

# ISSUE BRIEF

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## Senate's Iran Nuclear Bill Misses the Point

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Two days ago, the Senate Foreign Relations Committee (SFRC) unanimously passed the Iran Nuclear Agreement Review Act of 2015, a bill that attempts to bolster the congressional role in the Obama Administration's negotiations on the Iranian nuclear program. While the effort is well intentioned, the bill sets up Congress to allow the Administration to act as if it had congressional approval while a substantive oversight of the agreement is lacking. The bill paves a path to lifting sanctions and congressional approval of what has emerged as a flawed and dubious deal with a notoriously untrustworthy regime.

The bill allows the Obama Administration's future agreement with the Iranian leaders to go forward unless it is disapproved by enactment of a new law. To halt a bad agreement then, Congress would need to pass a joint resolution disapproving the agreement, which the President could then veto, as a result of which it would not become law unless two-thirds of both Houses of Congress vote to override the veto. Thus, in essence, under the SFRC bill, the Obama agreement with Iran will automatically go forward unless two-thirds of Congress disapproves of it. In contrast, in the normal treaty process, a President cannot make a treaty unless two-thirds of the Senate votes to approve the treaty.

The President knows that he would not be able to achieve Senate ratification of a nuclear deal with Iran, which is why he is choosing to pursue a deal as a sole executive agreement and not as a treaty. The SFRC bill gives the Administration a vehicle to gain congressional sanction that it neither sought nor was able to obtain in the first place through the standard treaty process.

### **The Administration's Bad Deal**

The Obama Administration's Joint Comprehensive Plan of Action makes clear that the United States will be left with a risky deal that will not halt Iran's nuclear weapons efforts, but only slow the pace of its advance temporarily, while allowing Iran to stage a nuclear breakout from a much-improved position after restrictions on uranium enrichment expire in 10 years to 15 years.

Iran is allowed to maintain more than 6,000 operational centrifuges for 10 years, after which it will be free to build a much bigger program that will greatly shorten the time it needs for a nuclear breakout. Despite six U.N. Security Council Resolutions that called for a halt in its enrichment efforts, the Administration has essentially accepted Iran's self-proclaimed "right" to enrich uranium. Since the global market provides more than enough enriched-uranium fuel for civilian nuclear reactors at much lower prices than Iran can produce it, Iran's claim that its enrichment efforts are due to necessity is suspicious at best.

Iran is not required to dismantle its nuclear infrastructure or clarify previous questions regarding military dimensions of its nuclear program. Particularly worrisome is the continued operations of

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its illicit nuclear facilities at Fordow and Natanz, as well as the heavy water reactor at Arak that has been described as a plutonium bomb factory. All of these facilities, which were built covertly by Iran in violation of its Nuclear Nonproliferation Treaty commitments, would now be legitimized by the agreement.

The Administration undermined its own bargaining leverage by prematurely relaxing sanctions on Iran to reach the 2013 interim agreement. Once sanctions are lifted under this latest deal, they will be very hard to re-impose, given the U.N.'s history of coming in a day late and a dollar short in crisis situations. Other members of the U.N. Security Council, Russia in particular, cannot be counted on to fully cooperate on re-imposing sanctions in a timely and effective manner. Just this week, Moscow announced that it intends to sell its advanced S-300 air-defense system to Tehran, despite successive U.S. Administrations' efforts to prevent the sale.

U.S. allies, including Israel, Egypt, Jordan, Saudi Arabia, the United Arab Emirates, and Bahrain have expressed alarm at the prospect for a deal that only temporarily slows down, and does not stop, Iran's progress toward a nuclear weapon. They fear that a nuclear deal will lead to a rapprochement between Iran and the United States that will come at their expense.

## Conclusion

The well-intentioned legislation has negative consequences because it diverts attention from what should be the goals of an *acceptable* nuclear agreement:

- A permanent halt in Iran's uranium enrichment and plutonium production;
- A robust and long-term verification program with extensive real-time monitoring of all nuclear facilities; snap inspections on an "anytime, anywhere" basis; and full Iranian cooperation in interviewing scientists and other personnel involved in all aspects of the nuclear program;

- Iranian admission and detailed accounting for all past research and development of the military dimensions of Iran's nuclear program and full cooperation with the investigations of the International Atomic Energy Agency, which Tehran has stonewalled repeatedly;
- A gradual and phased lifting of sanctions linked to Iranian fulfillment of its obligations to retain leverage over Iran to ensure compliance;
- A clear and rapid process for re-imposing all sanctions if Iran is caught cheating; and
- The final outcome must strengthen long-term nuclear nonproliferation efforts, rather than encourage other nations to demand the same nonproliferation concessions as Iran.

The emerging nuclear deal with Iran is likely to lead nervous countries in the region to seek their own nuclear weapons, fueling a cascade of nuclear proliferation that will undermine U.S. security interests in the volatile Middle East and provide Iran with even more resources to fund its many terrorist activities around the world.

The SFRC bill gives the President an easier path to obtaining the very congressional imprimatur that he would probably be unable to obtain through the traditional treaty process. The bill has become a distraction. Congress and the Administration should be focusing on the serious flaws of the Iranian deal rather than on procedural and congressional prerogative issues.

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