

MEMO

Nov. 25, 2013

U.S. Must Prevent a Nuclear-Capable Iran

Now that the P5+1 has inked an initial agreement with Iran, America must not only ensure full Iranian compliance but also insist that any final deal deny Tehran a nuclear weapons capability. Tough sanctions legislation passed by Congress and vigorous diplomacy pursued by the administration have brought Iran to negotiations. However, the initial agreement raises many concerns—including implicit acceptance of Iranian enrichment. Congress has provided the leverage to spur Iran to seek talks; now it must press the administration to negotiate a verifiable agreement that will prevent Iran from ever building nuclear weapons. Congress must also legislate additional sanctions, so that Iran will face immediate consequences should it renege on its commitments or refuse to negotiate an acceptable final agreement.

If fully implemented, the agreement will cap parts of Iran's nuclear program and provide inspectors greater access to nuclear sites.

- Iran will convert its current stockpile of 20 percent enriched uranium—half into fuel rods, the other half blended down to 5 percent—and commit not to further enrich above the 5 percent level.
- By the end of the six-month period, Iran will cap its stockpile of low enriched uranium at current levels by beginning the process of converting the material into reactor fuel.
- Iran has also promised no further “advancements” at the Natanz Fuel Enrichment Plant or the enrichment facility at Fordow.
- The IAEA will undertake intrusive new inspections, including—for the first time—daily monitoring of Fordow, Natanz and Arak. The IAEA will also gain managed access to centrifuge assembly workshops, uranium mines and centrifuge storage facilities.

But it will allow Iran to continue its nuclear program—in violation of U.N. Security Council resolutions—while gaining some sanctions relief.

- The deal dismantles none of Iran's existing program, allowing 9,000 centrifuges to continue operating and an additional 10,000 centrifuges to remain in place. After six months, if no agreement is reached, Iran will remain in a position to double the pace of its enrichment.
- Iran will retain all of its nuclear material and will be able to continue the research and development aspects of its program. Thus, Iran will retain 5-7 bombs worth of low-enriched uranium.
- The agreement imposes no restrictions on Iran's nuclear weaponization efforts, beyond Iran's commitment in the deal not to seek nuclear weapons. Iran thus far has denied inspectors access to key facilities, such as Parchin, where the IAEA suspects nuclear weapons-related experiments have been conducted.

- The P5+1 pledges not to seek further reductions in Iranian oil exports, and to permit insurance and shipping companies to facilitate permissible oil sales. The agreement also allows Iran to repatriate \$3-4 billion dollars in oil proceeds held abroad.
- The P5+1 will suspend sanctions targeting petrochemical exports, gold and precious metal trading, Iran's auto industry and the provision of spare parts for civilian aircraft.

Elements of this agreement raise serious concerns for a final accord.

- The interim agreement does not require that Iran come into compliance with six mandatory U.N. Security Council resolutions, which demand Iran suspend all enrichment, reprocessing, and heavy water activity and comply fully with IAEA demands. The interim agreement merely states that Iran will "address" U.N. Security Council concerns.
- Instead, the interim agreement stipulates that the final agreement will allow Iran to continue mutually agreed upon enrichment activities. American officials deny that they recognized any Iranian "right" to enrich, but appear to have conceded as a practical matter that Iran will be allowed some enrichment capacity.
- Allowing Iran to maintain a domestic enrichment capability and its existing nuclear infrastructure raises serious concerns that Iran will be able to resume nuclear-weapons related activities at will.
- The agreement pledges that the P5+1 and Iran will work on resolving prior concerns of the IAEA with the military character of Iran's nuclear program, but does not require that Iran satisfactorily resolve IAEA concerns.
- The agreement also includes an option to extend the negotiating window beyond an initial six month period. This creates the possibility that the initial agreement will become a de-facto final agreement—with Iran receiving more sanctions relief simply to maintain the current deal or in response to additional cosmetic measures.

Congress must pass legislation that will increase the pressure on Iran and ensure any future deal denies Tehran a nuclear weapons capability.

