

115TH CONGRESS
1ST SESSION

S. 420

To require the President to report on the use by the Government of Iran of commercial aircraft and related services for illicit military or other activities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2017

Mr. RUBIO (for himself, Mr. CORNYN, Mr. SASSE, and Mr. PERDUE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To require the President to report on the use by the Government of Iran of commercial aircraft and related services for illicit military or other activities, 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 “Iran Terror-Free Skies
5 Act of 2017”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Iran is designated as the world’s foremost
2 state sponsor of terrorism and a direct threat to the
3 national security of the United States and United
4 States allies.

5 (2) Iran, through its Islamic Revolutionary
6 Guard Corps (in this section referred to as the
7 “IRGC”), provides material and financial support to
8 foreign terrorist organizations, including Hamas,
9 Hezbollah, and Kata’ib Hezbollah, as well as to the
10 regime of Bashar al-Assad in Syria, which is respon-
11 sible for more than 400,000 civilian deaths.

12 (3) Iran has systematically employed its na-
13 tional air carrier, Iran Air, as well as numerous pri-
14 vate and publicly owned Iranian and Syrian air car-
15 riers, including Mahan Air, to ferry weapons, troops,
16 and military equipment on behalf of the IRGC and
17 Iran’s Ministry of Defense and Armed Forces Logis-
18 tics (in this section referred to as “MODAFL”) to
19 foreign terrorist organizations and rogue regimes
20 around the world.

21 (4) On June 23, 2011, the United States De-
22 partment of the Treasury designated Iran Air for
23 the imposition of sanctions pursuant to Executive
24 Order 13382 (50 U.S.C. 1701 note; relating to
25 blocking property of weapons of mass destruction

1 delivery system proliferators and their supporters)
2 for providing material support and services to the
3 IRGC, including shipping military-related equipment
4 on behalf of the IRGC since 2006 and transporting
5 rockets or missiles to Syria.

6 (5) On January 16, 2016, Iran Air was re-
7 moved from the list of specially designated nationals
8 and blocked persons by the Department of the
9 Treasury even though Iran Air had not ceased its il-
10 licit and sanctionable activity.

11 (6) Iran Air remains owned and operated by
12 the Government of Iran and has, since January 16,
13 2016, flown numerous unscheduled flights on well-
14 known weapons supply routes between Iran and
15 Syria.

16 (7) In correspondence with Members of Con-
17 gress, the Secretary of the Treasury has refused to
18 confirm that Iran Air has ceased its illicit activity.
19 In a November 23, 2016, letter to Representative
20 Peter Roskam, Thomas Patrick Maloney, Senior Ad-
21 visor in the Office of Legislative Affairs of the De-
22 partment of the Treasury wrote: “The United States
23 retains the ability to designate any individual or en-
24 tity that engages in sanctionable activities under our
25 authorities targeting conduct outside the scope of

1 the JCPOA, including Iran’s support for terrorism,
 2 human rights abuses, ballistic missile program, and
 3 other destabilizing activities in the region.”.

4 (8) Evidence supports that, despite being re-
 5 moved from the list of specially designated nationals
 6 and blocked persons on January 16, 2016, Iran Air
 7 has continued its illicit and sanctionable activity in
 8 support of the IRGC, MODAFL, Hezbollah, and the
 9 Bashar al-Assad regime since January 16, 2016.

10 **SEC. 3. REPORT ON USE BY THE GOVERNMENT OF IRAN OF**
 11 **COMMERCIAL AIRCRAFT AND RELATED**
 12 **SERVICES FOR ILLICIT MILITARY OR OTHER**
 13 **ACTIVITIES.**

14 (a) REPORT.—Not later than 180 days after the date
 15 of the enactment of this Act, and every 180 days there-
 16 after, the President, in consultation with the Secretary of
 17 Defense, the Secretary of State, and the Director of Na-
 18 tional Intelligence, shall submit to the appropriate con-
 19 gressional committees a report on use by the Government
 20 of Iran of commercial aircraft and related services for il-
 21 licit military or other activities during—

22 (1) in the case of the first report, the 5-year pe-
 23 riod preceding submission of the report; and

24 (2) in the case of any subsequent report, the
 25 180-day period preceding submission of the report.

1 (b) ELEMENTS OF REPORT.—The report required
2 under subsection (a) shall include a description of the ex-
3 tent to which—

4 (1) the Government of Iran has used commer-
5 cial aircraft, including aircraft of Iran Air, or re-
6 lated services to transport illicit cargo to or from
7 Iran, including military goods, weapons, military
8 personnel, military-related electronic parts and me-
9 chanical equipment, or rocket or missile components;

10 (2) the commercial aviation sector of Iran, in-
11 cluding Iran Air, has provided financial, material, or
12 technological support to the Islamic Revolutionary
13 Guard Corps, Iran’s Ministry of Defense and Armed
14 Forces Logistics, the regime of Bashar al-Assad in
15 Syria, Hezbollah, Hamas, Kata’ib Hezbollah, any
16 other organization designated as a foreign terrorist
17 organization under section 219 of the Immigration
18 and Nationality Act (8 U.S.C. 1189), or any person
19 on the list of specially designated nationals and
20 blocked persons maintained by the Office of Foreign
21 Assets Control of the Department of the Treasury;
22 and

23 (3) foreign governments and persons have fa-
24 cilitated the activities described in paragraph (1), in-

1 cluding allowing the use of airports, services, or
2 other resources.

3 (c) EFFECT OF DETERMINATION.—If, in a report
4 submitted under this section, the President determines
5 that Iran Air or any other Iranian commercial air carrier
6 has used commercial aircraft for illicit military purposes
7 on or after January 16, 2016, the President shall, not
8 later than 90 days after making that determination, in-
9 clude the air carrier on the list of specially designated na-
10 tionals and blocked persons maintained by the Office of
11 Foreign Assets Control of the Department of the Treas-
12 ury.

13 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
14 DEFINED.—In this section, the term “appropriate con-
15 gressional committees” means—

16 (1) the Committee on Armed Services, the
17 Committee on Foreign Relations, and the Select
18 Committee on Intelligence of the Senate; and

19 (2) the Committee on Armed Services, the
20 Committee on Foreign Affairs, and the Permanent
21 Select Committee on Intelligence of the House of
22 Representatives.

23 **SEC. 4. SUNSET.**

24 This Act shall cease to be effective on the date that
25 is 30 days after the date on which the President certifies

- 1 to Congress that the Government of Iran has ceased pro-
- 2 viding support for acts of international terrorism.

