Iran's Nuclear Program Senate Committee on Foreign Relations

Introduction

The United States remains concerned that Iran will develop a nuclear weapon and about the potential consequences if it does. Iran is considered a leading state sponsor of terror, and having nuclear weapons could embolden the regime. A nuclear Iran would also have a large impact on regional balance of power – likely at the expense of American interests. Additionally, Iran's nuclear ambitions challenge America's commitment to stopping the proliferation of nuclear weapons.

Given the risks involved, this committee must promptly address this complex issue. Since Congress could not muster a two-thirds majority in opposition to the accord between the P5+1 and Iran, the Obama administration has began to implement the agreement. This committee must decide how to proceed, the best way to monitor Iranian fulfillment of the terms, how to reassure skeptical American allies in the region of the United States' commitment, how to handle any potential Iranian violations, and many more issues. This debate has become especially heated in recent times, and there have been concerns about increasing politicization of American diplomacy. Since this is a matter of national security and interests, members of the committee should try to de-emphasize their partisan differences. This debate will also explore the balance between military strength and diplomacy – and limits to them both.

History of the Problem

Origins of the Program

Iran's nuclear program began in the 1950s. Since Iran was an American ally at the time, this happened through cooperation with the United States under President Dwight Eisenhower's Atoms for Peace program. The United States assisted Iran in developing its civilian nuclear program by building nuclear power plants and in conducting nuclear research, but by the 1970s, the United States worried that Iran intended to develop a nuclear weapons arsenal – even though Iran signed the Nuclear Non-Proliferation Treaty (NPT). Accordingly, the United States insisted on imposing further restrictions on Iran's nuclear activity.

The Iranian Revolution

In 1979, through popular resistance, Iranians successfully toppled Mohammad Reza Shah Pahlavi's government. A national referendum was held, after which the Iranian monarchy was replaced with an Islamic Republic that fused theocratic elements with democratic institutions. The new regime was hostile to the United States, which had propped up the unpopular Shah for several decades, and diplomatic relations deteriorated – especially after protestors stormed the American Embassy in Tehran in November 1979. Given this, Americans contributions to Iran's nuclear program stopped after the Iranian Revolution. Nonetheless, Iran's new leadership expressed support for the nuclear program, and so it continued, though there was a temporary lull in activity during the Iran-Iraq War.

International Scrutiny and Concerns that Iran is pursuing Weapons of Mass Destruction

In 1996, President Clinton signed into law legislation placing sanctions on Iran, due to growing concerns from the intelligence community that Iran was secretly trying to get a nuclear weapon. However, there was not much international attention to this issue until 2002, when Iranian dissidents gave the United Nations leaked documents that mapped Iran's covert nuclear infrastructure. The United States accused Iran of pursuing atomic weapons, but the Americans remained focused on responding to the September 11th Attacks and the upcoming invasion of Iraq, and thus there was little action taken.

Following the American invasion of Iraq in 2003, which was often justified by alleged Iraqi pursuit of weapons of mass destruction, Iran suddenly slowed its nuclear program, though some uranium enrichment efforts continued. Iran then engaged in talks with France, Britain, and Germany, agreeing to stricter inspections of its nuclear worksites and to stop enriching uranium. Though Iran violated this agreement, after discussion with the European countries, it quickly reached a new agreement and suspended enrichment.

After the election of President Mahmoud Ahmadinejad in 2005, who was close with Iranian hardliners and encouraged Iran to continue its nuclear program, Iran restarted uranium enrichment. European and American representatives tried to negotiate with Iran, but discussions ended without any agreement. Unsuccessful negotiations, such as these, took place intermittently until 2013.

In 2006, the UN Security Council unanimously voted to impose sanctions on Iran, targeting uranium enrichment and its nuclear program more broadly. This is the first round of major sanctions, which expand in 2010 to include financial transactions and military purchases, in 2011 to target the Iranian central bank, and in 2012 to target Iranian oil exports. These sanctions had devastating effects on Iran's economy – especially when Iranian assets in foreign banks are frozen – and the value of Iranian currency. At the same time, the United States tried, with some success, to undermine Iran's nuclear program by launching cyber-attacks and targeting Iranian nuclear scientists.

