



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D. C. 20530

DEC 20 2017

The Honorable Ed Royce
Chairman
Committee on Foreign Affairs
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This letter presents the views of the Department of Justice ("the Department") on H.R. 1638, the "Iranian Leadership Asset Transparency Act." As to the general desirability of the bill, we defer to other Departments. However, the bill raises a constitutional concern.

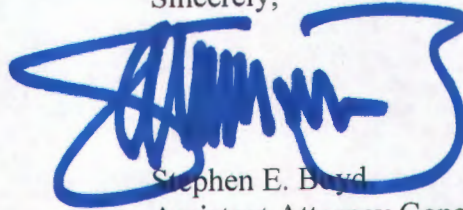
Section 3 of the bill would require the Secretary of Treasury to report on individuals in certain identified positions in Iran; the report is to be unclassified, but may have a classified annex, § 3(c). The Secretary would be required to include, among other things, estimates of assets held by those individuals in accounts at U.S. and foreign financial institutions; any equity stake such individuals have in sanctioned entities; a description of how assets or equity interests were acquired and used; and information on new methods to evade anti-money laundering laws. § 3(a)(1), (2), (3), & (4).

This requirement would unconstitutionally intrude on the President's authority to control the dissemination of national security information. *See Dep't of Navy v. Egan*, 484 U.S. 518, 527 (1988) (The President's "authority to classify and control access to information bearing on national security . . . flows principally from th[e] constitutional investment of [the Commander in Chief] power in the President" and the "authority to protect such information falls on the President as head of the Executive Branch and as Commander in Chief"); *Access to Classified Information*, 20 Op. O.L.C. 402, 404 (1996) (stating "that a congressional enactment would be unconstitutional if it were interpreted to divest the President of his control over national security information in the Executive Branch"). If enacted, we would treat this provision in a manner consistent with the President's constitutional authority to control the dissemination of information protected by executive privilege, including by withholding information where necessary.

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Thank you for the opportunity to present our views. We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen E. Boyd", is written over a large, stylized blue ink scribble that resembles a signature or initials.

Stephen E. Boyd
Assistant Attorney General

cc: The Honorable Eliot L. Engel
Ranking Member