

Congress of the United States
Washington, DC 20515

August 21, 2023

President Joseph R. Biden
The White House
1600 Pennsylvania Ave NW
Washington, D.C. 20500

Dear President Biden,

We write with significant concern that your Administration is pursuing a nuclear understanding with Iran alongside a hostage release deal.

The *Wall Street Journal* reported on August 11 that Iran had “diluted a small amount of 60% enriched uranium in recent weeks and slowed the rate at which it is accumulating new material.”¹ This report coincided with news of a deal for Iran to release five American hostages in exchange for several Iranian prisoners and access to at least \$6 billion in frozen Iranian assets held in South Korea and potentially billions more held in Iraq.² Taken together, this strongly suggests your Administration has contemporaneously brokered a \$6 billion prisoner deal and a nuclear “understanding” with the regime that are inextricably linked. This would be a clear violation of your Administration’s legal obligation under the Iran Nuclear Agreement Review Act of 2015 (“INARA”; 42 U.S.C. 2160e), which requires you to submit any “agreement related to the nuclear program of Iran” requiring U.S. action “regardless of the form it takes, whether a political commitment or otherwise, and regardless of whether it is legally binding or not” (42 U.S.C. 2160e(h)(1)) to Congress for formal review within five days.

Any such deal or understanding with Iran that does not permanently and completely halt Iran’s nuclear enrichment raises concerns that your Administration is entrenching an Iranian nuclear program that threatens U.S. national security. Iran now has enough fissile material to make two nuclear weapons and could field a nuclear weapon within several months should it decide to do so.³ Reducing the rate at which Iran is stockpiling 60% enriched uranium does not significantly change this threat, particularly as Iran continues to install advanced centrifuges. Iran has ceased complying with the terms of the Joint Comprehensive Plan of Action and continues to refuse full cooperation with an ongoing International Atomic Energy Agency (IAEA) investigation. Moreover, Iran continues to support attacks on U.S. forces, threaten U.S. citizens, fund terrorist

¹ [Laurence Norman, “Iran Slows Buildup of Uranium Needed for Weapon.” *The Wall Street Journal*, August 11, 2023.](#)

² [Farnaz Fassihi and Michael Shear, “U.S. reaches deal with Iran to free Americans for jailed Iranians and funds.” *New York Times*, August 10, 2023.](#)

³ [Statement of General Mark Milley, 20th Chairman of the Joint Chiefs of Staff, “Department of Defense Budget Hearing” March 23, 2023.](#)

proxies, undermine freedom of navigation, commit human rights abuses against its own citizens, and fuel Russia's illegal war of aggression against Ukraine.

The Iranian regime, the world's number one state sponsor of terror, utilizes hostage-taking as a negotiating tactic and funding mechanism. The innocent Americans still under detention in Iran have endured years of false allegations, wretched conditions, and separation from their loved ones simply because the regime believes it can profit from them. Iran must release them, unconditionally. Even so, we are deeply concerned that allowing Iran to utilize \$6 billion in exchange for innocent Americans creates a direct incentive for future hostage-taking by U.S. adversaries, especially Iran. This deal follows a dangerous precedent set by the Obama Administration, which settled a \$1.7 billion claim by Iran, including a \$400 million payment in pallets of cash, at the same time that Iran released four U.S. hostages, even as some U.S. government officials reportedly warned this could be seen as ransom.⁴ If the United States government continues to pay for hostages, Iran will keep taking them, and may demand a higher price every time.

We are also concerned that Iran will use these funds, directly or indirectly, to support its malign activities. Assurances that the money will be limited to humanitarian goods are insufficient because money is fungible. Regardless of restrictions, this deal frees up \$6 billion in funds for the regime to finance its military program, terrorist proxies, nuclear activities, and repression. Iran has also previously lied about such humanitarian transactions. The Department of Justice has charged a bank for "facilitating transactions fraudulently designed to appear to be purchases of food and medicine by Iranian customers, in order to appear to fall within the so-called 'humanitarian exception' to certain sanctions against the Government of Iran, when in fact no purchases of food or medicine actually occurred."⁵ There are also concerns that there are U.S. nationals imprisoned in Iran whose release is not covered by this arrangement.

Our citizens deserve answers about why your Administration is rewarding an Iranian regime that is targeting Americans overseas and at home. The Administration must adhere to U.S. law which requires that any agreement, arrangement, or understanding, formal or informal, with Iran needs to be submitted to Congress pursuant to INARA, and submit the information required by law to Congress, as prescribed by statute. Should the Administration continue to ignore U.S. law and flout congressional oversight, we will use all the tools at our disposal to bring transparency and accountability to the American people and return to a policy of maximum pressure that reverses Iran's nuclear advancements and deters its targeting of American citizens and servicemembers, support for terrorism, and other malign activities.

⁴ [Devlin Barrett, "Justice Department Officials Raised Objections on U.S. Cash Payment to Iran," *The Wall Street Journal*, August 3, 2016.](#)

⁵ [U.S. Department of Justice, "Turkish Bank Charged in Manhattan Federal Court for Its Participation in a Multibillion-Dollar Iranian Sanctions Evasion Scheme," October 15, 2019.](#)

Sincerely,



STEVE SCALISE
Majority Leader



ELISE STEFANIK
Chairwoman
House Republican Conference



MICHAEL T. McCAUL
Chairman
House Foreign Affairs Committee