

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

February 8, 2021

The Honorable Joseph R. Biden, Jr  
President of the United States  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear President Joe Biden,

It has come to our attention that you may be considering a re-entry to the Joint Comprehensive Plan of Action (JCPOA) without first pursuing any changes to the 2015 agreement. It is critically important that you do not allow history to repeat itself with a fatally flawed Iran Nuclear Deal. For a variety of reasons that include the expiring sunset clauses and a flawed verification agreement, this would be a strategic US foreign policy blunder, exponentially more dangerous than the consequences of the original misguided approach. As is, this deal is not a pathway to prevent Iran from acquiring a nuclear weapon. It is a blueprint for exactly how Iran can secure massive sums of money and obtain a nuclear weapon in short order. Compounding the threat, this approach turns a blind eye to Iran's non-nuclear destabilizing activities throughout the world, such as its support for international terrorism and continued development of its ballistic missile arsenal.

The decision not to recertify the Iran Nuclear Deal in 2017 was in America's best interests. Even if the United States never withdrew from the deal, poorly construed sunset provisions baked into the deal would now be upon us, meaning Iran would be well on its way to obtaining a nuclear weapon while having violated not only the spirit but the letter of the deal.

House Democrats claim the JCPOA "verifiably constrained Iran's nuclear program." However, in violation of the deal, prior to U.S. withdrawal from the agreement, Iran [tested](#) more IR-8 and IR-6 centrifuges than permitted under the JCPOA. Iran also [attempted](#) to acquire carbon fiber that it had agreed not to obtain and [stockpiled](#) more heavy water than was allowed under the JCPOA. Even though the United States insisted there would be inspections "[where necessary, when necessary](#)" of Iran's military sites, the Iranians made it consistently clear-- both before and after this agreement-- that it would never be permitted. What's more, no U.S. inspectors were allowed to participate in the verification regime that is included in the JCPOA.

Worst of all, the verification agreement between Iran and the International Atomic Energy Agency (IAEA) remains a great mystery to this day and still hasn't been submitted to Congress.

During testimony to the House Foreign Affairs Committee, former Secretary of State John Kerry admitted even he had not read the verification regime detailed in those secret side deals.

President Obama said that the Iran Nuclear Agreement was not based on trust, but verification. How can the U.S. sign off on a verification regime it's never read?

Some have said that returning both Iran and the US to compliance with the JCPOA must be "the starting point for further negotiations." That's not an option. As the Director General of the IAEA, Rafael Grossi, [pointed](#) out late last year, there are too many breaches of this agreement to simply wish everything could just fall right back into place as is. Grossi made clear that going back to square one is impossible at this point, "because square one is no longer there."

Iran is violating both the uranium enrichment levels and amount of stockpiled enriched uranium it can hold pursuant to the JCPOA in the following ways:

1. In May 2019, Iran stopped selling its enriched uranium and heavy water deposits.
2. In July 2019, Iran [began](#) enriching uranium to ~4.5%, above the 3.67% limit established in the JCPOA.
3. In September 2019, Iran [abandoned](#) all the commitments that were in place regarding research and development of centrifuges.
4. As of November 6, 2019, Iran was [enriching uranium](#) gas at Fordow. Under the JCPOA, no nuclear material was permitted at Fordow.
5. As of November 2020, according to the IAEA, Iran's stockpile of low-enriched uranium was 12-times greater than that which was permitted under the JCPOA.
6. In January 2021, Iran [commenced](#) the enrichment of uranium at Fordow to 20% purity.

With one directive from the Ayatollah, Iran was able to ramp up its nuclear program to pre-deal levels within days, demonstrating the weakness of the agreement. Neither our European partners nor any international body was able to prevent Iran from taking such steps, despite still being technically bound to the agreement.

With the dawn of a new administration, the United States maximum pressure campaign crippled the Iranian regime, killed Qassim Soleimani, and deterred Iran's other malign activities in the region. House Democrats spuriously claim that withdrawal from the JCPOA eliminated "U.S. leverage in addressing other national security issues with Iran." The reality is that the agreement itself eliminated any leverage by negotiating away all of the sanctions that brought Iran to the table in the first place. The misguided approach that brought us the JCPOA siloed off the nuclear issue from all other national security threats emanating from Iran, thereby failing to address any of Iran's other malign activities by design. This coupled with a wholesale unwinding of sanctions on Iran enabled Tehran to double down on the very nefarious behavior the negotiators of the JCPOA promised us the deal would moderate. The ayatollahs increased their sponsorship of terrorism and development of Inter-Continental Ballistic Missiles (ICBMs), all while still unjustly imprisoning American citizens.

Iran does not respect weakness. It only respects strength. Use of force and military action should always be the last possible option, but we must keep it on the table, not because we want war, but because we want to prevent it. Our other instruments of national power, such as diplomatic and economic pressure, can become greater tools in this effort when Iran understands that the military option is on the table and real.

