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CONFRONTING THE FULL RANGE OF IRANIAN THREATS

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HOUSE OF REPRESENTATIVES

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CONFRONTING THE FULL RANGE OF IRANIAN THREATS

WEDNESDAY, OCTOBER 11, 2017

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10:12 a.m. in room 2172, Rayburn House Office Building, Hon. Ed Royce (chairman of the committee) presiding.

Chairman ROYCE. This hearing will come to order. We will ask all members to take their seats at this time.

And today we consider how the United States should confront the full range of threats that Iran poses to our national security and poses to the security of our regional allies and partners. And I will give you my view of this.

I believe that President Obama's flawed nuclear deal was a gamble that Iran would choose to become a responsible actor, a country focused on prosperity for its people and security along its borders. And unfortunately, and predictably, the Tehran regime clearly sees itself as a movement, one that uses ideology and violence to destabilize its neighbors, to threaten others, mainly the United States and Israel. That is why we still hear "death to Israel," "death to the United States," "Israel is a one-bomb country." That is why we hear this.

In Iraq and Syria, Iran's Revolutionary Guards have taken advantage of the fight against ISIS, and they are using their shock troops and Shia militia to brutalize Syrians and to seize much of the territory. As ISIS loses ground, the risk is real that one version of radical Islamist terror, ISIS, is simply replaced by another.

Meanwhile, Hezbollah, ascendent in Lebanon, has thousands of fighters in Syria. It is well positioning itself to intensify its original mission: The destruction of Israel. This terrorist organization is building a deadly rocket arsenal ready to rain terror on the Jewish state. I was in Israel during the 2006 Hezbollah rocket campaign. Its capabilities then, quite substantial, are far more concerning today. This is a powder keg.

This makes it all the more critical that we stop Iran from completing a "land bridge" from Iran to Iraq to Syria to Lebanon. This would be an unacceptable risk and, frankly, a strategic defeat. It is not just Israel's security on the line. I feel that if Iran secures this transit route, it will mark the end of the decades-long U.S. effort to support an independent Lebanon. Jordan's security, too, would be imperiled.

This threat grows infinitely worse if Iran develops a nuclear weapons capability. In this regard, Iran's continued pursuit of intercontinental ballistic missiles funded by the cash bonanza it received when sanctions were lifted, is telling. No country has run such an expensive program without also seeking nuclear warheads to go on top. These missiles are designed to hit us.

While the nuclear deal may have constrained Iran's ability to produce fissile material, these restrictions begin to sunset in less than a decade, leaving Iran with an industrial enrichment capability. The reluctance of international inspectors today to demand access to military bases means that we don't know to what extent Iran is engaged in the complex—but more easily hidden—work of designing a nuclear warhead.

And that is why clear majorities on this committee and in the House opposed the nuclear deal. Ultimately, however, the Obama administration rammed it through anyway. And as a result, roughly $100 billion was handed over to Iran. Much of this is now in the hands of the Iranian Revolutionary Guard Corps—an incredible amount of leverage lost.

As flawed as the deal is, I believe we must now enforce the hell out of it. Let's work with allies to make certain that international inspectors have better access to possible nuclear sites, and we should address the fundamental sunset shortcoming, as our allies have recognized. This committee will do its part tomorrow by marking up the Ballistic Missiles and International Sanctions Enforcement Act.

We must also respond to Iran's efforts to destabilize the region. This includes using our allies in Europe to designate Hezbollah in its entirety as a terrorist organization and providing the administration with additional tools to go after this Iranian proxy, as we voted to do this last week in this committee.

Finally, we should be supporting the Iranian people who want a better life, who want more freedom, instead of suffering under the brutal repression of an ideologically inspired, hateful regime. We have no ill will toward the Iranian people. It is their government that gravely threatens us and threatens our allies. This is the approach that I believe the United States must take for our national security.

Later this week, the President will make a legislatively mandated decision on certification of the nuclear deal. Whatever he decides, it is critical that the President lay out the facts. He should explain what his decision means. He should explain what it doesn't mean. And then I hope, as I have tried to do here today, the President will define a responsible path forward to confront the full range of threats posed by Iran.

I now will go to the ranking member for his remarks.

Mr. Engel.

Mr. ENGEL. Thank you, Mr. Chairman, and thank you for calling this hearing.

To our witnesses, welcome to the Foreign Affairs Committee. Thank you all for your history of service to our country. It is very much appreciated.

There is no doubt whatsoever that Iran poses a grave threat to security in its neighborhood and around the globe. In Iran, we find

the world's number one state sponsor of terrorism, a government developing illegal and dangerous ballistic missiles that could deliver a devastating weapon, a critical lifeline to the barbarous Assad dynasty in Syria, and a regime that flouts international human rights norms, brutally suppresses its own people, and unlawfully detains foreign citizens, including Americans.

How to grapple with this challenge is one of the most important questions for our foreign policy and for us as lawmakers.

I have long advocated tougher sanctions that go after Iran's harmful activities. Earlier this year, with the chairman's support, we passed into law new sanctions on Iran's destabilizing activities, including its ballistic missile program, its support for terrorism, and its conventional arms transfers.

This week especially, we cannot talk about how to deal with Iran without talking about the nuclear deal, whether staying in the deal will make it easier or harder to meet this challenge. I opposed the deal. I voted against the deal.

Mr. Sullivan, I say this with respect and gratitude for your hard work to bring Iran to the negotiating table, but I felt the sunset provisions left too short a time before Iran could become a legitimate nuclear power. I also felt that Iran, being the number one state sponsor of terrorism, would reap a windfall in money from this agreement and therefore could use it and would use it to carry out its terrorist activities to an even greater state than they have been in the past.

But I was on the losing side of that debate. Since the deal was reached, like the chairman, I have called for it to be strictly enforced while we look for other ways to address the range of nonnuclear challenges coming out of Iran.

So today the administration seems poised to take the first step in withdrawing from the JCPOA. I must say that I view that course as a grave mistake. We in the United States have to live up to our word. If we withdraw from the deal now, Iran would be free today from the constraints on their program and the intrusive inspections that the JCPOA puts into place. They could race headlong toward a nuclear bomb, hold all the benefits of sanctions relief, and continue fomenting instability across the region.

We need to work with allies and partners on a shared agenda that holds the regime in Tehran accountable, not dividing America from our closest friends across the globe. If we pull out of the deal, I believe we lose whatever leverage we have to drive that agenda.

At the same time, walking away from the JCPOA would announce to the world, to our friends and adversaries alike, that the United States cannot be counted on to keep its word.

In North Korea, we are staring down a rogue regime that already has nuclear weapons. If we pull out of the Iran deal, we would lose all credibility as we try to negotiate with the regime in Pyongyang on nuclear disarmament.

One of the arguments I have heard in the last week is that the administration should withhold certification but that we should stay in the deal anyway. I think that is trying to have it both ways. It doesn't work. I think it is a political cover for opponents of the deal who have been saying for years that we should withdraw and who are now having second thoughts. I think it is a distraction

from the real issues involving Iran that demand our attention. And I think it is playing with fire.

Failing to certify the deal is the first step toward ending it. That is how governments around the world will perceive it, possibly including Iran, which could spark a second nuclear crisis on top of North Korea.

We need to be tough on Iran. We need tough sanctions and multilateral actions to make clear that the regime will face consequences for its dangerous activities. We need to reclaim the mantle of leadership, bring countries together, and hold Tehran accountable.

Saying we are going to tear up the deal sounds like tough talk, but I believe it won't help us meet this challenge. It would merely hamper our ability to make progress, to get tougher in the areas where we can. It would be cutting off our nose to spite our face.

So I hope the President heeds the advice of Secretary Mattis and others. I hope he understands the importance of the United States keeping its commitments. If we are serious about cracking down on Iran, the best path forward is to stick with the deal, despite what I view as its flaws, and hold Iran strictly to its obligations. That will put us in a far better position to address all the other problems Iran is stirring up.

So I look forward to hearing from our witnesses on these questions.

Thank you, again, Mr. Chairman. I yield back.

Chairman ROYCE. Thank you, Mr. Engel.

This morning we are joined by a distinguished panel. We have Ambassador James Jeffrey with us. He is the Philip Solondz distinguished fellow at the Washington Institute for Near East Policy. Previously, the Ambassador served as U.S. Ambassador to Iraq, to Turkey, and to Albania.

We have General Charles Wald. He is a distinguished fellow and co-chair of the Gemunder Center Iran Task Force at the Jewish Institute for National Security of America. Previously, General Wald served as the former Deputy Commander of the U.S. European Command.

We have Mr. David Albright, founder and president of the nonprofit Institute for Science and International Security. Mr. Albright has written numerous assessments on nuclear weapons, secret nuclear weapon programs, throughout the world. And we appreciate him being with us as well.

Mr. Jake Sullivan is a senior fellow at the Geoeconomics and Strategy Program at the Carnegie Endowment for International Peace. Previously, Mr. Sullivan served as a National Security Adviser to former Vice President Joe Biden and as the Director of Policy Planning at the U.S. Department of State.

Without objection, the witnesses' full prepared statements will be made part of the record today, and members here will have 5 calendar days to submit any statements, questions, or extraneous material that they want to put into the record for today's hearing.

So I would just ask Ambassador Jeffrey, if you would like to summarize your statement. And then after each of you have presented, we will have the questions from the members of the committee.

STATEMENT OF THE HONORABLE JAMES F. JEFFREY, PHILIP SOLONDZ DISTINGUISHED VISITING FELLOW, THE WASHINGTON INSTITUTE FOR NEAR EAST POLICY (FORMER U.S. AMBASSADOR TO IRAQ, TURKEY, AND ALBANIA)

Ambassador JEFFREY. Thank you, Mr. Chairman, Mr. Ranking Member, members of the committee, my distinguished colleagues here on the table. It is an honor to be here today to discuss something of such extraordinary importance just before the President will talk to the American people about Iran policy.

Mr. Chairman, I agree with you that in certain circles, in Washington and elsewhere, there was a belief that this Iran deal could do more than constrain Iran's nuclear program. In fact, the preamble to the agreement expressed the hope, and I quote, that full implementation of this JCPOA, the agreement, will positively contribute to regional and international peace and security.

Just last night I heard the EU Foreign Minister, who is basically the spokesperson of the P5+1, echo a very similar line back when she announced the agreement in 2015.

And I think that is one of the core flaws of this agreement. And one of my arguments that I will make in a second, that we have to look at this agreement in more detail and where it fits, is that people think that if they are okay with the agreement, the Iranians are adhering to it, then we don't have a problem with them. We have many problems with them inside and outside the agreement.

Right now the greatest danger facing the U.S. and its allies in the Middle East is Iran allied with various surrogate forces and to some degree Russia. The U.S., as yet, does not have a comprehensive policy to confront Iran that should include both containing Iran in the region and, as you both mentioned, looking at the JCPOA.

The stakes here are high. If America does not stop the Iranians, they will soon emerge with their allies as a dominant force in the region.

Such a policy, however, has to consider some key elements that any such policy needs to look at. I will give you my views on them. But more important than my views are that the administration and that this body look at each of these elements.

First, Iran must be the first U.S. priority in the region, it must be number one, apart from terrorist attacks on the homeland. Specifically, we need to shift our attention and resources now from the almost-finished ISIS campaign to Iran. That is critical because right now the administration is still focused on ISIS.

Second, we need to know what our basic purpose is in confronting Iran. Is it to push back on Iran's specific regional moves, or is it to affect significantly Iran's overall goals and role in the region, or is it regime change? There are voices on all three here in Washington.

In view of the need for as broad as possible an international coalition, as both you, Mr. Royce, and you, Mr. Engel, noted, I think we should limit this to pushing back on Iran-specific actions, particularly military and paramilitary in the region. That will allow us the biggest and strongest coalition.

Next, as we have discussed, the JCPOA cannot be sacrosanct in our approach. Given, however, the absence of an international con-

sensus for a new better agreement and our need for such a broad coalition to contain Iran successfully, we should not abandon the agreement. Rather we should use our problems with it to push, at least diplomatically, for a potential new agreement, raise our problems with missiles, challenge the commitments we have made, I think foolishly, in the agreement to support Iran's economic development, and basically make it more difficult for businesses to work with Iran.

The central fronts to contain Iran are Iraq and Syria. Iran's intent is to create, as you mentioned, Mr. Chairman, vassal states, as we have seen or are seeing in Lebanon, in that region. If it succeeds, it will threaten, again, as you have mentioned, Israel, Jordan, Turkey, and eventually the Gulf.

But the U.S., focused on ISIS, appears to be leaving the day after in both Syria and Iraq to, in Syria, the Russians—I was just there for a week with them, and believe me, they don't want to and won't help us—and in Iraq, to the Abadi government.

I know him and the people around him. They would like to help us. They are not strong enough without a strong American presence. That presence includes not only diplomacy and economic help, it includes a military presence on the ground in both countries over time, ostensibly to contain ISIS, but focused on Iran.

Finally, we need to know: Do we talk to Iran? Do we need a diplomatic plan? Do we talk to Iran? Under which circumstances? How do we signal to it?

Equally important, we need to reunify this alliance. The Saudis, the Turks, the Egyptians are going in all directions.

Finally, to the members of the committee, as I and many others have experienced, if you push back on Iran, they will come at you. They will come at you real hard. We need to know what we will do in advance, and that includes potentially striking them in their homeland.

