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1ST SESSION

H. R. 1698

IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2017

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

9 (1) United Nations Security Council Resolution
10 2231 (2015)—

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

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

22 (2) The United States maintains bilateral sanc-
23 tions against Iran for its efforts to manufacture, ac-
24 quire, possess, develop, transport, transfer or use
25 ballistic missiles or ballistic missile launch tech-

1 nology, and its acquisition of destabilizing types and
2 amounts of conventional weapons.

3 (3) According to the 2016 Worldwide Threat
4 Assessment, the United States intelligence commu-
5 nity judges “that Tehran would choose ballistic mis-
6 siles as its preferred method of delivering nuclear
7 weapons, if it builds them. Iran’s ballistic missiles
8 are inherently capable of delivering [weapons of
9 mass destruction], and Tehran already has the larg-
10 est inventory of ballistic missiles in the Middle East.
11 Iran’s progress on space launch vehicles—along with
12 its desire to deter the United States and its allies—
13 provides Tehran with the means and motivation to
14 develop longer-range missiles, including ICBMs.”.

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

20 (5) Iran has pursued the ability to indigenously
21 produce ballistic missile and cruise missile goods,
22 services, and technologies.

23 (b) STATEMENT OF POLICY.—It is the policy of the
24 United States to prevent Iran from undertaking any activ-
25 ity related to ballistic missiles designed to be capable of

1 delivering nuclear weapons, including launches using such
2 ballistic missile technology.

3 (c) REPORT ON SUPPLY CHAIN OF IRAN'S BALLISTIC
4 MISSILE PROGRAM.—

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

10 (A) An analysis of the foreign supply chain
11 and domestic supply chain in Iran that directly
12 or indirectly significantly facilitates, supports,
13 or otherwise aids the Government of Iran's bal-
14 listic missile program.

15 (B) A description of the geographic dis-
16 tribution of the foreign and domestic supply
17 chain described in subparagraph (A).

18 (C) An assessment of the Government of
19 Iran's ability to indigenously manufacture or
20 otherwise produce the goods, services, or tech-
21 nology necessary to support its ballistic missile
22 program.

23 (D) An identification of foreign persons
24 that have, based on credible information, di-
25 rectly or indirectly facilitated or supported the

1 development of the Government of Iran’s bal-
2 listic missile program, including the foreign and
3 domestic supply chain described in subpara-
4 graph (A).

5 (E) A determination with respect to each
6 foreign person identified under subparagraph
7 (D) as to whether the foreign person meets the
8 criteria for designation under—

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

13 (ii) section 104 of the Countering
14 America’s Adversaries Through Sanctions
15 Act (Public Law 115–44); or

16 (iii) Executive Order No. 13382
17 (2005).

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

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

1 (1) in the heading, by striking “EXPORTS,
2 TRANSFERS, AND TRANSSHIPMENTS” and inserting
3 “WEAPONS OF MASS DESTRUCTION; BALLISTIC MIS-
4 SILES; CONVENTIONAL WEAPONS”;

5 (2) by striking “Except as” and inserting the
6 following:

7 “(A) WEAPONS OF MASS DESTRUCTION.—
8 Except as”;

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

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

16 (4) by striking “(B) knew” and inserting the
17 following:

18 “(II) knew”;

19 (5) by striking “(i) the export” and inserting
20 the following:

21 “(aa) the export”;

22 (6) by striking “would likely” and inserting
23 “may”;

24 (7) by striking “(ii) the export” and inserting
25 the following:

1 “(bb) the export”;

2 (8) by striking “(I) acquire” and inserting the
3 following:

4 “(AA) acquire”;

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

7 (10) by inserting after subparagraph
8 (A)(ii)(II)(bb)(AA) (as so redesignated) the fol-
9 lowing:

10 “(BB) acquire or develop
11 ballistic missiles or ballistic mis-
12 sile launch technologies; or”;

13 (11) by striking “(II) acquire” and inserting
14 the following:

15 “(CC) acquire”;

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

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

21 “(ii) knowingly exports or transfers,
22 or permits or otherwise facilitates the
23 transshipment or re-export of, goods, serv-
24 ices, technology, or other items to Iran
25 that materially supports Iran’s efforts to—

1 “(I) acquire or develop ballistic
2 missiles or ballistic missile launch
3 technologies; or

4 “(II) acquire or develop desta-
5 bilizing numbers and types of ad-
6 vanced conventional weapons (as such
7 term is defined in paragraphs (1) and
8 (2) of section 1608 of the Iran-Iraq
9 Arms Non-Proliferation Act of
10 1992).”.

