Congress of the United States
Washington, DC 20515

October 6, 2016

The Honorable Loretta Lynch
Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Attorney General Lynch:

Since President Obama announced the payment of funds to Iran in January, many Members of Congress, including ourselves, have been inquiring about the transaction. Months after this cash payment of $1.7 billion to the foremost state sponsor of terrorism, the Treasury Department finally informed Congressman Pompeo that it received approval from the Justice Department for the payment. Given the secrecy surrounding this transaction, the American people find it hard to believe that the Obama administration acted within the bounds of American statutes and in the spirit of the law. Specifically, significant questions remain regarding your role and your Department's actions in facilitating the payment.

In its reply, the Treasury Department asserted it had "received the appropriate approvals from the Department of Justice" for the $1.3 billion payment. Your response to the following questions by October 21 is appreciated:

1. What was included in these "approvals?"
2. Who from the Treasury Department sought these "approvals?"
3. Who from the Justice Department granted the "approvals?"
4. When did the Treasury Department seek these "approvals" and when did the Justice Department grant them?
5. Was the Justice Department's General Counsel consulted regarding this transaction? Did the office provide any opinion regarding the payment's legality?
6. Please provide a copy of any type of legal opinion or recommendation, formal or informal, made by, or to, any Justice official regarding this transaction.
7. Please also provide a copy of the documentation the Justice Department provided to the Treasury Department approving this transaction.
8. Did your Department raise any concerns that the cash payment could be perceived as a ransom? It has been reported that the same State Department official signed the paperwork for this cash payment, the dropping of charges on 21 Iranians, and the delisting of two Iranian banks.
9. Was the Justice Department consulted or did it clear on any documentation that indemnified the Federal Reserve or foreign financial institutions, including foreign central banks involved

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in this transaction? What is the extent of any assurances provided that would prevent American victims of Iranian terrorism from seizing Iranian assets at these institutions?

As you are aware, Justice Department officials raised serious concerns about this payment, though the State Department overruled them, according to reports. Further, it has been reported in the press that you personally approved several payments from the Judgement Fund to Iran citing a rarely-used statute, 28 U.S. Code § 2414. This included authorization for the 14 payments totaling $1.31 billion to Iran. Use of this statute requires "certification by the Attorney General that it [the payment] is in the interest of the United States."

10. Please explain how sending billions of dollars in cash to the world's foremost state sponsor of terrorism is in our country's best interest.

11. Are you planning on utilizing this statute in the future to authorize additional payments to Iran? As you may be aware, Iran's President Hassan Rouhani said recently that the U.S. and Iran are "currently conducting conversations and various dialogues in order to return…money to Iran."

After inquiring multiple times with the State Department about the $1.7 billion transaction and the likelihood that it was a ransom payment, the Department informed Congressman Pompeo in March it could only answer relevant questions in a classified setting. Although we continue to press for information, and together have introduced legislation to block ransom payments to Iran, the administration will not provide the American people straight answers. For instance, on July 27, 2015, the U.S. paid Iran $848,072.15 from the Judgement Fund. You personally approved this transfer, so I request you provide additional details on it.

12. Did the United States pay almost $1 million to Iran in cash before the nuclear deal was signed? If no, and the payment was made electronically, why did you use 28 USC 2414 to authorize other payments to Iran in cash when you were aware that an electronic payment method was available?

13. For what claims or goods was this payment made? On September 18, a Treasury Department spokesman acknowledged that this settlement was for a claim over architectural drawings and fossils. Later in September, a State Department official said this statement was "misinformation" and the payment was not for antiquities. Perhaps you can shed some light on this payment, as you approved it.

Congress has a responsibility to exercise oversight, particularly in the face of extreme secrecy and stonewalling regarding cash payments of almost $2 billion to the world's largest state sponsor of terrorism. We believe full transparency is the best way forward.

Sincerely,

Mike Pompeo
Member of Congress

Marco Rubio
U.S. Senator