[The prepared statement of Ambassador Jeffrey follows:]

HEARING, HOUSE COMMITTEE ON FOREIGN AFFAIRS, OCTOBER 11 2017

CONFRONTING THE FULL RANGE OF IRANIAN THREATS

WRITTEN TESTIMONY SUBMITTED TO THE COMMITTEE

AMBASSADOR JAMES FRANKLIN JEFFREY

THE WASHINGTON INSTITUTE FOR NEAR EAST POLICY

SUMMARY

The greatest danger facing the U.S. and its allies in the Middle East today is Iran, allied with various surrogate forces and to some degree Russia. The U.S. as yet does not have a comprehensive policy to confront Iran. Any such policy cannot hold the Joint Comprehensive Plan of Action (JCPOA) nuclear Agreement with Iran sacrosanct. Options concerning that agreement must be considered but as part of a larger strategy. Focusing only on the JCPOA to the exclusion of Iran's destabilizing actions through the Middle East would be a fundamental mistake. To deal with those actions, the first priority is the Levant, from Iran to Lebanon. The U.S. must convince the international community, the Russians, and indirectly Iran, that the internal situation in both Iraq and, especially, Syria, and the presence of foreign forces there including Iranian, Iranian surrogate, and Russian, is a major security concern for the U.S and an existential threat to our allies and partners beginning with Israel, Turkey, Jordan and the GCC states. The stakes here are high: if America does not stop the Iranians on this front, they will soon emerge with their allies as the dominant force in the region.

INTRODUCTION

The United States in negotiating the JCPOA bet implicitly on that diplomatic approach not only as a means to constrain temporarily Iran's nuclear weapons program, but to engender a transformation of Iran from an anti-status quo, in some respects revolutionary Islamic movement, into a 'stakeholder' for regional stability. As the JCPOA Preface states, "full implementation of this JCPOA will positively contribute to regional and international peace and security."

The reality in the region since the Summer of 2015 when those words were agreed could not be more at odds with that hope. Iran, after indirectly triggering ISIS's expansion by empowering anti-Sunni Arab policies through its allies PM Maliki in Iraq and President Assad in Syria, forged an alliance that brought major Russian military forces into the region, and with them accelerated a genocidal campaign that has cost almost half a million deaths, to end the Syrian civil war on Assad's maximalist terms, symbolized by the carpet

bombing of Aleppo. It has also intervened ever more in Yemen, arming both the Houthis there and Hizbollah in Lebanon with offensive missile systems that threaten respectively the Bab al Mandeb Straits and the Israeli homeland. Consequently every Middle Eastern friendly leader I have spoken to in the past 24 months has emphasized that Iran, not ISIS or al Qaeda, is the major security threat. Apart from the JCPOA, the last Administration did little to counter it. The Trump Administration has taken a more active position, at least rhetorically. During his May meetings with Arab leaders in Riyadh, President Trump signed up to a joint Communiqué which accused Iran of "malign interference," branded its activities as "terrorist," and committed signatories to act collectively against it. The President heard similar concerns from Turkish President Erdogan and Israeli PM Netanyahu. Nevertheless, while a new Presidential policy on Iran is about to be announced, it is not yet clear whether the U.S. is ready to deal with all the implications of a serious containment policy against a foe that has seen nothing but success in recent years, executing a carefully thought out and resourced regional strategy. The U.S. must have an equally thoughtful, resourced response.

Any such response should focus on the 'hows' and 'whys' of containment strategy, as discussed below.

THE ULTIMATE MISSION WITH IRAN

To succeed with any policy toward Iran, the United States must set clear final goals. Does it want to push back on Tehran's regional aggression, as it did with Slobodan Milosevic in the 1990s? Or does it seek a long-term containment policy to effect fundamental policy changes in Iran (i.e., George Kennan's initial prescription for the Cold War), or even regime change? If so, how would this policy be carried out in practice? Iran experts in the United States are divided on goals and means, from toppling the regime to continuing Obama's policy of outreach as the best way to contain Iran; Washington's potential international allies are split on this issue as well. In view of the need for as broad an international coalition as possible, the mission should focus on containing Iran's illegitimate influence in the region, with emphasis on its military and para-military initiatives, rather than more ambitious internal transformation which the U.S. has seldom achieved anywhere. Finally, it is crucial that the U.S. make its goals clear to all including Iran, to win adherents at home and abroad.

IRAN AS FIRST PRIORITY

To succeed, any containment plan against Iran must be the first U.S. priority in the region short of aborting terrorist attacks against the U.S. homeland. Specifically, U.S. military and diplomatic resources now should be prioritized away from ISIS and towards Iran.

WHO IS THE ENEMY

Some of America's partners in the region see Iran not only as a state, but as a "malign" Shia movement in a largely Sunni Middle East. But the more that this formulation is adopted, the more absolute the contest becomes, with less potential "give" from Iran (which cannot simply surrender its religious essence) and the more some of America's allies would balk.

Thus to maximize common policy ground within the international community on Iran, given widely variant threat perceptions, the Trump Administration should focus on Iran as a nation state to be deterred, not a cause to be destroyed.

THE JCPOA

Since taking office, the president has been ever more critical about the JCPOA, and has signaled that next week when he is required to again certify a series of questions related to the Agreement, as per the Iran Nuclear Agreement Review Act (INARA) of 2015, that he will not so certify. This certification process regardless of what he decides does not directly impact the Agreement or U.S. commitments within it, but any Presidential refusal to certify would raise the question whether the U.S. should continue adhering to the agreement, pull out of it, or attempt to negotiate a better one.

It is easy to visualize a 'improved' version of this JCPOA—longer time periods, ability of the International Atomic Energy Agency to more easily inspect all suspect sites including military, more clarity on the "possible military dimensions" of the Iranian program, inclusion of certain missile systems and research. But Iran's technical compliance with the Agreement and refusal to countenance new negotiations, and the reluctance of other key international partners, especially the P5+1 States, to entertain new negotiations, argue for a policy of 'constructive ambivalence' concerning, and scrutiny of, the Agreement, with options for improving it held for later. The short term goals should include stripping the agreement of its psychological value as a 'seal of good approval' for a state that does not deserve it, and undercutting the willingness of the international business community to fund Iran's economy, which will inevitably increase its power projection capabilities to the detriment of regional security.

Obtaining a fundamentally new agreement, e.g., Iran foreswearing all enrichment activities, would require, short of war, international sanctions far stronger than those in the period 2010-15. And those sanctions, especially the most effective—the Iranian oil import sanctions under the 2012 National Defense Authorization Act--were controversial with America's European allies and Asian trading partners at the time despite clear Iranian violation of the Non-Proliferation Treaty, inflammatory rhetoric by then President Ahmadinejad, and risk of war over the Iranian program. None of those conditions is present today. Furthermore, any U.S. strategy to call Iran to account for the gamut of its

activities requires a reasonably supportive international community, and too aggressive a U.S. campaign against the JCPOA would undermine such support.

DEALING WITH IRAN IN SYRIA AND IRAQ

Although Iran is challenging regional security from Yemen to Afghanistan, the key front is Syria and Iraq, the core of the Levantine Middle East, where Tehran has long influenced Bashar al-Assad's regime and the Shia-centric government in Baghdad. Following the 2011 "Arab Spring," Iranian leaders pushed these surrogates to exert greater control, but such efforts also exacerbated the catastrophic developments unfolding in each country, namely, the mass uprising against Assad and the emergence of ISIS.

Iran has since undertaken an all-out campaign to keep Assad in power and expand its influence in Iraq -- aided, ironically, by the U.S.-led war against ISIS. As ISIS forces are ground down in their last redoubts, Tehran's surrogates are scurrying to establish a land corridor between Iran, Iraq, Syria, and Hezbollah in Lebanon. The geostrategic shift this portends is extraordinary. As the Bipartisan Policy Center recently pointed out, this could leave 20 million Sunni Arabs in Syria and Iraq under de facto Shia rule, likely incubating a new Sunni extremist movement to replace ISIS.

Such a corridor is destabilizing for other reasons as well. The United States and its allies have established footholds in northern Syria, along the Jordanian border, and in Iraq, primarily to fight ISIS. Once the group is defeated, these positions will either have to be abandoned or held against inevitable Iranian-orchestrated (and possibly Russian-supported) political, terrorist, or military, pressure intended to push U.S. forces out. Remaining in Syria indefinitely would require complicated political arrangements with Turkey, Jordan, Israel, Iraq, and various sub-national Kurdish and Sunni Arab factions -- and with Russia as well.

The U.S. must convince the international community, the Russians, and indirectly Iran, that the internal constitution of both Iraq and especially Syria, and the presence of foreign forces including Iranian, Iranian surrogate, and Russian, on the territory of those states, is a major security concern for the U.S., including stirring up Sunni extremist movements as was the case with ISIS, and an existential threat for our allies and partners beginning with Israel, Turkey, Jordan and the GCC states.

The U.S. thus must recognize the stakes: if America does not stop the Iranians on this front, they will soon emerge as the dominant force in the region, deeply inimical to the United States and its partners, and allied with Putin's Russia.

To that end U.S. forces should remain in a train and equip capacity in Iraq, as well as in Syria, ostensibly to protect enclaves and U.S. partners from a resurgence of terrorism, but

also, implicitly, to put military pressure on Syria and Iran to negotiate seriously in the Geneva process in accordance with UN Security Council 2254 on the future political situation in Syria.

RESPONDING WHEN IRAN STRIKES BACK

Any U.S. effort to confront Tehran could generate attacks on U.S. interests. Since 1979, the regime has struck at U.S. targets directly or through surrogates on multiple occasions, from Kuwait, Lebanon, Saudi Arabia, Iraq, and Yemen to a thwarted plot in Washington, D.C. In response, Washington has either eschewed obvious retaliation against Iranian forces or territory (with the exception of the "Tanker War" thirty years ago), or taken action against surrogates outside Iran with mixed results. U.S. officials need to determine in advance how the U.S. will react in response to Iranian retaliation, and in particular if the U.S. will or will not strike back at Iran directly. And Iran needs to know that decision.

COMMUNICATING WITH TEHRAN

Limited U.S. technical communications with Iran continue (e.g., between forces in the Persian Gulf). But Washington needs to consider whether, and if so, under what conditions, and for what purpose, it should communicate "politically" with Iran, bearing in mind that both the Obama and (in Iraq) the Bush Administration did so. And if so, with whom: Foreign Minister Mohammad Javad Zarif or the shadowy Qods Force commander Qasem Soleimani, who is largely responsible for carrying out Iran's regional policies? Would such contacts be open or secret (as they were initially with the Obama administration)? If brokered by a third party, whom? Will Iran even be willing to engage in such dialogue, and at what price? Finally, what end would these talks serve?

However the Administration answers this question specifically, it must ensure that its overall goals and specific intentions are made known in some way to the Iranian leadership. The risks of misunderstanding and resulting escalation will remain high in U.S.-Iranian relations.

KEEPING THE ANTI-IRAN ALLIANCE STRONG

The military, economic and diplomatic power of the potential anti-Iran alliance which the U.S. can forge with European and Middle Eastern partners is extraordinary, and far greater than Iran's capabilities even including Russian military forces in the region. But this alliance is more theoretical than real, thus the U.S. should prioritize its strengthening. With European allies and the UN, that means clarity on what the U.S. wants to achieve with Iran, and a certain respect for international agreements and protocols which are taken much more seriously outside than inside the U.S. With regional partners the main risk is diversion of effort into internecine spats. The Saudi-Emirati-Egyptian political campaign

against Qatar, Iraqi Kurdistan leader Barzani's push for independence, and the dispute between the U.S. and Turkey over the Syrian Kurdish PYD, are examples of such disunity and disagreements.

Chairman ROYCE. General Wald.

STATEMENT OF GENERAL CHARLES F. WALD, USAF, RETIRED, DISTINGUISHED FELLOW AND CO-CHAIR, THE GEMUNDER CENTER IRAN TASK FORCE, THE JEWISH INSTITUTE FOR NATIONAL SECURITY OF AMERICA (FORMER DEPUTY COMMANDER, U.S. EUROPEAN COMMAND)

General WALD. Thank you, Mr. Chairman, Ranking Member Engel, and members of the committee. Thank you again for the opportunity to appear before you today to discuss responses to the full range of threats posed by Iran.

I have followed Iran closely throughout my career, including in my current capacity as the co-chair of the Iran Task Force at the JINSA Gemunder Center.

This summer, our task force issued a report on the need to restore U.S. leverage to confront the full spectrum of Iran's menacing behaviors. Understandably, current debate is focused on the JCPOA and whether continued adherence to the deal serves our national interests.

Our JINSA task force has been an outspoken critic of this agreement, which gives Tehran great financial, military, and geopolitical benefits while robbing the United States of our previous leverage against Iran.

An effective strategy against Iran must prioritize restoring our lost leverage, and I applaud this committee's effort to examine the range of options available to us and our allies.

This is urgent because the deal places Iran on a trajectory to become as intractable a challenge as North Korea is today and very possibly worse. Sanctions relief is bringing renewed foreign investment to Iran, and with it the capital and technology for increased spending on ballistic missiles and IRGC operations in places like Syria, Iraq, and Yemen.

The deal also legalizes Iran's ambitious military buildup. U.N. Security Council Resolution 2231 gives Iran, and specifically the IRGC, a major opportunity to advance its nuclear-capable ballistic missile and intimidate our regional allies. That same resolution will lift the conventional arms embargo on Iran, allowing the IRGC to become an international arms dealer.

The IRGC's ability to inflict heavy costs on our forces and possibly deny our access to the region will grow significantly as it augments its air defenses, attack craft, submarines, unmanned vehicles, mines, radars, and missiles.

