

STRENGTHENING OVERSIGHT OF IRAN'S ACCESS TO
FINANCE ACT

DECEMBER 7, 2017.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. HENSARLING, from the Committee on Financial Services,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 4324]

[Including cost estimate of the Congressional Budget Office]

The Committee on Financial Services, to whom was referred the bill (H.R. 4324) to require the Secretary of the Treasury to make certifications with respect to United States and foreign financial institutions' aircraft-related transactions involving Iran, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Oversight of Iran's Access to Finance Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Under the Joint Comprehensive Plan of Action (JCPOA), informally known as the Iran nuclear deal, the Obama administration agreed to license the sale of commercial passenger aircraft to Iran, the world's foremost state sponsor of terrorism and a jurisdiction of primary money laundering concern.

(2) In April 2015, prior to the adoption of the JCPOA, Secretary of the Treasury Jacob Lew, in publicly advocating for its provisions, stated: "Make no mistake: deal or no deal, we will continue to use all our available tools, including sanctions, to counter Iran's menacing behavior. Iran knows that our host of sanctions focused on its support for terrorism and its violations of human rights are not, and have never been, up for discussion."

(3) In March 2016 remarks to the Carnegie Endowment for International Peace, Secretary Lew, in reference to U.S. commitments under the JCPOA, stated: “While we have lifted the nuclear sanctions, we continue to enforce sanctions directed at support for terrorism and regional destabilization, and missile and human rights violations.”

(4) In an April 2016 forum at the Council on Foreign Relations, Secretary Lew stated that, under the JCPOA, the U.S. committed to lifting its nuclear sanctions, “but the U.S. financial system is not open to Iran, and that is not something that is going to change”.

(5) In September 2016, the Department of the Treasury’s Office of Foreign Assets Control (OFAC) issued licenses permitting the export of up to 97 aircraft for use by Iran Air, the Islamic Republic of Iran’s flagship state-owned carrier. These licenses included authorization for U.S. financial institutions “to engage in all transactions necessary to provide financing or other financial services” in order to effectuate the sales. In November 2016, OFAC licensed an additional 106 aircraft for purchase by Iran Air, which are also eligible for financing authorized by OFAC.

(6) The Department of the Treasury had sanctioned Iran Air in 2011 for its use of commercial passenger aircraft to transport rockets, missiles, and other military cargo on behalf of the Islamic Revolutionary Guard Corps (IRGC) and Iran’s Ministry of Defense and Armed Forces Logistics, both of which had been designated under Executive Order 13382 for weapons proliferation-related activities. In October 2017, the IRGC went on to be designated under Executive Order 13224 for its support of the IRGC-Qods Force, which has provided support to terrorist groups such as Hizballah, Hamas, and the Taliban.

(7) Among Iran Air’s sanctionable activities, the airline delivered missile or rocket components to the Assad government in Syria, which like Iran is classified as a state sponsor of terrorism.

(8) The Assad regime is responsible for a civil conflict that has claimed an estimated 400,000 lives, including through the government’s deployment of chemical weapons and barrel bombs against unarmed civilians and children.

(9) Despite being delisted in 2016, Iran Air has continued to fly known weapons resupply routes to government-controlled areas of Syria. According to research by the Foundation for Defense of Democracies, between Implementation Day of the JCPOA on January 16, 2016, and May 4, 2017, Iran Air operated at least 134 flights to Syria, which included stops in Abadan, Iran, a suspected IRGC logistical hub for airlifts to the Assad regime.

(10) In November 2016 correspondence to the Chairman of the House Committee on Financial Services, the Department of the Treasury noted that the commitment to delist Iran Air under the JCPOA “does not affect our ability to designate, or re-designate, any Iranian airline that engages in sanctionable activity. The United States retains the ability to designate any individual or entity that engages in sanctionable activities under our authorities targeting conduct outside the scope of the JCPOA, including Iran’s support for terrorism, human rights abuses, ballistic missile program, and other destabilizing activities in the region.”

(11) In April 2017, Iran announced a deal for Aseman Airlines to purchase up to 60 commercial aircraft, a transaction that would require authorization by OFAC. Aseman Airlines’ chief executive officer, Hossein Alaei, has for decades served as a senior member of the IRGC.

