

United States Senate
WASHINGTON, DC 20510

May 21, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice

Dear Attorney General Garland:

In November 2013, the Obama/Biden administration began its Joint Plan of Action which served as the negotiating process for the Joint Comprehensive Plan of Action, known as the Iran Nuclear Deal, that was signed by the administration in July 2015.¹ Then-President Obama declared on November 23, 2013, “the broader architecture of sanctions will remain in place and we will continue to enforce them vigorously.”²

For almost two decades during Republican and Democratic administrations, the United States imposed sanctions on “Iranian individuals, companies, and organizations for involvement in nuclear proliferation, ballistic missile development, support for terrorist groups, and human rights abuses.”³ These Executive Orders were designed to stop the efforts of bad actors seeking to aid Iran. For example, one of President Obama’s Executive Orders, in part, authorized the Secretary of the Treasury and Secretary of State to determine whether someone “has facilitated deceptive transactions for or on behalf of any person subject to United States sanctions concerning Iran or Syria” and, if so, may:

prohibit all transactions or dealings, whether direct or indirect, involving such person, including any exporting, reexporting, importing, selling, purchasing, transporting, swapping, brokering, approving, financing, facilitating, or guaranteeing, in or related to (i) any goods, services, or technology in or intended for the United States, or (ii) any goods, services, or technology provided by or to United States persons, wherever located.⁴

¹ Media Note, *Implementation of the Joint Plan of Action from November 24, 2013 in Geneva between the P5+1 and The Islamic Republic of Iran and Provision of Limited, Temporary, and Targeted Sanctions Relief*, Archived Content: U.S. DEPARTMENT OF STATE, (Jan. 20, 2014) <https://2009-2017.state.gov/r/pa/prs/ps/2014/01/220054.htm>.

² Press Release, *Statement By The President On First Step Agreement On Iran’s Nuclear Program*, THE WHITE HOUSE: PRESIDENT BARACK OBAMA, (Nov. 23, 2013) <https://obamawhitehouse.archives.gov/realitycheck/the-press-office/2013/11/23/statement-president-first-step-agreement-irans-nuclear-program>.

³ The Iran Primer, *Timeline of U.S. Sanctions*, UNITED STATES INSTITUTE OF PEACE, (Apr. 1, 2024) <https://iranprimer.usip.org/resource/timeline-us-sanctions>.

⁴ Exec. Order No. 13608—*Prohibiting Certain Transactions With and Suspending Entry Into the United States of Foreign Sanctions Evaders With Respect to Iran and Syria*, ADMINISTRATION OF BARACK OBAMA, (May 1, 2012) <https://www.govinfo.gov/content/pkg/DCPD-201200328/pdf/DCPD-201200328.pdf>.

In addition, Congress also expressed its intent to ensure the Obama/Biden administration held Iran accountable. Specifically, on May 22, 2015, the House and Senate passed the Iran Nuclear Agreement Review Act of 2015 with a provision that said,

[t]he President may not waive, suspend, reduce, provide relief from, or otherwise limit the application of statutory sanctions with respect to Iran under any provision of law or refrain from applying any such sanctions pursuant to an agreement described in subsection (a).⁵

Clearly, the intent of this provision was to take a strong stand against Iran. Unclassified and legally protected whistleblower disclosures provided to our offices show that while the Obama/Biden administration publicly committed to “prevent[ing] Iran from acquiring nuclear weapons by raising the cost of Iran’s defiance of the international community,”⁶ then-Secretary of State John Kerry actively interfered with the Federal Bureau of Investigation (FBI) executing arrest warrants on individuals in the U.S. illegally supporting Iranian efforts, including financial efforts, to develop weapons of mass destruction (WMD) and their ballistic missile program. The records show that Justice Department and FBI leadership, to include then-Attorney General Lynch and then-FBI Director Comey, failed to take the necessary steps to stop Kerry’s obstructive efforts against law enforcement.

