

BIDEN AND OBAMA PREVIOUSLY DEFENDED NON-NUCLEAR SANCTIONS ON IRAN

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Since 2015, a bipartisan consensus has prevailed: Notwithstanding disagreements over the Iran nuclear deal, members of Congress across the political spectrum support the imposition of non-nuclear sanctions on Iran. Six years later, amid indirect negotiations between Washington and Tehran over the revival of the nuclear deal, the Biden administration appears to be on the verge of abandoning this consensus. Recent media reports indicate the administration is even considering lifting terrorism sanctions on Iran even though Tehran remains the world's leading state sponsor of terrorism.¹

President Joe Biden has already set a precedent for lifting sanctions on a Foreign Terrorist Organization (FTO). In February, the Biden administration removed the Iran-backed Houthis in Yemen from the FTO list even though it acknowledged that the Houthis have not stopped their terrorist activities.² In a sign that more sanctions relief is forthcoming, State Department spokesperson Ned Price, during a press briefing earlier this month, dodged questions concerning what the Biden administration regards as the non-nuclear sanctions that it would lift as part of a return to the nuclear deal.³ Unnamed sources, including a senior European official, reportedly told *The Wall Street Journal* that targets for sanctions relief could include the Central Bank of Iran, National Iranian Oil Company, National Iranian Tanker Company, and at least six key sectors of Iran's economy – all of which Washington had previously designated for their missile and/or terrorism connections to the Islamic Revolutionary Guard Corps (IRGC).⁴

Yet in 2015, President Barack Obama and senior officials in his administration – including then-Vice President Biden – repeatedly stated that the nuclear deal, formally known as the Joint Comprehensive Plan of Action (JCPOA), in no way prohibits Washington from enacting non-nuclear sanctions on Iran. In fact, Obama argued that by addressing the nuclear issue, America would have fewer difficulties dealing with the full range of Iran's

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1. Ian Talley, Benoit Faucon, and Laurence Norman, "Iran Nuclear Deal Talks Advance as U.S. Offers Sanctions Relief," *The Wall Street Journal*, April 21, 2021. (<https://www.wsj.com/articles/iran-nuclear-deal-talks-advance-as-u-s-offers-sanctions-relief-11619024783>)

2. Jonathan Landay and Daphne Psaledakis, "U.S. to lift its terrorist designations of Yemen's Houthis on Feb. 16: Blinken," *Reuters*, February 12, 2021. (<https://www.reuters.com/article/us-usa-yemen/u-s-to-lift-its-terrorist-designations-of-yemens-houthis-on-feb-16-blinken-idUSKBN2AC1WJ>)

3. State Department Spokesperson Ned Price, U.S. Department of State, "Department Press Briefing – April 7, 2021," *Remarks to the Press*, April 7, 2021. (<https://www.state.gov/briefings/department-press-briefing-april-7-2021>)

4. Ian Talley, Benoit Faucon, and Laurence Norman, "Iran Nuclear Deal Talks Advance as U.S. Offers Sanctions Relief," *The Wall Street Journal*, April 21, 2021. (<https://www.wsj.com/articles/iran-nuclear-deal-talks-advance-as-u-s-offers-sanctions-relief-11619024783>)

other malign actions. “It will be a lot easier for us to check Iran’s nefarious activities, to push back against the other areas where they operate contrary to our interests or our allies’ interests, if they don’t have a bomb,” Obama said.⁵

During his confirmation hearing in January, Secretary of State Antony Blinken affirmed this policy. Asked by Senator Ted Cruz (R-TX) whether he thinks “it is in America’s national security interest to lift those terrorism sanctions,” Blinken replied, “I do not, and I think that there is nothing, as I see it, inconsistent with making sure that we are doing everything possible, including the toughest possible sanctions to deal with Iranian support for terrorism, its own engagement in that, and the nuclear agreement.”⁶

During her confirmation hearing in March, Deputy Secretary of State Wendy Sherman echoed this assertion. “It is a fair statement,” she said, “that we have to keep sanctions on that deal with human rights abuses, state sponsorship of terrorism, arms sales, et cetera.”⁷ Similarly, during his confirmation hearing in March, Under Secretary of Defense for Policy Colin Kahl said that Washington “should not be loosening sanctions on terrorism or human rights or anything else that checks back Iran’s destabilizing activities.”⁸

This research memo compiles key statements by the Obama administration expressing support for non-nuclear sanctions on Iran. The quotations demonstrate the bipartisan support that non-nuclear sanctions have enjoyed – and the importance of maintaining them should the United States reenter the JCPOA.



