



Haley wrongly says Congress had no input on Iran nuclear deal

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Defending President Donald Trump's decision to decertify the Iran nuclear deal, United Nations ambassador Nikki Haley said Congress now has a voice on the issue that it didn't have in the past.

Trump's decision allows Congress to potentially kill the agreement or tack on new conditions. "He's saying to Congress, can we make it better?" Haley told ABC's George Stephanopoulos on an Oct. 15 broadcast of *This Week*. "And I think that his engagement with Congress is something that never happened under President Obama. They were never allowed to debate it. They were never allowed to discuss it. So, now Congress is going to be fully engaged on the threats of Iran." This was an early criticism of the agreement. After the United States, Iran and other foreign governments came to an agreement on the framework for the Iran deal, both Republicans and Democrats in Congress appealed to Obama to let them have a say in it before the final deal was reached.

Here, we are fact-checking Haley's claim that Congress was "never allowed" to debate or discuss the agreement.

Congressional responsibility in the Iran deal

Much of the responsibility for U.S. foreign policy falls under the authority of the executive branch. Congress does play a significant role, however, in foreign trade and commerce, immigration, foreign aid, the defense budget and any declarations of war. The Senate authorizes treaties and confirms the president's cabinet nominees.

To avoid needing Senate approval for an agreement with a foreign power, the president can simply avoid calling the agreement a treaty. The Obama administration said the Iran deal was neither a treaty nor an executive agreement. Instead, the State Department said in a letter that the deal "reflects political commitments" between the seven nations involved.

When the president negotiates a deal that is not deemed a treaty, Congress -- if it wants a say on the deal -- must convince the president to give the legislative branch the power to approve or block the final deal.

That's exactly what Congress did when it passed the Iran Nuclear Agreement Review Act of 2015, a bill that had bipartisan support and allowed Congress the right to review any agreement reached in the negotiations. Obama initially threatened to veto the bill but did not.

Senators considered a separate, and ultimately unsuccessful, measure that would have given them the the power to block the agreement through a resolution of disapproval. A procedural vote on the resolution fell short of the 60 votes needed to override a Democratic filibuster. Despite the resolution's failure, by passing the Iran Nuclear Agreement Review Act, Congress was able to have some authority and say in the final agreement.

Sen. Bob Corker, R-Tenn., who spearheaded the bill, has touted the legislation for taking "power back from the president" and forcing the executive office to be transparent.

"There's no question the prior administration made every effort to bypass Congress and implement the agreement without congressional review or approval," said in an emailed statement. "That is why we overwhelmingly passed INARA, which required the administration to submit the full details of the agreement to Congress and established a process for a debate and vote on the deal."

It should also be noted that Obama administration officials went on the record about the Iran deal during congressional hearings and briefings, allowing members of Congress to bring up questions and concerns with the White House in a public debate setting.

Further, the review act imposed a requirement that the president recertify the deal every 90 days. In other words, every three months the president must ensure the following:

- Iran is abiding by the rules of the agreement,
- Iran hasn't taken action to advance its nuclear weapons program,
- the waiver of sanctions on Iran are still appropriate.

"This kind of ongoing management I think is unusual and represented quite a compromise by President Obama," said John Glaser, the director of foreign studies at the libertarian-leaning Cato Institute. Glaser pointed out that the Obama administration would not have been able to handle "all of the subtlety, secrecy, and nuance that was required" to negotiate the Iran deal if it had involved Congress from the beginning.

Haley, we should note, backtracked a bit in an interview on *Meet The Press*, when moderator Chuck Todd pointed out that the reason the Iran deal has a certification process is because Congress added constraints.

Haley responded: "And Congress did that because President Obama didn't give them the authority to be a part of that decision. So they did it to try and control the situation and not let it get to a bad problem." She didn't add similar caveats during the ABC interview.

Our ruling

Haley said Congress was never allowed to debate or discuss the Iran nuclear agreement while Obama was in office.

Though Congress had to fight for the right to disapprove of the deal, the passage of the Iran Nuclear Agreement Review Act of 2015 allowed Congress to not only vote on the deal but to also hold public hearings and debate. The Senate ultimately did not have the votes to block the deal, but the act included a requirement for the president to frequently monitor Iran's progress in meeting the agreement's conditions.

So Congress did have input, even if Obama initially tried to avoid it.

We rate this claim Mostly False.