- The U.S. must ensure that Iran does not acquire a nuclear weapons capability. Any final agreement must deny Iran both uranium and plutonium paths to develop nuclear weapons.
- Congress should establish clear consequences—by legislating additional sanctions—should Iran violate this agreement or fail to agree to an acceptable final deal.
- Congress, working with the administration, must strictly oversee the initial agreement and ensure Iranian compliance. In the event Iran violates the agreement, the administration must revoke all sanctions relief.
- Congress must press the administration to ensure all remaining sanctions are fully enforced. The U.S. government:
 - Must not allow Iran to increase oil sales.
 - Must limit repatriation of funds to Iran to the \$3-4 billion promised.
 - Must sanction companies that seek to re-enter the Iranian economy except for explicitly permitted activities.
 - Must closely monitor the new humanitarian aid channel to ensure its proper use.
 - Must sanction those that provide support to sanctioned entities, including the IRGC and IRISL.

Congressional leaders have voiced concern with the interim agreement.

- “I am disappointed by the terms of the agreement between Iran and the P5+1 nations because it does not seem proportional. ... Iran simply freezes its nuclear capabilities while we reduce the sanctions.”
– *Sen. Chuck Schumer (D-NY), Vice Chair Democratic Conference Committee*
- “We had these guys on the ropes. What I was looking for is an interim deal that went a long way toward the final deal. This actually leaves in place everything that would allow them to make a weapon.”
– *Sen. Lindsey Graham (R-SC), Ranking Member, Senate Appropriations Foreign Operations Subcommittee*
- “Numerous U.N. Security Council resolutions have called for the full suspension of Iran’s nuclear activities, so it is troubling that this agreement still permits the Iranians to continue enriching.”
– *Rep. Eric Cantor (R-VA), House Majority Leader*
- “While I am concerned that this interim agreement does not require Iran to completely halt its enrichment efforts or dismantle its centrifuges, I hope that over the next six months, Iran takes the necessary steps to finally end its quest for a nuclear weapons capability.”
– *Rep. Eliot Engel (D-NY), Ranking Member, House Foreign Affairs Committee*
- “I have serious concerns that this agreement does not meet the standards necessary to protect the United States and our allies. Instead of rolling back Iran’s program, Tehran would be able to keep the key elements of its nuclear weapons-making capability.”
– *Rep. Ed Royce (R-CA), Chairman, House Foreign Affairs Committee*
- “[T]he United States must not settle for a comprehensive agreement that fails to end Iran’s capacity to build and deploy a nuclear weapon.”
– *Rep. Nita Lowey (D-NY), Ranking Member, House Appropriations Committee*

Congressional leaders have called for new sanctions to be ready if a final agreement is not reached or if Iran violates the agreement.

- “Until Iran has verifiably terminated its illicit nuclear program, we should vigorously enforce existing sanctions. I do not believe we should further reduce our sanctions, nor abstain from preparations to impose new sanctions on Iran should the talks fail.”
– *Sen. Robert Menendez (D-NJ), Chairman, Senate Foreign Relations Committee*
- “I am concerned this agreement could be a dangerous step that degrades our pressure on the Iranian regime without demonstrable actions on Iran’s part to end its pursuit of a nuclear weapons capability. ... I will continue working with my colleagues in Congress to keep the pressure on the Iranian regime, including by action on additional sanctions.”
– *Sen. John McCain (R-AZ), Member, Senate Foreign Relations Committee*
- “I think it’s now time for Congress to weigh in because I think people are very concerned that the interim deal becomes the norm, and that’s why I’ve crafted legislation to hold the administration and the international community’s feet to the fire...”
– *Sen. Bob Corker (R-TN), Ranking Member, Senate Foreign Relations Committee*
- “I believe the Senate should move forward with the sanctions bill the House recently passed—and include a provision enabling the President to delay their implementation while Iran’s compliance with yesterday’s agreement proceeds and is verified.”
– *Rep. Steny Hoyer (D-MD), House Democratic Whip*