PRESIDENT BARACK OBAMA

“[E]ven with this deal, we will continue to have profound differences with Iran – its support for terrorism and its use of proxies to destabilize parts of the Middle East. Therefore ... the United States will maintain our own sanctions related to Iran’s support for terrorism, its ballistic missile program, and its human rights violations.” (July 15, 2015)⁹

“As I have underscored repeatedly, it is imperative that, even as we effectively cut off Iran’s pathways to a nuclear weapon through implementation of the JCPOA, we take steps to ensure we and our allies and partners are more capable than ever to deal with Iran’s destabilizing activities and support for terrorism. This involves deepened cooperation and information sharing with Israel and our Gulf Cooperation Council partners; it also involves enforcement of international and U.S. law, including sanctions related to Iran’s non-nuclear activities. With very limited exceptions, Iran will continue to be denied access to our market – the world’s largest – and we will maintain powerful sanctions targeting Iran’s support for groups such as Hizballah, its destabilizing role in Yemen, its backing of the Assad regime, its missile program, and its human rights abuses at home. Critically, I made sure that the United States reserved its right to maintain and enforce existing sanctions and even to deploy new sanctions to address those continuing concerns, which we fully intend to do when circumstances warrant. To be clear, while we fully intend to uphold our commitment to provide phased nuclear-related sanctions relief under the JCPOA once Iran has verifiably completed its key nuclear

5. President Barack Obama, The White House, Office of the Press Secretary, “Press Conference by the President,” *Remarks to the Press*, July 15, 2015. (<https://obamawhitehouse.archives.gov/the-press-office/2015/07/15/press-conference-president>)

6. Antony Blinken, “Nomination of Hon. Antony J. Blinken to Be U.S. Secretary of State,” *Testimony Before the Senate Committee on Foreign Relations*, January 19, 2021. (<https://www.foreign.senate.gov/imo/media/doc/01%2019%202021%20Nominations%20--%20Blinken%20Part%201.pdf>)

7. Wendy Sherman, “Full Committee Hearing: Nominations,” *Testimony Before the Senate Committee on Foreign Relations*, March 3, 2021. (<https://www.foreign.senate.gov/hearings/nominations-030321>)

8. Colin Kahl, “Hearing to Consider the Nomination of Dr. Colin H. Kahl to be Under Secretary of Defense for Policy,” *Testimony Before the Senate Committee on Armed Services*, March 4, 2021. (https://www.armed-services.senate.gov/imo/media/doc/21-08_03-04-2021.pdf)

9. President Barack Obama, The White House, Office of the Press Secretary, “Press Conference by the President,” *Remarks to the Press*, July 15, 2015. (<https://obamawhitehouse.archives.gov/the-press-office/2015/07/15/press-conference-president>)

steps, no entities or individuals engaged in terrorism-related activity or the violation of human rights are immune from existing terrorism or human rights sanctions. This is a point we have made clear to our partners, and to Iran.” (August 19, 2015)¹⁰

“[W]e’ll still have our sanctions in place with respect to non-nuclear activities like sponsorship of terrorism or violation of human rights. There will still be U.N. prohibitions on arming groups like Hezbollah. ... There’s no logic to the notion that somehow we will let up on trying to prevent activities that Iran may engage in that would be contrary to our national security interests.” (August 10, 2015)¹¹



VICE PRESIDENT JOE BIDEN

“And let me make something else clear. **Every sanction in place against any entity or individual in Iran for the support and encouragement of terrorism stays in place. Nothing changes.** And we will continue to sanction any entity and take physical action where we can against Iran for supplying weapons from anyone to the Houthis to Hezbollah. [...]

