

Congress of the United States
Washington, DC 20515

September 25, 2015

Mr. Yukiya Amano
Director General
International Atomic Energy Agency
1 United Nations Plaza, Room DC-1-1155
New York, NY 10017 USA

Dear. Mr. Amano:

As part of the Joint Comprehensive Plan of Action (JCPOA), the International Atomic Energy Agency (IAEA) signed two secret side deals—or “separate arrangements” in the IAEA’s terminology—with the Islamic Republic of Iran. It has been reported that these critically important documents, which have not been provided to any of the JCPOA signatories besides Iran, cover the verification process for Iran’s Parchin military complex and other sites that the IAEA has identified as related to Possible Military Dimensions (PMDs) of Iran’s nuclear program.

This issue quickly became a core matter of contention in the United States during the debate about whether Congress would approve or disapprove the JCPOA. The fact that the IAEA did not plan to release the side deals to the United States or other JCPOA signatories became clear in late July when we travelled to Vienna and met with staff of the IAEA. Despite our numerous requests to be provided the documents, details of these side deals remained hidden from the United States and other parties until August 19, 2015, when the Associated Press (AP) reported on the contents of a draft of one of the two secret side deals. The AP then released the text of the draft side deal the following day. The leaked text states that Iran will be allowed to self-inspect their military facility at Parchin—long-believed to be a significant site for Iran’s military nuclear program.

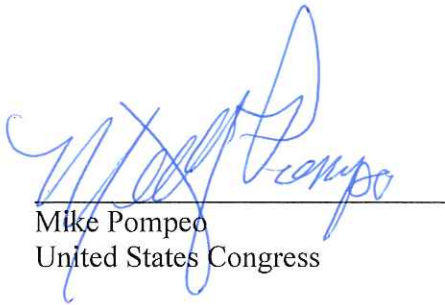
On August 20, in response to the AP’s reporting, you emphatically stated, “I am disturbed by statements suggesting that the IAEA has given responsibility for nuclear inspections to Iran. Such statements misrepresent the way in which we will undertake this important verification work.”

However, news reports this week indicated that Iran was permitted to take its own environmental samples at Parchin. A spokesman for the Atomic Energy Organization of Iran, Behrouz Kalmandi, commented on the environmental sampling by stating, “Iranian experts took samples from specific locations in Parchin facilities this week without IAEA inspectors being present.”

In a statement on September 21, you said, “[T]he Agency [IAEA] has, in certain circumstances, permitted States’ representatives to carry out activities in support of the Agency’s verification work. This is done in a way that ensures that the Agency’s verification processes are not compromised. In the case of Parchin, the Iranian side played a part in the sample-taking process by swiping samples.”

As we stated, the strength of the verification regime implemented pursuant to the JCPOA is of the utmost importance in fully assessing the wisdom of the JCPOA. An approach that excludes IAEA inspectors from physically accessing and inspecting sites sets a dangerous precedent for future inspections, whether related to settling outstanding PMD issues or verification issues that arise after Implementation Day of the JCPOA, and undermines the credibility of the IAEA. We ask that you clarify your August 20 statement in light of recent reporting, fully explain the role Iran plays in verifying its nuclear facilities under the secret side deals Iran and the IAEA have concluded, and affirm that this arrangement in no way is precedent setting for future inspections of any kind. We look forward to your response.

Sincerely,



Mike Pompeo
United States Congress



Tom Cotton
United States Senate