

## **The Iran Nuclear Agreement Review Act of 2015: More Harmful than Helpful**

On February 27, Senator Bob Corker (R-TN), chairman of the Senate Foreign Relations Committee (SFRC), introduced the Iran Nuclear Agreement Review Act of 2015, S. 615, for himself and 11 co-sponsors, headed by SFRC ranking minority member Bob Menendez (D-NJ). A companion bill, S. 625, was introduced on March 3 by Senator McConnell under the Rule 14 process.

**Senators should consider the Corker-Menendez bill very carefully. Do they really want to send a message to Tehran that the President may be unable to fulfill his commitments? Do they really want to move the goalposts by adding support for terrorism to the list of reasons for reinstating sanctions? The Corker-Menendez bill will endanger both the negotiations and the international sanctions regime; it does not merit support.**

- 1. *The bill will delay U.S. compliance with any agreement by up to 65 days.***
- 2. *The process it establishes for congressional review is rushed, impractical, and unnecessary. Congress can enact legislation to end or modify U.S. implementation of an agreement whenever it has the votes; it does not need this bill to do that.***
- 3. *The bill moves the goalposts by adding Iranian support for terrorism as a reason to reinstate all the sanctions previously lifted under a nuclear agreement.***
- 4. *As a result, it could help Iran's own hard-liners to scuttle both the negotiations and the current agreement that has limited Iran's nuclear activities and provided for enhanced IAEA inspections.***
- 5. *The United States would likely be blamed for the breakdown, and our P5+1 negotiating partners might well abandon the international economic sanctions on which we have relied to encourage Iranian flexibility.***

**Rushing to judgment.** The Corker-Menendez bill would require any Iran nuclear agreement to be submitted to Congress within 5 days. That means the agreement would be submitted long before an authoritative legal analysis could be prepared. The Senate has found such reliable legal analyses to be invaluable in its consideration of treaties, and it would be foolish to vote on a resolution of disapproval without knowing how the agreement's provisions will be interpreted.

The bill would also require that a verification assessment report be submitted within 5 days. Such a report normally takes several weeks to produce. Forcing the State Department and the intelligence community to churn out this report in a few days simply assures that it will be of little value.

Once an agreement enters into effect, the bill gives the President only 10 days in which to evaluate the credibility and accuracy of any allegation that Iran has violated the agreement, before reporting it to congressional committees. Then the President has only another 10 days in which to decide whether the alleged violation is a material breach of the agreement. If it is, then legislation to reinstate the previously-lifted sanctions may be introduced under expedited procedures. The bill would give the relevant committees only 10 days in which to consider this legislation. And if one house refused to act on the proposal, passage by the other house would put the legislation on the first house's calendar with expedited floor procedures. *The deck would be stacked in favor of passage.*

The expedited floor procedures included in this bill go beyond those commonly applied on such matters as motions of disapproval regarding a peaceful nuclear cooperation agreement or a U.S. arms sale. Paragraph (e)(7)(E) of the Corker-Menendez bill even limits Senate debate on a veto message. *There is no need for all this pre-planned haste, and senators should think twice before agreeing to it.*

**Moving the goalposts.** The same legislation to reinstate sanctions on Iran could be introduced if the President was unable to make certain certifications every 90 days. One of the required certifications would be that "Iran has not directly supported or carried out an act of terrorism against the United States or a United States person anywhere in the world." Given the definition of "United States person" in the bill, a Hezbollah attack on the Beirut branch of a U.S. business could trigger the legislation – even if no injuries resulted from the attack.

However important Iranian support for international terrorism may be, it has never been an element in the negotiations regarding its nuclear program. *This bill would announce to the world that the United States may renege on its own obligations, even if Iran were to obey all of its obligations under a nuclear agreement.* Senator Corker did not mention this provision in the summary of his bill that his office issued.

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