“Just as we did during the Cold War, when we struck arms control agreements with the Soviets, while continuing to counter all the threats they posed to us and our allies around the world, we will continue to push back against the destabilizing activities of Iran; defending our interests and our allies against Iranian aggression; speaking out against anti-Semitism, Iran’s human rights abuses and demand the release of people illegally held; and continue to sanction and maintain sanctions on any entities, including the IRGC and [IRGC Quds Force Commander Qassem] Soleimani and others, who support and engage in destabilization.” (September 3, 2015)¹²



SECRETARY OF STATE JOHN KERRY

“[W]hat we are announcing today is an agreement addressing the threat posed by Iran’s nuclear program – period – just the nuclear program. And anybody who knows the conduct of international affairs knows that it is better to deal with a country if you have problems with it if they don’t have a nuclear weapon. As such, a number of U.S. sanctions will remain in place, including those related to terrorism, human rights, and ballistic missiles. In addition, the United States will continue our efforts to address concerns about Iran’s actions in the region, including by our providing key support to our partners and our allies and by making sure we are vigilant in pushing back against destabilizing activities.” (July 14, 2015)¹³

“**First of all, we will not violate the JCPOA if we use our authorities to impose sanctions on Iran for terrorism, human rights, missiles, or any other nonnuclear reason.** And the JCPOA does not provide Iran any relief from United States sanctions under any of those authorities or other authorities, mind you.” (July 23, 2015)¹⁴

10. President Barack Obama, *Letter to the Honorable Jerrold Nadler*, August 19, 2015. (<https://nadler.house.gov/sites/nadler.house.gov/files/documents/letter%20to%20congressman%20nadler%20re%20jcpoa.pdf>)

11. President Barack Obama, “Full Video And Transcript: NPR’s Interview With President Obama,” *NPR*, August 10, 2015. (<https://www.npr.org/sections/itsallpolitics/2015/08/10/431244020/full-video-and-transcript-nprs-interview-with-president-obama>)

12. Vice President Joe Biden, The White House, Office of the Vice President, “Remarks by the Vice President at the Eizenstat Lecture,” *Address at the Eizenstat Lecture at Achim Synagogue*, September 3, 2015. (<https://obamawhitehouse.archives.gov/the-press-office/2015/09/03/remarks-vice-president-eizenstat-lecture>)

13. Secretary of State John Kerry, U.S. Department of State, “Press Availability on Nuclear Deal With Iran,” *Remarks to the Press*, July 14, 2015. (<https://2009-2017.state.gov/secretary/remarks/2015/07/244885.htm>)

14. Secretary of State John Kerry, “Iran Nuclear Agreement Review,” *Testimony Before the Senate Committee on Foreign Relations*, July 23, 2015. (<https://www.foreign.senate.gov/imo/media/doc/S.%20HRG.%20114.802%20JCPOA11.pdf>)

Asked by Senator Jeff Flake (R-AZ) during a Senate hearing whether it would be “a material breach” of the JCPOA if the United States imposed “penalties to deter them from terrorist activity and we impose sanctions on their Central Bank,” Kerry answered, “No.” (July 23, 2015)¹⁵

The JCPOA “was designed to address the nuclear issue alone, not to reform Iran’s regime, or end its support for terrorism, or its contributions to sectarian violence in the Middle East. Those are all issues about which we remain deeply concerned and will continue take real steps, which is why ... U.S. sanctions related to human rights, terrorism, and ballistic missiles will remain in place.” (July 28, 2015)¹⁶



TREASURY SECRETARY JACOB J. LEW

“The United States will also maintain powerful sanctions targeting Iran’s support for terrorist groups such as Hizballah and its sponsors in Iran’s Islamic Revolutionary Guard Corps-Quds Force; its destabilizing support to the Houthis in Yemen; its backing of Assad’s brutal regime; its missile program; and its human rights abuses at home. Just this week, Treasury sanctioned several Hizballah leaders, building on designations last month that targeted the group’s front companies and facilitators. We will not be providing any sanctions relief to any of these lines of activity and will not be delisting from sanctions the IRGC, the Quds Force, or any of their subsidiaries or senior officials.” (July 23, 2015)¹⁷

“We are going to continue to prosecute our unilateral sanctions on things like terrorism, on things like regional destabilization and human rights.” (July 28, 2015)¹⁸

“We have never given away any of our ability to use other sanctions regimes – terrorism or human rights... [W]e reserve the right, if there is a financial institution that is engaging in financing terrorism, to put sanctions back on that institution. That is not a violation of the agreement. It is not a nuclear sanction.” (July 29, 2015)¹⁹



ACTING UNDER SECRETARY FOR TERRORISM AND FINANCIAL INTELLIGENCE ADAM SZUBIN

“It is critical to note ... that the JCPOA does not in any way affect our sanctions that touch on Iran’s support to terrorist groups such as Hizballah, Palestinian Islamic Jihad, other destabilizing proxies, such as the Qods Force, the Islamic Revolutionary Guard Corps (IRGC). It doesn’t touch on Iran’s abuse of human rights and other areas, such as their support to Bashar al-Assad in Syria and the Houthis in Yemen.