In 2012, in part due to American fears that Israel would try to strike Iranian nuclear facilities, which would potentially spark a larger conflict, the United States covertly began preliminary talks with Iran over its nuclear program. These talks were arranged through Oman, which maintains warm relations with both the United States and Iran. Though talks paused for the American Presidential Election in 2012, they resumed in 2013, but there was very limited substantive progress. Talks were bolstered after the 2013 Presidential Election in Iran, in which Hassan Rouhani emerged victorious. During his campaign, Rouhani ran on a reformist platform and promised engagement with the West on the nuclear issue to remove the crushing sanctions. Rouhani's election and his appointment of Mohammad Javad Zarif, an American-educated and well respected diplomat, as Foreign Minister expedited the process, allowing the P5+1 to work together to reach a comprehensive agreement.

Iranian Motivations for the Program

Iran's nuclear ambitions can be linked to its leadership's two primary concerns: survival and spreading its influence within the region. Because of the devastating eight-year stalemate with Iraq and the Islamic Republic's hostile relationship with the United States, the current regime has felt threatened since it first came to power in 1979. Though Iran currently does not have nuclear weapons, it has likely "[kept] open the possibility of developing nuclear weapons [as] a central part of its deterrent strategy." Additionally, under both the Shah and the Islamic Republic, the country's

¹ "Background and Status of Iran's Nuclear Program," Arms Control Association, last modified August 11, 2015, accessed January 4, 2016,

leadership has wished to spread Iranian influence throughout the Middle East. By acquiring a nuclear weapon, Iran would gain prestige and could offset any disadvantage in its conventional military capabilities.

Recent Developments on the Issue

The Geneva Interim Agreement

In November 2013, Iran and the P5+1 – the United States, Russia, the United Kingdom, France, China, and Germany – signed an interim agreement, which was officially called the Joint Plan of Action. Under this agreement, Iran agreed to a short-term freeze to some areas of its nuclear program. For example, Iran agreed that it wouldn't install new centrifuges or uranium enrichment facilities, would leave many of its centrifuges inoperable, and would grant the International Atomic Energy Agency (IAEA) additional access to some of its sites. In exchange, Iran received limited sanction relief as the negotiators would negotiate a long-term agreement.

Congress had mixed reactions to this accord. Democrats were generally positive; House Minority Leader Nancy Pelosi (D-CA) referred to it as an "essential step" towards meeting the objective of preventing Iran from obtaining a nuclear weapon. Republicans offered mixed responses. Speaker John Boehner (R-OH) was generally ambivalent of his response, but avoided some of the harsher criticism of House Majority Leader Eric Cantor (R-VA), who stated that the agreement "explicitly and dangerously recognizes" Iran's right to enrich uranium and that loosening sanctions was a "mistake."

International reaction to this agreement was generally positive, with the exception of Saudi Arabia and Israel. Though Saudi Arabia saw potential for success in the temporary agreement, the Saudi regime was clearly concerned about Iran's sincerity. Additionally, since the Saudis were wary of further engagement between its arch rival Iran and the United States, a key Saudi ally, they were not thrilled with the way the agreement was reached. Prime Minister of Netanyahu of Israel called the agreement a "historic mistake." Many Israelis shared his concerns, but they felt Netanyahu's behavior was harmful to US-Israeli relations.

Netanyahu's Speech to Congress

In early 2015, Speaker John Boehner (R-OH) invited Israeli PM Benjamin Netanyahu to speak before Congress about the threat of a nuclear Iran. This attracted great controversy, as the White House was not informed about the invite, which the administration argued was a departure from standard protocol. For this reason, numerous Democrats boycotted the speech, arguing that the invite was an insult to the President and that it was intended to undermine nuclear talks between

https://www.armscontrol.org/reports/Solving-the-Iranian-Nuclear-Puzzle-The-Joint-Comprehensive-Plan-of-Action/2015/08/Section-1-Background-and-Status-of-Irans%20Nuclear%20Program.

² Ed O'Keefe, "Congress Members React to the Iran Nuclear Deal," *The Washington Post*, November 23, 2013, accessed January 4, 2016,

https://www.washingtonpost.com/news/post-politics/wp/2013/11/23/congressional-reaction-to-the-iran-nuclear-dealungs/sections and the section of the control of the contro

³ Ibid.

⁴ Ibid.

