

REQUESTING THE PRESIDENT TO TRANSMIT CERTAIN DOCUMENTS TO
THE HOUSE OF REPRESENTATIVES RELATING TO ANY INITIATIVE OR
NEGOTIATIONS REGARDING IRAN'S NUCLEAR PROGRAM

SEPTEMBER 20, 2022.—Referred to the House Calendar and ordered to be printed

Mr. MEEKS, from the Committee on Foreign Affairs,
submitted the following

ADVERSE REPORT

together with

DISSENTING VIEWS

[To accompany H. Res. 1266]

The Committee on Foreign Affairs, to whom was referred the resolution (H. Res. 1266) requesting the President to transmit certain documents to the House of Representatives relating to any initiative or negotiations regarding Iran's nuclear program, having considered the same, reports unfavorably thereon without amendment and recommends that the resolution not be agreed to.

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SUMMARY

H. Res. 1266 would require the President of the United States to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of any document, memorandum, or other communication in his possession, or

any portion thereof, that refers or relates to any initiative or negotiations regarding Iran's nuclear program that may be required by section 135(d)(5)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2160e(d)(5)(B)).

BACKGROUND

It is the policy of the United States to prevent the government of the Islamic Republic of Iran (Iran) from obtaining a nuclear weapon. The United States must be prepared to use all aspects of our power to achieve this goal.

Using a resolution of inquiry to obtain information related to an ongoing multilateral and national security-related negotiation would create a harmful precedent that risks the Administration's ability to successfully conduct negotiations, threatening to upset allies and allow for the premature leaking and manipulation of sensitive materials. This resolution threatens the United States' long-standing strategic posture to not negotiate in public.

Moreover, a robust process through which Congress will review any negotiated agreement exists. Shortly before the conclusion of the original JCPOA negotiations in 2015, the United States Congress passed, with a strong bipartisan vote, the current statutory framework for the transmission of the documents requested by H. Res. 1266 to Congress. This law, entitled the Iran Nuclear Agreement Review Act of 2015 (INARA), provides the official, bipartisan, process for reviewing the documents related to the JCPOA. The Biden Administration has committed to Congress, the American people, and our negotiation partners that they will abide by INARA.

The Administration's commitment to adhere to the requirements set forth by INARA renders H. Res. 1266 completely unnecessary. INARA mandates the Administration to transmit to Congress all documents required in H. Res. 1266 in addition to an assessment of the agreement, within five calendar days, for review. Once such documents enter congressional possession, Congress is provided thirty calendar days to review the materials, hold hearings, receive briefings, and hold an up or down vote of approval or disapproval should Congress desire. The Administration is not authorized to implement a nuclear agreement with Iran while this review period is taking place. Should Congress disapprove the agreement over the veto of the President of the United States, the Administration is prohibited from moving forward with implementation. Both our allies and adversaries are aware this process is in place.

Members of this committee have been fully briefed on the negotiations in classified session as the negotiations have progressed. Others have received unclassified updates on the talks upon request. The committee, in fact, received a briefing the morning before marking up this resolution from the White House, State Department and Intelligence Community.

There may not be unanimous bipartisan support for a final agreement, but we are unwilling to jeopardize the talks by prematurely releasing these materials. We will have ample time to assess the deal, if finalized, under the auspices of the INARA statute.

HEARINGS

The Committee on Foreign Affairs held no hearings on H. Res. 1266.

COMMITTEE CONSIDERATION AND VOTE

The Committee considered H. Res. 1266 on September 14, 2022 and September 15, 2022, and agreed to a motion to report the resolution adversely to the House of Representatives by a recorded vote (roll call 26Y–22N).

On the vote to report H. Res. 1266 to the House adversely:

Members voting AYE (26)

Gregory W. Meeks, D–NY
 Brad Sherman, D–CA
 Albio Sires, D–NJ
 Gerald E. Connolly, D–VA
 Theodore E. Deutch, D–FL
 Karen Bass, D–CA
 William R. Keating, D–MA
 David N. Cicilline, D–RI
 Ami Bera, D–CA
 Joaquin Castro, D–TX
 Dina Titus, D–NV
 Ted Lieu, D–CA
 Susan Wild, D–PA
 Dean Phillips, D–MN
 Ilhan Omar, D–MN
 Colin Allred, D–TX
 Andy Levin, D–MI
 Abigail Spanberger, D–VA
 Chrissy Houlahan, D–PA
 Tom Malinowski, D–NJ
 Andy Kim, D–NJ
 Kathy Manning, D–NC
 Jim Costa, D–CA
 Juan Vargas, D–CA
 Vicente González, D–TX
 Brad Schneider, D–IL

Members voting NO (22)

Michael T. McCaul, R–TX
 Chris Smith, R–NJ
 Steve Chabot, R–OH
 Joe Wilson, R–SC
 Scott Perry, R–PA
 Darrell Issa, R–CA
 Lee Zeldin, R–NY
 Ann Wagner, R–MO
 Brian Mast, R–FL
 Brian Fitzpatrick, R–PA
 Ken Buck, R–CO
 Tim Burchett, R–TN
 Mark Green, R–FL
 Andy Barr, R–KY
 Greg Steube, R–FL
 Dan Meuser, R–PA

Claudia Tenney, R-NY
 August Pfluger, R-TX
 Nicole Malliotakis, R-NY
 Peter Meijer, R-MI
 Ronny Jackson, R-TX
 Young Kim, R-CA

COMMITTEE OVERSIGHT FINDINGS

In compliance with Clause 3(c)(1) of rule XIII of the rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under Clause 2(b)(1) of rule X of the House of Representatives, are incorporated in the descriptive portions of this report, particularly in the “Background” section.

