

Congress of the United States
Washington, DC 20515

June 16, 2016

Dennis Muilenburg
The Boeing Company
100 North Riverside
Chicago, Illinois 60606

Dear Mr. Muilenberg:

We write to seek clarification on the current status of the Boeing Company's negotiations to sell aircraft to the Islamic Republic of Iran. Recent reports indicate that a deal may have been reached and we understand you have publicly commented on the matter, yet have thus far not responded to multiple inquiries from Members of the United States Congress. On June 2, the U.S. State Department released its annual report, once again labeling Iran "the foremost state sponsor of terrorism" around the world. This report has been attached for your review. We strongly oppose the potential sale of militarily-fungible products to terrorism's central supplier. American companies should not be complicit in weaponizing the Iranian Regime.

Iran's commercial aviation sector is deeply involved in supporting hostile actors. The Islamic Revolutionary Guard Corps (IRGC) systematically uses commercial aircraft to transport troops, weapons, military-related parts, rockets, and missiles to hostile actors around the world, including, but not limited to, Hezbollah, Hamas, Islamic Jihad, the Houthi Rebels in Yemen, and the Bashar Al-Assad Regime in Syria. These terrorist groups and rogue regimes have American blood on their hands. Your potential customers do as well.

Iran Air, a Regime-owned entity identified by Boeing's Vice President for Middle East Sales Marty Bentrutt as a prospective business partner, was recently designated by the U.S. Department of Treasury for providing logistical and financial support to the IRGC and Iran's Ministry of Defense and Armed Forces Logistics (MODAFL). Although Iran Air was quietly deleted from the Treasury Department's Specifically Designated Nationals List (SDN) in what was widely viewed as a diplomatic concession to Iran, there is no reason to believe the company has ceased its malicious activity.

In light of recent reports that a deal is imminent, we seek information to assist the U.S. Congress in determining the national security implications of a potential sale of Boeing aircraft to Iran. For this reason, we request answers to the following questions:

1. Have commercial airlines in Iran previously used Boeing aircraft to logistically or materially support Foreign Terrorist Organizations (FTOs), the IRGC, MODAFL, or the Assad Regime in Syria? Are commercial airlines in Iran currently using Boeing aircraft to logistically or materially support any FTOs, the IRGC, or the Assad Regime in Syria?

2. If Boeing decides to sell aircraft to Iranian Regime-owned entities, can you guarantee those entities will cease material, logistical, and financial support for FTOs, the IRGC, MODAFL, the Assad Regime in Syria, international terrorism, or other illicit activities?

3. During the span of your negotiations with Iran, has the Boeing Company had contact with any individual who is currently or was previously designated on the SDN list? Has the Boeing Company had any contact with any individual who was part of Iran Air's executive leadership during the time it was designated by Treasury?

4. Can Boeing ensure planes or related parts sold to recently de-listed entities such as Iran Air will not be transferred to entities which are currently on the SDN list, such as Mahan Air?

5. The Boeing Company has been promoting a video on its website and social media accounts to advertise the ease of converting Boeing passenger jets to cargo aircraft. Can the Boeing Company guarantee the Iranian Regime will not convert Boeing passenger jets to cargo aircraft?

6. What action will the Boeing Company take if it determines that airplanes sold to Iran have been used for purposes other than exclusively civil aviation end-use, or have been re-sold or re-transferred to persons on the SDN List?

7. If the Boeing Company learns Iran is using Boeing aircraft in violation of the JCPOA, will it work to repossess or remotely disable the aircraft? What other options would the company have in such a scenario?

8. Does the Boeing Company seek to help Iranian airlines obtain financing for new aircraft sales? Boeing's Vice President for Middle East Sales Marty Bentrott told the press the company is "going to have to figure out a way collectively for them to be able to finance the assets," and there are "a number of different options that could be explored." Please elaborate on these options.

9. As you may know, the Treasury Department currently lists the Islamic Republic of Iran as a Jurisdiction of Primary Money Laundering Concern and, as such, bars transactions between the Iranian Rial and the U.S. Dollar. Will the Boeing Company use offshore dollar clearing facilities to obtain payment from Iranian entities? Will the Boeing Company accept payment through third parties to otherwise skirt Treasury regulations?

10. Will the Boeing Company attempt to involve the Export-Import Bank of the United States in any capacity?

We look forward to receiving and reviewing your detailed answers by **July 1, 2016**.

Sincerely,



PETER J. ROSKAM
Member of Congress



JEB HENSARLING
Member of Congress

Encl: United States Department of State. (2016). Chapter 3: State Sponsors of Terrorism. In *Country Reports on Terrorism 2015* (299-302). Washington D.C.

United States Department of State. (2016). *Country Reports on Terrorism 2015*. Washington D.C.

Country Reports on Terrorism 2015

June 2016

United States Department of State Publication
Bureau of Counterterrorism and Countering Violent Extremism
Released June 2, 2016

Country Reports on Terrorism 2015 is submitted in compliance with Title 22 of the United States Code, Section 2656f (the “Act”), which requires the Department of State to provide to Congress a full and complete annual report on terrorism for those countries and groups meeting the criteria of the Act.