William Booth, "Israel's Netanyahu Calls Iran Deal a Historic Mistake," *The Washington Post*, November 23, 2013, accessed January 4, 2016,

https://www.washingtonpost.com/world/israel-says-iran-deal-makes-world-more-dangerous/2013/11/24/e0e347de-54f9-11e3-bdbf-097ab2a3dc2b_story.html?tid=ts_carousel.

the P5+1 and Iran. Democrats also accused Republicans of politicizing the issue and turning support for Israel into a partisan issue.

Senate Republicans' Controversial "Letter to Tehran"

The week after Netanyahu's speech to Congress, in a rare congressional intervention in diplomatic negotiations, forty-seven Senate Republicans drafted, signed, and sent a letter addressed to Iran's leaders. This letter warned that any agreement without legislative approval was simply an executive agreement, and it could be unraveled by the next President "with the stroke of a pen." The letter attracted bipartisan criticism, as many argued that it undermined the American negotiating team. President Obama accused Republicans of "making common cause with the hard-liners in Iran" who were also trying to sabotage the negotiations, while Senator Harry Reid of Nevada argued that Republicans were "undermining our commander in chief, while empowering the ayatollahs." Senator Jeff Flake of Arizona, one of the Republican Senators who did not sign the letter, called it "not appropriate," but encouraged the administration to put the agreement before Congress for an up-down vote.

P5+1 and Iran reach a Joint Comprehensive Plan of Action (JCPOA)

On July 14, 2015 in Vienna, after several extensions of negotiations, the P5+1 and Iran signed a long-term agreement under which Iran agreed to never seek nuclear weapons. Iran would also have to curb its nuclear program and be subject to expanded international inspections. Iran agreed to reduce its uranium stockpile by ninety-eight percent and keep enrichment to less than four percent, which would be insufficient for Iran to use to build a nuclear weapon. Additionally, Iran would relinquish its installed centrifuges by more than sixty-six percent, and it could not build a heavy-water reactor for fifteen years; it was required to rebuild its existing heavy water reactor in Arak with low-enrichment uranium. Ultimately, the agreement increased Iran's breakout time, the period needed to collect enough material to produce a nuclear weapon, from a month to over a year.

Iran agreed to increased monitoring from the IAEA, including anytime access to any site that the organization suspected could violate the deal. If Iran does not satisfy any concerns from the IAEA within two weeks, the international community has the opportunity to step in. This area of the agreement has come under some scrutiny from critics, with some claiming that Iran can stall for up to twenty-four days notice before inspections. Criticism intensified especially after a controversial Associated Press article (which was later edited) reported that Iran would "be allowed to use its own

⁶ "Text of GOP Senators' Letter to Iran's Leaders on Nuclear Talks," *The Wall Street Journal*, March 9, 2015, accessed January 4, 2016,

http://blogs.wsj.com/washwire/2015/03/09/text-of-gop-senators-letter-to-irans-leaders-on-nuclear-talks/.

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Dan Nowicki, "Flake: Senate GOP Letter to Iran Not Appropriate," *The Arizona Republic*, March 10, 2015, accessed January 4, 2016,

http://www.azcentral.com/story/azdc/2015/03/09/jeff-flake-didnt-sign-iran-letter-just-not-appropriate/24675167/.

experts to inspect a site it allegedly used to develop nuclear arms¹⁰ under a confidential agreement with the IAEA. The White House and IAEA have denied the validity of this report.

Under this agreement, in exchange for Iranian compliance in dismantling portions of its program and allowing for expanded monitoring, Iran will receive significant sanction relief. All United Nations sanctions and other international sanctions, including European and American ones, targeting Iran's nuclear program will be lifted. Some economic sanctions will also be lifted, though it will still be difficult for Americans and American companies to trade with Iran. Other restrictions, targeting Iran's military and ballistic missile program, will remain for five and ten years, respectively. If Iran violates this agreement, there is a detailed procedure under which sanctions would be reimposed.

Like with the interim agreement, international reaction was generally positive, with the exception of Saudi Arabia and Israel. Prime Minister Benjamin Netanyahu called this agreement a "bad mistake of historic proportions." Most of Israel's elected officials reacted negatively to the agreement, though there was some support from within Israel's bureaucracy. The Saudis were less vocal in their opposition, but Saudi Arabia was clearly ambivalent about the agreement. Nonetheless, after reassurance from the United States, Saudi Arabia expressed support for the agreement.