For example, unclassified FBI email records from August 25, 2017, detailed at least eight instances connected to the Iran deal where the “FBI/DOJ/USG could have moved forward with the cases but the State Department chose to block them.”⁷ According to the records, in six of these instances, the FBI lost the opportunity to arrest the main subject.⁸ The email says that one of the lost main subjects was noted to be “on the Terrorism Watch List” and another “returned to Iran.”⁹ The email further says that in another instance the State Department “blocked [FBI’s] plan to arrest while the subject was mid-flight and the subject was forced to leave the US immediately upon arrival.”¹⁰ The email also provides that at least two targets were arrested only after “State lifted their block...since the new [Trump] Administration took office.”¹¹

⁵ This limitation on the President applied to the time period of the initial congressional review of a nuclear agreement with Iran, 12 calendar days following the date of a joint resolution of disapproval passed in both houses, and 10 days following the President’s veto of a joint resolution of disapproval passed by both houses. Iran Nuclear Agreement Review Act of 2015, Pub. Law 114-17. The time for Congressional review would be 60 days if the President transmitted the deal to Congress between July 10, 2015, and September 7, 2015. The congressional review began during this time period on July 14, 2015, when President Obama announced the Iran Nuclear Deal and stated, “Congress will now have an opportunity to review the details, and my administration stands ready to provide extensive briefings on how this will move forward. As the American people and Congress review the deal, it will be important to consider the alternative.” Press Release, *Statement By The President On Iran*, THE WHITE HOUSE: PRESIDENT BARACK OBAMA, (July 14, 2015) <https://obamawhitehouse.archives.gov/the-press-office/2015/07/14/statement-president-iran>.

⁶ Press Release, *Fact Sheet: Sanctions Related to Iran*, THE WHITE HOUSE: PRESIDENT BARACK OBAMA, (July 31, 2012) <https://obamawhitehouse.archives.gov/the-press-office/2012/07/31/fact-sheet-sanctions-related-iran>.

⁷ Exhibit A.

⁸ Exhibit A.

⁹ Exhibit A.

¹⁰ Exhibit A.

¹¹ Exhibit A.

These warnings about the failure to arrest known Iranians subject to arrest warrants occurred as early as 2015 and was allegedly done due to political reasons. As one example, in July 2015, concerns were raised about stand down orders to arrest criminal Iranians.¹²

----- Original message -----

From: "Bladel, Louis E. (CD) (FBI)" [REDACTED]
Date: 07/03/2015 7:45 PM (GMT-05:00)
To: "Reyes, Reginald B. (LA) (FBI)" [REDACTED]
Subject: RE: HQ Support

Thanks and likewise. We are all beside ourselves on asking the field to stand down on a layup arrest, however as it stands right now we all have to sit back and wait until all the US and Iran negotiations resolve themselves. We will continue to argue for aggressive action, however we will probably lose. [REDACTED] and his Unit always push the envelope and hate our current stance, I totally agree, even though our hands are tied. Thanks for your patience and enjoy your weekend.

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----- Original message -----

From: "Reyes, Reginald B. (LA) (FBI)" [REDACTED]
Date: 07/03/2015 6:14 PM (GMT-05:00)
To: "Bladel, Louis E. (CD) (FBI)" [REDACTED]
Subject: HQ Support

Lou,

I wanted to personally reach out to let you know that I am very appreciative of your team. Specifically [REDACTED] and [REDACTED] for assisting us navigate through the on-going politics and beauracracy. Everytime I've engaged with them, I am left with confidence that they will take action and support my team. I hope you and your family have a safe and festive Independence holiday. Thanks again, Reggie. (No, I don't want to come back to HQ.)

