United States Senate
WASHINGTON, DC 20510

August 19, 2015

Secretary John Kerry
United States Department of State
2201 C Street NW
Washington, DC 20220

Dear Secretary Kerry:

In selling the Iran nuclear deal to Congress, the Administration has asserted that suspended or terminated sanctions will snap back if Iran violates the agreement. When the deal was announced on July 14, 2015, you stated that "if Iran fails in a material way to live up to these commitments, then the United States, the E.U., and even the U.N. sanctions that initially brought Iran to the table can and will snap right back into place." Iran has repeatedly challenged this assertion, however. On July 21st, Iranian Foreign Minister Zarif countered that "[o]nce the structure of the sanctions collapse, it will be impossible to reconstruct it," and also bragged that incremental violations of the deal would not be punished at all.

Even as the United States and Iran publicly disagree about snapback sanctions in the nuclear agreement, our negotiating partners and other nations are already positioning to re-enter the Iranian market. Days after the announcement of the Iran deal, Germany's Vice Chancellor and Economy Minister Sigmar Gabriel led a high-level delegation of German business leaders in a visit to Tehran to discuss new investments. On July 29, 2015, French Foreign Minister Laurent Fabius visited Tehran and announced that "around a hundred" French business leaders would be visiting Iran in September. Chinese energy companies have expressed interest in investing in Iran. On August 12, 2015, Switzerland, a major banking nation, decided to remove sanctions against Iran even before the nuclear agreement's implementation.

The conditions under which foreign investment in Iran would proceed under the nuclear agreement remain unclear. On July 23, 2015, Secretary of the Treasury Jack Lew told the Senate Foreign Relations Committee that companies that have invested in Iran would "not be able to continue doing things that are in violation of the sanctions" if sanctions snap back. Foreign investment in Iran will involve long-term contracts in many cases, however, and some interpretations of the Iran agreement indicate these contracts might be protected from the snap-back of sanctions by a so-called "grandfather clause."

Indeed, the documents submitted by the Administration to Congress include non-public letters that you sent to the French, British, German, and Chinese governments on the consequences of sanctions snap-back. These letters appear to reassure these foreign governments that their companies may not be impacted if sanctions are re-imposed in response to Iranian violations of the agreement. While Administration officials have

claimed that this is not the case, we think it is important for the American public to be able to read your assurances to foreign governments for themselves as their elected representatives review this deal in the coming weeks.

We therefore request the Administration to publicly release these letters, which are not classified, so that the full extent of the Administration's non-public assurances to European and Chinese governments can be discussed openly by Congress and analyzed by impartial outside experts. Given the conflicting interpretations hinted at by the deal's various stakeholders, it would also ease congressional review of the deal if you were to receive assurances from the other members of the P5+1 about the guidance they will provide to companies about the inherent risks of investing in Iran due to Iran's ongoing support for terrorism and use of its financial system for illicit activities and the potential for sanctions to snap back if Iran violates the nuclear agreement.

Thank you for your attention to this matter.

Sincerely,

Marco Rubio
United States Senator

Mark Kirk
United States Senator