Domestically, initially after the JCPOA was signed, Democrats reacted cautiously. However, a few days later, House Minority Leader Nancy Pelosi praised the agreement and vowed that Congress would uphold the agreement, despite existing skepticism from some Democrats. On the other hand, the Republican response was overwhelmingly hostile. Many Republicans called the agreement a historic mistake, likening it to the infamous Munich agreement, and argued that it would pave the path for an Iranian nuclear bomb. Most Republicans demanded the United States should continue to follow the 2013 interim agreement or return to the negotiating table.

Congressional Action

Nuclear Weapons Free Iran Act of 2015

In January 2015, Senator Mark Kirk of Illinois and Senator Robert Menendez of New Jersey unveiled a bill placing sanctions on Iran if the negotiations between the P5+1 and Iran did not lead to a deal by the deadline. Under the legislation, sanctions which were lifted during negotiations would be restored, and tighter sanctions would be imposed on Iran's economy and oil industry. The White House threatened to veto this legislation, fearing that any additional sanctions could derail negotiations. Given the likelihood of a veto, this legislation would have needed a two-thirds majority; however, Senate Democrats agreed to withhold support for sanctions legislation in order to give the administration more time for negotiations. The bill was ultimately delayed and did not come to a floor vote.

<u>Iran Nuclear Agreement Review Act of 2015</u>

Initially, President Obama was reluctant to allow for Congressional review of the nuclear agreement, believing that he did not need to, as the JCPOA could be classified as an executive

Jennifer Rubin, "The Latest Iran Revelation Is Utterly Humiliating," *The Washington Post*, August 19, 2015, accessed January 4, 2016,

https://www.washingtonpost.com/blogs/right-turn/wp/2015/08/19/the-latest-iran-revelation-is-utterly-humiliating/.

Barak Ravid, "Netanyahu: Iran Nuclear Deal Makes World Much More Dangerous, Israel Not Bound by It,"

Haaretz, July 14, 2015, accessed January 4, 2016, http://www.haaretz.com/israel-news/1.665821.

agreement rather than a treaty. However, Congressional Republicans and Democrats alike demanded that the deal be submitted to Congress. Accordingly, Senator Bob Corker of Tennessee and Senator Ben Cardin of Maryland collaborated to draft the Iran Nuclear Agreement Review Act of 2015, which would give Congress an opportunity to review any agreement. Under this legislation, if the agreement was signed before July 9, Congress would have thirty days to review the agreement, and it could either express approval or disapproval of the agreement, or even choose to take no action at all. If Congress passed a statement of disapproval, then following President Obama's veto, Congress would have an additional ten days to try and override the veto -- blocking sanction relief for Iran. If the deal was submitted after July 9, the review period would increase to sixty days for review and twelve days to override the veto. After this time, if the agreement was not disapproved of by a two-thirds majority of Congress, President Obama could lift sanctions on Iran as agreed to under the JCPOA.

This legislation passed the Senate with a vote of 98-1 and the House by 400-25. Considering that these numbers well exceeded the two-thirds necessary to override a veto, President Obama backtracked and agreed to sign the bill into law.

Congressional Review on the JCPOA

Under the Iran Nuclear Agreement Review Act of 2015, President Obama submitted the JCPOA to Congress, which had sixty days to review the agreement. Ultimately, the agreement was upheld, as forty-two Democratic Senators came out in support of the agreement, allowing Senate Democrats to filibuster any motion of disapproval. Accordingly, Congress was not able to pass a motion of disapproval prior to their deadline, and thus, President Obama could proceed in lifting sanctions and implementing the agreement without a veto.

Democratic Perspective

In the past several years, the Democratic Party has been somewhat divided on this issue. Though most Democrats supported the President's diplomatic efforts and eventually came out in support of the JCPOA, there was several cases of high profiled opposition to the agreement from more hawkish members of the party. Two notable examples were Sen. Chuck Schumer of New York, who is the incoming leader of the Senate Democrats, and Sen. Ben Cardin of Maryland, who is the ranking member on the Senate Foreign Relations Committee.