Finally, the U.N. resolution also eventually permits the IRGC to access highly advanced missile technology and materials from abroad. This will aid its development of a more sophisticated nuclear delivery vehicle, including intermediate range and intercontinental ballistic missiles capable of targeting the heart of Europe and the U.S. homeland.

It is important to note that Tehran can push for ICBMs around the same time as it approaches nuclear weapons capability, effectively giving it a direct nuclear deterrent against the United States before the JCPOA ends.

Already, Iran is moving more aggressively against us and our allies. Since day one of the deal, it has been testing more accurate

and mobile multistage stage ballistic missiles with reentry vehicles that are harder to intercept and are better suited for nuclear warheads.

Meanwhile, its proxy in Yemen uses IRGC assistance to lob dozens of ballistic missiles at Saudi bases and cities, not to mention targeting U.S. Navy ships. I was told yesterday that the Houthis in Yemen have shot 63 scuds in Saudi Arabia over the last days—which, by the way, because of the PAC-3 missiles, the Saudi Arabians have been able to defend against, but it is growing.

Overall, if Iran does not materially breach the JCPOA, the deal already is a boon to its dangerous ambitions and a strategic disaster for us. We need a coherent set of responses to reverse this untenable strategic imbalance before it continues from bad to worse.

I applaud this committee for its tireless efforts to pressure Iran and Hezbollah through sanctions. Such measures are necessary, but their message and impact must be reinforced with military leverage.

First, American officials should make clear they are preparing contingency plans to defend against further Iranian tests of nuclear-capable missiles. This must include unequivocal threats to shoot down future tests if necessary.

Second, we must undertake concrete military preparations, including forward deploying part of Aegis-equipped missile defense fleet to the Persian Gulf. Congress should consider requiring the Pentagon adopt their use and other changes as part of the broader reassessment of U.S. force posture and contingency planning for the region.

Third, we need a post-ISIS strategy and a force presence in Syria to prevent Iran from dictating the country's future and consolidating its land bridge.

Fourth, we need to augment the new MOU on defense aid to Israel by removing artificial caps on missile defense, especially given Iran and Hezbollah's growing presence in the Israeli northern borders.

And fifth, we need to work with Saudi Arabia and UAE on robust theater missile defense and potentially help transfer Israeli missile defense systems to the country.

Finally, we need to ensure the interoperability of air and maritime defenses between the United States and Gulf allies to counter Iran's growing capability thanks to the nuclear deal.

Regardless of the JCPOA's future, these measures will demonstrate resolve to roll back Iranian aggression and dissuade the regime from advancing toward nuclear weapons capability.

I thank you, Mr. Chairman, for my time, and I look forward to the committee's questions.

[The prepared statement of General Wald follows:]

Statement of General Charles F. Wald, USAF (ret.)
Co-Chair, JINSA Gemunder Center Iran Task Force
Hearing on Confronting the Full Range of Iranian Threats
United States House Foreign Affairs Committee
October 11, 2017

Introduction

Mr. Chairman, Ranking Member Engel, Members of the Committee, thank you for the opportunity to appear before you today to discuss responses to the full range of threats posed by Iran. I have followed Iran closely throughout my career, including in my current capacity as co-chair of the Iran Task Force at JINSA's Gemunder Center for Defense and Strategy. This summer, on the two-year anniversary of the announcement of the Joint Comprehensive Plan of Action (JCPOA), our Task Force issued a comprehensive report on the need to restore U.S. credibility and leverage for confronting the gamut of Iran's menacing behaviors.[1] However, I want to stress that my views expressed here today are my own.

Understandably, much of the current debate focuses on Iran's dubious compliance with the JCPOA, and whether continued adherence to the deal serves our national interests. Our JINSA Task Force has been an outspoken critic of this agreement. It creates a dangerous strategic imbalance by giving Tehran great financial, military and geopolitical benefits, while robbing the United States of the pressures we had built previously against Iran. Any coherent strategy against Iran must prioritize restoring our lost leverage, and I applaud this committee's efforts to examine the range of options available to us and our allies.

Iran's Growing Military Threat

The shortcomings of the JCPOA are numerous and well-known. Suffice to say, the deal places Iran on a trajectory to become as intractable a challenge as North Korea is today – and very possibly worse. Indeed, while Pyongyang's relentless pursuit of nuclear weapons has only deepened its isolation and driven it toward bankruptcy, the JCPOA is doing the opposite for Iran.

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[1] JINSA Gemunder Center Iran Task Force, "Strategy to Restore U.S. Leverage Against Iran," July 2017, available at: http://www.jinsa.org/publications/strategy-restore-us-leverage-against-iran.

This committee is well aware of the JCPOA's literal costs: an estimated $115 billion in unfrozen assets back under Tehran's control since day one, plus an additional $1.7 billion ransom for U.S. hostages.[2] Since then, the added dividends of sanctions relief have flowed directly to the lucrative economic sectors controlled by the regime and its hardline Islamic Revolutionary Guard Corps (IRGC). The capital and technology from renewed foreign investment is already translating to increased spending on ballistic missiles and IRGC operations in places like Syria, Iraq and Yemen.[3]

Beyond providing more funds, the JCPOA also effectively legalizes Iran's ambitious military buildup in coming years. Even before the deal, Tehran already possessed the region's largest arsenals of nuclear-capable ballistic and cruise missiles. By removing the previous legally-binding ban on test launches, U.N. Security Council Resolution (UNSCR) 2231 gives Iran, and specifically the IRGC, a major opportunity to advance these capabilities and intimidate our regional allies.

No more than three years from now, the U.N. conventional arms embargo on Iran will also disappear, opening the country's defense-industrial base to the international market and enriching the IRGC as an arms dealer. Tehran is already tipping the scales in conflicts across the region with largely outdated military equipment. The IRGC's ability to inflict heavy costs on U.S. and allied forces, and possibly deny our access to the region altogether, will grow significantly as it augments its air defenses, fast attack craft, missile boat, submarines, unmanned vehicles, mines, radars and short-range missiles.

No more than three years after that, the same U.N. resolution will permit the IRGC to access highly-advanced missile technology, materials and financing from abroad. This will aid its development of more sophisticated and accurate delivery vehicles, including intermediate-range (IRBM) and intercontinental (ICBM) ballistic missiles capable of targeting the heart of Europe and the U.S. homeland. Because this will occur shortly before the JCPOA allows Iran to ramp up its enrichment capacity, Tehran could push for ICBMs around the same it approaches nuclear weapons capability – effectively giving it a direct nuclear deterrent against the United States before the agreement even sunsets.

Rising Iranian Aggression Under JCPOA

Iran is already moving more directly and brazenly against U.S. interests and our allies. This stems in part from what the JCPOA does: it removes the aforementioned restrictions on Tehran's power projection resources. Yet this also results from what the JCPOA represents: the weakening of U.S. credibility to push back as Iran aggravates the growing security vacuum in the Middle East.

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[2] U.S. Department of the Treasury Press Center, "Written Testimony of Adam J. Szubin, Acting Under Secretary of Treasury for Terrorism and Financial Intelligence to U.S. Senate Committee on Banking, Housing, and Urban Affairs, August 5, 2015.
[3] Thomas Erdbrink, "Iranian Parliament, Facing U.S. sanctions, Votes to Raise Military Spending," *New York Times* August 13, 2017.

Since day one of the deal, this has been evident in Iran's defiant upsurge in ballistic missile tests, including more accurate and mobile multi-stage missiles with reentry vehicles better suited for nuclear warheads – and more difficult to intercept than older Iranian versions. In June, Tehran even fired ballistic missiles in combat for the first time since the Iran-Iraq War, when the IRGC launched a salvo from Iranian soil into Syria.[4]

Also for the first time in decades, Iran is at daggers drawn with U.S. ships in the Persian Gulf. It is assisting its Houthi proxy in Yemen with attacks on U.S. ships and our allies – including a steady hail of ballistic missiles targeting Saudi cities and bases. Flush with rising revenues from sanctions relief, Iran is also consolidating control over the heart of the Middle East and directly undermining U.S. efforts to stabilize Syria and Iraq.

Throughout these conflicts, both the IRGC – which enjoys an increasingly central role in Iranian policymaking – and its terrorist proxy Hezbollah are transforming themselves into more professional, expeditionary combined-arms forces. Consequently, Iran can now intervene decisively to alter the course of conflicts across the region and establish new beachheads to threaten U.S. allies like Israel and Saudi Arabia.

Simply put, even if Iran does not materially breach the JCPOA, the deal already is a boon to its destabilizing regional ambitions, and a strategic disaster for the United States.

Rebuilding Leverage Against Iran

American policymakers must now develop a coherent set of responses to reverse this untenable strategic imbalance, before it continues from bad to worse. As we laid out in our recent Iran Task Force report, this calls for a comprehensive strategy, utilizing every element of American power, to rebuild and apply counter-pressure against the full spectrum of Iran's destabilizing behaviors. Time is of the essence, especially since any nuclear-related sanctions that Congress might snap back or enact would require time as much as anything else – time that Iran could otherwise spend breaking out or retaliating outside the nuclear program.[5]

Our Task Force articulated recommendations to begin imposing costs on Iran's most threatening behaviors, and to restore U.S. credibility damaged by the JCPOA:

1. *Develop Credible U.S. Military Leverage*

   - I applaud this committee for its years of tireless effort to increase pressure on Iran and Hezbollah through sanctions. Such measures are necessary, but their message and their impact must be reinforced with military leverage.

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[4] CSIS Missile Defense Project, available at: https://missilethreat.csis.org/missile/emad/ (accessed October 5, 2017).
[5] JINSA Gemunder Center Iran Task Force, "Strategy to Restore U.S. Leverage Against Iran," July 2017, pp. 25-32.

- American officials should prepare – and make clear they are preparing – contingency plans to defend the United States and its allies from further Iranian tests of nuclear-capable missiles. This must include unequivocal threats to shoot down future tests if necessary.
- Undertake concrete military preparations for responding to these and other Iranian military challenges, including forward-deploying part of our Aegis-equipped missile defense fleet to the Persian Gulf (like we already do in Europe and East Asia). Whether Iran adheres to the JCPOA or not, Congress should consider requiring the Pentagon adopt these changes as part of a broader reassessment of U.S. force posture and contingency planning for the region.
- Leverage international law in defending our forces and maritime traffic against Iran's increasingly aggressive and illegal behavior at sea. Existing rules of engagement (ROE) permit much more forceful responses to IRGC naval forces' demonstrated hostile intent than our current restraint suggests.
- Ensure the United States has a post-ISIS strategy and force presence in Syria. This is crucial to prevent Iran, Hezbollah and their proxies from dictating that country's future. It will also impose obstacles to their evolving land bridge that would run directly from Iran to the Mediterranean and Lebanon.

2. *Assemble a Regional Coalition Against Iran*

- Augment the new Memorandum of Understanding (MoU) on defense aid to Israel by removing artificial Obama-era caps on missile defense assistance. The new MoU must be treated as the floor, not the ceiling, for bilateral cooperation against Iran's and Hezbollah's growing presence and capabilities on Israel's northern borders.
- Work with our Gulf allies Saudi Arabia and U.A.E. to develop a robust, multi-layered theater missile defense architecture, and potentially help facilitate the transfer of advanced Israeli missile defense systems to these countries – both of which confront Iran on their front and back doorsteps. American policymakers should also seriously consider explicit military backing for these two countries to defend against further Iranian encroachment.
- Ensure interoperability of U.S. and Gulf air and maritime defenses to counter Iran's growing anti-access/area denial (A2/AD) threat under the JCPOA.

Regardless of the JCPOA's future, these measures will demonstrate American resolve – both to Tehran and our concerned allies – that we will roll back Iranian aggression and deter or deny the hardline regime from advancing toward nuclear weapons capability.

I thank you Mr. Chairman for my time, and I look forward to the Committee's questions.

Chairman ROYCE. Thank you, General Wald.

Mr. David Albright.

STATEMENT OF MR. DAVID ALBRIGHT, FOUNDER AND PRESIDENT, INSTITUTE FOR SCIENCE AND INTERNATIONAL SECURITY

Mr. ALBRIGHT. Thank you, Chairman Royce, Ranking Member Engel, and other esteemed members of this committee.

We are 1 week away from the 2-year anniversary of Adoption Day, the day when the Iran nuclear deal came into effect. It is clear now that Iran is no South Africa, which should serve as a benchmark to evaluate any country giving up a nuclear weapons program coming into compliance with the Nuclear Non-Proliferation Treaty and building a peaceful relationship with its neighbors.

In contrast, Iran has only temporally frozen its most threatening nuclear weapons capabilities. It has maintained since Implementation Day, as a matter of policy, that it will not allow IAEA inspections of its military sites.

Finally, Iran has continued its threats against U.S. national interests and has conducted a range of malign behaviors.

Few believe anymore that Iran will change enough over the next several years that it will no longer seek nuclear weapons once the JCPOA nuclear limitations begin to sunset, the first nuclear sunset of notice 8 years after Adoption Day, or 6 years from now, when Iran can scale up advanced centrifuge manufacturing.

But there are two non-nuclear sunsets that lend urgency to acting now. U.N. Security Council restrictions on arms-related transfers to and from Iran end in 3 years. Restrictions on any activity related to ballistic missiles designed to be capable of delivering nuclear weapons end in 6 years. And those dates could be moved up if the IAEA reaches what is called a broader conclusion and signs off on Iran's nuclear program.

