

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 1698
OFFERED BY MR. SHERMAN OF CALIFORNIA**

Add at the end the following new section:

1 **SEC. __. DETERMINATION ON USE BY THE GOVERNMENT OF**
2 **IRAN OF COMMERCIAL PASSENGER AIR-**
3 **CRAFT AND RELATED SERVICES FOR ILLICIT**
4 **MILITARY OR OTHER ACTIVITIES.**

5 (a) DETERMINATION.—Not later than 180 days after
6 the date of the enactment of this Act, and every 180 days
7 thereafter for three years, the President shall submit to
8 the Committee on Foreign Affairs, the Committee on Fi-
9 nancial Services, and the Permanent Select Committee on
10 Intelligence of the House of Representative and the Com-
11 mittee on Foreign Relations, the Committee on Banking,
12 Housing, and Urban Affairs, and the Select Committee
13 on Intelligence of the Senate a determination on use by
14 the Government of Iran of commercial passenger aircraft
15 and related services for illicit military or other activities
16 on or after the date of the enactment of this Act.

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

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

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

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

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

19 (D) any foreign person that facilitates the
20 transfer of any of the articles described in sub-
21 paragraphs (A) through (C);

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

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

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

8 (d) DEFINITIONS.—In this section:

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

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

17 (B) an aircraft not of United States origin
18 of which United States-controlled content con-
19 stitutes 10 percent or more of the total value of
20 the aircraft and that is—

21 (i) classified under Export Control
22 Classification Number (ECCN) 9A991 on
23 the Commerce Control List maintained
24 under Supplement No. 1 to part 774 of the
25 Export Administration Regulations; and

1 (ii) is registered in a jurisdiction other
2 than the United States.

3 (2) EXPORT ADMINISTRATION REGULATIONS.—

4 The term “Export Administration Regulations”
5 means subchapter C of chapter VII of title 15, Code
6 of Federal Regulations.

7 (3) RELATED SERVICES.—The term “related
8 services”, with respect to a commercial passenger
9 aircraft, includes—

10 (A) the export, re-export, sale, lease, or
11 transfer to Iran of spare parts and components;
12 and

13 (B) warranty, maintenance, and repair
14 services.

