

United States Senate

WASHINGTON, DC 20510

August 20, 2015

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

Dear Secretary Kerry:

As I evaluate the Joint Comprehensive Plan of Action on Iran's nuclear program, I write to ask for additional information and clarifications regarding the agreement and the Administration's plan to implement it. I appreciate the hard work that you and your team have done to reach this point, and I am committed to continuing to give the agreement a thorough review before passing judgment. As such, I ask for your views on the following areas of concern:

1. **IAEA Resourcing.** The International Atomic Energy Agency (IAEA) will be responsible for the detailed monitoring and verification of this agreement. Will the U.S. Government make a voluntary contribution to the IAEA for purposes of implementing this agreement and if so, how much will that contribution be? Any voluntary contribution should be leveraged to insist the IAEA establish an Iran-specific task force and allow American experts to be part of the team in Vienna, even if they cannot conduct on-the-ground inspections in Iran.
2. **Access.** The agreement allows the IAEA to demand access to any sites where they suspect Iran is undertaking activities in violation of the agreement. My understanding is that the ultimate penalty, should Iran refuse to grant access to address the IAEA's concerns, is the threat of sanctions snapback through the UN Security Council. However, the agreement also provides for a dispute resolution mechanism that could extend the time during which Iran could stall, potentially cleaning up evidence of illicit activities while the international community waits for the clock to run out. Does the agreement allow for Iran to utilize the dispute resolution mechanism to extend the waiting period beyond 24 days, and, if so, how would that affect the IAEA's ability to detect illicit activities if access was ultimately granted?

Further, I request clarification on the manner in which the United States, or any member of the P5+1, could raise concerns about potentially illicit Iranian activities to the IAEA. It is my understanding that information is shared regularly with IAEA safeguards teams,

but I would like to better understand how a party to the agreement could encourage or even compel the IAEA to demand access to an Iranian site.

- 3. Sanctions Snapback.** The Iranian regime has negotiated in bad faith and attempted to skirt sanctions before, and we have to be prepared should they attempt to cheat or violate the JCPOA. Violations – even ones that do not lead us to believe Iran is trying to break out – must be met with swift and significant consequences. The agreement allows for the snapback of multilateral sanctions through the UN Security Council process but does not preclude state parties from taking their own domestic actions to respond to violations. What steps, either unilaterally or in concert with European partners, are available for the United States to respond to any Iranian violation of the agreement?

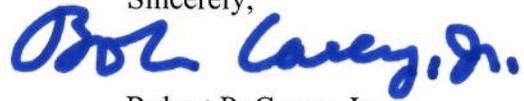
Unity with our European partners will be critical in the event of a violation, and I am concerned that coming to consensus about the appropriate response to a violation would consume precious time. I believe it would be useful to publish an illustrative list of the possible consequences for violations, so that the Iranian regime understands there will be no daylight between the U.S. and our allies if they attempt to cheat.

- 4. Iranian Activities in the “Out Years” of the Agreement.** Some experts, including Robert Einhorn, have raised concerns about activities that Iran might undertake legally after many restrictions on uranium enrichment activities are lifted in the later years of the agreement. Some have argued that even the development of an industrial-sized uranium enrichment program, while legal, is not necessary for Iran’s domestic energy needs and would drastically reduce breakout time. Are there activities that Iran could legally undertake that the United States would deem as incompatible with a civilian nuclear program and indicative of Iranian intent to move towards a nuclear weapon? If so, what are those activities and what mechanisms, if any, would the United States and our partners have to respond, under the agreement, if Iran took those steps?
- 5. Measures to Counteract Iran’s Other Nefarious Activities.** We all know of Iran’s desire to develop advanced weaponry, its continued support for terrorist proxies, its deplorable human rights record, and its unjustified, unacceptable detainment of American citizens. This agreement addresses none of those issues directly, but impacts them all. In recent statements, you have expressed a commitment to pushing back against Iran’s activities in the region. I request additional information about how the State Department, in coordination with other relevant Federal agencies, will operationalize a strategy to not only aggressively confront Iran, but to proactively advance U.S. national security interests in the region.

For example, we have to assume that Iran will use some of its assets, unfrozen as part of the sanctions relief element of this agreement, to support its nefarious activities. What tools will the Administration use to prevent that cash, and the weapons it will buy, from reaching terrorist groups like Hezbollah and Hamas? What other steps will the U.S. take, in coordination with our regional partners, to fight back against these organizations?

I am in the middle of a thorough and detailed review of this agreement, and the context in which it would be implemented, if approved. I look forward to your reply and to continuing the dialogue with you and members of your team about this critical national security issue.

Sincerely,

A handwritten signature in blue ink that reads "Bob Casey, Jr." in a cursive, slightly stylized font.

Robert P. Casey, Jr.
United States Senator