In stark contrast to this progress, some Members are now urging the United States to reenter the Iran Nuclear Deal with no new conditions, requirements or other updates to the JCPOA. Iran doesn't want the U.S. to reenter the JCPOA for their love of humanity. Iran wants this because it knows what to expect from last time around: making out like bandits with the sanctions relief, and ramping up its other non-nuclear malign activities, while still securing their nuclear weapons capability.

This misconceived approach also flies in the face of the changing facts on the ground in the region. The Middle East has been undergoing an advantageous and unprecedented realignment where Israel and other nations in the region are uniting and strengthening ties determined to successfully confront a common adversary in Iran. The United Arab of Emirates, Bahrain, Sudan, and Morocco have all chosen to strengthen its ties with Israel and peace in the region by signing the historic Abraham Accords, forging regional alliances better capable of countering Iranian influence. We must not naively ignore the developments that have taken shape since 2015 and re-enter a dated nuclear deal that does not reflect these important geopolitical shifts in the region.

The United States must heed key lessons learned from the 2015 negotiations with Iran. Then, like now, Iran wants the U.S. to come to the negotiating table due to the biting pain of our maximum pressure sanctions regime. The United States must not once again abandon the leverage that is bringing Iran back to the negotiating table without confronting both Iran's nuclear and non-nuclear activities that need to be stopped. Additionally, when redlines are established for talks, the United States must either stand by those parameters or not set those redlines at all. We must also be fully prepared to walk away if necessary. We urge the new administration to recall "no deal is better than a bad deal." If an agreement is reached, it should be of the nature to receive broad bipartisan support from Congress and be submitted to the United States Senate to be ratified as a treaty.

We must all learn from the lessons of the past and ensure that any future nuclear agreement signed between the US and Iran is binding, sustainable, verifiable, and supported by our regional allies. We must not be naive, desperate or weak in how we move forward. The irony of the House Democrats' call in their letter to you is that trying to reenter the 2015 JCPOA as is would be the "potentially devastating miscalculation." We must approach Iran from a position of strength and not surrender for sake of domestic politics or partisan emotions. The United States must heed its lessons from the past several years, be smart, courageous, and strong,

understanding that the weak and desperate adversary is this Iranian regime, not ourselves. We are ready and willing to work closely with you to achieve the goal of preventing a nuclear armed Iran and effectively inhibiting its ability to sow chaos in the region.

Sincerely,



Lee Zeldin  
Member of Congress



Doug Lamborn  
Member of Congress



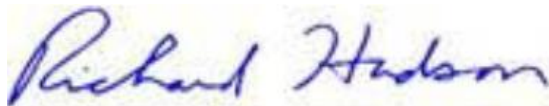
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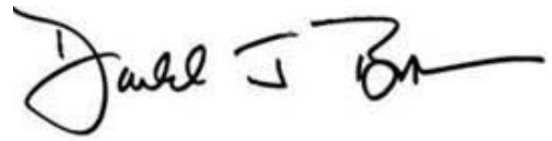
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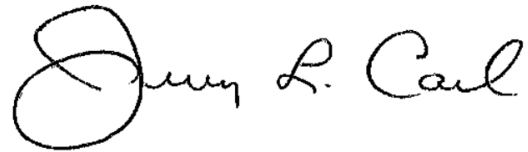
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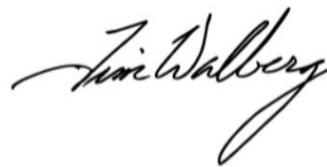
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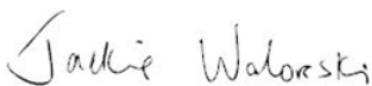
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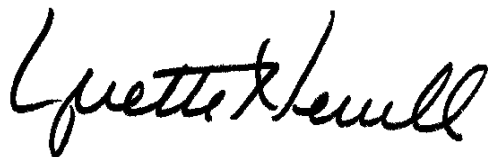
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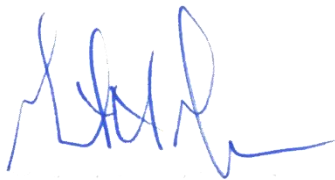


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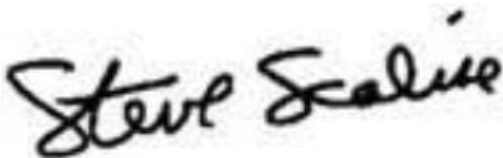
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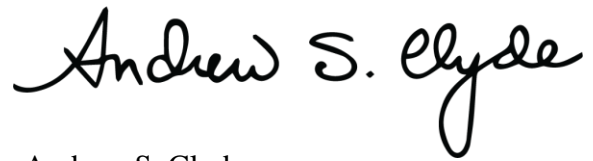
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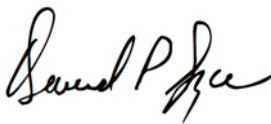
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