

United States Senate

WASHINGTON, DC 20510

May 2, 2019

The Honorable Mike Pompeo
Secretary of State
U.S. Department of State
Washington D.C. 20520

Mr. Secretary,

We write to express concern with the 2019 Report on Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments, the unclassified version of which was provided to Congress on April 15, 2019. The 2019 unclassified Compliance Report deviates from previous years in its lack of substance, depth, and independence from political interference.

The Compliance Report should provide U.S. policymakers and the international community with a thorough accounting of the extent to which countries are meeting their arms control and nonproliferation obligations. The report informs top-level U.S. diplomatic engagements and shapes U.S. defense strategy in response to behavior that may threaten national security. It is therefore imperative that this report reflect fact-based and nonpartisan assessments of the subjects it covers. Any cherry-picking or politicization of its findings undermines confidence in its objectivity and makes it more difficult for the United States to marshal support for its national security objectives.

Several omissions in this year's report call into question its completeness. At just 12 pages, the 2019 report omits entire sections that had been included in the 45 page 2018 report related to treaties and agreements limiting or prohibiting weapons of mass destruction. In a deviation from previous years, the 2019 report omitted any reference to the New Strategic Arms Reduction Treaty (New START), even though you testified to Congress on April 10, 2019, that Russia has complied with its obligations under the treaty. Additionally, the report did not reference Russia's violation of the Intermediate-Range Nuclear Forces (INF) Treaty despite that assessment appearing in every report since 2014.

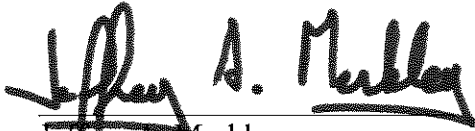
Most concerning is the report's politicization of assessments of Iran's compliance with its obligations under the Nuclear Non-Proliferation Treaty (NPT). The 2019 report's allegation of possible non-compliance by Iran with the NPT failed to acknowledge the assessment of the intelligence community, as conveyed in congressional testimony from Director of National Intelligence Dan Coats on January 29, 2019, in which he said "we do not believe Iran is currently undertaking activities we judge necessary to produce a nuclear device." Similarly, the 2019 report finding does not reflect a February 2019 International Atomic Energy Agency Board of Governors report, which reaffirmed Iran's compliance with its commitments under the Joint Comprehensive Plan of Action (JCPOA) and verified Iran's "non-diversion of declared nuclear material" (to a weapons program). It would be disturbing if the leadership of the Department of State's Arms Control, Verification, and Compliance Bureau arrived at findings that defied the U.S. intelligence community, which is required by law to concur with the report's findings.

Arms control agreements advance U.S. and international security so long as the United States and other countries faithfully execute their obligations under those agreements. That is why the Compliance Report must be grounded in sober analysis and not be manipulated to advance any political purpose. As

such, we ask for a response to the following questions by May 31, 2019:

1. The 2018 report noted, in part, that in 2017 “Iran continued to fulfill its nuclear-related commitments under the JCPOA.” Does that remain the U.S. assessment of Iran’s behavior in 2018, and if so, why was that conclusion not made in the 2019 report?
2. 22 U.S. Code § 2593a requires the State Department to include an “assessment of the adherence of other nations to obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments.” Why did the 2019 Report not comply with this legal requirement by omitting several treaties and countries with whom the United States has entered into an agreement?
3. Did the Director of Central Intelligence concur on the report as is required by law?
4. Did the Under Secretary of State for Arms Control and International Security approve the content of the report as well as its release on April 15, 2019?
5. Why was the report removed from the State Department website on April 17 for several hours before being re-added later that day?

Sincerely,



Jeffrey A. Merkley
United States Senator



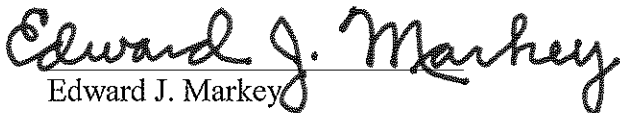
Chris Van Hollen
United States Senator



Ron Wyden
United States Senator



Bernard Sanders
United States Senator



Edward J. Markey
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