

United States Senate

WASHINGTON, DC 20510

July 11, 2017

VIA ELECTRONIC TRANSMISSION

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

Dear Secretary Tillerson:

We write to urge that you not certify that U.S. sanctions relief for Iran is in the vital national-security interests of the United States or that Iran is complying with the terms of the Joint Comprehensive Plan of Action (“JCPOA”). In the Iran Nuclear Agreement Review Act of 2015 (“INARA”), Congress required that the administration make a national-security and compliance certification determination every 90 days to ensure vigilant enforcement of the JCPOA and a periodic reassessment of U.S. policy toward Iran. We believe that a change in that policy is long overdue.

In April, you certified Iran’s compliance for the first 90-day period of the Trump administration. That certification was understandable, given the need to grant time for the interagency review of the JCPOA that you described in the certification letter you sent to House Speaker Paul Ryan.

But now as we near the end of another 90-day review period, U.S. interests would be best served by a sober accounting of Iran’s JCPOA violations as well as the regime’s aggressive and destabilizing behavior. In light of Iran’s malign actions since the signing of the JCPOA, the only reasonable conclusion is that the full suspension of U.S. sanctions is not in the vital national security interests of the United States and that Iran has consistently violated the terms of the JCPOA.

Even if we put aside issues related to Iran’s violations of the JCPOA, the full suspension of U.S. sanctions falls far short of being “vital to the national security interests of the United States,” as required by INARA. Iran continues to wage a campaign of regional aggression, sponsor international terrorism, develop ballistic missile technology, and oppress the Iranian people. Iran’s aggression directly targets the United States. Perhaps the most brazen example was Iran’s January 2016 seizure of U.S. sailors, whom Iran proceeded to parade before television cameras in flagrant violation of the Geneva Conventions’ standards on the treatment of detainees. In light of these actions, there is simply no basis on which to make a certification that U.S. national security is bolstered by continued sanctions relief.

In fact, a continuation of current policy would be tantamount to rewarding Iran’s belligerence. President Trump has described the JCPOA and its attendant sanctions relief as “the worst deal

ever negotiated,” one that is “catastrophic for America, for Israel and for the whole of the Middle East.” He is correct.

While the evidence that the JCPOA is a bad deal is overwhelming, we should certainly not put aside Iran’s consistent violations of that deal. Iran has engaged in persistent violations in an attempt to weaken the agreement’s strictures and gain advantages beyond the agreement’s existing loopholes as it progresses toward an industrial nuclear-weapons capacity. Below are merely a few publicly reported examples of Iran’s violations, a list that does not include instances that might be drawn from non-public or classified sources:

1. Iran is currently operating more advanced nuclear centrifuges than it is permitted under the JCPOA, maintains more advanced centrifuges than required for its permitted enrichment activities,¹ and has announced the capability to initiate mass production of more advanced centrifuges.²
2. Iran has repeatedly exceeded the limits the JCPOA places on its heavy water stocks. Heavy water is key to Iran’s plutonium pathway to nuclear weapons. However, Iran has twice exceeded the JCPOA’s heavy-water cap and has claimed a right to produce unlimited amounts of heavy water and retain ownership of those stocks as long as it claims to be “seeking” an international buyer. In doing so, Iran has effectively read the heavy-water limitation out of the JCPOA.
3. German intelligence agencies in 2015³ and 2016⁴ reported that Iran continued illicit attempts to procure nuclear and missile technology outside of JCPOA-approved channels.
4. Perhaps most concerning is Iran’s refusal to grant international inspectors access to nuclear-research and military facilities. International Atomic Energy Agency (“IAEA”) inspectors are entitled to visit any location in Iran to verify compliance with the JCPOA’s ban on nuclear weapons development. However, Iran’s refusal to grant inspectors physical access and other forms of access makes it possible—if not highly probable, given Iran’s history of duplicity—that it is concealing additional violations of the JCPOA.

Even if we manage to chronicle each Iranian violation, it is highly questionable whether the United States can under current arrangements ever gain high confidence that Iran’s nuclear-weapons development has indeed ceased. The IAEA has longstanding concerns that nuclear-weapons research was conducted, among other places, at Iran’s Parchin military complex. Under

¹ House Committee on Oversight & Government Reform, Subcommittee on National Security: Testimony of David Albright, President of the Institute for Science and International Security, April 5, 2017.

² “AEOI Chief Underscores Nuclear Progress,” *Financial Tribune*, April 10, 2017. (“We are doing well on IR2, IR4 and IR6 centrifuges and have [the capability to] initiate[] mass production” – Ali Akbar Salehi, Director of the Atomic Energy Organization of Iran).

³ Constitutional Protection Report 2015, June 28, 2016, available at <https://www.verfassungsschutz.de/de/oeffentlichkeitsarbeit/publikationen/verfassungsschutzberichte/vsbericht-2015>.

⁴ Constitutional Protection Report 2016, June 1, 2017, available at <http://www.hamburg.de/contentblob/8873924/a0a91c9416c772101e55f1a69109443c/data/verfassungsschutzbericht-2016-pressefassung-vom-01-juni-2017.pdf>.

side arrangements between Iran and the IAEA (arrangements that still have not been provided to Congress as required by INARA), inspectors did not gain physical access to take environmental samples at the Parchin complex and allowed Iran to collect its own environmental samples for nuclear trace testing. As a result of this wholly inadequate arrangement, the IAEA has not—and likely never will—verify the full scope of Iranian nuclear-weapons know-how.

We urge you to deliver to Congress a clear accounting of Iran’s noncompliance with the JCPOA. In addition, we request a description of strong measures the administration plans to take to respond to Iran’s violations. For example, numerous individual U.S. sanctions were suspended under the JCPOA and the U.S. Treasury Department—in the waning months of the Obama administration—also took a number of additional steps beyond the four corners of the JCPOA to ease Iran’s reentry into the international market. These and other concessions to Iran should be reviewed for possible revocation or revision.

Withholding certification is a necessary and prudent act. It is a course of action fully contemplated under INARA’s provisions and, standing alone, does not threaten the continued viability of the JCPOA.

However, if you do decide to deliver a certification to Congress, we hope it is a prelude to the completion of the interagency review of the administration’s policy toward the JCPOA, and we trust that it will be accompanied by stronger measures to hold Iran accountable for its nefarious activities. Because what would be highly imprudent is to continue the Obama-era practice of offering sheepish and faint-hearted certifications as a matter of course, hoping no one takes notice. That is the surest way to encourage Iran’s campaign of imperial aggression and speed its progress toward nuclear breakout.

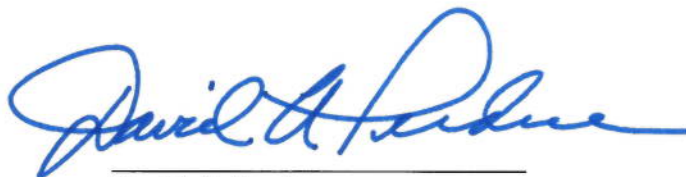
Sincerely,



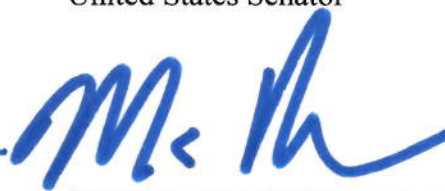
Tom Cotton
United States Senator



Ted Cruz
United States Senator



David A. Perdue
United States Senator



Marco Rubio
United States Senator

CC Donald J. Trump, President of the United States of America
Lt. Gen. H.R. McMaster, Assistant to the President for National Security Affairs