

# MEMMO

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## **Arguments Against Iran Sanctions are Misplaced**

Despite hopes for moderation, Iran has increased its dangerous behavior since the 2015 Joint Comprehensive Plan of Action (JCPOA). These activities include illicit ballistic missile tests, unauthorized arms transfers, support for terrorism, and violations of human rights within Iran. The Iran Ballistic Missiles and International Sanctions Enforcement Act (H.R.1698) and The Countering Iran's Destabilizing Activities Act of 2017 (S.722) strengthen U.S. sanctions against those carrying out or supporting such activities. These bills exclusively address actions outside the nuclear sphere. They do not violate either the letter or the spirit of the JCPOA.

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### **Argument: New sanctions targeting ballistic missile tests and other Iranian activities violate the JCPOA.**

**Response:** No. As the Obama Administration repeatedly argued, the JCPOA only deals with Iran's nuclear program. It does not restrict America's ability to impose sanctions targeting any other Iranian activity. Both the Countering Iran's Destabilizing Activities Act of 2017 and the Iran Ballistic Missiles and International Sanctions Enforcement Act were carefully crafted to ensure that they in no way violate the JCPOA.

### **Argument: New sanctions could lead Iran to walk away from the deal.**

**Response:** Iran is unlikely to walk away from the JCPOA. The deal has provided Iran massive sanctions relief and led to an oil export surge and renewed economic growth. Iran is also unlikely to risk the re-imposition of crippling sanctions. Moreover, America cannot allow Iran's constant threat to abandon the JCPOA to paralyze its efforts to counter Tehran's aggressive actions, which endanger U.S. interests and allies.

### **Argument: Sanctions should not be incurred for action that merely "poses a risk" of aiding Iran's ballistic missile program.**

**Response:** The Senate bill mandates sanctions for activity that "poses a risk of materially contributing" to Iran's ballistic missile activities. The provision narrowly targets only activity that could "materially" contribute to Iran's missile program and does not target activity that is immaterial or unrelated to the government of Iran. The language mirrors the text of Executive Order 13382 of 2002, which was used extensively by both Presidents Bush and Obama to target entities aiding Iran.

### **Argument: Adding new conditions for the removal of non-nuclear sanctions may violate the spirit of the JCPOA.**

**Response:** S.722 would require that, before lifting non-nuclear sanctions, the President certify that a sanctioned entity has refrained from illicit ballistic missile or terrorist activity for at least three months. It is entirely reasonable to condition the lifting of sanctions on the cessation of sanctionable activity.

This certification requirement will not prevent the lifting of nuclear sanctions required by the JCPOA. It only pertains to sanctions imposed for ballistic missile or terrorist activities. The JCPOA was not intended to lift those sanctions, as repeatedly asserted by the Obama Administration.

**Argument: Designating the IRGC as a terrorist entity is unnecessary, has limited benefits, and has significant downside risks.**

**Response:** Designating Iran’s Islamic Revolutionary Guard Corps (IRGC) will bring consistency and clarity to U.S. policy. In 2007, the United States designated the group’s foreign activities branch, the IRGC-Qods Force, but has failed thus far to designate its controlling entity. In similar circumstances, the United States designated both Hamas and Hezbollah, refusing to accept the notion that it has separate political and military wings. The IRGC is fundamentally involved in Iranian terrorist activities and directly supports Syrian dictator Bashar al-Assad.

Cutting off resources to the IRGC will reduce the group’s capacity to target U.S. forces, and will incentivize Iran to limit the IRGC’s role in the Iranian economy.

Opponents of designating the IRGC have conflicting arguments. On the one hand, they claim that an IRGC terrorist designation will be a symbolic gesture with limited practical effect. At the same time, they argue it would be a dramatic step that could have dire consequences for U.S. troops in the region. Both statements cannot be true. The IRGC took no action against U.S. forces following the designation of Iran as a state sponsor of terrorism or the IRGC-Qods Force as a terrorist group.



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