

United States Senate

WASHINGTON, DC 20510

February 6, 2014

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20502

Dear President Obama,

I write today to follow up on a question I posed to Under Secretary of State for Political Affairs, Wendy Sherman, during the February 4, 2014, hearing in the Senate Foreign Relations Committee, entitled "Current Status of Iran Negotiations."

During the course of that hearing, I asked Under Secretary Sherman whether the Administration felt bound to comply with the existing sanctions laws, particularly the sanctions laid out in the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA), and the Iran Threat Reduction and Syria Human Rights Act of 2012 (ITRA). Under Secretary Sherman answered in the affirmative.

As you are aware, our existing sanctions on Iran are triggered by both statutory and executive authority. While I respect your authority regarding those sanctions lawfully initiated by Executive Order pursuant to legal authority, I would urge your Administration to use caution as you negotiate over sanctions that have been applied statutorily – that is, passed by Congress, and signed into law by the President of the United States.

In addition to the many sanctions laws in statute, both CISADA and ITRA outline specific termination criteria that bind any President seeking to undo the sanctions therein. Specifically, CISADA, as modified by ITRA, only allows for termination of sanctions once Iran has verifiably dismantled its military-nuclear, biological, chemical, ballistic missile and ballistic missile launch technology programs – in addition to Iran no longer acting as a state sponsor of terrorism. Other statutes, like the Central Bank of Iran sanctions enacted as part of the Fiscal Year 2012 National Defense Authorization Act, have no termination criteria and can only be lifted by congressional repeal. While the statutes do contain national security waivers that allow for a temporary suspension of these sanctions, the presence of these exacting termination criteria make clear that the intent of Congress was not simply to allow the President to waive all the sanctions in perpetuity at his behest.

Like you, I am hopeful a peaceful resolution can be reached. However, in the course of those negotiations, it is both my hope and expectation that the Congress will continue its role as an integral participant in our foreign policy toward Iran. I further expect that you will abide by the intent of the laws you signed, and not lift any sanctions for which termination

criteria have not been met. I would remind you that it was your Administration that not only signed CISADA into law, but strengthened its force with the passage of ITRA.

On a foreign policy issue of this magnitude, it is my strong belief that any further agreement – be it interim or final – that lifts statutory sanctions on Iran should require approval by the Congress before taking effect. Please let me know if it is your intent to seek this approval for any subsequent interim or final deal.

I look forward to your prompt reply.

Sincerely,



Rand Paul, M.D.
United States Senator

Cc: Secretary of State John Kerry
Under Secretary of State for Political Affairs Wendy Sherman
Chairman Robert Menendez
Ranking Member Bob Corker