

114TH CONGRESS
2D SESSION

H. R. 5827

To require the President to determine whether a sale or transfer of advanced integrated air defense systems to Iran meets the requirements to impose sanctions under certain Iran sanctions laws, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2016

Mr. CHABOT 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 require the President to determine whether a sale or transfer of advanced integrated air defense systems to Iran meets the requirements to impose sanctions under certain Iran sanctions laws, 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 “Determination of Rus-
5 sia-Iran Weapons Transfer Act of 2016”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The S–300 surface-to-air missile defense
4 system, which has a range of 120 miles and can en-
5 gage aircraft or short- and medium-range ballistic
6 missiles, provides enhanced capabilities to Iran.

7 (2) Such a system would significantly bolster
8 Iranian military capabilities and introduce new ob-
9 stacles to the ability of the United States to elimi-
10 nate the threat of an Iranian nuclear weapon.

11 (3) Iran received an S–300 surface-to-air mis-
12 sile defense system from the Russian Federation as
13 part of an arms deal that was revived after Iran
14 agreed to the Joint Comprehensive Plan of Action,
15 signed at Vienna on July 14, 2015, relating to the
16 nuclear program of Iran.

17 (4) Russian officials have said they plan to de-
18 liver four such systems to Iran by the end of 2016.
19 The delivery is part of an \$800,000,000 contract
20 signed in 2007, under which Russia was to provide
21 Iran with five such systems. Russia suspended the
22 deliveries of such systems in 2010.

23 (5) On April 18, 2016, Department of State
24 spokesperson John Kirby stated during a State De-
25 partment briefing, “We have made clear in the past

1 our objections to any sale of the S–300 missile sys-
2 tem to Iran.”.

3 (6) On June 8, 2016, the administration stated,
4 in response to an inquiry by Representative Steve
5 Chabot about the sale, that it has strongly urged the
6 Government of Russia not to proceed with the sale
7 of such systems to Iran, and that such a sale would
8 add to tensions in the region and be clearly incon-
9 sistent with the goals of non-proliferation.

10 **SEC. 3. SENSE OF CONGRESS.**

11 It is the sense of Congress that the sale or transfer
12 of an advanced integrated air defense system to Iran con-
13 stitutes the sale or transfer of a destabilizing type of ad-
14 vanced conventional weapons system to Iran.

15 **SEC. 4. DETERMINATIONS WITH RESPECT TO THE IMPOSI-**
16 **TION OF SANCTIONS FOR THE SALE OR**
17 **TRANSFER OF ADVANCED INTEGRATED AIR**
18 **DEFENSE SYSTEMS TO THE GOVERNMENT OF**
19 **IRAN.**

20 (a) NOTIFICATION OF SALES AND TRANSFERS.—Not
21 later than 15 days after the date on which the President
22 receives credible information that any advanced integrated
23 air defense system has been sold or transferred to Iran,
24 the President shall notify the appropriate congressional
25 committees of the sale or transfer.

1 (b) DETERMINATIONS WITH RESPECT TO SANC-
2 TIONS.—

3 (1) IN GENERAL.—Not later than 30 days after
4 the date on which the President notifies the appro-
5 priate congressional committees of a sale or transfer
6 under subsection (a), the President shall—

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

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

14 (I) make a determination with respect
15 to whether the President will impose or
16 waive such sanctions with respect to such
17 sale or transfer; and

18 (II) submit that determination to the
19 appropriate congressional committees; or

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

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

3 (1) Section 5(b) of the Iran Sanctions Act of
4 1996 (50 U.S.C. 1701 note).

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

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

9 (d) TERMINATION.—Any sanction imposed by reason
10 of a determination under subsection (b)(1)(B)(i)(I) shall,
11 notwithstanding any provision with respect to the duration
12 of a sanction under any provision of law specified in sub-
13 section (c), terminate on the date that is 30 days after
14 the date on which the President submits to the appro-
15 priate congressional committees a certification that the
16 Government of Iran and all entities owned or controlled
17 by the Government of Iran—

18 (1) are not in possession of the advanced inte-
19 grated air defense system with respect to which such
20 sanction was imposed; and

21 (2) have not transferred the advanced inte-
22 grated air defense system with respect to which such
23 sanctions were enforced to—

1 (A) a foreign terrorist organization, as des-
2 ignated under section 219 of the Immigration
3 and Nationality Act (8 U.S.C. 1189); or

4 (B) a country, the government of which is
5 designated by the Secretary of State, under sec-
6 tion 6(j) of the Export Administration Act of
7 1979 (50 U.S.C. 2405) (as continued in effect
8 under the International Emergency Economic
9 Powers Act (50 U.S.C. 1701 et seq.)), section
10 40 of the Arms Export Control Act (22 U.S.C.
11 2780), section 620A of the Foreign Assistance
12 Act of 1961 (22 U.S.C. 2371), or any other
13 provision of law, as a government which has re-
14 peatedly provided support for acts of inter-
15 national terrorism.

16 (e) DEFINITION.—In this Act:

17 (1) ADVANCED INTEGRATED AIR DEFENSE SYS-
18 TEMS.—The term “advanced integrated air defense
19 systems” means command, control, communications,
20 and computer systems, radars and any other related
21 sensors, electronic warfare technologies, transporter-
22 erector launchers, surface-to-air missile units (in-
23 cluding the S–300 and S–400 missile defense sys-
24 tems produced by Russia), air superiority fighters,
25 and parts thereof.

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means the Committee on Foreign Affairs of
4 the House of Representatives and the Committee on
5 Foreign Relations of the Senate.