By the time the nuclear sunsets start to occur 6 years from now, Iran is expected to be conventionally armed to the teeth and poised to develop nuclear-capable missiles able to strike Europe and eventually the United States. By that time, it will have a powerful economy immunized against sanctions pressure.

So waiting to undo these sunsets means waiting until the United States would face a well-armed, well-funded Iranian military on the cusp of putting nuclear weapons on long-range ballistic missiles. This future is not acceptable, and this dire future occurs by Iran simply following the letter of the nuclear deal and Resolution 2231.

However, Iran has neither fully complied with the nuclear deal and Resolution 2231, nor fully implemented the nuclear deal. With regards to the nuclear deal, Iran has violated the deal on many occasions, exploited loopholes, pushed the envelope of allowed behavior, and avoided critical verification requirements.

The Trump administration is committed to robust enforcement of the nuclear deal. So far this approach has reduced the number of violations, although it has not eliminated all of them.

Then, of course, there are the ongoing, well-known problems of the IAEA gaining access to military sites. The Parchin issue remains unresolved, Section T remains unimplemented, which covers

bans on nuclear weapons development, and the non-implementation of Section T was recently confirmed by the Director General of the IAEA.

Chairman ROYCE. Could you just clarify that in your testimony?

Mr. ALBRIGHT. I am sorry.

Chairman ROYCE. Just repeat that and just clarify a little bit.

Mr. ALBRIGHT. Recently the Director General of the International Atomic Energy Agency confirmed that Section T remains unimplemented and has actually asked for guidance on how to treat this, because Russia opposes the inspectors visiting military sites.

The justification and need to better enforce and fix the nuclear deal and associated agreements is clear. But what to do? We are all awaiting President Trump's decision regarding the 90-day certification under INARA and the administration's rollout of its Iran policy more generally.

If the administration does decertify, I believe it would be fully justified under INARA criteria. Even setting aside what are called uncured material breach issues, which I agree are debatable, the President has a solid case to decertify based on another criterion, namely whether the suspension of sanctions remains vital to U.S. national security interests and proportionate to Iran's efforts to terminate its illicit nuclear programs.

By decertifying, the President would send a powerful signal that the nuclear deal has a fundamentally flawed architecture which cannot be fixed by better enforcement alone.

My colleague Mark Dubowitz and I have recommended a middle course of decertifying but not reimposing nuclear sanctions. Instead, the number of non-nuclear sanctions should be increased and INARA and JCPOA fixed in congressional legislation.

The outline of this approach includes rewriting U.S. policy to eliminate the sunsets in a nuclear deal and Resolution 2231 and tighten inspections.

Congress, and in particular this committee, has already done significant legislative work on repairing the 5-year arms and 8-year ballistic missile sunsets in Resolution 2231, and I believe the legislation that is being put together or sent for markup will improve this even further. However, the President has not announced that this is U.S. policy or how this policy affects sunsets in Resolution 2231 and how this policy will be enforced.

In cooperation with the administration, Congress should fix the nuclear deal legislatively, focusing on the nuclear sunsets and inspections.

And let me stop here, since I am over, and happy to add to this during the questioning.

[The prepared statement of Mr. Albright follows:]

Testimony of David Albright,
President of the
Institute for Science and International Security,
before the House Foreign Affairs Committee

Hearing Title: "Confronting the Full Range of Iranian Threats"

October 11, 2017

The Iran nuclear deal, or the Joint Comprehensive Plan of Action (JCPOA), does not exist in a vacuum. It must be considered in association with United Nations Security Council resolution 2231 and U.S. national security more broadly. The deal's potential for success cannot be separated from Iran's aggressive regional behavior, as detailed for example in Secretary of State Rex Tillerson's July 2017 Iran Nuclear Agreement Review Act of 2015 (INARA) certification letter to Congress.

We are one week away from the two-year anniversary of Adoption Day, the day when the JCPOA came into effect and its implementation started. It is clear now that Iran is no South Africa, which gave up its nuclear weapons program, accepted robust inspections of both civil and military sites far beyond what Iran allows, fully cooperated with the International Atomic Energy Agency (IAEA) inspectors in a manner that Iran has not, and truly sought to rejoin the international community and build a new peaceful relationship with its neighbors.

Iran has merely temporarily frozen its most threatening nuclear weapons capabilities. It has stated as a matter of policy that it will not allow inspections of its military sites, even though some are known to have been the site of secret gas centrifuge manufacturing and nuclear weapons development work. Other military sites that are off-limits require routine IAEA inspections of JCPOA bans on nuclear weapons development efforts and controls on equipment and activities associated with such efforts. Finally, Iran has continued its threats against U.S. national interests and has conducted a range of malign behaviors.

The JCPOA, unless fixed, is a prelude to a Middle Eastern version of the North Korean mess. Few believe anymore that Iran, the region, or both will change so much over the next several years that Iran will no longer seek nuclear weapons. Given Iran's current trajectory, the risk is great that Iran will seek nuclear weapons once the nuclear limitations start to end, or these JCPOA limitations begin to sunset. The first nuclear sunset of note is eight years after Adoption Day, or six years from now, when Iran can scale up advanced centrifuge manufacturing.

One could argue that six years is a long time from now. Why worry today? One answer is that fixing a deal as complicated as the JCPOA takes time. But there are more urgent reasons to start now, namely the fact that there are looming sunsets of the conventional military and missile embargoes embodied in UNSC resolution 2231, which bear directly on the prospects of fixing the nuclear deal.

The first sunset in resolution 2231 occurs in three years, with the end of UN Security Council restrictions on arms-related transfers to and from Iran. It could happen earlier if the IAEA submits a report confirming it has reached a Broader Conclusion for Iran under the Comprehensive Safeguards agreement and Additional Protocol. At this point, Iran would be free of this embargo and can import heavy armaments for its own use and can also export them to adversaries of the United States and its allies. Although Iran is violating this part of resolution 2231 by providing major arms to its allies in the Middle East and perhaps receiving banned arms or services from North Korea, major arms suppliers in Russia, China, and elsewhere are not exporting banned heavy armaments to Iran. But in anticipation of the end of this embargo, Iran is reportedly lining up arms contracts with Russia and likely others.

Six years from now, or earlier if the IAEA reaches a Broader Conclusion, the UN Security Council restrictions end on any activity related to ballistic missiles designed to be capable of delivering nuclear weapons, including launches using such ballistic missile technology. At that point, Iran can be expected to accelerate is work to develop and deploy nuclear capable intermediate and intercontinental range ballistic missiles.

Those who argue that somehow the JCPOA deals only with nuclear matters and should be judged separate from the restrictions in resolution 2231 fail to explain that a nuclear weapon is a warhead and a delivery system. Today, the delivery vehicle of choice is a ballistic missile. The North Korean case makes crystal clear that it is both together—a warhead and ballistic missile—that creates a nuclear weapon that is the most threatening to the United States and its allies.

By the time nuclear sunsets start to occur at year 8, Iran is expected to be conventionally armed to the teeth and poised to develop nuclear capable missiles able to strike Europe and eventually the United States. By that time, it will have a powerful economy immunized against sanctions pressure. So, waiting to undo these sunsets, as some have proposed, means waiting until the United States would face a well-armed, well-funded Iranian military on the cusp of putting nuclear weapons on long range missiles.

This future is not what the United States should have signed up for, and it would be irresponsible for any president to continue to accept it. And this dire future occurs by Iran simply following the letter of the JCPOA and resolution 2231.

However, Iran has neither fully complied with the JCPOA and resolution 2231 nor fully implemented the JCPOA. With regards to the JCPOA, Iran has violated the deal on many occasions, exploited loopholes, pushed the envelope of allowed behavior, and avoided critical verification requirements.[1] It has twice exceeded limits on heavy water and benefited from a misguided interpretation of the JCPOA to store its heavy water excess of the cap overseas.[2] Iran has continued to refuse the testing of carbon fiber acquired before Implementation Day. It has

[1] David Albright, "Update on Iran's Compliance with the JCPOA Nuclear Limits- Iran's Centrifuge Breakage Problem: Accidental Compliance." Institute for Science and International Security, September 21, 2017. http://isis-online.org/isis-reports/detail/update-on-irans-compliance-with-the-jcpoa-nuclear-limits#fn4

[2] More information about the heavy water issue can be found in, "Heavy Water Loophole in the Iran Deal," by David Albright and Andrea Stricker, Institute for Science and International Security, December 21, 2016. http://isis-online.org/isis-reports/detail/heavy-water-loophole-in-the-iran-deal

operated more than "roughly 10" IR-6 centrifuges in a cascade. It has also built and operated more advanced centrifuges than it is allowed, and it has misused quality assurance limitations to conduct banned mechanical testing of advanced centrifuges.

The Trump administration is committed to robust enforcement of the JCPOA. So far, this approach has reduced the number of violations, although not eliminated all of them. In addition, Iran's overreach on developing advanced centrifuges has led to the bulk of its excess centrifuges breaking. But inadvertent compliance is not enough, and Iranian centrifuge manufacturing needs careful on-going scrutiny. Iran could be building excessive numbers of centrifuges as we speak.[3]

Then of course, there are the problems of the IAEA gaining access to military sites. The Parchin issue, where inspectors found particles of enriched uranium at a former nuclear weapons-related high explosive test site, remains unresolved.[4] The arrangement made with Iran did not permit them to return for additional investigation. The issues involving Iran's past nuclear weapons work were never resolved, merely swept under the rug in the rush to implement the JCPOA.

A new development, pointed out by my Institute, involves the non-implementation of Section T, Annex 1 of the JCPOA.[5] The IAEA Director General recently asked for clarification on implementing Section T, particularly in light of reported Russian opposition to the IAEA accessing Iranian military sites.[6]

Moreover, Iran is likely violating some of the conditions of Section T with regards to certain dual-use equipment suitable for the development of a nuclear explosive device and multi-point high explosive testing activities suitable for a nuclear explosive. The nature of the Section T conditions is analogous to verifying that allowed activities and equipment are not misused in a manner similar to verifying declared nuclear activities, such as uranium enrichment. Moreover, certain activities and equipment are subject to Joint Commission approval. Verification of Section T will undoubtedly require IAEA access to military sites.

Overall, Iran has shown a willingness to cooperate with the IAEA at declared sites, even allowing unprecedented monitoring, but it has demonstrated an unwillingness to cooperate with regards to military sites. This type of behavior is all too familiar to those of us who have followed the agreements with North Korea closely.[7]

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[3] David Albright and Olli Heinonen, "Is Iran Mass Producing Advanced Gas Centrifuge Components? Can we even know with the way the Iran deal has been structured and implemented so far?" Institute for Science and International Security, May 30, 2017. http://isis-online.org/isis-reports/detail/is-iran-mass-producing-advanced-centrifuges/8↩

[4] David Albright, Sarah Burkhard, Olli Heinonen, Allison Lach, and Frank Pabian, "Revisiting Parchin: With plenty of evidence of past Iranian nuclear weapons activity at Parchin, the IAEA needs to revisit the site," Institute for Science and International Security, August 21, 2017. http://isis-online.org/isis-reports/detail/revisiting-parchin/8

[5] David Albright and Olli Heinonen, "Verifying Section T of the Iran Nuclear Deal: Iranian Military Site Access Essential to JCPOA Section T Verification," Institute for Science and International Security, August 31, 2017. http://isis-online.org/isis-reports/detail/verifying-section-t-of-the-iran-nuclear-deal/8

[6] Francois Murphy, "IAEA Chief Calls for Clarity on Disputed Section of Iran Nuclear Deal," Reuters, September 26, 2017. https://www.reuters.com/article/us-iran-nuclear-iaea/iaea-chief-calls-for-clarity-on-disputed-section-of-iran-nuclear-deal-idUSKCN1C12AN

[7] See for example David Albright and Kevin O'Neill, eds., *Solving the North Korean Nuclear Puzzle* (Washington, D.C.: Institute for Science and International Security Press, 2000).

My Institute has cataloged violations of the JCPOA. We use that term because our intent is to obtain robust enforcement where no violation is too small to challenge and correct and limitations are strictly interpreted. However, the Iran Nuclear Agreement Review Act of 2015 uses a somewhat more complicated definition of a violation. It does so principally because this act is focused on determining a basis for Congress to re-impose nuclear sanctions under an expedited procedure. Under INARA, there are material breaches and noncompliance, where a material breach is defined as any failure on the part of Iran to perform its commitments that substantially benefits Iran's nuclear programs, decreases the amount of time required by Iran to achieve a nuclear weapon, or deviates from or undermines the purposes of the JCPOA. Noncompliance is anything that departs from the terms of the JCPOA that is not a material breach. Under the 90-day certification requirement in INARA, the President must certify that Iran has not committed a material breach, or if it has, that it has "cured" such a breach. Noncompliance cases are required to be submitted to Congress every 120 days in a report. These reports have never been made public.

The violations above, including the ones involving heavy water overage, more than ten centrifuges operating in a IR-6 cascade, and carbon fiber, appear to be examples of noncompliance. The one involving excess numbers of centrifuges would be a material breach that has been inadvertently cured as of several weeks ago. The potential violations of Section T, namely the unauthorized utilization of dual-use equipment suitable for the development of a nuclear explosive device and multi-point high explosive testing activities suitable for a nuclear explosive, could be material breaches under the INARA definition. Thus, resolving the Section T issues should be a priority.

