

**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)**

115TH CONGRESS
1ST 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, and the Permanent Select Committee
16 on Intelligence of the House of Representatives;
17 and

18 (B) the Committee on Foreign Relations,
19 the Committee on Finance, the Committee on
20 Banking, Housing, and Urban Affairs, the
21 Committee on Appropriations, and the Select
22 Committee on Intelligence of the Senate.

23 (2) CREDIBLE INFORMATION.—The term “cred-
24 ible information” has the meaning given such term

1 in section 14 of the Iran Sanctions Act of 1996
2 (Public Law 104–172; 50 U.S.C. 1701 note).

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