Though some Republicans remain incensed by the Democrats' filibuster which blocked the disapproval vote on the JCPOA, most Democrats – including opponents of the agreement – have emphasized the need to move on, and for the discussion to now focus on policing the agreement. Many Democrats have called for considering the military option if Iran violates the agreement. Other Democrats are working with Republicans to put together expanded defense packages to boost the military capabilities of Israel and America's Arab allies within the region

Republican Perspective

Republicans have largely been united on this issue, generally opposing diplomatic efforts and the JCPOA between the P5+1 and Iran. This was clearly demonstrated after President Obama appointed Chuck Hagel as Secretary of Defense. During Hagel's confirmation hearings, Republicans criticized him for being too harsh on Israel and overly conciliatory towards Iran. Throughout 2015, critics accused Republicans of trying to sabotage negotiations with Iran, citing the continued push by

the Republican-controlled Congress to impose harsher sanctions during negotiations, the controversial speech by Israeli Prime Minister Benjamin Netanyahu, and the 'Letter to Tehran.'

Though Congress was ultimately unsuccessful in blocking the agreement, as only one-third in either the House of Representatives or Senate was needed for implementation, no Republican voted in favor of the agreement. Republicans were particularly incensed, as they argued that President Obama had not turned over 'side agreements' between the IAEA and Iran over certain inspection procedures, and thus he had not complied with the Iran Nuclear Agreement Review Act of 2015. Senate Republicans were also irate over Senate Democrats' successful filibuster of any statement of disapproval of the agreement, which they argued prevented a vote on a critical foreign policy issue.

Unsurprisingly, Republican candidates for President generally railed against the agreement and unanimously called on Congress to block it. Nonetheless, since Congress was unable to halt the agreement, there is some degree of disagreement within the Republican field in terms of how to proceed. Some candidates, most notably Senator Marco Rubio of Florida and Senator Ted Cruz of Texas, have promised to revoke the agreement on the first day of their presidencies. Other candidates, like Governor John Kasich of Ohio, have stated that they would not cancel the agreement unless Iran violated it, despite their personal reservations with the deal. Though poll-leader Donald Trump has called the nuclear agreement a disaster, he has refused to tear up the agreement, instead vowing to "police that contract so tough." This divide is evident within Congressional Republicans; many are still trying to undermine the agreement through other means, whereas others have encouraged Congress to move forward and closely monitor Iran's compliance with the agreement. Most Republicans are united in support of an expanded defense package for Israel and America's Arab allies in the region.

Conclusion

Though Democrats and Republicans alike have called for the United States to promptly act to prevent Iran from developing a nuclear weapon, this debate has grown increasingly fiery over the past several years. This was evident in 2015, during the negotiations between the P5+1 and Iran and during the Congressional review period. This deal will be implemented by the Obama administration, so this committee will need to determine the best way to proceed in terms of confronting Iranian behavior and protecting American regional interests. Implementation will also likely be controversial in itself. There are already clear disagreements between the United States and Iran over what constitutes a violation of the agreement – most recently over America's expanded restrictions on visa-free travel.

Igor Bobic, "Donald Trump Would Not Rip Up the Iran Deal," *The Huffington Post*, August 16, 2015, accessed January 4, 2016, http://www.huffingtonpost.com/entry/donald-trump-iran-deal_55d0a844e4b0ab468d9d907e.

Questions to Consider

- Now that Congress has been unable to block the agreement, what is the most appropriate way for the United States to proceed? Should Congress try to undermine the agreement?
- How should Congress monitor Iranian compliance?
- Are there any concerns about the United States proceeding with such an important agreement, despite opposition from more than half of its legislature?
- Should the United States leave the military option on the table, and when would it be appropriate?
- Should the United States use this agreement as an opportunity to pursue further engagement with Iran?
- How should this committee, if at all, respond to concerns from American allies in the region
 most notably Israel and Saudi Arabia?
- If the United States was to terminate the agreement, what are some potential consequences?
- Should this issue be considered separate from concerns about Iranian regional behavior, or are the two linked?
- Should the United States be hesitant to sanction Iran for non-nuclear activity, such as its missile program or terrorism (either broadly or more specifically), given Iranian claims that this would be in violation of the agreement?
- What, if any, are some differences in how the P5+1 and Iran are interpreting this accord, both in terms of the overall meaning of the JCPOA and with specific terms of the agreement?
- What are some of the consequences of Iran getting a nuclear weapon?

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