Congress of the United States
Washington, DC 20515

July 30, 2015

The Honorable Ernest Moniz
Secretary of Energy
United States Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

The Honorable Wendy Sherman
Under Secretary of State for Political Affairs
United States Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Moniz & Under Secretary Sherman:

Thank you for the materials and testimony you and your respective agencies have submitted so far to Congress as part of our review of the Joint Comprehensive Plan of Action ("JCPOA"). Receiving the materials and testimony in a timely manner is vital to Congress's ability to thoroughly evaluate whether the agreement you have reached in regard to Iran's nuclear weapons program advances the national security interests of the United States.

As you are aware, the Iran Nuclear Agreement Review Act requires that Congress receive from the President any and all documents related to an agreement over Iran's nuclear program, including any agreements "entered into or made between Iran and any other parties." This requirement is therefore not strictly limited to agreements to which the United States is a signatory, but to *all* related agreements. However, despite this requirement, Congress has not yet received the separate arrangements concluded between the International Atomic Energy Agency ("IAEA") and Iran that are briefly referenced in the JCPOA. These separate arrangements cover the IAEA's inquiries into the possible military dimensions ("PMD") of Iran's nuclear program and into PMD work done at Iran's Parchin military facility, where Iran is suspected of testing detonators for nuclear weapons. The PMD and Parchin issues go to the heart of the United States's dispute with Iran over its nuclear program.

Two weeks ago, we traveled to Vienna to meet with IAEA officials. They conveyed to us that the separate arrangements are and will remain confidential between the IAEA and Iran. As a result, the officials indicated that the arrangements would not be provided to any members of the IAEA Board of Governors, to any negotiating party to the JCPOA except for Iran, to the United States, or to the United States Congress.

The Administration has echoed the message that the side agreements will not be shared with Congress. Earlier this week, Secretary Moniz stated that the arrangements are "safeguards confidential" and that it is "standard practice" to keep them secret. And in testimony before

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the House Foreign Affairs Committee, Secretary of State John Kerry stated that the United States "do[esn't] have access to the actual agreement" between the IAEA and Iran.

However, yesterday, Secretary Moniz testified to the Senate Armed Services Committee that members of his Department of Energy staff may indeed have had access to the text of the separate arrangements. Secretary Kerry also testified that the members of his Department of State negotiating team—in particular Under Secretary Sherman and her staff—may have read the arrangements. In a media interview this morning, Under Secretary Sherman confirmed that she had seen the arrangements.

This acknowledgement that members of the Obama Administration did in fact review the text of the separate arrangements—which comes more than a week after we requested that Congress be given the arrangements—raises a number of questions. We list these questions and related requests below, and ask that you respond promptly.

1. Please list the names and positions of all officials and staff members of your respective agencies and of any other part of the United States government who have reviewed the text of either or both of the separate arrangements, whether in final or draft form. Please also list the dates on which these persons reviewed the separate arrangements.

2. Please describe the circumstances under which each person reviewed the arrangements, including the location of the review, the duration of each review, and whether only partial or full review of the text was permitted.

3. Did any U.S. reviewers take notes regarding the contents of the deal? If so, please submit any and all notes to Congress as soon as possible.

4. The State Department has stated that the United States has long supported the "principle" that IAEA safeguards arrangements be kept confidential as between the IAEA and the nation subject to the arrangement. Please explain how that principle can be reconciled with the disclosure of the text of these arrangements to officials and staff of the U.S. government. Please explain why disclosure of the text of the arrangements to the People's elected representatives in Congress is not also justified under the logic of your explanation.

5. Please describe the process by which the U.S. government obtained access to the separate arrangements. Did U.S. officials request access from the IAEA, Iran, or both? Or did the IAEA, Iran, or both initially offer access to the arrangements?

6. Did U.S. officials request that the arrangements be made available to Congress as required under the Iran Nuclear Agreement Review Act? If so, which party rejected this request and why? If the U.S. government did not make this request, why not?

7. Secretary Kerry, Secretary Moniz, and others in the Administration indicate that they were "briefed on the contents" of the arrangements. Who provided these briefings?

Were they IAEA officials? Iranian officials? U.S. government officials? Please list the names and positions of all briefers.

8. Why did Secretaries Kerry and Moniz not review the arrangements? Did they request to review the arrangements? If not, why not? If they did make such a request, who rejected their request and why?

9. When was the decision made to put details on any restrictions and verifications of nuclear work at Parchin in a separate arrangement, as opposed to addressing the military facility in the main body of the JCPOA or its annexes? Who made this decision? Was this a point of negotiation?

10. Did earlier drafts of the JCPOA address any restrictions on Parchin in the main document or its annexes?

11. Did the United States provide input to the IAEA and/or Iran on the content of the separate arrangements? Was this input adopted as part of the arrangements, in whole or in part? If so, what was the particular input offered and/or adopted?

12. Did the United States possess any approval, veto, or consultation privileges over the contents of the arrangements when they were being negotiated? If so, were these privileges exercised? If they were exercised, in what manner and on what particulars of the arrangements? If the United States did not possess such privileges, did the United States fail to request them of the IAEA and Iran? Why did the United States fail to do so?

13. The verification assessment reports addressing PMD issues that were submitted to Congress as required by the Iran Nuclear Agreement Review Act are inadequate and lack specifics. Why, if U.S. officials and their staff have reviewed the separate arrangements, was a more complete assessment of the arrangements excluded from the verification assessment? A complete assessment should include the specific people, places, documents, and procedures addressed or outlined in the separate arrangements, as well as an accounting of what of these specific items may be missing from the separate arrangements.

14. Members and staff are only allowed to review the unclassified versions of the verification assessments "in camera" in the offices of Senate Security. Given that these assessments are unclassified, and given that the Obama Administration claims to be the "most transparent administration in history," what is the justification for keeping these assessments from the American people?

15. Please submit to Congress as soon as possible an addendum to the verification assessment that includes a complete and thorough assessment of the separate arrangements. Please coordinate with Director of National Intelligence James Clapper so that this addendum may be submitted together with his response to the letter, dated

July 13, 2015, that members of Congress sent to Director Clapper regarding the PMD issue.

We ask that you provide responses to the above listed questions and requests as soon as possible to us and to relevant Committees of both the Senate and the House of Representatives. It is imperative that we and our colleagues in Congress receive your responses so that we can proceed expeditiously with our review of the JCPOA on behalf of the American people.

Sincerely,

Tom Cotton
United States Senate

Mike Pompeo
United States Congress