

Congress of the United States
Washington, DC 20515

March 4, 2022

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Blinken:

We write to express urgent concern that the Administration is working through Russian intermediaries to finalize an Iran nuclear deal without submitting it for Congressional consideration, as required by law. It is imperative that the American people, through Congress, have the opportunity to review any agreement, especially if it would hand tens of billions of dollars to the world's largest state sponsor of terrorism, and lift sanctions on terrorists with blood on their hands.

The Iran Nuclear Agreement Review Act of 2015 ("INARA"; 42 U.S.C. 2160e) was enacted with strong bipartisan support to ensure Congressional oversight of U.S. policy regarding Iran's nuclear program. It requires the President to submit to Congress within five days any nuclear agreement reached with Iran, as well as a detailed verification assessment report and certification, for a specified review period. The law is deliberately expansive in scope:

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[.] (42 U.S.C. 2160e(h)(1))

We are alarmed that the Biden Administration may be preparing to evade the clear requirements of the law by pretending that a new deal is somehow a "continuation of" or "return to" the Joint Comprehensive Plan of Action (JCPOA) that was submitted to Congress back in 2015. That would be an absurd and lawless claim.

Any deal the Administration concludes cannot be a return to the original JCPOA. The United States withdrew from the JCPOA in May 2018. In the interim, Iran's nuclear program has been "galloping forward," to use your words, with numerous violations of the limitations in the JCPOA. Iran is using advanced centrifuges and producing equipment for such centrifuges while stockpiling increasing quantities of uranium enriched at 20 percent and 60 percent purity. Iran continues to gain irreversible knowledge through this nuclear work.

These violations make it impossible to simply "return" to the JCPOA. Many of Iran's key JCPOA commitments involved categorically forswearing certain R&D and enrichment activities for a

period of 8, 10, or 15 years (depending on the activity) from the effective date of the agreement. Once violated, those commitments were irretrievably broken, and can no longer be complied with as drafted.

Even if Iran were to immediately relinquish all of the physical fruits of its violations – all of its noncompliant centrifuges and nuclear material stockpiles – it cannot unlearn the technical capacity and knowledge that it has gleaned from the prohibited nuclear activities it has undertaken. As was reported in the Wall Street Journal in February, “The Biden administration expects a restored nuclear deal would leave Iran capable of amassing enough nuclear fuel for a bomb in significantly less than a year, a shorter time frame than the one that underpinned the 2015 agreement.”

Given these material changes in the strategic context, any prospective agreement related to the nuclear program of Iran that commits the United States to action clearly constitutes a new agreement that must be transmitted to Congress for review pursuant to 42 U.S.C. 2160e. We look forward to the opportunity to review any such agreement, to ensure that it addresses the nuclear and other threats that Iran poses to the United States and our allies and partners.

If the Administration bypasses Congressional review, it will be in violation of the law.

Sincerely,



Kevin McCarthy
House Republican Leader



Michael T. McCaul
Ranking Member
House Foreign Affairs
Committee