

Congress of the United States
Washington, DC 20515

March 31, 2016

The Honorable John Kerry
Secretary of State
United States Department of State
2201 C Street, NW
Washington, DC 20520

Secretary Kerry:

Less than two months after the Obama administration announced bare-minimum sanctions on Iran's ballistic missile program in response to its October missile launch, Iran again tested-fired multiple ballistic missiles earlier this month. Yet the international community is struggling to respond to Iran's continued provocations, all because of language in UN Security Council Resolution (UNSCR) 2231. In arguing for the Joint Comprehensive Plan of Action (JCPOA), you and other administration officials assured the American people and Congress that UNSCR 2231 still allowed the U.S. to respond to dangerous actions, like these, from the Iranians.

One of our country's most critical national security interests is halting Iran's development of ballistic missiles. In fact, the missiles Iran launched in March were "inherently capable of delivering nuclear weapons" according to a joint letter sent this week by the U.S., U.K., French, and Germans to the UN Secretary General. In fact, as Secretary of Defense Ash Carter stated in front of the Senate Armed Services Committee in October, it is important to prevent Iran from developing these missile capabilities because "the 'I' in ICBM stands for intercontinental, which means having the capability to fly from Iran to the United States, and we don't want that."

Unfortunately, Iran is finding little international resistance to its "provocative and destabilizing" missile tests, to use U.S. Ambassador Samantha Power's words. Russia, one of the P5+1 countries, has been particularly difficult. The Kremlin's absurd legal argument after Iran's March tests that "legally you cannot violate a call" would essentially allow the Iranian regime to do anything it wants to further develop its ballistic missile program. Russia's refusal to punish Iran, combined with its veto and China's veto on the Security Council, will continue to prevent any real international effort to respond to Iranian infractions.

When selling the JCPOA, you assured Members of Congress in official testimony in July that "the exact same language...is in the agreement with respect to the launches" and that Iran would still be "restrained from any...work on missiles." Similarly, Ambassador Mull asserted in front of the Senate in December that if Iran launched these missiles, "it would violate that part of the UN Security Council Resolution [2231]." Yet in opposition to this testimony, administration officials have recently told the press that UNSCR 2231 was "drafted/structured in a way to appeal to Iran's sensitivities." Iranian Foreign Minister Zarif also admitted that he spent seven months negotiating over the ballistic missile wording in UNSCR 2231. His efforts were evidently successfully given the international inaction in the face of Iran's recent tests.

More than three weeks have passed since the Islamic Republic of Iran's dangerous missile launches, yet there has still been no U.S. declaration of a "violation," only that the tests are "inconsistent with" and just "in defiance of" UNSCR 2231. The seeming American refusal to name these Iranian tests as violations is in direct conflict with the administration's earlier commitments.

As we attempt to clarify the crafting of the weak language in UNSCR 2231 and how the administration expected, and promised, the language to be interpreted, we would appreciate your responses to these questions by May 1, 2016:


1. Why did the joint U.S.-European Union letter to the UN Secretary General from the week of March 28 not label Iran's March missile tests a "violation" of UNSCR 2231? Why has the U.S. not made its own "violation" declaration?
2. Has the administration made the decision that Iranian missile tests would not, or do not, violate UNSCR 2231? If so, when was this decision made?
3. Were administration officials, including yourself and Ambassador Mull, instructed or encouraged to tell Congress that Iranian missile launches would be "violations" of UNSCR 2231? If so, when?
4. What is the administration's strategy in response to these latest Iranian missile tests to ensure there will be no further violations of UN sanctions?

While many lawmakers, ourselves included, are certain that Iran's latest tests violate UNSCR 2231, your decision to cease labeling the launches a violation is alarming. We are troubled by reports that the administration is stifling voices within its ranks for stronger action against Iran—putting the JCPOA and political legacy above the safety and security of the American people.

Sincerely,



Mike Pompeo
Member of Congress



Peter Roskam
Member of Congress



Lee Zeldin
Member of Congress