

118TH CONGRESS
1ST SESSION

S. 2336

To address the threat from the development of Iran’s ballistic missile program and the transfer or deployment of Iranian missiles and related goods and technology, including materials and equipment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 18, 2023

Mr. MENENDEZ (for himself and Mr. HAGERTY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To address the threat from the development of Iran’s ballistic missile program and the transfer or deployment of Iranian missiles and related goods and technology, including materials and equipment, 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 TITLES.**

4 This Act may be cited as the “Making Iran Sanctions
5 Stick In Lieu of Expiration of Sanctions Act” or the
6 “MISSILES Act”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

1 (1) Annex B to United Nations Security Coun-
2 cil Resolution 2231 (2015) restricts certain missile-
3 related activities and transfers to and from Iran, in-
4 cluding all items, materials, equipment, goods, and
5 technology set out in the Missile Technology Control
6 Regime Annex, absent advance, case-by-case ap-
7 proval from the United Nations Security Council.

8 (2) Iran has transferred Shahed and Mohajer
9 drones, covered under the Missile Technology Con-
10 trol Regime Annex, to the Russian Federation, the
11 Government of Ethiopia, and other Iran-aligned en-
12 tities, including the Houthis in Yemen and militia
13 units in Iraq, without prior authorization from the
14 United Nations Security Council, in violation of the
15 restrictions set forth in Annex B to United Nations
16 Security Council Resolution 2231.

17 (3) Absent action by the United Nations Secu-
18 rity Council, certain missile-related restrictions in
19 Annex B to United Nations Security Council Resolu-
20 tion 2231 will expire in October 2023, removing
21 international legal restrictions on missile-related ac-
22 tivities and transfers to and from Iran.

23 **SEC. 3. STATEMENT OF POLICY.**

24 It is the policy of the United States—

1 (1) to combat and deter the transfer of conven-
2 tional and non-conventional arms, equipment, mate-
3 rial, and technology to or from Iran, or involving the
4 Government of Iran;

5 (2) to ensure countries, individuals, and entities
6 engaged in, or attempting to engage in, the acquisi-
7 tion, facilitation, or development of arms and related
8 components and technology and subject to restric-
9 tions under Annex B to United Nations Security
10 Council Resolution 2231 are held to account under
11 United States and international law, including
12 through the application and enforcement of sanc-
13 tions and use of export controls, regardless of wheth-
14 er the restrictions under Annex B to United Nations
15 Security Council Resolution 2231 remain in effect
16 following their anticipated expiration in October
17 2023;

18 (3) to urgently seek the extension of missile-re-
19 lated restrictions set forth in Annex B to United Na-
20 tions Security Council Resolution 2231 (2015); and

21 (4) to use all available authorities to constrain
22 Iran's domestic ballistic missile production capabili-
23 ties.

24 **SEC. 4. DEFINITIONS.**

25 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Relations of
5 the Senate;

6 (B) the Committee on Banking, Housing,
7 and Urban Affairs of the Senate;

8 (C) the Committee on Foreign Affairs of
9 the House of Representatives; and

10 (D) the Committee on the Judiciary of the
11 House of Representatives.

12 (2) COVERED TECHNOLOGY.—The term “cov-
13 ered technology” means—

14 (A) any goods, technology, software, or re-
15 lated material specified in the Missile Tech-
16 nology Control Regime Annex, as in effect on
17 the day before the date of the enactment of this
18 Act; and

19 (B) any additional goods, technology, soft-
20 ware, or related material added to the Missile
21 Technology Control Regime Annex after the
22 day before the date of the enactment of this
23 Act.

24 (3) FOREIGN PERSON.—The term “foreign per-
25 son”—

1 (A) means an individual or entity that is
2 not a United States person; and

3 (B) includes a foreign state (as such term
4 is defined in section 1603 of title 28, United
5 States Code).

6 (4) GOOD.—The term “good” means any arti-
7 cle, natural or manmade substance, material, supply
8 or manufactured product, including inspection and
9 test equipment, and excluding technical data.

10 (5) GOVERNMENT OF IRAN.—The term “Gov-
11 ernment of Iran” has the meaning given such term
12 in section 560.304 of title 31, Code of Federal Reg-
13 ulations, as such section was in effect on January 1,
14 2021.

