

Nuclear Certification to Congress Confirms Iran's Compliance but Stresses Policy Review

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The Trump administration's first certification to Congress regarding Iranian nuclear compliance focused more on Iran's support for terrorism and the initiation of a National Security Council review of the Joint Comprehensive Plan of Action (the "JCPOA") than on the confirmation that Iran remains in compliance with its JCPOA commitments. The [letter submitted to Congress on April 18](#) tersely noted that Iran's obligations had been met as of that date, but went on to state that "Iran remains a leading state sponsor of terror," and that President Trump has ordered a National Security Council-led interagency review of the JCPOA to evaluate whether continued suspension of certain Iran sanctions pursuant to the JCPOA is vital to the national security interests of the United States.

The certification itself was submitted pursuant to the Iran Nuclear Agreement Review Act of 2015 ("INARA"), which requires periodic recertification to Congress in connection with Iran's compliance with the terms of the JCPOA. As described in greater detail in our [prior memo on INARA](#), following the commencement of a new nuclear agreement, such as the JCPOA, the President is directed to "determine" not less than every 90 calendar days "whether the President is able to certify" to Congress that "Iran is transparently, verifiably, and fully implementing the agreement," "has not committed a material breach" and "has not taken any action... that could significantly advance its nuclear weapons program," and that "suspension of sanctions related to Iran pursuant to the agreement is—appropriate and proportionate to the specific and verifiable measures taken by Iran with respect to terminating its illicit nuclear program; and vital to the national security interests of the United States." If the President is able to so certify, INARA requires him to provide the certification to the appropriate congressional committees and leadership.

The certification was made despite President Trump's campaign statements that his "[number one priority is to dismantle the disastrous deal with Iran](#)." It remains to be seen whether this certification is a first step towards a decision to let the JCPOA stand, or if the interagency review will determine that continued suspension of certain Iran sanctions is not vital to the national security interests of the United States, paving the way for a decision by the Administration not to extend waivers on the imposition of those sanctions.

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

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