

MICHAEL T. MCCAUL, TEXAS
CHAIRMAN

BRENDAN P. SHIELDS
STAFF DIRECTOR

GREGORY W. MEEKS, NEW YORK
RANKING MEMBER

SOPHIA A. LAFARGUE
DEMOCRATIC STAFF DIRECTOR



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

June 15, 2023

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

Dear President Biden,

I am disturbed by recent revelations that the Administration has re-engaged in “proximity talks” with the Iranian regime, and that the results of these discussions have included the apparent greenlighting of sizable payments to Iran. This calls into question your Administration’s intent to follow the law and submit any agreement with Iran to Congress, as required by the Iran Nuclear Agreement Review Act of 2015 (“INARA”; 42 U.S.C. 2160e).

INARA was enacted with strong bipartisan support to ensure Congressional oversight of U.S. policy regarding Iran’s nuclear program. It requires the President to submit to Congress within five days any nuclear agreement reached with Iran, as well as a detailed verification assessment report and certification, for a specified review period. The law is deliberately expansive in scope:

The term ‘agreement’ means an agreement related to the nuclear program of Iran that includes the United States, commits the United States to take action, or pursuant to which the United States commits or otherwise agrees to take action, regardless of the form it takes, whether a political commitment or otherwise, and regardless of whether it is legally binding or not, including any joint comprehensive plan of action entered into or made between Iran and any other parties, and any additional materials related thereto, including annexes[.] (42 U.S.C. 2160e(h)(1))

This definition makes clear that any arrangement or understanding with Iran, even informal, requires submission to Congress.

Reports indicate that indirect talks between the United States and Iran have been ongoing since December, amid Iran’s cruel and brutal crackdown on popular protests that were triggered by the vicious murder of Mahsa Amini. Meanwhile, Iran is provocatively enriching uranium to 60 percent purity, stonewalling International Atomic Energy Agency (IAEA) investigators, and even reconfiguring centrifuges to preserve the option of quickly scaling up enrichment to 84

percent, just shy of weapons-grade. Uranium enrichment at this scale has no credible peaceful purpose. Iran has accumulated irreversible nuclear knowledge. Any deal that merely caps, rather than completely ends, Iran's nuclear program represents a dangerous undermining of global non-proliferation norms.

Beyond Iran's nuclear provocations, its malign activity continues to threaten vital U.S. national security interests. Iranian proxies continue to attack U.S. troops in the Middle East. In recent months, Iran has seized several oil tankers operating in international waterways, violating freedom of navigation and attacking the global economy. Iran is attempting to assassinate Americans on U.S. soil and continues to arm its proxies throughout the Middle East. Additionally, Iran is fueling Russia's illegal war of aggression against Ukraine by providing drones and other weapons in violation of restrictions set out under Annex B to United Nations Security Council Resolution 2231.

Rather than using United States diplomatic leverage and military deterrence to dissuade Iran from engaging in these malign activities, this Administration is rewarding Iran's bad behavior in exchange for a false promise of de-escalation.

Moreover, the House Foreign Affairs Committee has had a request pending with the State Department since April 11 that Special Envoy for Iran Rob Malley testify before the Committee, which the State Department has not fulfilled. Meanwhile, the Administration is secretly negotiating this reckless less-for-less arrangement. This continued lack of transparency and consultation with Congress is deeply disturbing.

I urge the Administration to remember that U.S. law requires that any agreement, arrangement, or understanding with Iran needs to be submitted to Congress pursuant to INARA. Any continued obstruction will rob the American people, and in particular the Gold Star families whose loved ones were killed by Iran-backed terrorism, of answers about why the United States is facilitating the lining of Iran's coffers.

Sincerely,



MICHAEL T. McCAUL
Chairman