Chapter 3

State Sponsors of Terrorism

To designate a country as a State Sponsor of Terrorism, the Secretary of State must determine that the government of such country has repeatedly provided support for acts of international terrorism. Once a country is designated, it remains a State Sponsor of Terrorism until the designation is rescinded in accordance with statutory criteria. A wide range of sanctions are imposed as a result of a State Sponsor of Terrorism designation, including:

- A ban on arms-related exports and sales;
- Controls over exports of dual-use items, requiring 30-day Congressional notification for goods or services that could significantly enhance the terrorist-list country's military capability or ability to support terrorism;
- Prohibitions on economic assistance; and
- Imposition of miscellaneous financial and other restrictions.

State Sponsor of Terrorism designations can be rescinded pursuant to two alternative paths.

One path requires that the President submit a report to Congress before the proposed rescission would take effect certifying that:

- There has been a fundamental change in the leadership and policies of the government of the country concerned,
- The government is not supporting acts of international terrorism, and
- The government has provided assurances that it will not support acts of international terrorism in the future.

The other path requires that the President submit a report to Congress, at least 45 days before the proposed rescission would take effect, justifying the rescission and certifying that:

- The government concerned has not provided any support for international terrorism during the preceding six-month period, and
 - The government concerned has provided assurances that that it will not support acts of international terrorism in the future.
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This report provides a snapshot of events during 2015 relevant to countries designated as State Sponsors of Terrorism; it does not constitute a new announcement regarding such designations. More information on State Sponsor of Terrorism designations may be found at <http://www.state.gov/j/ct/c14151.htm>.

IRAN

Designated as a State Sponsor of Terrorism in 1984, Iran continued its terrorist-related activity in 2015, including support for Hizballah, Palestinian terrorist groups in Gaza, and various groups in Iraq and throughout the Middle East. In 2015, Iran increased its assistance to Iraqi Shia terrorist groups, including Kata'ib Hizballah (KH), which is a U.S. designated Foreign Terrorist Organization, as part of an effort to fight the Islamic State of Iraq and the Levant (ISIL) in Iraq and bolster the Asad regime in Syria. Iran used the Islamic Revolutionary Guard Corps-Qods Force (IRGC-QF) to implement foreign policy goals, provide cover for intelligence operations, and create instability in the Middle East. The IRGC-QF is Iran's primary mechanism for cultivating and supporting terrorists abroad.

Iran views the Asad regime in Syria as a crucial ally, a pillar in its "resistance" front together with sub-national groups aligned with Iran, and a key link to Hizballah, Iran's primary beneficiary and terrorist partner. In addition to its ongoing support for Hizballah in Syria, Iran continued to provide arms, financing, training, and the facilitation of primarily Iraqi, Afghan, and Pakistani Shia fighters to support the Asad regime's brutal crackdown that has resulted in the deaths of more than 250,000 people in Syria. Iran more openly acknowledged the deaths of Iranian personnel in Syria in 2015, including several senior commanders, and increased Iranian troop levels, while continuing to claim publicly that Iranian forces had only deployed in an advisory role.

In Iraq, Iranian combat forces employed rockets, artillery, and drones against ISIL. Iran also increased its arming and funding of Iraqi Shia terrorist groups in an effort to reverse ISIL gains in Iraq. Many of these groups, such as KH, have exacerbated sectarian tensions in Iraq and have committed serious human rights abuses against primarily Sunni civilians. The IRGC-QF, in concert with Hizballah, provided training outside of Iraq, as well as advisors inside Iraq for Shia militants in the construction and use of advanced weaponry. Similar to Hizballah fighters, many of these trained Shia militants have used these skills to fight for the Asad regime in Syria or against ISIL in Iraq.

Iran has also provided weapons, funding, and training to Shia militants in Bahrain. In 2015, the Government of Bahrain raided, interdicted, and rounded up numerous Iran-sponsored weapons caches, arms transfers, and militants. This includes the Bahraini government's discovery of a bomb-making facility with 1.5 tons of high-grade explosives in September.

Iran has historically provided weapons, training, and funding to Hamas and other Palestinian terrorist groups, including Palestine Islamic Jihad and the Popular Front for the Liberation of Palestine-General Command. These Palestinian terrorist groups have been behind a number of deaths from attacks originating in Gaza and the West Bank. Although Hamas's ties to Tehran have been strained due to the Syrian civil war, both sides took steps in 2015 to repair relations. Iran continued to declare its vocal support for Palestinian terrorist groups and its hostility to Israel in 2015. Supreme National Security Council Secretary Admiral Ali Shamkhani sought to frame a series of individual Palestinian attacks on Israeli security forces in the West Bank as a new "Intifada" in a speech on November 25.