SEC. 3. CERTIFICATIONS FOR AIRCRAFT-RELATED TRANSACTIONS BY UNITED STATES AND FOREIGN FINANCIAL INSTITUTIONS.

(a) **IN GENERAL.**—Not later than 30 days after authorizing a transaction by a United States or foreign financial institution in connection with the export or re-export of a commercial passenger aircraft to Iran (or, for an authorization made after January 16, 2016, but before the date of the enactment of this Act, not later than 60 days after such date of enactment), and every 180 days thereafter for the duration of the authorization, the Secretary of the Treasury shall submit the report described under subsection (b) to the appropriate congressional committees.

(b) **REPORT WITH RESPECT TO FINANCIAL INSTITUTIONS’ IRAN-RELATED TRANSACTIONS AND DUE DILIGENCE.**—With respect to a financial institution and a transaction described under subsection (a), a report is described under this subsection if it contains—

(1) a list of financial institutions that, since January 16, 2016, have conducted transactions authorized by the Secretary in connection with the export or re-export of commercial passenger aircraft to Iran;

(2) either—

(A) a certification that—

- (i) the transaction does not pose a significant money laundering or terrorism financing risk to the United States financial system;
 - (ii) the transaction will not benefit an Iranian person that, since the date that is one year preceding the date of the certification—
 - (I) has knowingly transported items used for the proliferation of weapons of mass destruction, including systems designed in whole or in part for the delivery of such weapons; or
 - (II) has knowingly provided transportation services or material support for, or on behalf of, any person designated under Executive Orders 13224, 13382, or 13572; and
 - (iii) any financial institution described under subsection (b)(1) has had since the date such authorization was made, or, if the authorization is no longer in effect, had for the duration of such authorization, appropriate policies, procedures, and processes in place to avoid engaging in sanctionable activities that may result from the financial institutions' exposure to Iran; or
 - (B) a statement that the Secretary is unable to make the certification described under subparagraph (A) and a notice that the Secretary will, not later than 60 days after the date the determination is submitted to the appropriate congressional committees, issue a report on non-certification described under subsection (c) to the appropriate congressional committees.
- (c) REPORT ON NON-CERTIFICATION.—With respect to a financial institution and a transaction described under subsection (a), a report on non-certification is described under this subsection if it contains—
- (1) a detailed explanation for why the Secretary is unable to make the certification described under subsection (b)(2);
 - (2) a notification of whether the Secretary will—
 - (A) not amend the authorization of the transaction with respect to a financial institution, notwithstanding such non-certification;
 - (B) suspend the authorization until the Secretary is able to make such certification;
 - (C) revoke the authorization; or
 - (D) otherwise amend the authorization; and
 - (3) an explanation of the reasons for any action to be taken described under paragraph (2).
- (d) WAIVER.—The President may waive, on a case-by-case basis, the provisions of this Act for up to one year at a time upon certifying to the appropriate congressional committees that—
- (1) the Government of Iran has—
 - (A) made substantial progress towards combating money laundering and terrorism financing risk emanating from Iran; or
 - (B) has significantly reduced Iran's—
 - (i) destabilizing activities in the region; or
 - (ii) material support for terrorist groups; or
 - (2) such waiver is important to the national security interests of the United States, with an explanation of the reasons therefor.
- (e) TERMINATION.—This section shall cease to be effective on the date that is 30 days after the date on which the President certifies to the appropriate congressional committees that—
- (1)(A) the Secretary does not find, under section 5318A of title 31, United States Code, that reasonable grounds exist for concluding that Iran is a jurisdiction of primary money laundering concern; and
 - (B) Iran has ceased providing support for acts of international terrorism; or
 - (2) terminating the provisions of this section is vital to the national security interests of the United States, with an explanation of the reasons therefor.
- (f) DEFINITIONS.—For purposes of this section:
- (1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the committees on Financial Services and Foreign Affairs of the House of Representatives and the committees on Banking, Housing, and Urban Affairs and Foreign Relations of the Senate.
 - (2) FINANCIAL INSTITUTION.—The term “financial institution” means a United States financial institution or a foreign financial institution.
 - (3) FOREIGN FINANCIAL INSTITUTION.—The term “foreign financial institution” has the meaning given that term under section 561.308 of title 31, Code of Federal Regulations.
 - (4) KNOWINGLY.—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.
 - (5) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(6) UNITED STATES FINANCIAL INSTITUTION.—The term “United States financial institution” has the meaning given the term “U.S. financial institution” under section 561.309 of title 31, Code of Federal Regulations.

