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Congressman Lee M. Zeldin
First Congressional District of New York

December 7, 2015

The Honorable John F. Kerry
U.S. Secretary of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Secretary Kerry,

I write today regarding the Joint Comprehensive Plan of Action (JCPOA), following the July 28, 2015 House Foreign Affairs Committee hearing that you attended.

During the hearing, you indicated that the reason why the JCPOA is not a treaty is because it was difficult to pass through Congress. To clarify on exactly what the legal reasoning is why the JCPOA is not a treaty, I asked you, "with regards to a treaty, you said this isn't a treaty because it was difficult to pass. Is that correct?" Further, I asked "if you would be able to submit for the record just a little more background as to why this is not treated as a treaty, I think it would be helpful for us", and your response was "Absolutely. Sure. Be happy to do it." Unfortunately, to this date, you still have not provided this critically important information.

Why is the JCPOA not a treaty?

Below is the section of U.S. Code which specifies when an employee of the United States Department of State is required to respond to a written or oral question asked by a Member of the House Committee on Foreign Affairs. I have also provided a link to the U.S. Government Printing Office's website for reference:

22 us c 2680-1. SEC. 196. DEADLINE FOR RESPONSES TO QUESTIONS FROM CONGRESSIONAL COMMITTEES. (a) IN GENERAL.—An officer or employee of the Department of State to whom a written or oral question is addressed by any member of a committee specified in subsection (b), acting within his official capacity, shall respond to such question within 21 days unless the Secretary of State submits a letter to such member explaining why a timely response cannot be made. (b) SPECIFIED COMMITTEES.—The committees referred to in subsection (a) are the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

<http://www.gpo.gov/fdsys/pkg/USCODE-2009-title22/pdf/USCODE-2009-title22-chap38-sec2680-1.pdf>

Thank you for your prompt attention to my question.

Sincerely,

A handwritten signature in black ink, appearing to read 'L M Zeldin', written in a cursive style.

Lee M. Zeldin
Member of Congress