The justification and need to better enforce and fix the JCPOA and associated agreements is clear. But what to do? We are all awaiting President Donald Trump's decision regarding the 90-day certification under INARA and the administration's rollout of its Iran policy more generally. If the administration decertifies, it would be fully justified under the INARA criteria. Even setting aside uncured material breach issues, which I agree are debatable, the President has a solid case to decertify based on another criterion, namely whether the suspension of sanctions remains vital to U.S. national security interests and proportionate to Iran's efforts to terminate its illicit nuclear programs. By decertifying, the President would send a powerful signal that the nuclear deal has a fundamentally flawed architecture, which cannot be fixed by better enforcement alone.

My colleague Mark Dubowitz and I have recommended a middle course of decertifying but not re-imposing nuclear sanctions.[8] Instead, the number of non-nuclear sanctions should be increased and INARA and the JCPOA fixed in Congressional legislation. The outline of this approach includes lengthening the certification period beyond 90 days, and rewriting U.S. policy to eliminate the sunsets in the JCPOA and UNSC resolution 2231, tighten inspections, and implement fully Section T. Congress has already done significant legislative work on repairing the five-year arms and eight-year ballistic missile sunsets in resolution 2231 but the president has not announced that this is U.S. policy or how this policy affects sunsets in resolution 2231 and will be enforced. In cooperation with the administration, Congress should fix the nuclear deal

[8] David Albright and Mark Dubowitz, How Trump Can Improve the Iran Deal," *The Wall Street Journal,* September 25, 2017. https://www.wsj.com/articles/how-trump-can-improve-the-iran-deal-1506381353

legislatively, focusing on the nuclear sunsets and inspections. The president needs to announce and explain his Iran policies.

It should be pointed out that this approach does not violate the JCPOA. Nuclear sanctions would not be re-imposed.

This approach has an advantage of allowing the administration to focus on implementing its new Iran policy. Under this policy, the JCPOA is but one aspect of many aimed at confronting Iran's malign behaviors.

The Trump administration should continue seeking consensus with European allies on ways to fix the nuclear deal. A goal should be to outline conditions under which transatlantic sanctions would be re-imposed if Iran is unwilling to accept new conditions on sunsets and inspections.

Under this approach, it is unlikely that Iran would walk away from the deal and restart its sensitive nuclear activities. It would not want to be blamed for collapsing the JCPOA and to risk the full reinstatement of U.S. and European nuclear-related sanctions. I believe it is more likely Iran will seek negotiations rather than a confrontation. It makes sense at some point to re-engage with Iran on negotiating fixes to the deals, including establishing permanent limitations on Iran's arms, ballistic missile, and nuclear programs.

However, if it does renege on the nuclear deal, the United States can focus on repairing and strengthening its relationship with its European allies and pushing back against Iranian behavior and activities with a free hand.

Chairman ROYCE. Thank you, Mr. Albright.

We go now to Jake Sullivan.

STATEMENT OF MR. JAKE SULLIVAN, SENIOR FELLOW, GEOECONOMICS AND STRATEGY PROGRAM, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE (FORMER NATIONAL SECURITY ADVISER TO THE VICE PRESIDENT; FORMER DIRECTOR OF POLICY PLANNING, U.S. DEPARTMENT OF STATE)

Mr. SULLIVAN. Thank you, Chairman Royce, Ranking Member Engel, and distinguished members of the committee. I appreciate the opportunity to appear before you today alongside my distinguished panelists to discuss the full range of Iranian threats that are the subject of this hearing.

I would like to make four points at the outset.

First, the Iran nuclear deal is working as intended. It has put a lid on Iran's nuclear program and it is blocking Iran's pathways to a bomb. Of course, it is not a perfect agreement. Diplomacy requires compromise. But we got what we need to achieve the purposes of the deal. Thousands of centrifuges have been dismantled. Iran's plutonium reactor has been neutralized. Ninety-eight percent of Iran's enriched uranium has been shipped out of the country. International inspectors have new and unprecedented access to verified compliance.

And all of this was achieved by diplomacy backed by pressure, pressure that was implemented to a certain extent by this committee, without the United States having to fire a single shot.

Today, the IAEA, the U.S. intelligence community, and the Israeli security establishment have all assessed that Iran is complying with the deal. Secretary Mattis has testified that it is in America's national security interest. So it makes no sense for President Trump to decline to certify. The deal does not solve all problems with Iran for all time, but it solves the key problem at this time.

This brings me to the second point, which is the nuclear deal does not preclude the United States from taking decisive steps to confront and counter Iran's malign activities in the region.

The fact that the JCPOA does not address Iran's sponsorship of terrorism or its regional aggression is no concession to Iran. This was an arms control agreement, not a treaty of goodwill, and we specifically designed the deal to preserve our right and our capacity to counter Iran on all of these fronts.

Today, we maintain the means to pursue a multidimensional, whole-of-government strategy to counter Iran's malign activities across the board. We can impose costs for their continued pursuit of ballistic missiles, deter and disrupt their financing of terrorism, work with our allies and partners to curb their regional aggression, and support the aspirations of the Iranian people. We can also take steps to address the continued detention of American citizens in Iran. And we can do this while relentlessly enforcing the Iran nuclear deal.

This brings me to my third point. The best strategy to counter the full range of Iranian threats is to commit to the deal and, to

borrow a phrase from the chairman, enforce the hell out of it, not cast it into doubt and raise questions about America's credibility.

We want our partners around the world to ramp up pressure on Iran's malign activities in the region. We want our European partners to stop making the artificial distinction between Hezbollah's political and military wings.

But it is a lot harder to get them to focus on these broader Iranian threats, the threats that are the subject of this hearing today, when all of their attention is on the question of will we or won't we walk away from the deal.

To put it simply, it is a lot harder to get cooperation from our partners to counter Iran when they are thinking more about the risk that Washington poses than they are about the risk Tehran poses.

Committing to the deal rather than playing games with it will not only help us marshal pressure on Iran for its regional activities, it will help us more effectively implement the deal itself.

The deal does provide the IAEA access to military sites in Iran. If all partners trust in our good faith, they will be more likely to join us in adopting a more assertive approach to enforcement and our entreaties to the IAEA to enforce these aspects of the deal will not be met with suspicion about what we are really up to.

Experience has taught us that when Iran is isolated and the world trusts America, we can rally the world to hold Iran to account. Let's get back to that.

Fourth, walking away from the nuclear deal would be a disaster for the United States. Iran would resume its march toward a nuclear capability and the rest of the world would be deeply skeptical about joining us in rebuilding the global sanctions regime.

Without a deal, we would be quickly faced with the very same painful choices we are currently facing with North Korea. These are choices we don't currently have to confront with Iran precisely because this agreement is in place.

We already have to grapple with one nuclear crisis right now, as this committee knows well. Why would the administration want to create a second one? This defies not only sound strategic thinking, but also simple common sense.

Thank you, and I look forward to answering your questions.

[The prepared statement of Mr. Sullivan follows:]

Written Testimony of Jake Sullivan
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Former National Security Adviser to the Vice President and Director of Policy Planning, U.S. Department of State

United States House of Representatives Committee on Foreign Affairs
Hearing: "Confronting the Full Range of Iranian Threats
October 11, 2017

Good morning.

Chairman Royce, Ranking Member Engel, and distinguished members of the committee: Thank you for inviting me to appear before you today to discuss U.S. policy toward Iran. I am pleased to join a panel with General Wald, Ambassador Jeffrey, and David Albright. I have had the privilege of learning from each of them over the years, and while we do not agree on everything, I have the deepest respect for their intellect and their service to this country. Likewise, I have the utmost respect for the bipartisan work this committee has done to help build the global campaign of economic pressure that brought Iran to the negotiating table and paved the way for a negotiated solution on the nuclear issue.

The subject of today's hearing is "confronting the full range of Iranian threats." Over the course of this hearing, I expect we will touch on Iran's sponsorship of terrorism, its destabilizing regional activities, its ballistic missile program, and its human rights abuses at home, including the unjustified and inhumane detention of American citizens. We will also cover the Iranian nuclear program, a subject that President Trump will address in a speech this week and on which he has an important decision to make by October 15.

There are a great many things to say on each of these subjects, and on the ways in which they interact to make Iran the complex, continuing threat to regional peace and security we confront today. To help frame the discussion, I would like to make four points at the outset.

First, the Iran nuclear deal is working as intended. It is blocking Iran's pathways to a bomb, and it has put the Iranian nuclear program in a box. Of course, it is not a perfect agreement. Diplomacy requires compromise, and compromise means giving up more than you would like and getting less than you would like. The key question is, did we get what we need? And the answer, I believe, is yes.

Thousands of centrifuges have been dismantled. So even if the Iranians walked away from the deal today, their breakout time has been extended to the point where it would take them more than a year to produce one weapon's worth of weapons grade uranium. Without the deal, it would have been a matter of weeks. Iran's plutonium reactor at Arak has been neutralized. Without the deal, that reactor could have become a bomb factory, producing enough weapons-grade plutonium for one to two bombs per year. Ninety-eight percent of Iran's enriched uranium has been shipped out of the country. Without the deal, they would have enough low enriched uranium to make a dozen bombs. International inspectors have unprecedented access to verify Iran's compliance. Without the deal, we would have had very limited insight into the program.

Diplomacy backed by pressure achieved all of this, without the United States have to fire a single shot.

Today, the International Atomic Energy Agency, the U.S. intelligence community, and the Israeli security establishment have all assessed that Iran is currently complying with its obligations under the JCPOA. Israel's national security leaders have reported that the threat of a nuclear Iran has abated to the point where it is no longer Israel's primary security concern. Secretary of Defense Jim Mattis has testified that the deal is in America's national security interest. So it makes no sense for President Trump to decline to make the certification called for in the Iran Nuclear Agreement Review Act.

Second, the nuclear deal does not preclude the United States from taking decisive steps to confront and counter Iran's malign activities in the region. The fact that the JCPOA does not address Iran's sponsorship of terrorism, its support for Hizbollah, or its regional aggression is no concession to Iran. The deal offers no quarter on these issues. Indeed, we specifically designed the deal to preserve our right and our capacity to counter Iran on all of these fronts. The Congress understands this: thanks to the work of this committee, you passed sanctions this year aimed at Iran's non-nuclear activities that were fully consistent with the JCPOA. Now it is incumbent on the administration to enforce them, and I am at a loss as to why they have been slow in doing so.

There are also further steps the United States can take, including additional sanctions measures, intelligence-led operations, interdictions, law-enforcement and military cooperation with our allies, and further diplomatic pressure. I hope we will hear a more specific set of proposals from the administration in each of these areas.

Critics warned that the nuclear deal would give a massive financial windfall to Iran, allowing it to fund its regional ambitions. But the Treasury Department's former top sanctions official, Adam Szubin, has written persuasively that sanctions relief has *not* transformed Iran into a far more dangerous threat. Contrary to the rhetoric of some critics, we did not "pay" Iran for the nuclear deal; we merely permitted Iran to recover its own assets that were frozen overseas. And the Trump administration's own Defense Intelligence Agency chief has said the lion's share of those recovered assets went to domestic, not military, budget items.

This is not to deny the reality that Iran has been aggressive across the region, it is only to underscore that they were aggressive before nuclear sanctions, during sanctions, and now after the deal. Money has never been the limiting factor. A key reason they are on the march now is their ability to cheaply exploit regional chaos — in the absence of clear pushback in Iraq, Syria, and elsewhere.

The bottom line is that we maintain the means to pursue a multi-dimensional, whole-of-government strategy to counter Iran's malign activities across the board. We can impose costs for the continued pursuit of ballistic missiles, deter and disrupt their financing of terrorism, and work with our allies and partners to curb their regional aggression. We can also bring considerable pressure to bear on their continued detention of American citizens. All of this is consistent with continuing to enforce the Iran nuclear deal. Which brings me to my third point.

Third, the best strategy to counter the full range of Iranian threats is to commit to the deal and enforce it relentlessly, not cast it into doubt and raise questions about America's credibility. We want our European partners and others to join us in increasing the pressure on Iran for its revisionism and expansionism. That including convincing Europe to stop making the artificial distinction between Hizbollah's political and military wings. But it is a lot harder to get them to focus on these broader Iranian threats when their attention is on the nuclear deal and its uncertain future. It is a lot harder to induce their cooperation when they are thinking more about the risk Washington poses than they are about the risk Tehran poses.

Instead of asking, "what can we do together to address Iran's ballistic missile program and its sponsorship of terrorism," our partners are asking, "will the United States keep its word on the deal or not?" The ambassadors of Germany, France, and the United Kingdom were recently making the rounds on the Hill to argue for staying in the deal. Even former Israeli security officials have come to Washington to underscore that it would be "folly" to walk away. If they had confidence in the deal's future, our partners could have used that time to work with American officials on a coordinated strategy to deal with the broader range of Iranian threats.

Our past success in rallying the international community against Iran rested on our partners' view that Tehran was the problem, not Washington. We need to get back to that as we work to confront Iran across the region.

The dance around decertification has not just distracted our allies, it has also distracted the American national security community. Because this administration has spent so much time focused on the "will-he-or-won't-he-certify" debate, they appear to have taken their eye off the ball of the broader Iranian threat. Consider Syria, for example. It is a central theater in Iran's expanding regional ambitions. The administration's current ISIS-only strategy has created open running room for Iran, its client Assad, and its proxy Hizbollah to assert greater control over Syria, including areas adjacent to the border with Israel. Current policy has been casual about allowing Iran and Hizbollah to exploit de-escalation zones to their advantage, creating the very real risk that Iran and its proxies set up a permanent presence on Israel's border with Syria. This committee should be pressing the administration for a Syria strategy that goes beyond ISIS and addressing these emerging threats.