PURPOSE AND SUMMARY

On November 9, 2017, Representative Roger Williams introduced H.R. 4324, the “Strengthening Oversight of Iran’s Access to Finance Act”. H.R. 4324 requires the Secretary of the Treasury to provide Congress with a report on transactions authorized for financial institutions related to the export or re-export of aircraft to Iran.

The legislation would also require that the report certify that authorized transactions would not benefit Iranian persons that have transported items for the proliferation of weapons of mass destruction (WMD), or provided transportation services or material support for, or on behalf of, any person sanctioned for terrorism, WMD proliferation, or human rights abuses in Syria. The report would also certify that financial institutions that engage in aircraft finance for Iran have appropriate due diligence measures in place to avoid sanctionable activities.

If the report cannot include these certifications, the legislation requires the Secretary of the Treasury to explain the reasons for non-certification, and notify Congress of changes, if any, that will be made to financial institutions’ authorizations.

H.R. 4324 further includes Presidential waiver authority to incentivize behavioral change in Iran, and to provide the administration with significant flexibility in order to safeguard U.S. national security.

BACKGROUND AND NEED FOR LEGISLATION

Under the Joint Comprehensive Plan of Action (JCPOA), the Obama administration agreed to license the export of commercial passenger planes to Iran, though nearly all other existing trade restrictions with the country remain in place. When licensing the export of these aircraft, the U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) may include authorization for U.S. financial institutions to undertake transactions necessary to effectuate the aircraft sales. Such authorizations could expose U.S. banks to Iran, which the U.S. Department of State has classified as the world’s foremost state sponsor of terrorism.

In 2016, OFAC licensed the export of more than 200 planes to Iran Air, the country’s leading state-owned carrier. In 2011, The Treasury Department sanctioned Iran Air for using its commercial passenger planes to transport rockets, missiles, and other military cargo on behalf of the Islamic Revolutionary Guard Corps (IRGC) and Iran’s Ministry of Defense and Armed Forces Logistics. The Treasury Department determined that Iran Air’s illicit activities included transporting weapons and related components to Syria, another state sponsor of terrorism and the site of a civil conflict that has claimed an estimated 400,000 lives.

In accordance with the JCPOA, the Obama administration lifted sanctions on Iran Air in January 2016; however, there is evidence that the carrier has continued its illicit behavior. According to April 2017 testimony before the Committee by Dr. Emanuele Ottolenghi, a senior fellow at the *Foundation for Defense of Democracies*, Iran

Air operated at least 114 flights to Syria between January 16, 2016 (Implementation Day of the JCPOA) and March 30, 2017. These flights used known weapons resupply routes, including stopovers in Abadan, Iran, a suspected IRGC logistical hub that supports airlifts to the Assad regime. In communications with the Committee, Dr. Ottolenghi later confirmed that Iran Air had flown at least 134 such flights between Implementation Day and May 4, 2017.

As Dr. Ottolenghi stated during his testimony on April 4, 2017:

“Based on publicly available open source information, it is extremely likely that Iran Air is still an active participant in the airlifts. This conclusion is based on the following:

- There is no justification for frequent commercial flights to Damascus; Syria is a war zone with little tourism or commerce, yet it is served by an average of 11 flights a week.
- Iran Air operates flight number 697 from Tehran to Damascus twice a week. The flight cannot be purchased on Iran Air’s booking website or through travel agencies, and the booking website does not include Damascus among its destinations from Tehran’s international airport, where the flights originate.
- Iran Air flight 697 occasionally makes a stopover in Abadan, a logistical hub for the Syria airlifts regularly used by other airlines. This diversion is inconsistent with international civil aviation regulations and suggests that the airline is trying to disguise its flight path.”