15 (6) IRAN-ALIGNED ENTITY.—The term “Iran-
16 aligned entity” means a foreign person that—

17 (A) is controlled by or reports directly to
18 the Government of Iran; and

19 (B) knowingly receives material or finan-
20 cial support from the Government of Iran, in-
21 cluding Hezbollah, Ansar Allah, or another Ira-
22 nian-backed proxy group.

23 (7) KNOWINGLY.—The term “knowingly” has
24 the meaning given such term in section 14(13) of

1 the Iran Sanctions Act of 1996 (50 U.S.C. 1701
2 note).

3 (8) MISSILE TECHNOLOGY CONTROL REGIME.—
4 The term “Missile Technology Control Regime”
5 means the policy statement between the United
6 States, the United Kingdom, the Federal Republic of
7 Germany, France, Italy, Canada, and Japan that
8 was announced on April 16, 1987, to restrict sen-
9 sitive missile-relevant transfers based on the Missile
10 Technology Control Regime Annex, and any amend-
11 ments thereto or expansions thereof, as in effect on
12 the day before the date of the enactment of this Act.

13 (9) MISSILE TECHNOLOGY CONTROL REGIME
14 ANNEX.—The term “Missile Technology Control Re-
15 gime Annex” means the Guidelines and Equipment
16 and Technology Annex of the Missile Technology
17 Control Regime, and any amendments thereto or up-
18 dates thereof, as in effect on the day before the date
19 of the enactment of this Act.

20 (10) UNITED STATES PERSON.—The terms
21 “United States person” means—

22 (A) a United States citizen;

23 (B) a permanent resident alien of the
24 United States;

1 (C) an entity organized under the laws of
2 the United States or of any jurisdiction within
3 the United States, including a foreign branch of
4 such an entity; or

5 (D) a person in the United States.

6 **SEC. 5. DEPARTMENT OF STATE REPORT ON DIPLOMATIC**
7 **STRATEGY AND OTHER ASPECTS OF UNITED**
8 **NATIONS SECURITY COUNCIL RESOLUTION**
9 **2231 EXPIRATIONS.**

10 Not later than 90 days after the date of the enact-
11 ment of this Act, and annually thereafter for the following
12 4 years, the Secretary of State, in coordination with the
13 heads of other relevant departments and agencies, shall
14 submit to the appropriate congressional committees an un-
15 classified report, with a classified annex, if necessary, that
16 includes—

17 (1) a diplomatic strategy to secure the renewal
18 of international restrictions on certain missile-re-
19 lated activities, including transfers to and from Iran
20 set forth in Annex B to United Nations Security
21 Council Resolution 2231 (2015) before October
22 2023;

23 (2) an analysis of how the expiration of missile-
24 related restrictions set forth in Annex B to United
25 Nations Security Council Resolution 2231 would im-

1 pact the Government of Iran’s arms proliferation
2 and malign activities, including as the restrictions
3 relate to cooperation with, and support for, Iran-
4 aligned entities and allied countries;

5 (3) an assessment of the revenue, or non-cash
6 benefits, to be accrued by the Government of Iran,
7 or Iran-aligned entities, as a result of a lapse in mis-
8 sile-related restrictions set forth in Annex B to
9 United Nations Security Council Resolution 2231;

10 (4) a detailed description of the United States
11 strategy to deter, prevent, and disrupt the sale, pur-
12 chase, or transfer of covered technology involving
13 Iran absent restrictions set forth in Annex B to
14 United Nations Security Council Resolution 2231;

15 (5) the identification of any foreign person en-
16 gaging in, enabling, or otherwise facilitating any ac-
17 tivity involving Iran restricted under Annex B to
18 United Nations Security Council Resolution 2231,
19 regardless of whether such restrictions remain in ef-
20 fect after October 2023;

21 (6) a description of actions by the United Na-
22 tions and other multilateral organizations, including
23 the European Union, to hold accountable foreign
24 persons that have violated the restrictions set forth
25 in Annex B to United Nations Security Council Res-

1 olution 2231, and efforts to prevent further viola-
2 tions of such restrictions;

3 (7) a description of actions by individual mem-
4 ber states of the United Nations Security Council to
5 hold accountable foreign persons that have violated
6 restrictions set forth in Annex B to United Nations
7 Security Council Resolution 2231 and efforts to pre-
8 vent further violations of such restrictions;