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

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

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

23 “(I) an agency or instrumentality
24 of the Government of Iran if the
25 President determines that the agency

1 or instrumentality, on or after the
2 date of the enactment of this subpara-
3 graph, knowingly seeks to develop,
4 procure, or acquire goods, services, or
5 technology that materially supports
6 efforts by the Government of Iran
7 with respect to ballistic missile-related
8 goods, services, and technologies as
9 described in clause (iii);

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

23 “(III) a foreign person that the
24 President determines knowingly en-
25 gages in a significant transaction or

1 transactions with, or provides signifi-
2 cant financial services for, a foreign
3 person or an agency or instrumen-
4 tality of a foreign state described in
5 subclause (I) or (II) with respect to
6 ballistic missile-related goods, services,
7 and technologies as described in
8 clause (iii).

9 “(ii) DETERMINATION AND REPORT
10 ON BALLISTIC MISSILE TESTS.—

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

1 “(II) MATTERS TO BE IN-
2 CLUDED.—The report required by
3 subclause (I) should include available
4 information on the ballistic missile or
5 the generic class of ballistic missile or
6 space rocket that was launched; the
7 trajectory, duration, range, and alti-
8 tude of the missile flight; the dura-
9 tion, range, and altitude of the flight
10 of each stage of the missile; the loca-
11 tion of the launch point and impact
12 point; the payload; and other technical
13 information that is available.

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

18 “(iii) EFFORTS BY THE GOVERNMENT
19 OF IRAN WITH RESPECT TO BALLISTIC
20 MISSILE-RELATED GOODS, SERVICES, AND
21 TECHNOLOGIES DESCRIBED.—

22 “(I) IN GENERAL.—For purposes
23 of subclauses (I), (II), and (III) of
24 clause (i), and except as provided in
25 subclause (II) of this clause, efforts

1 by the Government of Iran with re-
2 spect to ballistic missile-related goods,
3 services, and technologies described in
4 this subsection are efforts by the Gov-
5 ernment of Iran to manufacture, ac-
6 quire, possess, develop, transport,
7 transfer, test or use ballistic missiles
8 or associated goods, services, or tech-
9 nology by the Government of Iran, in-
10 cluding efforts by the Government of
11 Iran to manufacture, acquire, possess,
12 develop, transport, transfer, pur-
13 chase—

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

24 “(bb) goods, services, or
25 technology not described in the

1 matter preceding item (aa) or
2 item (aa) but which nevertheless
3 the President determines would
4 be, if such goods, services, or
5 technology were United States
6 goods, services, or technology,
7 prohibited for export to Iran be-
8 cause of their potential to materi-
9 ally support the development of
10 ballistic missile systems or bal-
11 listic missile launch technologies.

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

20 “(iv) PROCUREMENT WORKING GROUP
21 DEFINED.—In clause (iii)(I), the term
22 ‘procurement working group’ means the
23 Procurement Working Group of the Joint
24 Commission established under Annex IV of
25 the applicable provisions in Annex A of

1 United Nations Security Council Resolu-
2 tion 2231 (2015).

3 “(v) ADDITIONAL REPORT ON BAL-
4 LISTIC MISSILE TESTS.—

5 “(I) IN GENERAL.—Not later
6 than January 31 of each calendar
7 year, the President should submit to
8 the Committee on Foreign Affairs of
9 the House of Representatives and the
10 Committee on Foreign Relations of
11 the Senate a report that specifies the
12 number and generic class of ballistic
13 missiles and space rockets launched
14 by Iran during the preceding calendar
15 year and the dates of each missile
16 launch and the type of missile
17 launched on each relevant date. The
18 report should include definitions used
19 for classifying the generic classes of
20 missiles.

21 “(II) FORM.—The report re-
22 quired by subclause (I) shall be sub-
23 mitted in unclassified form, but may
24 contain a classified annex.”.

1 (f) SANCTIONABLE ACTIVITIES WITH RESPECT TO
2 CONVENTIONAL WEAPONS.—Paragraph (1) of section
3 5(b) of the Iran Sanctions Act of 1996 (Public Law 104–
4 172; 50 U.S.C. 1701 note), as amended by subsections
5 (e) and (f), is further amended by adding at the end the
6 following:

7 “(C) CONVENTIONAL WEAPONS.—The
8 President shall impose the sanctions described
9 in paragraph (8) or (12) of section 6(a), as the
10 case may be, with respect to a foreign person
11 or an agency or instrumentality of a foreign
12 state if the President determines that the per-
13 son or agency or instrumentality knowingly, on
14 or after the date of the enactment of this para-
15 graph, imports, exports, or re-exports to, into,
16 or from Iran, whether directly or indirectly, any
17 significant arms or related materiel prohibited
18 under paragraph (5) or (6) of Annex B of
19 United Nations Security Council Resolution
20 2231 (2015).”.