Committing to the deal, rather than playing games with it, will not only help us marshal pressure on Iran for its regional activities — it will help us more effectively implement the deal itself. If our partners trust in our good faith and our good word, they will be more likely to adopt a more assertive approach to enforcement.

The issue of inspections at military sites is a case in point. The JCPOA provides for IAEA access to any site in Iran, including military sites, where there is a bona fide reason to believe Iran may be pursuing illicit nuclear activities. As long as the United States is publicly signaling that we intend to use this issue as an excuse to pull out of the deal, it is no wonder that the IAEA and our European allies resist our efforts to gain access to military sites. They see it as a ruse, not as a legitimate concern. If we commit to the deal, I believe that we would have a much better

chance of getting the Europeans and the IAEA to join us in an even more robust set of inspections that go beyond the declared facilities.

The same goes for the provisions of the JCPOA that expire in 10 to 25 years. Contrary to what critics have suggested, the JCPOA does not permit Iran to get a nuclear weapon after some of the nuclear restraints come off in the out years. Under the Nuclear Non Proliferation Treaty, which Iran reaffirmed in the JCPOA, it is forever forbidden from acquiring a nuclear weapon. Similarly, there is no "sunset" in the deal on the restrictions on weapons-related nuclear activities; Iran is permanently barred from pursuing those activities. And there is no "sunset" in the deal on Iran's obligation to permit reasonable access to its nuclear facilities; Iran is permanently required to abide by the Additional Protocol. Moreover, if the United States believes in good faith that Iran is trying to advance its program in threatening ways in the years ahead, nothing prevents us from taking action — diplomatic, economic, or otherwise — to prevent that from occurring. And a future president — as a result of the agreement and its transparency requirements — will have greater insight than we have ever had into the people, places, and technology involved in Iran's nuclear program, as well as the benefit of more than a decade to further perfect our means of disrupting it if necessary.

Even so, we will want to work with our partners on a long-term strategy to manage the Iranian nuclear threat after some of the JCPOA's provisions expire. The best way to maintain international unity and to hold Iran accountable down the road is not to threaten to crater the deal today; it is to keep the burden of proof on Iran, rather than on the United States. The president's impending decision to decertify the deal may actually take some of the pressure off of Iran with respect to its long-term compliance, by making them seem like the more responsible party in the eyes of the international community.

All of this raises the question, why would the administration insist on decertification when it comes with a number of significant risks and no obvious benefits? The administration seems to be arguing that in declining to certify the deal, they can set up an effective renegotiation with Iran. But a closer look at their concept of renegotiation reveals that it is a fantasy in which Iran gives up everything and we give nothing. In order to buy into this logic, you would have to believe that we could fully restore the global sanctions we had in place from 2011 to 2015, which we could not do because our partners have made clear they would not go along with it. You would also have to believe that Iran would capitulate to a series of demands they steadfastly rejected before, which they would not do because there are certain lines they are simply unwilling to cross.

All of this raises the risk that the purported search for a "better deal" is really a predicate for abandoning the deal at some point down the road — which leads me to my final point.

Fourth, walking away from the nuclear deal would be a disaster for the United States. Whether we left by design or by accident, because this decertification gambit set off a chain of events that led to the collapse of the deal, we would be strategically worse off. Iran would return to racing forward on its nuclear capability and we would not be able to rally the international community to stop them through sanctions. Some critics of the deal argue that Iran would not dare to move forward because of the credible threat of military force. But if all that is required to

keep Iran in check is the credible threat of military force, then why are the deal's opponents worried about the precise provisions of the JCPOA? It's because they know that severe nuclear restraints and verification measures are a much better and more stable solution than relying on the military option.

As more Iranian centrifuges spin, with fewer or no inspectors on the ground, we would quickly be faced with the same painful choices we are facing with North Korea, choices we do not currently have to confront with respect to Iran — precisely because this deal is in place. We already have to grapple with one nuclear crisis. Why would the administration want to create a second one? This defies not only sound strategic thinking, but also simple common sense.

Ambassador Bill Burns and I recently wrote an op-ed piece laying out what we thought was the smart way to get tough with Iran. I would like to close by quoting the key section here:

"The smart way to proceed would be to keep the world's powers united and the burden of proof on Iran. That means working with partners on relentless enforcement; enhancing sanctions that punish Iran's non-nuclear misbehavior, including its missile program and sponsorship of terrorism; working closely with Arab partners to deter Iran's meddling in their internal affairs; and making plain our concerns with Iran's domestic human rights abuses. It means using the diplomatic channel we opened with Iran, after 35 years without such contact, to avoid inadvertent escalation. And it means making it clear that after some restrictions in the deal expire, the United States and the world will still not allow Iran to advance its nuclear program in threatening ways."

Thank you again for inviting me here today, and I look forward to answering your questions.

Chairman ROYCE. Thank you very much, Mr. Sullivan.

Let me say that in August, I was in the Middle East. And I wanted to ask Ambassador Jeffrey a question here, because you made it very clear that allowing Iran to complete the land bridge or the corridor across Iraq and Syria to Lebanon would risk, in your words, a strategic defeat.

And I wondered if you could explain to us what you presume the impact will be on Lebanon, on Israel, and on Jordan. How could we work with our partners on the ground to block this effort?

Ambassador JEFFREY. Thank you, Mr. Chairman.

First of all, people have—including some in this administration—have pooh-poohed the idea of a land bridge: Well, it is long and it is a desert. I have been out there. You have been out there. A lot of us have been out there. TIR trucks roll around the Middle East deserts all of the time.

The Iranians, for good reason, fear—because we have done it, we did it with Turkey a few years ago, we have done it in other areas—they fear our ability to intercept and force down aircraft if we really get upset with Iran. We control the air in the Middle East.

We don't control the sand. That is what they want to do. It is a lot easier to move things by semi-trailer than it is by even jumbo jet, and the Iranians don't have many of them. The things they want to move are weapon systems, particularly, as you said, even more advanced rockets, missile systems, and components, so that Hezbollah can build such systems—we are seeing that now in Israel and Syria—to threaten Israel and threaten other allies. We see how upset Jordan is at Hezbollah moving close to its border.

Turkey is very concerned about not just the PYD, but they are concerned about Assad trying to wreak revenge for Turkey's support for the opposition. Turkey thinks it can cut a deal with Russia. It can in the short run. In the long run, Turkey's turn to be invited back out of Syria will come, believe me, just like Israel will be told no longer to operate in the air there. That is, I think, what is going to happen.

We see this with Lebanon, particularly the control, de facto, of the government by Hezbollah and thus of Iran. We saw that recently with the Lebanese Government's agreeing to ISIS fighters being transferred to the Iraqi front, basically, to the shock of the American administration.

And the idea that Syria and ultimately Iraq will be dominated by these alternative forces, political, military, like Hezbollah, like the militias in Iraq, who are loyal to Tehran and will ensure that Tehran's interests are met.

Chairman ROYCE. And that brings me to sort of the follow-up to that to General Wald.

In 2006, I watched those rockets come down in Haifa. I went down to the Rambam Trauma Hospital. There were 600 victims. They had at that time, in Hezbollah's arsenal, about 10,000 of these left. Today they probably have, let's say, 120,000.

General Wald, the fact that Iran is building in southern Lebanon and in Syria, across from Israel, factories to make additional rockets, when I was there, each one had 90,000 ball bearings in it, so you can imagine the damage it did when it came in on a civilian

area. What can we do to help Israel respond to this obvious threat since they keep telegraphing the punch that they intend to deliver?

General WALD. Yeah, Mr. Chairman, I think that is the real issue long-term.

Just up front, I would say one of the problems I have with the current, at least, declared strategy in the Middle East is it is kind of incremental and not synergistic from an overall standpoint. I go back to the bottom line, which will be just what you pointed out, there is the threat to Israel, and Saudi Arabia, for that matter. And I think there is actually a new world kind of evolving in the Middle East that we need to start taking advantage, and that is this commonality of enemy with Saudi Arabia and Israel, for one thing.

Two is, I think we need to look closely at our equipment transfer to both Saudi Arabia, but Israel as well, the number, as I mentioned in my testimony, that I think we ought to beef up the foreign aid to Israel from that standpoint. I was in Israel not long ago. We did a study on the 2015 conflict. And Iron Dome is fantastic. David's Sling will be fantastic. Arrow is really good. PAC-3 is outstanding. The problem is they don't have enough of it because of 120,000 missiles.

So they also have to have kind of a left-of-the-attack capability, which might be a cyber-type capability, which we can't talk about here.

But I think our U.S. policy and strategy, I would go along with what has been broadly commented here, is to let the JCPOA as it is, but enforce the sanctions, as you point out. I totally agree with you. I heard you on TV about a week ago saying this, and it is exactly what we ought to do.

But then number two is I think we need to really look strongly at building a stronger, maybe a unique, if you will, or different anyway, Middle East coalition that would include favorable GCC countries, as well Jordan and Egypt, and really start beefing up our capabilities to deter both Iran and Hezbollah.

Chairman ROYCE. Thank you, General Wald.

I go now to Mr. Eliot Engel of New York.

Mr. ENGEL. Thank you, Mr. Chairman.

Let me first of all say that, since a number of questions have been raised by witnesses about Iran's compliance, or lack of it, with the JCPOA, and the IAEA's ability or inability to verify, I want to encourage members of this committee on both sides of the aisle to attend our classified briefing tomorrow at 2:30 with the intelligence community to learn more about this in a classified setting. So it is 2:30 tomorrow, talk about the IAEA's ability or inability to verify and Iran's compliance with the JCPOA.

Let me ask Mr. Sullivan, how would President Trump's failure to certify Iranian compliance under the nuclear deal affect the likelihood that our partners would be willing to work with us on confronting Iran's malign activities, such as their support for terrorism and advancing their ballistic missile program? That is a concern I have.

Mr. SULLIVAN. I think it will have a negative impact, for a couple of different reasons. The first is that it will put all of the focus of diplomatic discussions between the United States and our Euro-

pean partners on what to do about the deal and whether the President is going to stay in it and on what conditions he will stay in it and whether he likes it today and doesn't like it tomorrow.

And this "will he or won't he" dance around decertification and what follows from that will distract the international community, the United States and our partners, from actually taking on Iran in Syria and across the region. And we have heard from other witnesses on this panel about how, as things stand today, United States policy toward Syria is permissive in respect to Iran's capacity to gain strength and gain territory. And we need to be working with our partners and focused on that as job number one right now.

The second thing that I think it will do with respect to our partners is make them worried that if they actually worked hard with us on a broader strategy against Iran, whether or not we would have the staying power, the credibility to go with it. Because we have looked them in the eye and told them that we would be with them in enforcing this deal, sticking with and enforcing this deal, and casting that into more broadly casts American credibility into doubt.

So from my perspective, the best way to achieve the objectives that I think both the Republicans and Democrats on this committee want to achieve with respect to Iran, we should commit to this deal. We should make clear that America's word is good, that America's faith is good, that we are going to enforce this deal to the utmost, and then we are going to rally the world to deal with all of these other challenges.

Mr. ENGEL. Thank you. Thank you.

Let me talk a bit about my trepidation about the relationship that Syria is building with Russia.

Iran has begun to develop a permanent foothold in Syria, seeking a corridor from Tehran to the Mediterranean. You speak with all the top elected Israeli officials from the Prime Minister on down, they all watch this. They don't like the cease-fire in Syria. They are all concerned about it, that it brings Iran too close to the Israeli border.

Iran's relationship with Russia, which is cemented in the battlefield defending the Assad regime, has made it possible, in my opinion, for Iran to make inroads in Syria, putting Israel's security at risk and threatening to further destabilize Lebanon and Iraq.

So anyone who cares to answer this, I have three questions. Is the United States relying on Russia to influence Iran? Would Russia agree to keep Iran contained? And what motivation does Russia have in keeping Iran in check? It seems to be falling in right with their principles.

Ambassador Jeffrey.

Ambassador JEFFREY. I will start with my conversations in Moscow 2 weeks ago. I can't get into the details of who we talked with, because it was track two. But we met both officials and—how can I put it—former officials with close ties to the government.

They basically felt that they were able to operate in Syria and that, as far as they were concerned, this whole process in the U.N., under U.N. Resolution 2254, the Geneva process for a political solu-

tion, they just give it lip service. They were pressing us to agree for a Marshall Plan for Assad's Syria, to build it up.

And as far as this current administration, as I mentioned a few minutes ago on the land bridge, when I pressed them and said, "Look, what happens inside Syria and what happens out of Syria is a security concern for our allies and for us," their answer was, "But the administration doesn't tell us that. They say they are just in Syria to fight ISIS," which is why I said we have to shift our priorities.

Russia, it does not have the same interest as Iran in Syria. For example, Russia wants to build up the Syrian Government and the regular Syrian military forces. Iran wants to at least implicitly undercut them by creating alternative power centers politically and particularly militarily. The model is Hezbollah. So there is some strain between the two.

Russia also realizes that Israel and other countries are looking to Russia to constrain Iran. And it may be that Russia will be playing that mediator role. But that isn't good for us either, for Syria to be a threat to the region that is mediated only by Russia and not by us, because the way this place has worked for the last 30 years is we have been the country that has come in and kept things under wraps.

So I do not think that Russia is fundamentally at odds with Iran and Syria. I don't think the differences are that big. I think that we as a government, if we have a specific policy, which we don't have yet, we might be able to use Russia on the margins but not too much, because they are basically an anti-status quo power, as is Iran in the region, and we and our allies are status quo powers. It is that simple.

