

## THE WHITE HOUSE

WASHINGTON

March 14, 2015

The Honorable Bob Corker  
Chairman  
Senate Committee on Foreign Relations  
United States Senate  
Washington, D.C. 20510

Dear Chairman Corker:

Thank you for your March 12 letter to the President regarding Iran. I am responding on his behalf. The Administration has welcomed Congress' important role in the United States' policy towards Iran and takes seriously our continued engagement with Congress on this issue. Since October 2013, senior Administration officials from the White House, the Departments of State, Treasury, Energy, Defense and the Intelligence Community have conducted more than 200 meetings, hearings, classified briefings, and calls with Senate and House Members and their staffs on Iran, over half of which have been conducted since January 2015. Officials who have participated in these briefings range from the President, Vice President and cabinet officials, to the sanctions and nuclear experts who are members of our negotiating team.

We agree that Congress will have a role to play – and will have to take a vote – as a part of any comprehensive deal that the United States and our international partners reach with Iran. As we have repeatedly said, even if a deal is reached, only Congress can terminate the existing Iran statutory sanctions. We also agree that the existing statutory sanctions should remain in place, even as we suspend some of them using waivers included by Congress in the Iran sanctions statutes that it has enacted, until after Iran has complied with its commitments for an extended period of time, so that we retain the capability to re-impose sanctions if Iran does not comply with a deal, and so that Congress has the benefit of seeing whether Iran lived up to its commitments before taking actions.

However, the legislation you have introduced in the Senate goes well beyond ensuring that Congress has a role to play in any deal with Iran. Instead, the legislation would potentially prevent any deal from succeeding by suggesting that Congress must vote to “approve” any deal, and by removing existing sanctions waiver authorities that have already been granted to the President. We believe that the legislation would likely have a profoundly negative impact on the ongoing negotiations – emboldening Iranian hard-liners, inviting a counter-productive response from the Iranian *majiles*; differentiating the U.S. position from our allies in the negotiations; and once again calling into question our ability to negotiate this deal. This would therefore complicate the possibility of achieving a peaceful resolution to the Iranian nuclear issue if legislative action is taken before a deal is completed. Moreover, if congressional action is perceived as preventing us from reaching a deal, it will create divisions within the international community, putting at risk the very international cooperation that has been essential to our ability to pressure Iran. Put simply, it would potentially make it impossible to secure international

cooperation for additional sanctions, while putting at risk the existing multilateral sanctions regime.

In addition to its impact on the negotiations, this legislation would also set a potentially damaging precedent for constraining future Presidents of either party from pursuing the conduct of essential diplomatic negotiations, making it much harder for future Presidents to negotiate similar political commitments. These factors have led the President to determine that he would veto this legislation, were it to pass the Congress.

It is also important to note that, despite the recent commentary that some of your colleagues addressed to the Iranian leadership, non-binding arrangements – like the deal we are negotiating with Iran and the United Kingdom, France, Germany, Russia, and China, and the European Union – are an essential element of international diplomacy and do not require congressional approval. Presidents from both parties have relied on such arrangements to address sensitive national security matters, including nonproliferation. The United States has implemented numerous similar arms-control and nonproliferation arrangements. A few examples include:

- The 2013 U.S.-Russia framework to remove chemical weapons from Syria, which was not legally binding and was not subject to congressional approval, outlined the steps for eliminating Syria's chemical weapons and helped lay the groundwork for a successful multilateral effort to rid the world of these dangerous weapons.
- A variety of multilateral initiatives, including the Proliferation Security Initiative (a multilateral effort involving over 100 countries aimed at stopping the trafficking of weapons of mass destruction), the Nuclear Suppliers Group Guidelines (a set of principles that govern nuclear trade for peaceful purposes), the Missile Technology Control Regime (a voluntary association of countries that coordinate on export licensing efforts to prevent the proliferation of unmanned delivery systems capable of delivering weapons of mass destruction), the Hague Code of Conduct Against Ballistic Missile Proliferation (a multilateral arrangement involving over 100 countries to curb ballistic missile proliferation worldwide and to further delegitimize such proliferation), the Vienna Declaration on nuclear safety (a 2015 initiative to prevent nuclear accidents and mitigate their radiological consequences), and a series of instruments related to the Organization for Security and Cooperation in Europe (including the Helsinki Final Act and the Vienna Document on Confidence- and Security-Building Measures).
- A variety of bilateral cooperative arrangements – to take a few recent examples, a 2015 exchange of letters with the Government of Vietnam on cooperative threat reduction, a 2014 memorandum of understanding with Canada on nuclear forensics, a memorandum of cooperation between the Nuclear Regulatory Commission and China from 2007, and a 2006 memorandum of understanding between the Department of Energy and China implementing the 123 Agreement.
- Political commitments that were developed at major multilateral nonproliferation conferences also often result in the development of important, non-binding political commitments. For example, the Nuclear Security Summit hosted by the United States in

2010 resulted in the development of a Communique and Work Plan in which participants committed to ensure effective security of all nuclear materials under their control, to consolidate or reduce the use of weapons-usable materials in civilian applications, and to work cooperatively to advance nuclear security.

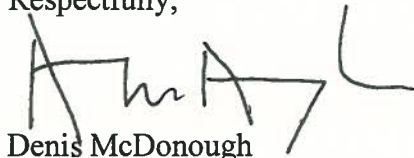
These types of arrangements are also common in other areas of diplomacy and foreign policy. To cite just a few examples: the Atlantic Charter, negotiated by President Roosevelt in 1941, was a joint declaration with Great Britain addressing objectives for World War II and the post-war international order. The Shanghai Communique, negotiated by President Nixon in 1972, was a joint declaration with China on principles governing bilateral relations and led to the normalization of relations. Other examples, which are too numerous to list in this letter, include bilateral commitments on issues ranging from foreign taxation to intelligence cooperation and defense measures. Additionally, the deal we are negotiating will allow us to retain significant leverage, as Iran would face severe consequences for any violation since we would have the capacity to swiftly re-impose punishing sanctions if Iran does not meet its commitments.

The United Nations Security Council will also have a role to play in any deal with Iran. Just as it is true that only Congress can terminate U.S. statutory sanctions on Iran, only the Security Council can terminate the Security Council's sanctions on Iran. Because the principal negotiators of an arrangement with Iran are the five permanent members of the Security Council, we anticipate that the Security Council would pass a resolution to register its support for any deal and increase its international legitimacy. A resolution would also increase the international pressure on Iran to live up to the deal and would expand the risks if they failed to do so.

The Administration's request to the Congress is simple: let us complete the negotiations before the Congress acts on legislation. The Administration is committed to sharing the details and technical documents related to a long-term comprehensive deal with Congress. If we successfully negotiate a framework by the end of this month, and a final deal by the end of June, we expect a robust debate in Congress. We will aggressively seek public and congressional support for a deal – if we reach one – because we believe a good deal is far better than the alternatives available to the United States. We understand that Congress will make its own determinations about how to respond, but we do not believe that the country's interests are served by congressional attempts to weigh in prematurely on this sensitive and consequential ongoing international negotiation aimed at achieving a goal that we all share: using diplomacy to prevent Iran from developing a nuclear weapon.

I look forward to continuing our dialogue on this important issue.

Respectfully,

A handwritten signature in black ink, appearing to read "DMcDonough", written over a horizontal line.

Denis McDonough  
Assistant to the President and  
Chief of Staff