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

1 “(D) EXCEPTION.—The President may not
2 impose sanctions under subparagraph (B) or
3 (C) with respect to a foreign person or a United
4 States person if the President determines that
5 the person has exercised due diligence in estab-
6 lishing and enforcing official policies, proce-
7 dures, and controls to ensure that the person
8 does not sell, supply, or transfer to or from
9 Iran materials the sale, supply, or transfer of
10 which would subject a person to the imposition
11 of sanctions under subparagraph (B) or (C), as
12 the case may be, or conduct or facilitate a fi-
13 nancial transaction for such a sale, supply, or
14 transfer.

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

17 “(i) AGENCY OR INSTRUMEN-
18 TILITY.—The term ‘agency or instrumen-
19 tality’ has the meaning given such term in
20 section 1603(b) of title 28, United States
21 Code.

22 “(ii) FOREIGN STATE.—The term
23 ‘foreign state’ has the meaning given such
24 term in section 1603(a) of title 28, United
25 States Code.

1 “(iii) GOVERNMENT OF IRAN.—The
2 term ‘Government of Iran’ has the mean-
3 ing given such term in section 560.304 of
4 title 31, Code of Federal Regulations, as
5 such section was in effect on January 1,
6 2016.

7 “(iv) SIGNIFICANT TRANSACTION OR
8 TRANSACTIONS; SIGNIFICANT FINANCIAL
9 SERVICES.—The terms ‘significant trans-
10 action or transactions’ and ‘significant fi-
11 nancial services’ shall be determined in ac-
12 cordance with section 561.404 of title 31,
13 Code of Federal Regulations, as such sec-
14 tion 561.404 was in effect on January 1,
15 2016.”.

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

19 (1) by striking paragraph (10) and inserting
20 the following:

21 “(10) INADMISSIBILITY TO UNITED STATES.—

22 “(A) IN GENERAL.—The President may di-
23 rect the Secretary of State to deny a visa to,
24 and the Secretary of Homeland Security to ex-
25 clude from the United States and, if the indi-

1 vidual has been issued a visa or other docu-
2 mentation, revoke, in accordance with the Im-
3 migration and Nationality Act (8 U.S.C. 1101
4 et seq.) the visa or other documentation of any
5 alien that—

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

8 “(ii) the President determines is a
9 corporate officer or principal of, or a
10 shareholder with a controlling interest in, a
11 sanctioned person.

12 “(B) EXCEPTION TO COMPLY WITH
13 UNITED NATIONS HEADQUARTERS AGREE-
14 MENT.—Sanctions under subparagraph (A)
15 shall not apply to an alien if admitting the alien
16 into the United States is necessary to permit
17 the United States to comply with the Agree-
18 ment regarding the Headquarters of the United
19 Nations, signed at Lake Success June 26,
20 1947, and entered into force November 21,
21 1947, between the United Nations and the
22 United States, or other applicable international
23 obligations.”;

24 (2) by redesignating paragraph (12) as para-
25 graph (13); and

1 (3) by inserting after paragraph (11) the fol-
2 lowing:

3 “(12) EXPORT SANCTION.—In the case of an
4 agency or instrumentality of a foreign state, no item
5 on the United States Munitions List or Commerce
6 Munitions List may be exported to that foreign state
7 for a period of 2 years.”.

8 (i) RULE OF CONSTRUCTION.—The sanctions that
9 are required to be imposed under this section and the
10 amendments made by this section are in addition to other
11 similar or related sanctions that are required to be im-
12 posed under any other provision of law.

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

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

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

1 (2) section 104 of the Countering America's
2 Adversaries Through Sanctions Act (Public Law
3 115–44).

4 (1) EFFECTIVE DATE.—

5 (1) IN GENERAL.—The amendments made by
6 this section shall—

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

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

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

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

24 (a) IN GENERAL.—Not later than 180 days after the
25 date of the enactment of this Act, and every 180 days

1 thereafter for a period not to exceed 3 years, the President
2 shall submit to the appropriate congressional committees
3 a report that contains the following information:

4 (1) Any credible information regarding Iran’s
5 attempts to develop, procure, or acquire goods, serv-
6 ices, or technology with respect to which sanctions
7 may be imposed pursuant to subparagraphs (B) and
8 (C) of section 5(b)(1) of the Iran Sanctions Act of
9 1996 (Public Law 104–172; 50 U.S.C. 1701 note),
10 as added by section 2 of this Act.

11 (2) Any credible information regarding Iran’s
12 acquisition or attempted acquisition of significant
13 arms and related material in violation of paragraph
14 5 of Annex B of United Nations Security Council
15 Resolution 2231 (2015).

16 (3) Any credible information regarding Iran’s
17 export or attempted export of significant arms and
18 related material in violation of paragraph 6 of
19 Annex B of United Nations Security Council Resolu-
20 tion 2231 (2015).