Chairman ROYCE. Ileana Ros-Lehtinen of Florida.

Ms. ROS-LEHTINEN. Thank you so much, Chairman Royce.

It is abundantly clear that at this point this fanciful notion that if only we come to a nuclear agreement with Iran first, then Iran would be willing to engage on the rest of its illicit activity has proven to be just that, fanciful.

And, Mr. Albright, you raised the possibility of the issue of nonimplementation of Section T and that verification of this section would undoubtedly require IAEA access to military sites. Has Iran been granting the IAEA access to military sites, yes or no?

Mr. ALBRIGHT. Not since Implementation Day.

Ms. ROS-LEHTINEN. Thank you.

Now, paragraph 27 of Section E in the August 2017 IAEA Board of Governors report on verification and monitoring of Iran's compliance with the JCPOA states, "The Agency's verification and monitoring of Iran and other JCPOA nuclear-related commitments continues, including those set out in Sections D, E, S, and T of Annex I of the JCPOA."

If the IAEA is not getting access to military sites to verify Section T, how is verification and monitoring of this section taking place, and how is Iran in compliance?

Mr. ALBRIGHT. Well, I think the IAEA leaves out many things from its reports. I mean, I have spent a lot of time talking to governments in Europe, people associated with the IAEA, to try to

learn things. And it is just a decision that the Director General made that he is not going to be very transparent.

And one of the reasons I looked into Section T was because it just seemed to be a clear contradiction between what he was saying, the Director General was saying, and what was actually happening on the ground.

Ms. ROS-LEHTINEN. Thank you, sir. I don't think I will have time for responses in this setting, but we will talk afterwards, and I know we will have an opportunity.

Ambassador Jeffrey, you discussed the need to strip the so-called seal of approval bestowed upon Iran by the JCPOA and undercutting the willingness of the international business community to fund Iran's economy. And you also talk about strengthening the U.S.-EU anti-Iran alliance.

But the reality, as we know, is that EU nations have been unwilling to take any anti-Iran action, partly for fear that Iran will leave the JCPOA, but also in large part because they have concluded billions upon billions of dollars in deals with Iran.

And I would ask you—we will talk later—to your knowledge, has the EU imposed any new non-nuclear-related sanction or designation against Iran since the JCPOA? And how do we get the EU on board when its member states have given their seal of approval and opened up Tehran for business?

And then for General Wald, you mentioned Iranian regional aggression under the JCPOA undermining efforts in Iraq and in Syria, support for Hezbollah, support for the Houthis in Yemen. And there are also concerns that Qatar's restoration of ties with Iran, with Zarif having visited the emir just last week.

So I would ask just how bad the consequences are for the region if Iran continues to support the Houthis and now draws closer to the Qataris. How would we be addressing that?

And, Mr. Chairman, a note for the committee, as we are discussing the Iran nonproliferation threat, I would like to report to the committee that our very own Yleem Poblete was nominated today for the position of Assistant Secretary of State for Verification and Compliance. And as many of you know, Yleem served as the chief of staff and the staff director for this committee, and we congratulate Dr. Poblete on this nomination.

So I won't have time for answers, but I will chat with the gentlemen afterward. So I yield back, Mr. Chairman.

Chairman ROYCE. I thank the gentlelady for yielding back.

Mr. Brad Sherman of California.

Mr. SHERMAN. Mr. Chairman, I could imagine buying a flawed automobile and deciding it is a bad deal. And in some jurisdictions, you can just take the car back to the dealer and you get back all your money. But imagine if you lived in a jurisdiction where, if you take the car back to the dealer, the dealer keeps the car and your money.

Iran is going to keep our money. We unfroze $100 billion of their money. People argue about whether it is larger or smaller than that amount. We delivered over $1 billion in currency. We can renounce this deal. Iran keeps the money and is then liberated from all of the restrictions on their nuclear program.

Now, I opposed this deal because the restrictions on Iran's nuclear programs were temporary but U.S. obligations under the deal are permanent. What we should be trying to do is extend and enforce the nuclear sanctions. If we renounce this deal, we don't extend and enforce the nuclear sanctions and restrictions on Iran, we end them.

Now, there are two methods by which we can get to that bad result. The first is on our minds now because it could be triggered—the first stop could be on October 15. And that is the President could fail to issue the certification under the Iranian Nuclear Review Act.

I think if he did that the press might overplay it, but all it does is change Senate rules. It says that there could be a bill that would get immediate—or 60-day attention—it would get expedited attention in the Senate to reimpose one or more of the sanctions that we agreed to get rid of as part of the JCPOA. And they would need 50 votes instead of 60.

I don't think the Senate will use that, I don't think that they will impose the sanctions, because I don't think they want to take back the car and let the dealer keep our money too.

The other way that we could reach the same bad results would be in January of next year, because the only way the JCPOA works is for the President to issue waivers under four different—at least four different sanctions bills, and all of those sanctions waivers expire in the middle of next January.

Now, if the President were to fail to issue those waivers, then, regardless of the wisdom of Congress, we would get the bad result. So my hope is, if the President has to do something based on his need to repudiate anything that Mr. Obama is associated with, that he would take the action that just kicks the matter to Congress, and then Congress could wisely refuse to make a bad decision.

If he instead waits till January and refuses to issue these waivers, not as a result of congressional action but just as a result of his own action, then there will be celebrations in the Islamic Republic.

What we need is more sanctions with European support. The way we get those is, as Mr. Sullivan points out, we are free to impose sanctions for their other evils.

And a number of us asked John Kerry about this in July 2015 when he came before us. I specifically asked about the Central Bank sanctions. And I said, "Is Congress and the United States free, under this agreement, to adopt new sanctions legislation that will remain in force as long as Iran holds our hostages or supports Assad?" I could have added "or supports the Houthi or engages in terrorism."

His response was, "We are free to adopt additional sanctions as long as they are not a phony excuse for just taking the whole pot of past ones and putting them back."

So we have to convince the world that we are sanctioning Iran in a different way for different reasons. The more we say we hate the deal and we are in the process of repudiating the deal, the more the sanctions of 2017 begin to look like a phony excuse for taking the whole pot of past ones and putting them on, and letting Iran argue that they are liberated from the nuclear restrictions.

The more we say that we are going to live with this deal, that we respect the deal, and that we are imposing new sanctions because of Iran's other evils. And here I want to thank the Islamic Republic because they have committed such incredible evils, such mass murder in Yemen and in Syria, that they will more than justify any sanctions any of us can come up with.

I have used my time. I would ask the witnesses to respond for the record, and particularly, I would like Mr. Sullivan to outline what are the toughest sanctions we can impose that meet Kerry's standard.

Chairman ROYCE. Thank you, Mr. Sherman. Mr. Chris Smith of New Jersey.

Mr. SMITH. Thank you very much, Mr. Chairman. Mr. Sullivan, let me ask you. During the debate over the Iran agreement, the Obama administration repeatedly charged that opponents of the egregiously flawed deal somehow were pushing for war. And nothing could have ever been further from the truth in that false allegation.

Let me ask you this. Is Iran's behavior, its increased aggressiveness, its build-out on ballistic missiles, what you expected from the deal?

Mr. SULLIVAN. Thank you for the opportunity to actually——

Mr. SMITH. Make it quick because I don't have much time.

Mr. SULLIVAN. To clarify this point. I never believed in negotiating this deal from the beginning that producing a nuclear agreement with Iran and arms control agreement with Iran that we would fix Iran's larger——

Mr. SMITH. Okay. You said that. Let me ask you this and the others, too. Secretary of State John Kerry said on CNN or it was reported by CNN, January 21 of 2016, that money from the deal that the Iranians were getting would go to terrorists. To whom has that gone? Who are the terrorists and how much?

Mr. SULLIVAN. As I understand it, the Trump administration's DIA chief has said, the bulk of that money has gone to domestic purposes, not to the IRGC. But, of course, the IRGC and its affiliates——

Mr. SMITH. But do you know how much is gone?

Mr. SULLIVAN. No. I think it would behoove the committee to get a briefing from the DIA chief who has laid out where he thinks the assessment——

Mr. SMITH. Let me just say something. We had numerous hearings and the chairman was stellar in ensuring that we had multiple hearings on the Iran deal before, during, and now after. Even before the deal was signed, Khomeini said that he will never permit inspectors to inspect Iran's military bases.

The Iranian Minister of Defense said, "Tehran will not allow any foreigner to discover Iran's defensive and missile capabilities by inspecting the country's military sites." And Under Secretary of State, Wendy Sherman, and others, continually talked about any time, anywhere types of inspections.

General, you might want to speak to this. She then went on to say, absent the deal that was signed, that was merely rhetorical. Ronald Reagan used to say, on-sight verification was key. Any time, anywhere, and you brought up, and Mr. Albright, this Section

T problem, you might want to elaborate on that, if you would, for the committee. General.

General WALD. Congressman, thank you. First of all, on the money issue, I would just say from my perspective, I am not a treasury expert, but $100 billion to Iran may not necessarily have gone directly to the IRGC, but it freed up the money that they would have given the IRGC had they had it in their own coffers. Maybe it didn't go directly to them, I think it is a nuance that——

Mr. SMITH. The money is fungible, in other words.

General WALD. Money is money, it is fungible. On the inspection issue, I don't think any of us should be naive to think Iran is not cheating on what we considered the deal with the military installations. That to me, is almost flabbergasting that we would think that was going to be an acceptable issue where we have, you know—frankly, underground facilities could be built almost anyplace. We don't have perfect intelligence. We have some pretty darn good intelligence. We don't have perfect. I would venture to say that I would be 99.9 percent sure Iran is cheating on the deal, and that portion of it needs to be looked at closely.

And I am very disturbed that we are basically void of a real broad strategy in the Middle East that would both defend our interests and Israel's.

Mr. ALBRIGHT. I think one of the unfortunate mistakes that the Obama administration made was to downplay the importance and of getting demonstrated access to military sites in Iran, and solving what are called these possible military dimension issues prior to implementation day. It set up a very unworkable dynamic for the inspectors.

There is a mechanism in the deal to really press Iran to accept inspections, but it happens to have a huge risk of bringing down the deal. And the international inspectors don't want to be put in that position. And I think that has been part of their timidity to push this issue. I think that one of the things that if the President does decertify, and in fact if he doesn't, there is a need for Congress to start thinking through legislation to fix this deal.

And I think there is many ways to do that, but I think it is a priority to focus on how to ensure that the inspectors get in there. And I would add, that most of this new talk of wanting to enforce the deal better among our allies, willing to look at fixes, is only because President Trump said he would walk away. Before that, there were big problems in getting the Europeans to take any of these problems seriously.

So I think that President Trump has done a service, while we could all argue about how it is played out, but he has done a basic service to try to get people to focus on the inadequacies in this deal and fix them.

Mr. SMITH. Let me just ask, in my final second. Iran/North Korea collaboration, does it exist? Has it in the past? What is the status of it now?

Mr. ALBRIGHT. Certainly there is a belief there is collaboration on missiles. On nuclear, it is much more uncertain, but it is a concern for the future.

Chairman ROYCE. Mr. Greg Meeks of New York.

Mr. MEEKS. Thank you, Mr. Chairman. First, I just got to make a comment, General Wald, that your last statement is clearly speculation—is 99 percent pure speculation. And speculation without facts, sir, is very dangerous. So I just have to make that comment. I don't need an answer, but I just need to make that statement because——

General WALD. Well, I would just say one thing. There is .01 percent it isn't—and number 2 is,——

Mr. MEEKS. Well, I have limited time. I am reclaiming my time.

Mr. Sullivan, number one, listening to your testimony earlier, I go to church on Sunday. I would have said amen. It seems to me that it made logical sense. I think people forget how we got to the table into the first place. It wasn't a bilateral agreement between us and Iran, it wasn't even the bilateral sanctions that we had on Iran.

It is the fact that we did lead that was able to get the other countries to work with us, and for them to also apply the sanctions multilaterally that brought them to the table so that we can discuss what issue, which our focus was, to prevent them from having a nuclear weapon, as you appropriately said.

And that there was nothing to prevent this, because I think we are all united on the fact that we are not sitting back and trusting Iran and saying that we are not going to do anything—other than nefarious activity, we got to stop them. And we got to use, you know, other sanctions. We have got to try to unite and bring our allies together, as we did, on this agreement to prevent Iran from having nuclear weapons.

And I think that we all agree, too, I don't know any bill ever passed the United States Congress, or anyplace else, that is perfect. There is no bill that is perfect. We always negotiate and no one gets their way 100 percent. That being said, I would be interested to know, Ambassador Jeffrey, you heard the testimony of Mr. Sullivan, is there anything that you disagreed with that Mr. Sullivan said?

Ambassador JEFFREY. I was both hoping and fearing that that question would come up, Congressman, because Jake and I have both worked a lot in the diplomatic world, and when we disagree, this is a disagreement of opinion, we can't prove it.

Here is the problem with this agreement and our allies. First of all, our allies in the region are happy if we not walk away from the agreement, but we can certainly do quite a bit on it. We are really talking about our allies in Europe. And they have an almost rabid embrace of this agreement because of their philosophy, which is that international agreements and the U.N. are the way to deal with all problems.

The problem with this is, they also have a rabid reluctance to engage or even to support us in engaging doing the hard work of containing Iran. I don't think that us behaving well with this agreement is going to get them to sign up to more joint action in Syria and Iraq against Iran. I think, rather, as Mr. Albright said, if we question that agreement, and say, look, to the degree we are going to hold to much of it will depend on how successful we are regionally, and that requires your help. I think that is the way to go forward.