9 (8) a description of actions taken by the Peo-
10 ple's Republic of China, the Russian Federation, or
11 any other country to prevent, interfere with, or un-
12 dermine efforts to hold accountable foreign persons
13 that have violated the restrictions set forth in Annex
14 B to United Nations Security Council Resolution
15 2231, including actions to restrict United Nations-
16 led investigations into suspected violations of such
17 restrictions, or limit funding to relevant United Na-
18 tions offices or experts;

19 (9) an analysis of the foreign and domestic sup-
20 ply chains in Iran that directly or indirectly facili-
21 tate, support, or otherwise aid the Government of
22 Iran's drone or missile program, including storage,
23 transportation, or flight-testing of related goods,
24 technology, or components;

1 (10) the identification of any foreign entity or
2 entities that enables, supports, or otherwise facili-
3 tates the operations or maintenance of any Iranian
4 airline subject to United States sanctions or export
5 control restrictions;

6 (11) an assessment of how the continued oper-
7 ation of Iranian airlines subject to United States
8 sanctions or export control restrictions impacts the
9 Government of Iran’s ability to transport or develop
10 arms, including covered technology; and

11 (12) a description of actions taken by the Peo-
12 ple’s Republic of China, the Russian Federation, or
13 any other country that have violated the restrictions
14 set forth in Annex B of United Nations Security
15 Council Resolution 2231, including any purchase,
16 transfer, or acquisition of covered technology or
17 component parts.

18 **SEC. 6. COMBATING THE PROLIFERATION OF IRANIAN MIS-**
19 **SILES.**

20 (a) IN GENERAL.—The actions, including sanctions,
21 described in subsection (b) shall apply to any foreign per-
22 son the President determines, on or after the date of the
23 enactment of this Act—

24 (1) knowingly engages in any effort to acquire,
25 possess, develop, transport, transfer, or deploy cov-

1 ered technology to, from, or involving the Govern-
2 ment of Iran or Iran-aligned entities, regardless of
3 whether the restrictions set forth in Annex B to
4 United Nations Security Council Resolution 2231
5 (2015) remain in effect after October 2023;

6 (2) knowingly provides entities owned or con-
7 trolled by the Government of Iran or Iran-aligned
8 entities with goods, technology, parts, or compo-
9 nents, that may contribute to the development of
10 covered technology;

11 (3) knowingly participates in joint missile or
12 drone development, including development of covered
13 technology, with the Government of Iran or Iran-
14 aligned entities, including technical training, storage,
15 and transport;

16 (4) knowingly imports, exports, or re-exports to,
17 into, or from Iran, whether directly or indirectly,
18 any significant arms or related materiel prohibited
19 under paragraph (5) or (6) to Annex B of United
20 Nations Security Council Resolution 2231 (2015) as
21 of April 1, 2023; or

22 (5) knowingly provides significant financial, ma-
23 terial, or technological support to, or knowingly en-
24 gages in a significant transaction with, a foreign

1 person subject to sanctions for conduct described in
2 paragraph (1), (2), (3), or (4).

3 (b) SANCTIONS DESCRIBED.—The sanctions de-
4 scribed in this subsection are the following:

5 (1) BLOCKING OF PROPERTY.—The President
6 shall exercise all authorities granted under the Inter-
7 national Emergency Economic Powers Act (50
8 U.S.C. 1701 et seq.) to the extent necessary to block
9 and prohibit all transactions in property and inter-
10 ests in property of the foreign person if such prop-
11 erty and interests in property are in the United
12 States, come within the United States, or come with-
13 in the possession or control of a United States per-
14 son.

15 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR
16 PAROLE.—

17 (A) VISAS, ADMISSION, OR PAROLE.—An
18 alien described in subsection (a) shall be—

19 (i) inadmissible to the United States;

20 (ii) ineligible to receive a visa or other
21 documentation to enter the United States;

22 and

23 (iii) otherwise ineligible to be admitted
24 or paroled into the United States or to re-
25 ceive any other benefit under the Immigra-

1 tion and Nationality Act (8 U.S.C. 1101 et
2 seq.).

