

Trump Administration Continues Iran Deal by Executing Waiver in “National Security Interest”

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The State Department confirmed in a May 17, 2017, [press release](#) that the Trump administration has continued the United States' nuclear sanctions relief to Iran in compliance with the Joint Comprehensive Plan of Action (the “JCPOA”). Although candidate Trump frequently criticized the JCPOA and promised its revocation, the administration has executed a waiver required to keep the arrangement in force.

To implement aspects of the sanctions relief provided to Iran under the JCPOA, the Secretary of State must periodically issue waivers of certain statutory sanctions. One such waiver under the 2012 National Defense Authorization Act expires every 120 days and was last issued by the Obama administration in January. By that timeline, the Trump administration needed to extend the waiver, which required a determination that it was “in the national security interest of the United States,” this week in order to remain in compliance with the JCPOA, an agreement that the Trump administration has openly criticized and is currently reviewing, as we discussed in our last [blog post](#). We currently expect that the internal review will be completed this summer.

We consider it unlikely that two other executive branch announcements were coincidentally simultaneous with the JCPOA waiver. First, the State Department released its semi-annual [report](#) to Congress detailing sanctions imposed on persons involved in human rights abuses in Iran, and, second, the Treasury Department's Office of Foreign Assets Control [designated](#) three individuals and four entities connected to Iran's ballistic missile program as targets for sanctions. These actions are consistent with the Trump administration's approach to the JCPOA thus far, in which continued compliance with U.S. obligations under the agreement has been paired with critical rhetoric towards Iran and sanctions targeting other Iranian activities. This approach is likely to continue at least until the administration completes its review of the JCPOA.

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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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