

Iran Deal Decertification: Options for Congress

The Iran Nuclear Agreement Review Act (INARA) requires that the President certify Iran's compliance with the Joint Comprehensive Plan of Action with Iran every 90 days. If the president does not certify compliance, Congress is given a 60-day window during which it can re-impose sanctions through an expedited process. On October 13th 2017, President Trump announced that he would not certify Iran's compliance with the deal. This decision does not amount to a U.S. violation of or withdrawal from the deal; however, the president [threatened](#) to withdraw if Congress and our international partners do not take actions to strengthen it.

Congress has several options to respond to the president's actions:

1. Re-impose Nuclear-related Sanctions

Re-imposition of nuclear-related sanctions would amount to the United States pulling out of the Iran deal. It is highly unlikely that [our international negotiating partners](#) would support our decision absent evidence that the deal was truly broken. Without the international coordination that allowed the deal to be negotiated in the first place, it will be almost impossible to get a better deal.

Although Iran will remain a member of the Non-Proliferation Treaty, many of the stringent requirements imposed by the Iran deal, including a prohibition on Uranium enrichment beyond 3.67% and a cap on the number of centrifuges Iran can use, would disappear. Iran might also choose to forgo inspections under the [Additional Protocol](#). This would put Iran closer to a nuclear weapons capability.

This move would needlessly damage our international credibility. Further, it would cripple our ability to make nuclear deals with other countries, like North Korea.

2. Do Nothing

Congress can allow the 60-day period during which legislation re-imposing sanctions on Iran can be expedited to lapse without taking action. If Congress takes this course of action, the Iran deal will remain in place despite the President's decertification. Intrusive inspections of Iran's nuclear facilities will continue and the deal's stringent requirements will remain in place. While this would be the ideal option for those that subscribe to a "if it's not broken, don't fix it" approach, it may still have unintended consequences. The President [warned](#) that if he did not get his desired changes to the JCPOA, he would withdraw from the deal anyway. Whether this is an empty threat or not remains to be seen.

3. Do Something Foolish



Congress will be looking to “do something” to show that they took the president’s threat seriously. Senators Cotton (R-AK) and Corker (R-TN) have already proposed legislation to amend INARA that would automatically re-impose sanctions on Iran if it violates certain restrictions, which remain undefined, or gains the ability develop a nuclear weapon in under one year. This would amount to unilaterally attempting to renegotiate a multilateral agreement, and would almost certainly violate the JCPOA.

4. Do Something Smart

The desire to “do something” can be overwhelming for Members, particularly on hot-button issues like Iran. There are actions Congress could take that would strengthen the JCPOA, streamline our domestic implementation process and begin to tackle larger regional issues concerning Iran.

First off, Congress can amend INARA language requiring a [90-day certification](#) of Iran’s compliance with the JCPOA. The Cotton-Corker bill would reportedly extend the certification process from 90 days to six months, but Congress could also choose to get rid of an arbitrary certification timeline altogether. That could help depoliticize the question of Iran’s compliance. Under the law, Congress would still be notified if Iran verifiably violates the agreement.

Furthermore, Congress could encourage the Trump administration to fulfill its [pledge](#) to work with our allies to develop a diplomatic strategy to address Iran’s destabilizing activities that are outside of the agreement, like ballistic missile proliferation and support for terrorism. Congress could also call upon the Administration to more fully staff the State Department in order to successfully carry out diplomatic initiatives.

When considering these options, Congress should also keep in mind that the United States is in the midst of managing a nuclear crisis with North Korea. Creating a new one with Iran will not serve our national security interests.