NEW BUDGET AUTHORITY, TAX EXPENDITURES, AND FEDERAL MANDATES

In compliance with clause 3(c)(2) of House rule XIII and the Unfunded Mandates Reform Act (P.L. 104-4) are inapplicable because H. Res. 1266 neither provides new budget authority nor increase tax expenditures.

NON-DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of House rule XIII, the committee states that no provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

PERFORMANCE GOALS AND OBJECTIVES

The rule requiring a statement of performance goals and objectives is inapplicable to this resolution.

CONGRESSIONAL ACCOUNTABILITY ACT

H. Res. 1266 does not apply to terms and conditions of employment or to access to public services or accommodations within the legislative branch.

NEW ADVISORY COMMITTEES

H. Res. 1266 does not establish or authorize any new advisory committees.

EARMARK IDENTIFICATION

H. Res. 1266 contains no congressional earmarks, limited tax benefits, or limited tariff benefits as described in clauses 9(e), 9(f), and 9(g) of House rule XXI.

SECTION-BY-SECTION ANALYSIS

H. Res. 1266, if adopted, would require the President to transmit to the House of Representatives, not later than 14 days after the

date of its adoption, copies of any document, memorandum, or other communication in his possession, or any portion thereof, that refers or relates to any initiative or negotiations regarding Iran's nuclear program that may be required by section 135(d)(5)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2160e(d)(5)(B)).

DISSENTING VIEWS

While Iran tries to kill Americans—both abroad and even on U.S. soil—and provides direct support to Russia’s unjustified war of aggression against Ukraine, the Biden administration is chasing a nuclear deal with Iran that would hand the world’s largest state sponsor of terrorism vast amounts of cash, with no control over how it will be spent.

This resolution of inquiry is necessary to ensure that Congress receives a clear, unfiltered view of the terms of any agreement, and a genuine understanding of Iran’s actual nuclear program. Given the immense stakes, we must be given the means to carry out basic oversight, to ensure that the terms of any agreement with Iran actually promote the national security of the United States.

The unfortunate decision by our Democrat colleagues to reject the Committee’s rights to this information is in conflict with their own demands (via resolution of inquiry) for even more highly privileged information from the prior administration.

When negotiating with adversaries, it is sometimes said to “trust but verify.” With Iran we can do neither.

Over the past year and a half, Iran has continued to expand its nuclear program despite diplomatic efforts aimed at brokering a nuclear deal. Not only has Iran continued to enrich uranium at levels far in excess of the limits set under the Joint Comprehensive Plan of Action (JCPOA), it has also installed hundreds of advanced IR-6 centrifuges and dismantled key aspects of the oversight architecture established under the original agreement. We cannot trust Iran to comply with the terms of a new agreement when they are actively violating the old one, to which they remain a party.

At best, the rumored deal merely delays Iran’s advance toward a nuclear weapon to 2030. It does nothing to stop it. By continuing to expand its nuclear program over the past year and a half, Iran has accumulated valuable nuclear know-how that will be impossible to walk back. As a result, Iran’s “breakout” time—the time needed to produce enough material for a nuclear weapon—is now estimated to be somewhere between four to six months. That means, even if they abide by a new agreement, Iran will be in a position to move quickly toward a nuclear weapon when all restrictions on its nuclear enrichment activities expire in less than a decade.

A deal would give Iran more time and money to shore up its nuclear infrastructure, making it less vulnerable to attack and undermining the world’s ability to respond to a nuclear-capable Iran. It would also bolster Iran’s ability to support its terrorist proxies and expand its ballistic missile program. Providing this regime with billions of dollars in financial relief in exchange for temporary restrictions on its nuclear weapons development is not just irresponsible, it is dangerous.

Furthermore, Iran continues to undermine the critical work of the International Atomic Energy Agency (IAEA), threatening global non-proliferation objectives. Iran has so far refused to provide technically credible answers to the IAEA investigation into enriched uranium found at three undisclosed Iranian sites, which may indicate the existence of a clandestine nuclear program. In June, Iran removed monitoring equipment, including 27 cameras installed by the IAEA to assess compliance with the 2015 agreement in real time. In its September 2022 quarterly report, the agency concluded that it was “not in a position to provide assurance that Iran’s nuclear program is exclusively peaceful.” We cannot blindly commit ourselves to some new bargain without knowing the actual scope of Iran’s nuclear program—knowledge that Iran has actively denied to international inspectors.

In contrast to the Biden Administration’s public commitments to keep Congress closely in the loop on their efforts to pursue a “longer and stronger” nuclear deal with Iran, the reality has been periodic after-action reports when negotiations are stalled, on what appears to be a shorter and weaker agreement than the Obama Administration’s problematic JCPOA.

Congress and this Committee have constitutional oversight responsibilities that are critical to protecting the security of the United States and the American people, especially against a terrorist regime pledged to our destruction. We require far more information than we have been given to be able to genuinely assess Iran’s nuclear program and the risks and benefits of what Iran is seeking in any new nuclear deal. This resolution is a critical and necessary step in negotiating access to that information.

MICHAEL T. MCCAUL,
Ranking Member.

