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Congress of the United States
House of Representatives
Washington, DC 20515-1604

December 10, 2015

The Honorable Henry Ensher
Chargé d'Affaires
U.S. Mission to the International Organizations in Vienna
Boltzmanngasse 16
1090 Vienna, Austria

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LÉGISLATIVE AFFAIRS

Ambassador Ensher:

By failing to truthfully and completely provide the International Atomic Energy Agency (IAEA) with the information required to thoroughly understand the possible military dimensions (PMD) of its nuclear program, Iran has not honored its commitments outlined in the Joint Comprehensive Plan of Action (JCPOA). Specifically, Iran violated its obligation to “*address past and present issues of concern relating to its nuclear program as raised in the annex to the IAEA report of 8 November 2011.*”

When this matter comes to a vote on December 15, 2015, I am requesting that you refuse to adopt any resolution that closes the investigation into the PMD issue. I would expect that you would urge your colleagues on the IAEA Board of Governors to do the same. Allowing sanctions relief to proceed at this point would be a grave and historic error. Given the history of Iranian obstruction and obfuscation on this issue, the IAEA cannot reward bad behavior with its seal of approval.¹

At one time, the administration agreed that this was an important issue. Just this past July, Secretary of State John Kerry said that Iran’s disclosure of its past military related nuclear activities was a prerequisite for sanctions relief: “*PMD has to be resolved — before [Iran] get[s] one ounce of sanctions relief.*” President Obama has similarly made clear that trust is not an option; we must verify.² The PMD review by the IAEA is central to the verification requirement. If Iran is permitted to provide false information at the outset of this process, it will be nearly impossible to accomplish President Obama’s stated objective of verification.

¹ The IAEA 2015 report confirms that Iran’s chief negotiating partner, Foreign Minister Mohammad Javid Zarif, told an outright lie when he claimed that “*The Islamic Republic of Iran has never sought nuclear weapons nor will it ever seek them in the future.*” We now also know that the Iranian Supreme Leader’s fatwa against nuclear weapons development is a fraud.

² “*That means this deal is not build on trust; it is built on verification.*” Statement by the President on Iran. July 14, 2015

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| 1 | REVIEW AUTHORITY: Charles Lahiguera, Senior Reviewer |
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This report cannot be the end of the international effort to establish a historic baseline for Iran's nuclear weapons program.

The IAEA has attempted to determine Iran's progress towards a nuclear weapon for many, many years. The IAEA's 2011 report identified 12 activities that Iran has carried out that are relevant to weapons development — ranging from Iran's attempt to procure nuclear material to detonator development. Yet, the IAEA's recently completed 2015 report, the assessment upon which the Board of Governors' upcoming vote will be based, acknowledges that on a full one-third of these issues, the IAEA received no new information:

- The IAEA did not receive any new information regarding the acquisition of sensitive nuclear items;
- The IAEA did not receive any new information regarding experimentation relevant to testing a nuclear explosion device;
- The IAEA did not receive any new information regarding the integration of a new payload into a missile delivery vehicle; and
- The IAEA did not receive any new information regarding the development of a prototype payload firing system.

These are critically important questions the IAEA must have answers to before the Board closes its investigation.

There are a number of other troubling aspects of the IAEA's recent report. Regarding explosive testing activities at the Parchin site, information in the IAEA's possession "*does not support Iran's statements on the purpose of the building.*" Let me take that out of vague diplomatic language: Iran lied to the IAEA.

Further, over the past three years, Iran's "*extensive activities...seriously undermined the Agency's ability to conduct effective verification.*" Let me again take that out of diplomatic language: Iran stonewalled and destroyed evidence at key sites.

There can be only one conclusion: Iran obfuscated, misled, and in some cases outright refused to answer important questions the IAEA posed. Additionally, Iran has consistently denied the IAEA access to important sites and critical personnel needed to fulfill its requirements under the JCPOA. Denial and deception are not acceptable behavior for nations responding to IAEA inquiries. In my view, closing the Iran PMD file will lead to three damaging outcomes:

First, it sets a dangerously low bar for future Iranian compliance with the JCPOA — if the IAEA cannot get Iran to comply while it is still under sanctions, what chance is there that Iran will comply with verification requirements after sanctions are lifted?

Second, other countries might believe that the IAEA is not serious about carrying out its duties. Those countries will learn that misbehavior is tolerated and non-compliance will not be punished.

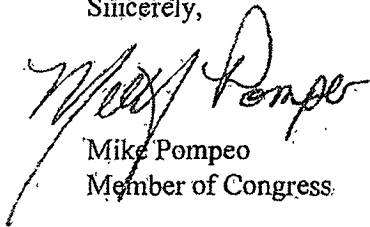
Finally, and most importantly, because the IAEA will lack a complete understanding of Iran's past weaponization efforts, the IAEA will be severely hampered in its efforts to detect future Iranian efforts to restart its nuclear weapons program.

It has been reported the Board of Governors will consider a resolution that states: "*All the activities in the road map for the clarification of past and present outstanding issues regarding Iran's nuclear program were implemented in accordance with the agreed schedule and... this closes the board's consideration of this item.*"

In light of the evidence presented in the IAEA report, this resolution lacks a factual foundation. There is currently no honest reading of the IAEA's report that would justify a vote in favor of such a resolution.

I strongly urge that you demand Iran come clean on its program and reject any resolution that does not so require. The IAEA Board of Governors must reject this resolution and insist that the IAEA get answers—truthful and complete answers—to each of the outstanding issues regarding Iran's nuclear weapons program. It is far more important that this investigation be completed correctly than completed quickly.

Sincerely,



Mike Pompeo
Member of Congress

cc: The Honorable John Kerry, Secretary of State