In addition to Iran Air’s suspected support for sanctioned entities and continued atrocities in Syria, Iran generally suffers from profound deficiencies in combatting money laundering and terrorist financing, which has led the Treasury Department to designate it a “jurisdiction of primary money laundering concern,” and the Financial Action Task Force to label it a “high-risk and non-cooperative jurisdiction.”

H.R. 4324 provides Congress with greater oversight over financial transactions that the Treasury Department authorizes with Iran. Given the risks that doing business with Iran poses, such oversight will help detail those risks for Congress and ensure that financial institutions are aware of the heightened due diligence they should exercise with respect to Iran.

H.R. 4324 includes waiver and sunset provisions in order to give significant flexibility to the President to pursue U.S. foreign policy goals, and incentivizes Iran to rein in its support for terrorism, weapons proliferation, and regional destabilization.

This legislation does not re-impose sanctions lifted under the JCPOA.

HEARINGS

The Subcommittee on Monetary Policy and Trade held a hearing titled “Increasing the Effectiveness of Non-Nuclear Sanctions against Iran” on April 4, 2017, which examined matters relating to H.R. 4324.

COMMITTEE CONSIDERATION

The Committee on Financial Services met in open session on November 14, 2017, and ordered H.R. 4324 to be reported favorably to the House without amendment by a recorded vote of 38 yeas to 21 nays (record vote no. FC-97), a quorum being present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The sole recorded vote was on a motion by Chairman Hensarling to report the bill favorably to the House without amendment. The motion was agreed to by a recorded vote of 38 yeas to 21 nays (Record vote no. FC-97), a quorum being present.

Record vote no. FC-97

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Hensarling	X			Ms. Maxine Waters (CA)		X	
Mr. McHenry				Mrs. Carolyn B. Maloney (NY)		X	
Mr. King	X			Ms. Velázquez		X	
Mr. Royce (CA)	X			Mr. Sherman	X		
Mr. Lucas	X			Mr. Meeks		X	
Mr. Pearce	X			Mr. Capuano		X	
Mr. Posey	X			Mr. Clay		X	
Mr. Luetkemeyer	X			Mr. Lynch		X	
Mr. Huizenga	X			Mr. David Scott (GA)		X	
Mr. Duffy	X			Mr. Al Green (TX)		X	
Mr. Stivers	X			Mr. Cleaver		X	
Mr. Hultgren	X			Ms. Moore		X	
Mr. Ross	X			Mr. Ellison		X	
Mr. Pittenger	X			Mr. Perlmutter		X	
Mrs. Wagner	X			Mr. Himes		X	
Mr. Barr	X			Mr. Foster		X	
Mr. Rothfus	X			Mr. Kildee		X	
Mr. Messer	X			Mr. Delaney		X	
Mr. Tipton	X			Ms. Sinema	X		
Mr. Williams	X			Mrs. Beatty		X	
Mr. Poliquin	X			Mr. Heck		X	
Mrs. Love	X			Mr. Vargas	X		
Mr. Hill	X			Mr. Gottheimer	X		
Mr. Emmer	X			Mr. Gonzalez (TX)	X		
Mr. Zeldin	X			Mr. Crist		X	
Mr. Trott	X			Mr. Kihuen		X	
Mr. Loudermilk	X						
Mr. Mooney (WV)	X						
Mr. MacArthur	X						
Mr. Davidson	X						
Mr. Budd	X						
Mr. Kustoff (TN)	X						
Ms. Tenney	X						
Mr. Hollingsworth	X						

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the findings and recommendations of the Committee based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

PERFORMANCE GOALS AND OBJECTIVES

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee advises that the bill contains no measure that authorizes funding, so no statement of general performance goals and objectives for which any measure authorizes funding is required.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATES

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 4, 2017.

Hon. JEB HENSARLING,
*Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4324, Strengthening Oversight of Iran's Access to Finance Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 4324—Strengthening Oversight of Iran's Access to Finance Act

H.R. 4324 would amend current law to require the Department of the Treasury to report to the Congress on the financing of aircraft purchases by the Republic of Iran. The bill would direct the Secretary of the Treasury to certify whether or not financial transactions to facilitate the export of aircraft to Iran involve activities that could be sanctioned under current law.