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15. Ibid.

16. Secretary of State John Kerry, “Secretary Kerry’s Remarks,” *Testimony Before the House Committee on Foreign Affairs*, July 28, 2015. (<https://docs.house.gov/meetings/FA/FA00/20150728/103823/HHRG-114-FA00-Wstate-KerryJ-20150728.pdf>)

17. Treasury Secretary Jacob J. Lew, “Testimony of Treasury Secretary Jacob J. Lew before the Senate Foreign Relations Committee on the Iran Nuclear Agreement,” *Testimony Before the Senate Committee on Foreign Relations*, July 23, 2015. (<https://www.treasury.gov/press-center/press-releases/Pages/jl0129.aspx>)

18. Treasury Secretary Jacob J. Lew, “Iran Nuclear Agreement: The Administration’s Case,” *Testimony Before the House Committee on Foreign Affairs*, July 28, 2015. (<https://docs.house.gov/meetings/FA/FA00/20150728/103823/HHRG-114-FA00-Transcript-20150728.pdf>)

19. Treasury Secretary Jacob J. Lew, “Hearing to Receive Testimony on the Impacts of the Joint Comprehensive Plan of Action (JCPOA) on U.S. Interests and the Military Balance in the Middle East,” *Testimony Before the Senate Committee on Armed Services*, July 29, 2015. (<https://www.armed-services.senate.gov/imo/media/doc/15-66%20-%207-29-15.pdf>)

“I’ve spent much of my last ten years at the Treasury Department focused on stopping this range of Iranian destabilizing activities, and I am keenly aware of the many ways that Iran foments terror and destabilizes the region. Our powerful authorities to combat these activities remain in place, and I and the people I work with at Treasury, and across the U.S. government, are firmly committed to enforcing these sanctions as vigorously as possible.” (September 16, 2015)²⁰



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“Further, we will continue to aggressively enforce sanctions against Iran’s support for terrorism, human rights abuses, missile program, and destabilizing activities in the region. [...]

“The United States will maintain sanctions on the IRGC, the Qods Force, its leadership, and its entire network of front companies – and the JCPOA has no effect on those sanctions whatsoever. [...]

“Authorities will remain in place to allow the U.S. government to target Iran’s support for terrorism. For example, Executive Order 13224, a broad terrorism authority that has been used to designate approximately 50 Iranian linked targets, would be retained under the JCPOA. Targets that will remain designated include Iran’s Mahan Air, Bank Saderat, and the IRGC-Qods Force. We will also continue aggressively employing this authority against Iran-sponsored terrorist groups such as Hizballah. [...]

“The U.S. sees Iran clearly for what it is: the world’s foremost state sponsor of terrorism; a supporter of terrorist groups such as Hizballah and Hamas; a backer of the Assad regime’s brutality in Syria; and a force for instability in Yemen. That is why, regardless of whether or not there is a deal, we will maintain and continue to aggressively enforce our sanctions against Iran’s support for terrorism, human rights abuses, and destabilizing activities in the region. And, if Iran intensifies these efforts, we – along with our partners – will combat Iran’s interventions.” (July 2015)²¹

CONCLUSION

Ultimately, the United States cannot halt Tehran’s malign behavior if Iran faces no economic consequences for it, along with other suitable forms of pressure. Biden should make clear that his views have not changed since 2015, and rebuff Iranian demands for non-nuclear sanctions relief. In so doing, Washington can increase the costs of Iran’s ballistic missile program, human rights abuses, and support for terrorism, while preserving a key bipartisan component of U.S. policy toward Iran.

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20. Acting Under Secretary for Terrorism and Financial Intelligence Adam Szubin, “Beyond The Vote: Implications for the Sanctions Regime on Iran,” *Keynote Address to The Washington Institute for Near East Policy*, September 16, 2015. (<http://web.archive.org/web/20160330015302/https://www.washingtoninstitute.org/uploads/Documents/other/SzubinTranscript20150916-v2.pdf>)

21. The White House, *The Iran Nuclear Deal: What You Need to Know About the JCPOA*, July 2015. (https://obamawhitehouse.archives.gov/sites/default/files/docs/jcpoa_what_you_need_to_know.pdf)