



One Hundred Fourteenth Congress  
U.S. House of Representatives  
Committee on Foreign Affairs  
2170 Rayburn House Office Building  
Washington, DC 20515  
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June 25, 2015

The Honorable John F. Kerry  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, DC 20520

Dear Mr. Secretary:

We are writing to express our deep concern that the State Department has failed to fully implement congressionally mandated sanctions on Iran. This failure amounts to de facto, unilateral relief of a sanctions regime that has long enjoyed broad bipartisan support.

As you know, at the request of Chairman Royce, the Government Accountability Office (GAO) reviewed the Department's implementation of the Iran, North Korea, Syria Nonproliferation Act (INKSNA). This law, which sits at the heart of U.S. sanctions against Iran, requires the Administration to report to Congress on foreign entities and individuals that engage in the proliferation of Weapons of Mass Destruction and ballistic missile goods, services, and technology to or from Iran, North Korea, or Syria.

However, at a hearing held last week by the Subcommittee on the Middle East and North Africa, GAO's testimony made clear that the State Department is *not* fully implementing the law. Specifically, GAO found that "State has not established a process that would allow it to comply with the 6-month reporting cycle required by INKSNA." As they form the basis for sanctioning violators of the act, these reports are crucial to implementing INKSNA sanctions.

In announcing the Joint Plan of Action on November 23, 2013, President Obama stated that:

*On our side, the United States and our friends and allies have agreed to provide Iran with modest relief, while continuing to apply our toughest sanctions... But the broader architecture of sanctions will remain in place and we will continue to enforce them vigorously.*

Department officials describe INKSNA sanctions as an important and flexible nonproliferation tool. Yet, instead of issuing reports to Congress every six months as required by law, the Department attempts to report on an annual basis. However, the Department has continually missed even this self-imposed deadline, which is itself at odds with the law. The Department's most recent report, covering violations that first came to light in 2011, was not issued until December 2014—a *delay of nearly three years*.

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Delayed implementation has real consequences—amounting to de facto sanctions relief. As a result of the Department’s successive delays, only 82 individuals were sanctioned from 2006 to May 2015, while sanctions were imposed on average 28 months after the end of the relevant reporting period. Failure to vigorously impose sanctions against those aiding in the nonproliferation efforts of Iran, North Korea, and Syria undermines U.S. efforts to end these rogue regime’s dangerous WMD and missile programs.

We ask that you review this report and implement reforms to ensure compliance with the law. In addition, we respectfully request that the State Department provide written answers to the following questions.

- According to GAO, “State officials told us that a variety of political concerns, such as international negotiations and relations with countries involved in transfers, can delay State’s INKSNA process.” Has the State Department delayed issuing INKSNA reports as a result of concerns over their potential impact on the ongoing nuclear negotiations with Iran?
- GAO also found that the Deputy Secretary of State is responsible for “determinations to impose sanctions and for signing the final report.” However, according to GAO in releasing the most recent report, the Deputy Secretary required more than a year “to determine which persons to identify in the report and whether to apply sanctions.” Why did the Deputy Secretary of State take more than a year to make these determinations and sign the most recent INKSNA report? Did political concerns, including the potential impact on the ongoing nuclear negotiations with Iran, factor into this delay?
- What steps will the State Department take to address the issues raised in the GAO report? When do you anticipate that the Department will comply with the 6-month reporting cycle required by INKSNA?
- The Administration has made clear that Iran’s development of ballistic missiles will not be addressed in a potential nuclear agreement. If such an agreement is reached, will INKSNA sanctions continue to be applied to those who engage in the proliferation of non-nuclear WMD and ballistic missile goods, services, or technology to or from Iran?

Thank you for your time and attention to this urgent matter. As you negotiate a potential nuclear agreement, it is critical that Congress fully understand how the sanctions regime on Iran is being implemented.

Sincerely,



EDWARD R. ROYCE  
Chairman



ILEANA ROS-LEHTINEN  
Chairman Emeritus