Since the end of the 2006 Israeli-Hizballah conflict in 2006, Iran has also assisted in rearming Hizballah, in direct violation of UNSCR 1701. Iran has provided hundreds of millions of dollars

in support of Hizballah in Lebanon and has trained thousands of its fighters at camps in Iran. These trained fighters have used these skills in direct support of the Asad regime in Syria and, to a lesser extent, in support of operations against ISIL in Iraq. They have also carried out isolated attacks along the Lebanese border with Israel.

Iran remained unwilling to bring to justice senior al-Qa'ida (AQ) members it continued to detain and refused to publicly identify the members in its custody. Iran previously allowed AQ facilitators to operate a core facilitation pipeline through Iran since at least 2009, enabling AQ to move funds and fighters to South Asia and Syria.

SUDAN

Sudan was designated as a State Sponsor of Terrorism in 1993 due to concerns about support to international terrorist groups to include the Abu Nidal Organization, Palestine Islamic Jihad, Hamas, and Hizballah.

In the mid-1990s, Sudan served as a meeting place, safe haven, and training hub for international terrorist groups, such as al-Qa'ida. Usama bin Laden was provided safe haven in Sudan for five years until he was expelled by the Sudanese government in 1996. Sudan's support to al-Qa'ida has ceased but elements of al-Qa'ida and ISIL-linked terrorist groups remained active in Sudan in 2015. The United States and Sudan worked cooperatively in countering the threat posed by al-Qa'ida and ISIL in 2015, which included their use of transit and facilitation routes within the country.

In 2014, members of Hamas were allowed to raise funds, travel, and live in Sudan. However, in 2015 the use of Sudan by Palestinian designated terrorist groups appeared to have declined. The last known shipment was the Israeli-interdicted KLOS-C in 2014.

In June 2010, four Sudanese men sentenced to death for the killing of two U.S. Embassy staff members on January 1, 2008, escaped from Khartoum's maximum security Kober prison. That same month of the escape, Sudanese authorities confirmed that they recaptured one of the four convicts, and a second escapee was reported killed in Somalia in May 2011. The recaptured murderer is being held in Kober Prison, and, as of December 2015, appeals of his pending death sentence were still ongoing. The whereabouts of the other two convicts were unknown at year's end, although one is rumored to have been killed in Somalia in November 2015.

SYRIA

Designated in 1979 as a State Sponsor of Terrorism, the Asad regime continued its political support to a variety of terrorist groups affecting the stability of the region, even amid significant internal unrest. The regime continued to provide political and weapons support to Hizballah and continued to allow Iran to rearm the terrorist organization. The Asad regime's relationship with Hizballah and Iran grew stronger in 2015 as the conflict in Syria continued. President Bashar al-Asad remained a staunch defender of Iran's policies, while Iran has exhibited equally energetic support for Syrian regime efforts to defeat the Syrian opposition. Statements supporting terrorist groups, particularly Hizballah, were often in Syrian government speeches and press statements.

Over the past decade, the Syrian government has played an important role in the growth of terrorist networks in Syria through the Assad regime's permissive attitude towards al-Qa'ida and other terrorist groups' foreign fighter facilitation efforts during the Iraq conflict. Syria has served for years as a hub for foreign terrorist fighters; the Syrian government's awareness and encouragement for many years of violent extremists' transit through Syria to enter Iraq, for the purpose of fighting Coalition troops, is well documented. Those very networks were among the violent extremist elements, including ISIL, which terrorized the Syrian and Iraqi population in 2015 and – in addition to other terrorist organizations within Syria – continued to attract thousands of foreign terrorist fighters to Syria in 2015. This environment has also allowed ISIL to plot or encourage external attacks in Libya, France, Lebanon, Yemen, Saudi Arabia, Egypt, and the United States.

As part of a broader strategy during the year, the regime portrayed Syria itself as a victim of terrorism, characterizing all of the internal armed opponents as “terrorists.”

The Assad regime's policies generate concern regarding terrorism financing. Industry experts reported that 60 percent of all business transactions are conducted in cash and that nearly 80 percent of all Syrians do not use formal banking services. Despite Syrian legislation that required money changers to be licensed by the end of 2007, many continued to operate illegally in Syria's vast black market, estimated to be as large as Syria's formal economy. Regional *hawala* networks (an informal value transfer system among money brokers operating outside traditional financial systems) remained intertwined with smuggling and trade-based money laundering, and were facilitated by notoriously corrupt customs and immigration officials. This raised concerns that some members of the Syrian government and the business elite were complicit in terrorist finance schemes conducted through these institutions.

The United States cannot certify that Syria is in compliance with its obligations under the Chemical Weapons Convention (CWC). The United States assesses that Syria has used chemical weapons systematically and repeatedly against the Syrian people every year since acceding the Convention, and is therefore in violation of its obligations under Article I of the CWC. In addition, the United States assesses that Syria did not declare all the elements of its chemical weapons program, required by Article III of the CWC and that Syria may retain chemical weapons as defined by the CWC. The process of verifying the accuracy and completeness of the Syrian declaration and the resolution of these matters is ongoing.