According to FBI records, nothing changed the next year. An unclassified FBI email from April 28, 2016, stated that, "State has been blocking FBI actions where State has had a role for approval or concurrence – visas, lure ops primarily. We have prepared a package of several cases blocked by State and have been working it up the FBI/DOJ/State chain over the past 6 months."¹³ The email also noted, "DOJ was surprised by this a bit because extraditions are ministerial functions and not something State would/should block."¹⁴ Additional unclassified FBI emails indicate that the State Department's alleged interference into ongoing FBI investigations became such an issue, that then-Attorney General Loretta Lynch had to discuss the matter with Secretary Kerry.¹⁵ An unclassified email from April 29, 2016, described a meeting between the two as: "[t]he Thursday meeting between Secretary Kerry and the AG didn't go well for us...the read-out is that now is not a 'good time' to be requesting approvals for extraditions or lures on Iran CP cases."¹⁶ Another email from May 3, 2016, describes the tension between the AG and Secretary Kerry as "when the PC [Principals Committee] ended, Kerry packed up his stuff and rushed out without engaging with the AG at all. The issues remain unresolved."¹⁷

¹² Exhibit B.

¹³ Exhibit C.

¹⁴ Exhibit C.

¹⁵ Exhibit D.

¹⁶ Exhibit D.

¹⁷ Exhibit E.

From: Jay.Bratt [REDACTED]
Sent: Tuesday, May 03, 2016 5:13 PM
To: [REDACTED]
Subject: RE: Last Thursday's meeting --- UNCLASSIFIED (FOUO)

CLASSIFICATION:FOUO

I just got back from our AAG biweekly updates and asked whether he or Mary McCord had received a read-out. According to Mary, when the PC ended, Kerry packed up his stuff and rushed out without engaging with the AG at all. The issues remain unresolved. I am going to circle back with Mary, Denise Cheung, and Bruce Swartz to see how we can get this back on the AG's agenda.

The records provided to our office show that the Obama/Biden administration's State Department, under the leadership of John Kerry, actively and persistently interfered with FBI operations pertaining to lawful arrests of known terrorists, members of Iranian proliferation networks, and other criminals providing material support for Iran's nuclear and ballistic missile programs. The records also show that DOJ and FBI leadership apparently allowed it to happen until the Trump administration altered course.

Indeed, the change in approach is supported by a November 29, 2016, email from Shell to an FBI official within Director Comey's office:¹⁸

From: Walled.Shater [REDACTED]
Sent: Tuesday, November 29, 2016 2:59 AM
To: Koerner, Heather P. (DO) (FBI)
Subject: Iran

Hi Heather-

Just to pass on to your analysts. It seems Trump election win having impact on doing business in Iran. We are going to sign a small deal in Iran this week (\$5 million licensing agreement). We were in talks with a Japanese bank to handle the funds, but they have recently backed off, unofficially citing coming Trump presidency. European banks feeling the same way. Small amount of money, but having a dampening effect on doing business in Iran.

Regards,

Walled



Shell

On November 29, 2016, Peter Strzok was copied to the email:¹⁹

----- Original message -----
From: "Paarmann, C. B. (IOD) (FBI)"
Date: 11/29/2016 5:53 PM (GMT-05:00)
To: "Koerner, Heather P. (DO) (FBI)"
Cc: "Strzok, Peter P. (CD) (FBI)" , "Corsi, Dina M. (CD) (FBI)"
Subject: RE: Iran

Thank you Heather - Have cc'd DAD Strzok and Corsi for their visibility.

¹⁸ Exhibit F.

¹⁹ Exhibit F.

Accordingly, as an initial request, no later than June 3, 2024, search for and produce all records relating to the following names and terms²⁰ in the email repositories for these Justice Department officials: Attorney General Lynch; Deputy Attorney General Yates; Jay Bratt; Mary McCord; David Laufman; Denise Cheung; and Bruce Swartz.

1. Javad Zarif;
2. The Joint Plan of Action (JPOA);
3. The Joint Comprehensive Plan of Action (JCPOA);
4. Iran Proliferation/Counterproliferation;
5. Law enforcement actions pertaining to Iranian citizens, to include visa lures, extraditions and related subject matter;
6. The case file for each of the eight cases mentioned in Exhibit A.

Thank you for your prompt attention to this matter. Should you have any questions, please contact our Committee staff at (202) 224-0642.

²⁰ “Records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).