If sufficient information is available to make that certification, CBO estimates that implementing H.R. 4324 would have no significant cost to the federal government because it would not amend existing sanctions. However, CBO cannot determine whether the department would be able to make the required certification.

Enacting the H.R. 4324 would not affect direct spending and revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 4324 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 4324 contains no intergovernmental or private-sector mandates as defined in Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

This information is provided in accordance with section 423 of the Unfunded Mandates Reform Act of 1995.

The Committee has determined that the bill does not contain Federal mandates on the private sector. The Committee has determined that the bill does not impose a Federal intergovernmental mandate on State, local, or tribal governments.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of the section 102(b)(3) of the Congressional Accountability Act.

EARMARK IDENTIFICATION

With respect to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee has carefully reviewed the provisions of the bill and states that the provisions of the bill do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits within the meaning of the rule.

DUPLICATION OF FEDERAL PROGRAMS

In compliance with clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee states that no provision of the bill establishes or reauthorizes: (1) a program of the Federal Government known to be duplicative of another Federal program; (2) a program included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139; or (3) a program related to a program identified in the most recent Catalog of Federal Domestic Assistance, published pursuant to the Federal Program Information Act (Pub. L. No. 95-220, as amended by Pub. L. No. 98-169).

DISCLOSURE OF DIRECTED RULEMAKING

Pursuant to section 3(i) of H. Res. 5, (115th Congress), the following statement is made concerning directed rule makings: The Committee estimates that the bill requires no directed rule makings within the meaning of such section.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This Section cites H.R. 4324 as the “Strengthening Oversight of Iran’s Access to Finance Act.”

Section 2. Findings

Congressional findings make note of Iran’s designation as the world’s leading state sponsor of terrorism and a jurisdiction of primary money laundering concern. The section also documents the Obama administration’s multiple reassurances that, under the Iran nuclear deal, the U.S. would continue to hold the country accountable for illicit non-nuclear activities, including support for terrorism, weapons proliferation, and regional destabilization. In addition, the findings underscore Iran Air’s previous blacklisting for its support of the IRGC and Iranian defense ministry, as well as its continued flights to Syria using known weapons resupply routes.

Section 3. Certifications for aircraft-related transactions by United States and Foreign Financial Institutions

Not later than 30 days after authorizing a transaction by U.S. or foreign financial institutions in connection with the export or re-export of commercial aircraft to Iran, and every 180 days thereafter, the Treasury Secretary shall report to the appropriate congressional committees (the Committees on Financial Services and Foreign Affairs of the House, and the Committees on Banking, Housing, and Urban Affairs and Foreign Relations of the Senate) the following:

- A list of financial institutions that have conducted such transactions since January 16, 2016; and
- A certification that
 - The authorized transaction does not pose a significant money laundering or terrorism financing risk to the U.S. financial system;
 - The authorized transaction does not benefit an Iranian person that, in the year preceding the certification, has knowingly transported items used for the proliferation of weapons of mass destruction, or has knowingly provided transportation services or material support for, or on behalf of, any person designated under Executive Orders 13224 (relating to support for terrorism), 13382 (relating to weapons proliferation), or 13572 (relating to human rights abuses and repression in Syria); and
 - Any financial institution that has conducted an authorized transaction has, for the duration of the authorization, appropriate policies and procedures in place to avoid engaging in sanctionable activities that may result from its exposure to Iran.

For authorizations made between January 16, 2016 and enactment of this Act, the Secretary would have 60 days following enactment to submit a report, with subsequent reports issued every 180 days thereafter.

Should the Secretary notify Congress that the certification described above cannot be made, the Secretary would have 60 days to submit a report that includes:

- A detailed explanation for the Secretary's inability to make the certification; and
- A notification as to whether the Secretary will:
 - Not amend the authorization, despite the non-certification;
 - Suspend the authorization until the Secretary can make the authorization;
 - Revoke the authorization; or
 - Otherwise amend the authorization.

