

Congress of the United States
Washington, DC 20515

October 6, 2017

The Honorable Jeff Sessions
Attorney General
United States Department of Justice
950 Pennsylvania Ave, N.W.
Washington, D.C. 20530

Dear Attorney General Sessions:

We have been made aware that Judge Rubin Castillo of the United States District Court for the Northern District of Illinois Eastern Division has given the U.S. government until October 12 to state whether it believes the disclosure to the court of information associated with The Boeing Company's commercial airline agreement with Iran Air would adversely impact U.S. national security. We urge you to communicate to the court that the disclosure of such information for purposes of rendering justice for the victims of Iran's terror sponsorship does not damage our national security, but in fact *promotes* our national security.

As you are aware, Boeing is attempting to withhold information relevant to identifying Iranian assets that may be used to compensate the victims who have been awarded damages in the case *Shlomo Leibovitch et al v. The Syrian Arab Republic et al.*, 08-cv-1939 (N.D. Ill.). Specifically, Boeing does not wish to disclose the terms of its commercial airline deal to sell planes to Iran Air. In court documents, Boeing is claiming that the plaintiffs' request for disclosure in *Leibovitch* would undermine U.S. national security by disrupting commercial aircraft sales to Iran.

Boeing purports in court documents that the Joint Comprehensive Plan of Action (JCPOA), which was agreed to among the United States, its P5+1 partners, and Iran, explicitly requires aircraft sales to Iran regardless of the requirements of the judicial system. This is clearly incorrect. While the JCPOA includes a provision by which the United States agreed to issue licenses for certain aircraft sales to Iran, nowhere in the JCPOA is Iran, Boeing, or any other party insulated from the normal administration of the law by U.S. courts. Boeing received an initial license allowing a limited sale of aircraft to Iran Air. But those sales—like every other transaction in the stream of commerce—are not exempt from the rule of law.

We encourage the Justice Department to clarify for the court both the terms of the JCPOA as well as the national security interest we have in Iran compensating the victims in the *Leibovitch* case and other similar cases. Iran is the world's top sponsor of terrorism and its leaders have specifically targeted Americans. Allowing disclosure of the Boeing information in this case may permit Iran's assets to be attached for purposes of enforcing the *Leibovitch* ruling. That would impose a consequence on Iran for its nefarious activities and add to U.S. efforts to deter such activities.

Furthermore, Congress has required in legislation that all documents related to the JCPOA be disclosed to Congress, including annexes and side deals made with the International Atomic

Energy Agency (IAEA). This Congressional demand for transparency on all things related to the JCPOA evinces the principle that transparency on the JCPOA serves the national interest. Boeing is attempting to sell aircraft to Iran Air, which is 60% owned by the Iranian government and was previously sanctioned for illicitly supporting Iran's armed forces and terrorist groups. While the sale of commercial aircraft to Iran, normally a prohibited activity, is permitted under the JCPOA, licensing agreements and financing terms of these deals should not be given special protection from disclosure. In fact, there is greater reason to encourage their disclosure in relevant cases, as the Department of State continues to list Iran as a state sponsor of terrorism, and as Iran remains a jurisdiction of primary money laundering concern.

We appreciate your attention to this matter. In the interests of both justice and U.S. national security, we urge you to communicate to the court that the Department of Justice does not object to the disclosure of information related to Boeing's sale of aircraft to Iran.

Sincerely,



PETER J. ROSKAM
Member of Congress



TOM COTTON
United States Senator