

JOE WILSON
2ND DISTRICT, SOUTH CAROLINA

ASSISTANT MINORITY WHIP

COMMITTEE:
FOREIGN AFFAIRS
RANKING MEMBER: MIDDLE EAST, NORTH
AFRICA, & INTERNATIONAL TERRORISM

ARMED SERVICES
EDUCATION & LABOR

Congress of the United States House of Representatives

COUNTIES:
AIKEN
BARNWELL
LEXINGTON
ORANGEBURG*
RICHLAND*
(*PARTS OF)

April 7, 2021

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street NW, Room 2206
Washington, DC 20520-2204

Dear Secretary Blinken,

In your confirmation hearing before the Senate Foreign Relations Committee in January you stated, “the President-elect and I believe that we have to restore Congress's traditional role as a partner in our foreign policy making. In recent years, across administrations of both parties, Congress’s voice in foreign policy has been diluted and diminished. That doesn’t make the Executive Branch stronger; it makes our country weaker.”¹ Yet in your few months in office, your State Department has already exhibited a troubling pattern of ignoring congressional oversight. For instance, it has consistently dodged questions related to granting sanctions relief to Iran. Yesterday, following talks in Vienna, the *New York Times* reported that the United States, our European partners, and the Iranian regime, agreed to a framework for re-entering the failed Joint Comprehensive Plan of Action (JCPOA) and lifting sanctions on Iran.² We are writing to remind you of your commitments, under oath, to make Congress a partner in foreign policy decision making, inquire why you did you not seek congressional input prior to agreeing to this framework, and ask how you will involve Congress in any future negotiations.

As you may be aware, the Iran Nuclear Agreement Review Act of 2015 (INARA), requires the President to submit any agreement with Iran to a congressional vote before sanctions are lifted. As Stephen Rademaker has pointed out, INARA mandates congressional review of any “agreement related to the nuclear program of Iran... regardless of the form it takes.”³ This would include a clean re-entry into the JCPOA. Does the Biden administration intend to comply with INARA, and seek congressional approval for re-

¹ Opening remarks by Secretary of State-designate Antony J. Blinken - United States Department of State. January 19, 2021. <https://www.state.gov/opening-remarks-by-secretary-of-state-designate-antony-j-blinken/>

² Erlanger, Steven. Iran and U.S. Agree to Path Back to Nuclear Deal. *The New York Times*. April 6, 2021. <https://www.nytimes.com/2021/04/06/world/europe/iran-nuclear-deal.html>

³ Rademaker, Stephen. Why a return to the jcpoa will be even harder than many think. March 1, 2021. https://www.realclearworld.com/articles/2021/03/01/why_a_return_to_the_jcpoa_will_be_even_harder_than_many_think_731930.html

entering the JCPOA? If not, how do you reconcile this with your commitment to restore Congress's traditional role as a partner in our foreign policy?

Furthermore, as you also may be aware, the failed JCPOA was structured by President Obama as an executive agreement to avoid Senate ratification required for treaties. If you really would like to restore Congress' traditional role in our foreign policy making, why have you pledged, if Iran comes back into compliance, to simply return to the failed Iran nuclear agreement rather than pursue a more durable treaty with consent from a bipartisan, two-thirds supermajority of the Senate? Moreover, the JCPOA sought to restrict congressional authority by prohibiting Congress from enacting future mandatory sanctions on Iran. As stated in Clause 26 of the JCPOA:

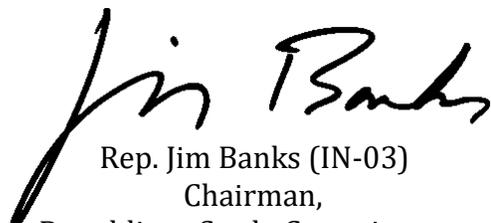
"The U.S. Administration, acting consistent with the respective roles of the President and the Congress, will refrain from re-introducing or re-imposing the sanctions specified in Annex II that it has ceased applying under this JCPOA, without prejudice to the dispute resolution process provided for under this JCPOA. The U.S. Administration, acting consistent with the respective roles of the President and the Congress, will refrain from imposing new nuclear-related sanctions"⁴

As you may know, the Republican Study Committee, the largest conservative caucus in Congress, has taken an official position pledging to oppose, and to work to reverse, any sanctions relief for Iran unless the regime meets all 12 demands laid out by former Secretary of State Mike Pompeo.⁵ As members of Congress, a co-equal branch of the federal government, we do not consider ourselves bound by executive agreements which purport to make commitments on behalf of the Congress of the United States. Does the Biden administration take the position that executive agreements like the JCPOA bind the Congress and prohibit the legislative branch from enacting future sanctions? If so, how does this fit in with your statement that you would like to restore Congress' role in foreign affairs?

Thank you for your consideration and I look forward to hearing from you,



Rep. Joe Wilson (SC-02)
Chairman, Republican Study Committee
National Security and Foreign Affairs Task Force



Rep. Jim Banks (IN-03)
Chairman,
Republican Study Committee

⁴ Joint Comprehensive Plan of Action. Vienna, 14 July 2015. <https://2009-2017.state.gov/documents/organization/245317.pdf>

⁵ Republican Study Committee Official Position on Iran. March 2nd. 2021. <https://mcusercontent.com/d4254037a343b683d142111e0/files/1f6a26df-e49a-4b97-a747-a7cf569d21f2/RSCOfficialPositionIran.pdf>