

Congress of the United States
Washington, DC 20515

August 28, 2015

The Honorable John Kerry
Secretary of State
United States Department of State
2201 C Street, NW
Washington, DC 20520

Secretary Kerry:

Since the Joint Comprehensive Plan of Action (“JCPOA”) and International Atomic Energy Agency (“IAEA”) Roadmap for the clarification of past and present outstanding issues regarding Iran’s nuclear program were concluded, numerous press reports have surfaced regarding the contents of the IAEA secret side agreements. The most recent report is an Associated Press (“AP”) story explaining that Iran will be allowed to conduct its own inspections of the Parchin military site. Specifically, the AP published “a transcript of the original draft agreement between the U.N.’s International Atomic Energy Agency and Iran covering inspections at the Parchin military site.” This transcript states that “Iran will provide the agency with photos...videos...and environmental samples.” This apparently confirms a previous AP story stating that “the agreement diverges from normal inspection procedures between the IAEA and a member country by essentially ceding the agency’s investigative authority to Iran. It allows Tehran to employ its own experts and equipment in the search for evidence for activities that it has consistently denied—trying to develop nuclear weapons.”

For many members of Congress, the vote on the JCPOA will be the most important vote ever taken and it is crucial that every member understands the agreement to the maximum extent possible. This includes being provided with actual and final IAEA side agreements, as required by statute. We hope you would agree that the Administration should take all necessary steps to obtain these documents and provide them to Congress. This is especially true, given that Congress will have to decide whether and to what extent the budget of the IAEA should be supplemented by appropriations.

For these reasons, we request that you direct the U.S. Representative on the IAEA Board of Governors (“BOG”) to use the provisions of Article 5 of the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons to request that all members of the BOG be provided with the agreements. Additionally, we request that

you direct the U.S. BOG representative to ask for a vote requiring that the agreements be made available to the legislative bodies of IAEA BOG members. Without these side agreements there is no way to make decisions on additional funding. Release of the side agreements to BOG members' legislative bodies is therefore "necessary for the Agency to fulfill its responsibilities in implementing this Agreement" in accordance with the provisions of Article 5.

We look forward to your prompt response on this important matter of national security.

Sincerely,



Tom Cotton
U.S. Senator



Mike Pompeo
U.S. Representative