Congress of the United States

Washington, DC 20510

July 22, 2015

The Honorable Barack H. Obama
President of the United States
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500-0001

Dear Mr. President:

On July 19, 2015 the Congress received the Joint Comprehensive Plan of Action (JCPOA), and additional documents as required by the Iran Nuclear Agreement Review Act of 2015. The Congress will now begin a review of these documents, and hold a series of hearings to determine whether or not approval of the JCPOA enhances or weakens the national security of our country.

Several aspects of the JCPOA will contribute to reaching a comprehensive assessment of the JCPOA's ultimate merit: first, whether the release of billions of dollars of funding to Iran as a result of sanctions relief will add to Iranian regional power and support for terrorism, and its ability to threaten our allies and interests in the Persian Gulf and across the Middle East; second, whether the JCPOA can be verified and monitored, especially with limited Iranian cooperation and without anytime, anywhere inspections; third, whether the Iranians will pursue any activities to advance their pursuit of a nuclear weapons capability, such as research related to missiles and an explosive device; and, fourth, whether advanced centrifuge research and development can reduce the estimated time required for Iran to accumulate sufficient quantities of enriched uranium to produce a weapon. These are but a few of the concerns that must be addressed. Another is whether the JCPOA compels Iran to disclose all outstanding issues related to the 12 areas of concern for the possible military dimensions (PMD) of Iran's nuclear program identified in the November 2011 International Atomic Energy Agency (IAEA) report.

As you know, the Iran Nuclear Agreement Review Act required the delivery of the nuclear agreement with Iran to Congress, which your administration did on July 19, 2015. But the agreement is defined as:

> The term 'agreement' means an agreement related to the nuclear program of Iran that includes the United States, commits the United States to take action, or pursuant to which the United States commits or otherwise agrees to take action, regardless of the form it takes, whether a political commitment or otherwise, and regardless of whether it is legally binding or not, including any joint comprehensive plan of action entered into or made between Iran and **any other parties**, and **any additional materials related thereto**, including annexes, appendices, codicils, side agreements, implementing materials, documents, and guidance, technical or other understandings, and any related agreements whether entered into or implemented prior to the agreement or to be entered into or implemented in the future" (emphasis added)

Two of us – Senator Tom Cotton and Representative Mike Pompeo – visited the IAEA in Vienna on July 17 to assess the verification and monitoring capabilities of the IAEA to meet the demands of the JCPOA. These discussions with Massimo Aparo, Mohamed Lamari and Cornel Feruta, along with the statement released by the IAEA and Iran concerning the "Roadmap for the clarification of past and present outstanding issues regarding Iran's nuclear program," clearly revealed that two separate arrangements were reached to resolve the issues related to PMD. Unfortunately, these separate agreements were not delivered to the Congress on July 19, though they are clearly part of the agreement as defined above. Most troubling, Iran and the IAEA reached agreement to resolve issues related to research at Parchin, but Congress will not have the ability to review this agreement, nor will we know the results of the IAEA's assessment until December 15. In addition, it is our understanding that only the Secretary General of the IAEA will have access to these separate agreements, and that neither the IAEA Board of Governors nor any representative of the U.S. government will be able to review them.

The purpose of the Iran Nuclear Agreement review Act is to ensure Congress has a fully informed understanding of the JCPOA. Failure to produce these two side agreements leaves Congress blind on critical information regarding Iran's potential path to being a nuclear power and will have detrimental consequences for the ability of members to assess the JCPOA. We request you transmit these two side agreements to Congress immediately so we may perform our duty to assess the many important questions related to the JCPOA.

Sincerely,

Mitch McConnell
Senate Majority Leader

John A. Boehner
Speaker of the House

Tom Cotton
United States Senator

Mike Pompeo
United States Congressman