Congress would be provided an explanation for any course of action the Secretary chooses to take.

Waiver

The President may waive the Act's provisions for up to one year at a time upon certifying that the Government of Iran has:

- Made substantial progress towards combating money laundering and terrorism financing risk emanating from Iran; or
- Has significantly reduced Iran's destabilizing activities in the region, or its material support for terrorist groups.

The President may also issue a waiver upon certifying to the appropriate congressional committees that it is important to the national security interests of the United States, with an explanation of the reasons therefor.

Termination

Section 3 would cease to have effect 30 days after the President certifies that Iran is no longer a jurisdiction of primary money laundering concern and has ceased its support for international terrorism. Alternatively, the President could terminate this section's provisions by reporting to the appropriate congressional committees that a termination is vital to U.S. national security interests, with an explanation of the reasons therefor.

Section 3 includes definitions for terms that are consistent with Iran-related sanctions language.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 4324 does not repeal or amend any section of a statute. Therefore, the Office of Legislative Counsel did not prepare the report contemplated by Clause 3(e)(1)(B) of rule XIII of the House of Representatives.

MINORITY VIEWS

Last month, President Trump—whose enmity for the Iran nuclear deal is well documented—refused to certify the national security value of the Iran accord, which then put it into the hands of Congress to fatally undermine the agreement by reintroducing some or all of the suspended sanctions, if it chose to do so within 60 days.

H.R. 4324 would entangle the Administration with a new, unilateral certification requirement in order to carry out current U.S. obligations related to the sale and financing of commercial aircraft under the JCPOA, but then leave it up to the Administration to decide whether or not to pull the trigger on the nuclear deal if this certification cannot be made. This could set in motion a dynamic that causes the JCPOA to unravel because it would likely lead Iran to resume its nuclear activities just at a time when the U.S. already has its hands full with North Korea.

Under the JCPOA, the United States is broadly committed to “allow for the sale of commercial passenger aircraft and related parts and services to Iran.” This involves not just licensing the sale of aircraft and related parts and services to Iran, but also those activities necessary to facilitate such sales, including the financing for such sales.

The U.S. commitment is conditioned on “licensed items and services [being] used exclusively for commercial passenger aviation.” And yet, H.R. 4324 would impose extra conditions on the licensed sale of aircraft to Iran, including, for instance, the condition that the recipient airline has not used non-licensed aircraft for purposes other than commercial passenger aviation. That is, the Administration would have to certify that Iran is not engaged in certain activity unrelated to Iran’s nuclear conduct or to the use of licensed aircraft themselves. If the Secretary is unable to make such certification, then the Secretary must report to Congress to whether he intends to suspend, revoke, amend, or approve (“notwithstanding such non-certification”) any license facilitating the sale of commercial aircraft to Iran.

As we have now seen, President Trump objects to the fact that his Administration has to take affirmative steps to keep the deal in place, and refused to do so in the case of the last recurring 90-day Congressional certification requirement. Proponents of this bill undoubtedly expect Trump will react the same way to these additional requirements, and block (by omission of action) the sale of commercial aircraft that is a key element of the deal.

The sale of safe commercial planes to Iranian airlines allowed under the terms of the JCPOA will not appreciably increase Iran’s military capability—meanwhile, it’s clear that these sales get Iran to spend tens of billions of dollars on Western commercial aircraft and not missile development, militant salaries, and weapons. Di-

recting Iran's spending away from these things is a plus for U.S. national security, as hawks who worried very much about an Iranian "windfall" should recognize.

By seeking to render impermissible that which is expressly permitted pursuant to the JCPOA, the legislation would place in peril the U.S. commitment to permit the sale of commercial passenger aircraft to Iran, thereby placing the U.S. in non-compliance with its obligations under the nuclear deal. We strongly oppose this legislation.

MAXINE WATERS (CA).
MICHAEL E. CAPUANO.
STEPHEN F. LYNCH.
AL GREEN (TX).
WM. LACY CLAY.
JOYCE BEATTY.
DANIEL T. KILDEE.
KEITH ELLISON.
GREGORY W. MEEKS.