21 (4) Any approval granted by the United Na-
22 tions Security Council for the export of significant
23 arms and related material identified under para-
24 graphs 5 or 6 of Annex B of United Nations Secu-
25 rity Council Resolution 2231 (2015).

1 (5) Any credible information regarding viola-
2 tions of travel restrictions described in paragraph 6
3 of Annex B of United Nations Security Council Res-
4 olution 2231 (2015).

5 (6) Any approval granted by the United Na-
6 tions Security Council for exemptions to the travel
7 restrictions described in paragraph 6 of Annex B of
8 United Nations Security Council Resolution 2231
9 (2015).

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

13 **SEC. 4. DETERMINATIONS WITH RESPECT TO THE IMPOSI-**
14 **TION OF SANCTIONS FOR THE SALE OR**
15 **TRANSFER OF DESTABILIZING TYPES AND**
16 **AMOUNTS OF CONVENTIONAL WEAPONS TO**
17 **THE GOVERNMENT OF IRAN.**

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

24 (b) DETERMINATIONS WITH RESPECT TO SANC-
25 TIONS.—

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

5 (A) determine whether such sale or trans-
6 fer meets the requirements to impose sanctions
7 under each provision of law specified in sub-
8 section (c); and

9 (B)(i) if the determination is that the sale
10 or transfer is subject to any such sanctions, the
11 President shall—

12 (I) make a determination whether to
13 impose or waive such sanctions with re-
14 spect to such sale or transfer; and

15 (II) submit that determination to the
16 appropriate congressional committees; or

17 (ii) if the determination is that the sale or
18 transfer is not subject to any such sanctions,
19 the President shall submit to the appropriate
20 congressional committees a detailed report on
21 the determination and the specific reasons for
22 the determination.

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

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

3 (1) Section 5(b)(1) of the Iran Sanctions Act of
4 1996 (50 U.S.C. 1701 note), as amended by section
5 2 of this Act.

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

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

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

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

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

20 **SEC. 5. DETERMINATION ON USE BY THE GOVERNMENT OF**
21 **IRAN OF COMMERCIAL PASSENGER AIR-**
22 **CRAFT AND RELATED SERVICES FOR ILLICIT**
23 **MILITARY OR OTHER ACTIVITIES.**

24 (a) DETERMINATION.—Not later than 180 days after
25 the date of the enactment of this Act, and every 180 days

1 thereafter for 3 years, the President shall submit to the
2 appropriate congressional committees a determination on
3 use by the Government of Iran of commercial passenger
4 aircraft and related services for illicit military or other ac-
5 tivities on or after the date of the enactment of this Act.

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

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

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

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

22 (C) items used to facilitate the develop-
23 ment or production of a chemical or biological
24 weapon or other weapon of mass destruction

1 and their means of delivery, including ballistic
2 missiles and cruise missiles; or

3 (D) any foreign person that facilitates the
4 transfer of any of the articles described in sub-
5 paragraphs (A) through (C);

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

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

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

17 (d) DEFINITIONS.—In this section:

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

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

1 (B) an aircraft not of United States origin
2 of which United States-controlled content con-
3 stitutes 10 percent or more of the total value of
4 the aircraft and that is—

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

10 (ii) is registered in a jurisdiction other
11 than the United States.

12 (2) EXPORT ADMINISTRATION REGULATIONS.—

13 The term “Export Administration Regulations”
14 means subchapter C of chapter VII of title 15, Code
15 of Federal Regulations.

16 (3) RELATED SERVICES.—The term “related
17 services”, with respect to a commercial passenger
18 aircraft, includes—

19 (A) the export, re-export, sale, lease, or
20 transfer to Iran of spare parts and components;
21 and

22 (B) warranty, maintenance, and repair
23 services.

1 **SEC. 6. REGULATORY AUTHORITY.**

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

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

12 **SEC. 7. DEFINITIONS.**

13 In this Act:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means—

17 (A) the Committee on Foreign Affairs, the
18 Committee on Ways and Means, the Committee
19 on Financial Services, the Committee on Appro-
20 priations, the Committee on Oversight and Gov-
21 ernment Reform, and the Permanent Select
22 Committee on Intelligence of the House of Rep-
23 resentatives; and

24 (B) the Committee on Foreign Relations,
25 the Committee on Finance, the Committee on
26 Banking, Housing, and Urban Affairs, the

1 Committee on Appropriations, the Committee
2 on Homeland Security and Governmental Af-
3 fairs, and the Select Committee on Intelligence
4 of the Senate.

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

9 (3) GOVERNMENT OF IRAN.—The term “Gov-
10 ernment of Iran” has the meaning given such term
11 in section 560.304 of title 31, Code of Federal Reg-
12 ulations, as such section was in effect on January 1,
13 2016.

Passed the House of Representatives October 26,
2017.

Attest:

KAREN L. HAAS,
Clerk.