3 (B) CURRENT VISAS REVOKED.—

4 (i) IN GENERAL.—The visa or other
5 entry documentation of any alien described
6 in subsection (a) is subject to revocation
7 regardless of the issue date of the visa or
8 other entry documentation.

9 (ii) IMMEDIATE EFFECT.—A revoca-
10 tion under clause (i) shall, in accordance
11 with section 221(i) of the Immigration and
12 Nationality Act (8 U.S.C. 1201(i))—

13 (I) take effect immediately; and

14 (II) cancel any other valid visa or
15 entry documentation that is in the
16 possession of the alien.

17 (c) PENALTIES.—Any person that violates, or at-
18 tempts to violate, subsection (a) or any regulation, license,
19 or order issued pursuant to that subsection, shall be sub-
20 ject to the penalties set forth in subsections (b) and (c)
21 of section 206 of the International Economic Powers Act
22 (50 U.S.C. 1705) to the same extent as a person that com-
23 mits an unlawful act described in subsection (a) of that
24 section.

1 (d) WAIVER.—The President may waive the applica-
2 tion of sanctions under this section with respect to a for-
3 eign person only if, not later than 15 days before the date
4 on which the waiver is to take effect, the President sub-
5 mits to the appropriate congressional committees a written
6 determination and justification that the waiver is in the
7 vital national security interests of the United States.

8 (e) IMPLEMENTATION.—The President may exercise
9 all the authorities provided under sections 203 and 205
10 of the International Emergency Economic Powers Act (50
11 U.S.C. 1702 and 1704) to carry out the amendments
12 made by this section.

13 (f) RULEMAKING.—

14 (1) IN GENERAL.—Not later than 120 days
15 after the date of the enactment of this Act, the
16 President, in consultation with the Secretary of
17 State, shall promulgate any regulations that are nec-
18 essary to implement this Act and the amendments
19 made by this Act.

20 (2) NOTIFICATION TO CONGRESS.—Not less
21 than 10 days before the promulgation of regulations
22 pursuant to paragraph (1), the President shall sub-
23 mit to the appropriate congressional committees—

24 (A) a copy of the proposed regulations;
25 and

1 (B) a description of the specific provisions
2 of this Act and the amendments made by this
3 Act that such regulations are implementing.

4 (g) EXCEPTIONS.—

5 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
6 TIES.—Sanctions authorized under this section shall
7 not apply to any activity subject to the reporting re-
8 quirements under title V of the National Security
9 Act of 1947 (50 U.S.C. 3091 et seq.) or any author-
10 ized intelligence activities of the United States.

11 (2) EXCEPTION TO COMPLY WITH INTER-
12 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
13 MENT ACTIVITIES.—Sanctions authorized under this
14 section shall not apply with respect to an alien if ad-
15 mitting or paroling the alien into the United States
16 is necessary—

17 (A) to permit the United States to comply
18 with the Agreement regarding the Head-
19 quarters of the United Nations, signed at Lake
20 Success June 26, 1947, and entered into force
21 November 21, 1947, between the United Na-
22 tions and the United States, or other applicable
23 international obligations; or

24 (B) to carry out or assist authorized law
25 enforcement activity in the United States.

1 (3) EXCEPTION RELATING TO IMPORTATION OF
2 GOODS.—The authorities and requirements to im-
3 pose sanctions authorized under this section shall
4 not include the authority or a requirement to impose
5 sanctions on the importation of goods.

6 (h) TERMINATION OF SANCTIONS.—This section
7 shall cease to be effective beginning on the date that is
8 30 days after the date on which the President certifies
9 to the appropriate congressional committees that—

10 (1) the Government of Iran no longer provides
11 support for international terrorism, as determined
12 by the Secretary of State pursuant to—

13 (A) section 1754(c)(1)(A) of the Export
14 Control Reform Act of 2018 (50 U.S.C.
15 4318(c)(1)(A));

16 (B) section 620A of the Foreign Assistance
17 Act of 1961 (22 U.S.C. 2371);

18 (C) section 40 of the Arms Export Control
19 Act (22 U.S.C. 2780); or

20 (D) any other provision of law; and

21 (2) Iran has ceased the pursuit, acquisition,
22 and development of, and verifiably dismantled, its
23 nuclear, biological, and chemical weapons and bal-
24 listic missiles and ballistic missile launch technology.

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