United States Department of State

Washington, D.C. 20520

AUG 31 2015

Dear Senator Casey:

Thank you for your August 20 letter to Secretary Kerry regarding the nuclear deal between the P5+1, the EU, and Iran.

On July 14, the United States and our international partners concluded an historic deal that, if fully implemented, will verifiably prevent Iran from obtaining a nuclear weapon. This deal, the Joint Comprehensive Plan of Action (JCPOA), is the result of nearly 20 months of intensive negotiations since the P5+1 and Iran concluded the Joint Plan of Action (JPOA). Because of our combined diplomatic efforts, we will have taken an important step in preventing the spread of nuclear weapons in the Middle East.

The JCPOA puts into place the most robust transparency and verification measures ever negotiated, which will provide a strong deterrent to a covert nuclear weapons program. These measures include 24/7 monitoring at Iran's key declared nuclear facilities. There will be surveillance of the entire nuclear supply chain, including increased International Atomic Energy Agency (IAEA) access to uranium mines, and continuous monitoring of uranium mills and centrifuge production, assembly, and storage facilities. By having this kind of monitoring, Iran could not divert uranium or centrifuges to clandestine sites without detection. In short, Iran would need to recreate an entire covert supply chain to support a covert enrichment facility – all of which would be very hard to do without being detected.

Iran will provisionally apply the Additional Protocol, which will establish a legal obligation for Iran to provide the IAEA with a substantial amount of additional information, as well as access to additional facilities. The JCPOA will assure IAEA access to any requested location in the country within a predetermined, limited time period if viewed necessary by five of the eight members of the Joint Commission (comprised of the P5+1, EU, and Iran) – a very significant achievement.

The Honorable
Robert P. Casey, Jr.,
United States Senate.

If the Joint Commission determines access is necessary, and Iran does not provide access within three days, that would be a violation of the JCPOA, justifying a snap-back of sanctions.

The United States and other countries have established mechanisms for sharing information with the IAEA, and the IAEA has a good record of following up on such information. If we learn of Iranian activities inconsistent with the JCPOA, we would engage the IAEA and encourage them to promptly investigate.

If Iran were to attempt to clean out a location before granting access, evidence of nuclear materials is not easily removed. IAEA sampling almost certainly could detect the presence of nuclear material in an unauthorized location. Because of this fact, our scientists assess that a limited delay in gaining access would not prevent the ability to detect illicit nuclear activities involving nuclear materials.

Regarding IAEA funding, the United States has been pleased to make extra-budgetary contributions to the IAEA in support of its verification activities under JPOA to date. We are similarly committed to working with other member states to ensure the IAEA has the resources it needs to verify Iran's nuclear-related commitments under the JCPOA, including through U.S. extrabudgetary contributions to the IAEA, as needed.

The IAEA's Iran Task Force will serve as the focal point for carrying out the IAEA's enhanced verification role under the JCPOA. American nationals working at the IAEA contribute to the Iranian effort via many support roles, and the United States attaches great priority to promoting the employment of qualified Americans at the IAEA. With or without the direct participation of American nationals as inspectors in Iran, the IAEA has done an outstanding job in verifying Iran's nuclear-related commitments under the JPOA for the past two years, and in pursuing outstanding questions under Iran's safeguards agreement.

Regarding timeline, for the years following Year 10, Iran has committed under the JCPOA to abide by its enrichment and research and development plan submitted to the IAEA under the Additional Protocol. This plan ensures a measured, incremental growth in Iran's enrichment capacity consistent with a peaceful nuclear program. The JCPOA makes clear a violation of this enrichment plan is a violation of the JCPOA.

We expect a gradual development process to take place with respect to Iran's nuclear program past Year 10, and a number of restrictions will remain on Iran's program beyond 10 years. Importantly, we will continue to have unparalleled insight into Iran's program during this period as various enhanced transparency and monitoring measures will remain in place well past 10 years. Certain measures will last for 15 years, others for 20-25 years, and some will last forever, such as Iran's adherence to the Additional Protocol.

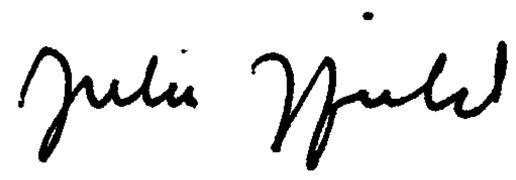
With respect to the snap-back of sanctions, if there is a violation of the JCPOA by Iran, the P5+1 has the ability to quickly re-impose all of the national and multilateral sanctions that are in place now. For the UN sanctions, the UNSCR 2231 establishes an unprecedented mechanism for snapping back all of the UN sanctions currently in place. This mechanism would not be vulnerable to a veto by any of the UNSC permanent members. Instead, there would be a vote in the Security Council to continue the sanctions relief – and we could veto that resolution, which would result in re-imposing all of these sanctions. The United States can also re-impose all of our own U.S. sanctions as future circumstances require. These sanctions were the most powerful force in driving Iran back to the negotiating table.

Some critics suggested this snap-back mechanism does not provide for actions short of full snap-back in the event there are lesser violations by Iran. This is inaccurate as we have a variety of tools at our disposal to respond in these circumstances. For example, we could consider imposing sanctions on individuals or entities that are involved in violations, or we can use our role in the Joint Commission to prevent the completion of nuclear or even industrial procurement of dual-use items. We have many other tools that provide us a variety of options. This flexibility to respond to smaller violations only enhances the significant deterrant that is created by our ability to reimpose all of the sanctions if so desired.

JCPOA does not include provisions for suspending or removing sanctions related to non-nuclear issues, such as Iran's support for terrorism, its abuse of human rights, or its support for the Assad regime, Hizballah, and the Houthis in Yemen. Similarly, we have not made any commitments that prevent us from imposing new sanctions in response to those activities. In fact, Iran's destabilizing activities in the region remain a serious concern for the Administration. We will continue to take every step necessary to protect our regional interests, and those of our allies, and will respond to all threats as appropriate.

We hope this information is helpful to you. Please do not hesitate to contact us if we can be of further assistance on this or any other matter.

Sincerely,



Julia Frifield
Assistant Secretary
Legislative Affairs