenger  
14 aircraft, includes—

15 (A) the export, re-export, sale, lease, or  
16 transfer to Iran of spare parts and components;  
17 and

18 (B) warranty, maintenance, and repair  
19 services.

20 **SEC. 6. REGULATORY AUTHORITY.**

21 (a) IN GENERAL.—The President shall, not later  
22 than 120 days after the date of the enactment of this Act,  
23 promulgate regulations as necessary for the implementa-  
24 tion of this Act and the amendments made by this Act.

1           (b) NOTIFICATION TO CONGRESS.—Not less than 10  
2 days before the promulgation of regulations under sub-  
3 section (a), the President shall notify the appropriate con-  
4 gressional committees of the proposed regulations and the  
5 provisions of this Act and the amendments made by this  
6 Act that the regulations are implementing.

7 **SEC. 7. DEFINITIONS.**

8           In this Act:

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

12                           (A) the Committee on Foreign Affairs, the  
13 Committee on Ways and Means, the Committee  
14 on Financial Services, the Committee on Appro-  
15 priations, the Committee on Oversight and Gov-  
16 ernment Reform, and the Permanent Select  
17 Committee on Intelligence of the House of Rep-  
18 resentatives; and

19                           (B) the Committee on Foreign Relations,  
20 the Committee on Finance, the Committee on  
21 Banking, Housing, and Urban Affairs, the  
22 Committee on Appropriations, the Committee  
23 on Homeland Security and Governmental Af-  
24 fairs, and the Select Committee on Intelligence  
25 of the Senate.

1           (2) CREDIBLE INFORMATION.—The term “cred-  
2           ible information” has the meaning given such term  
3           in section 14 of the Iran Sanctions Act of 1996  
4           (Public Law 104–172; 50 U.S.C. 1701 note).

5           (3) GOVERNMENT OF IRAN.—The term “Gov-  
6           ernment of Iran” has the meaning given such term  
7           in section 560.304 of title 31, Code of Federal Reg-  
8           ulations, as such section was in effect on January 1,  
9           2016.