

December 18, 2015

President Barack Obama
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President,

On December 15, 2015, the member states of the International Atomic Energy Agency (IAEA) voted to close the decades-long investigation into Iran's nuclear weapons program. The unanimous vote by the IAEA's Board of Governors cut short the agency's long-running and largely unsuccessful effort to bring transparency to Iran's past nuclear activities and to provide some scope to Iran's future nuclear ambitions.

Despite the unanimous vote, however, there was no consensus on the underlying issue – the past military dimensions of Iran's nuclear program. The IAEA failed to reach material conclusions about the specific character and extent of Iran's nuclear activities. As a result, much like the investigation itself, the report was a whitewash. Iran did not come clean about its programs and intentions and it did not provide access to the people, places, and documents necessary for comprehensive findings on its past activities.

Notwithstanding the opaque nature of Iran's nuclear weapons program, the IAEA voted to dismiss rather than investigate the ambiguity. This is deeply troubling. The fact is that Iran denied the existence of a nuclear weapons program that irrefutably exists, and – against unenforced United Nations resolutions and international will – is testing the conventional means to deliver a nuclear weapon that may have been (or still may be) within its capability to produce or acquire.

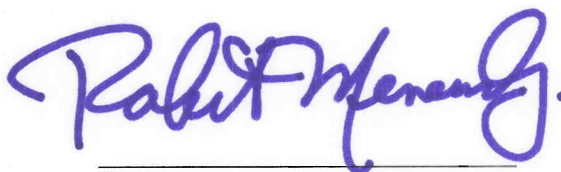
And the questions that I raised in an October 19 letter to Secretary Kerry, to which I have not received a response, are even more relevant now: Will the Administration take demonstrative actions so that Iran understands the consequences of violating the international order? What will those actions be? In the silence since that letter, we have witnessed yet another Iranian test launch of a ballistic missile that, in the months to come, the United Nations will undoubtedly find has violated the same United Nations Security Council resolutions.

How you respond to this challenge will send a message to the Iranian regime about its compliance with the Joint Comprehensive Plan of Action (JCPOA). In the meantime, we can expect that Iran will continue to test the limits of international order.

A good start would be lending your support to extending the *Iran Sanctions Relief Oversight Act* (S. 1682), a bill that I introduced in the Senate in June with Senator Kirk. I also recommend that you use your discretionary authority to adopt specific measures, outside of the JCPOA, such as special designations of foreign nationals, including freezing assets and banning travel for individuals and entities that support or facilitate Iran's ballistic missile proliferation.

I urge you to take action imminently in response to both ballistic missile test violations.

Sincerely,

A handwritten signature in blue ink, reading "Robert Menendez", with a horizontal line underneath the signature.

Robert Menendez
United States Senate