Mr. MEEKS. Go ahead, Mr. Sullivan. I see you wanted to say something.

Mr. SULLIVAN. I think this military inspection issue is a great case in point. The deal provides the IAEA the opportunity to get access to Iran's military sites, and Iran is not allowed to simply say no. However, it also requires our allies to work with us, our European partners to work with us to make that happen.

When Ambassador Haley goes to Vienna to raise the issue of access to military sites, and there are reports in the press here that say the reason the Trump administration is raising this is they wanted an excuse to walk away from the deal. It is no surprise the Europeans and the IAEA are reluctant to engage with United States on that issue.

From my perspective, the way we were able to build a campaign of pressure against Iran to get to this nuclear deal in the first place, which the Europeans did not want to go along with because they were allergic to the really biting sanctions, it was by making clear that the United States was going to act in good faith, and that all of the burden of proof was on Iran.

What the Trump administration has done is created real questions about where that burden of proof should lie, and that is why I think we have such a challenge.

Mr. ALBRIGHT. Could I add one thing. I think Ambassador Haley went to Vienna for very good reasons, to raise issues and learn things. Using false statements in the press to try to impugn what she did, I think is unfair.

Mr. SULLIVAN. I am not impugning Ambassador Haley, what I am saying that is the Trump administration's approach, they are putting out publicly that one of the ways in which they may want to ultimately walk away from the deal is to point to this provision. And to make that part of the public theater around this, I think it is a challenge. That has nothing to do with Ambassador Haley herself.

Mr. ALBRIGHT. They never said that——

Chairman ROYCE. Well, time has expired, regardless. And we have to go to Mr. Dana Rohrabacher of California next.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman. And again thank you and Representative Engel, for your leadership on this particular issue, which is of vital importance to the security of our country. Let me just see if I can ask a yes or no question.

Is Iran in compliance with the treaty? Just yes or no, down the line.

Ambassador JEFFREY. Treaty yes; 2231 Resolution, no.

General WALD. No.

Mr. ALBRIGHT. Not in full compliance.

Mr. SULLIVAN. Yes.

Mr. ROHRABACHER. Okay. So we have two of our witnesses are saying that they—it was their decision that basically Iran is not in compliance, and we have one that is sort of both ways, but in the end that was a no, as far as I am concerned.

General, let me just note, we have to push buttons here, yes or no, when we go to vote. And when you got 99 percent of something, you feel something is right 99 percent. That is a really easy vote for us to make. Maybe I am just talking for myself, because you

do realize there is always a couple percentage points on the side of the argument.

So let's just say already we have the majority at least of this—of our witnesses today saying that Iran is not in compliance. And is there a question then, should the President of the United States lie about it? We gave him the responsibility of determining where there was compliance. Of course not. And we have people who are responsible people throughout our country telling us they are not in compliance. And it may mean something really bad for our country in the future if we simply ignore it, as we have found out in Korea.

And I was right here when we were told about how North Korea deserved to have the treaty, and we gave them $5 billion, and now where are we at—on the edge of a catastrophe. No, it does not—kicking the can down the road, asking the President not to recognize reality is not the answer here.

And, again, I agree that we owe the President a debt of gratitude for bringing some reality to decision-makings like this, rather than trying to have what I call irrational optimism about the future, which always leads us to situations where—like we face in North Korea today.

One thing that we—this is not just an alternative, however, of facing the mullahs down on this particular issue or dealing with them in some way militarily. We have other ways of ratcheting up pressure on the mullah regime.

We have some friends here dressed in yellow today to remind us that the people of Iran don't like the mullah oppressors who murdered their own people. We have people, Baloch in Iran. We have Azeris in Iran. We have Kurds in Iran, all of whom feel they are opposed. We haven't even ratcheted up any of the pressure on them, even as Iran, the mullah dictators, thumb their nose at us and take the money, but don't comply fully with the expectations of that treaty.

We need leadership here. We can't wait for more than 99 percent certainty before we act. And there are avenues that are non-military confrontational. So I would hope that we act. And I wish our President well. Our chairman, Ed Royce, in his opening statement, Chairman Royce mentioned the fact that there are people in Iran who are not our enemies. The people of Iran are not our enemies. It is the mullah regime. Just like the people of North Korea are not our enemies. We have got to be realistic in our approach and not try to ignore realities, if we are going to have a better and more peaceful future.

I will give—I have 20 seconds more. If anyone can—Mr. Sullivan, go ahead and disagree with me. Go right ahead.

Mr. CICILLINE. I ask unanimous consent to give him additional time, disagree with Mr. Rohrabacher.

Mr. ROHRABACHER. Oh my gosh.

Mr. SULLIVAN. I would say, first, I wouldn't substitute the judgment—as much as I believe in myself and respect my colleagues here on this panel, I would not substitute the judgment of any of us for the combination of the IAEA, the United States intelligence community, and the Israeli security establishment, all of whom have said Iran is complying with the deal.

And then secondly, as respects the reality of Iran's malign activities in the region, I laid out my own views about the threat that it poses, and the steps, the decisive steps the United States needs to take to do it. I think we do that better by committing to the deal than playing games with it.

Mr. ROHRABACHER. And thank you, witnesses, and Mr. Sullivan. Does that include a comment from one of our other guests as well. Yes. Go right ahead.

Ambassador JEFFREY. Very quickly, Congressman Rohrabacher, the legislation that you gave to the President that he is acting on with this certification, the Iran Nuclear Agreement Review Act, has him certify things beyond just whether Iran is in compliance, including, is Iran doing things outside, this is number three. Is Iran doing things outside of the agreement, covert or others, for its nuclear weapons program? Arguably its missiles would put it in that category. And number four is, is it in our vital national interest?

I think that the President has room to take step one of several positions here without necessarily challenging Mr. Sullivan's view that technically Iran is in compliance with the agreement, not the U.N. resolution.

Chairman ROYCE. Okay. We go now to Mr. Ted Deutch of Florida.

Mr. DEUTCH. Thank you, Mr. Chairman. Thanks to you and the ranking member. Thanks to our really esteemed group of witnesses here today.

Mr. Chairman, I opposed the JCPOA back in 2015. But like you, I said from the beginning that we have to vigorously enforce this international agreement to ensure that we hold Iran accountable where we can. And while I continue to have some concerns, I believe the President's own Secretary of Defense and his own Chairman of the Joint Chiefs, and the opinions that we have heard today, that walking away from the deal is simply not in our interest.

Mr. Albright, you presented some of the dangers of the deal sunset provisions. Beyond the ability of Iran in 8 to 13 years to ramp up centrifuge design of construction, increase enrichment activity, and pursue heavy water. There are conventional weapon sunsets coming even sooner. In just 3 years, U.N. restrictions on conventional weapons transfers expire, in 5 years the sanctions of the missile program expires, and the EU arms embargo expires. And I think people are right to focus on the implications of these provisions lapsing.

But if we walked away from the agreement tomorrow, if the President pulled us out of the JCPOA, those sunsets would effectively drop from a decade to a day, since Iran would be freed of its obligations under the deal. That is the implication of what happens if the President chooses to pull us out of this deal.

Mr. Albright, in your testimony you recommend a policy whereby the JCPOA is but one aspect of many in confronting Iran's malign activity. I could not agree more. And that is precisely why Congress passed targeted Iran sanctions earlier this year, which includes a host of new authorities for the President to combat Iran support for terror groups like, Hezbollah, IRGC's regional meddling, ballistic missile development, and their appalling human rights record.

Like Mr. Sullivan noted earlier, I too am at a loss for why the administration has been slow to enforce these sanctions. And so, Mr. Sullivan, I would ask you, as we engage in a replay of so many of the discussions that took place surrounding the JCPOA, Iran continues its dangerous activities. We have provided tools now to do something about it. What should we be doing?

Mr. SULLIVAN. I am afraid that for reasons I can't fully explain, there is a significant gap between the rhetoric from this administration on Iran and their policy on the ground. I think one of the reasons is because they have had an ISIS only focus in Syria. And Syria is a crucible—it is a critical theater for Iran's efforts to expand its influence in the region.

I believe that the administration should come forward with a comprehensive strategy for how we are going to deal with the future of Syria that is not just about ISIS, but that is about denying space and capacity for Iran and Hezbollah to threaten the rest of the region. And even, as Chairman Royce was talking about, set up rocket factories right near the border with Israel. I think they have to show us how they are going do that.

Beyond that, the House and Senate produced a set of non-nuclear sanctions around ballistic missiles and other malign activities. And to my knowledge, to date, those various sanctions have not been enforced yet by this administration, certainly have not been enforced fully. I would ask the administration, why not? And I would get to work doing that.

Part of the reason I suspect that they haven't been fully enforced is the administration is putting all of its time, at the moment, into figuring out how to resolve this completely unnecessary debate around certification, and taking their eye off the ball of these other issues.

My argument would be, because you can and should certify, do so, and then move on to focus on the immediate threats that we face in the region.

Mr. DEUTCH. And you had said in your testimony that the deal is not a perfect agreement. I agree. I just believe that—and I also think it is okay to acknowledge that. And I think that we have an opportunity to try to address the short-falls of the JCPOA through diplomatic channels, which will be made exceedingly more difficult if we isolate ourselves from our international partners and cut off the diplomatic channel that we need to do something else, which is to finally bring home the Americans who are held there, including my constituent, Bob Levinson.

Mr. Sullivan, you noted that we can bring considerable pressure to bear on Iran's continued detention of American citizens. Bob, as you know, we have talked about multiple times, is the longest held American hostage. His family has been missing him for more than 10 years now. What more can and should the administration be doing to secure his release and the release of other Americans who are being held?

Mr. SULLIVAN. First, I think that senior officials in the White House should meet with the families of all of these detained Americans. Should talk to them about what they are going through and how they are suffering. When I was in government, I dealt with the

families of the brothers and the parents of detained Americans in Iran, who we ultimately, thankfully, were able to bring home.

And then I think that the administration should be making clear to the Iranians that the United States has a number of tools at its disposal to be able to bring pressure on Iran, as long as they continue this unjustified and inhumane detention. And we should do so. We should put this up to the top of the diplomatic priority list because these are our citizens and these are our people and we should get them home.

Mr. DEUTCH. I appreciate it. Thank you. Thank you, Mr. Chairman.

Chairman ROYCE. Ted Poe of Texas.

Mr. POE. Thank you, Chairman. Mr. Sullivan, you mentioned a word, rhetoric. Rhetoric. When the Iranians say, "The Ayatollah says he wants to eliminate and destroy Israel," do you believe that is rhetoric or do you believe that that is the policy of Iran? Which is it?

Mr. SULLIVAN. I believe that the Iranians were trying to acquire a nuclear——

Mr. POE. Pick one. Excuse me. It is my time. Just answer the question. Is it rhetoric or do they mean it? Take your choice. Don't explain the answer.

Mr. SULLIVAN. I think they would like to see the end of the State of Israel.

Mr. POE. How about the United States? Number one, wipe out Israel. Number two, wipe out the United States. Is that rhetoric or does the Ayatollah mean it?

Mr. SULLIVAN. I am not familiar with him saying wipe out the United States.

Mr. POE. Well, you are not reading his press releases. Ambassador Jeffrey, what do you think, is it rhetoric or does he mean it?

Ambassador JEFFREY. On America it is rhetoric. On Israel it is more serious.

Mr. POE. So he doesn't mean it when he says he wants to eliminate the United States from the face of the Earth?

Ambassador JEFFREY. I don't believe so. I believe he does want to take that position, vis-a-vis, Israel, and he is taking actions that will allow him to possibly do it.

Mr. POE. So you think that the United States can afford to believe that, oh, it is just rhetoric, they don't mean it, they love us. You want us to take that position with nuclear weapons at stake, intercontinental ballistic missiles at stake, working with the North Koreans. They don't need intercontinental ballistic missiles to destroy Israel, they have missiles to destroy Israel. They want those missiles for us, maybe the Europeans. So you just want us to take the chance that, oh, it is rhetoric, even though he has said that since the day he has been anointed as the Supreme Leader of Iran. He wants to eliminate the United States. You want us to take that chance?

Ambassador JEFFREY. This is based upon 40 years of dealing with the cultural and religious and historical——

Mr. POE. So you want us to take the chance? Mr. Ambassador, I am sorry, I have 5 minutes. Don't ramble. You want us to take the chance that it is rhetoric?

Ambassador JEFFREY. It is not rhetoric, he wants to drive us from the Middle East and will use every means possible to do so——

Mr. POE. Including destroying us. Excuse me. I am reclaiming my time. I just have a few minutes. I don't want to be combative in the sense that we are not dealing in the real world. I think Mr. Rohrabacher said, irrational optimism is a good phrase. We are dealing with irrational optimism if we can trust the Iranian Government. They have done everything they can to move to a place where they can destroy the United States.

The human rights abuses against their own people, we don't spend a lot of time talking about that. You got a group of people here, they have got families and friends that have been tortured, disappeared, locked up in prison over the years because of the regime that wants to destroy the United States. I commend them for being here. Talk to these people and find out how their families were tortured in Iran, and continued to be tortured by this guy, who uses rhetoric, to say he is going to destroy the United States.

Everywhere in the Middle East you find Iran mischief-making. We had a hearing in our terrorism subcommittee last week, we used this map to talk about the fact that the Iranians are using terrorist groups in Afghanistan, Iraq, Syria, Yemen, West Bank, the Gaza Strip, Bahrain, and Lebanon. Everywhere there is the turmoil in the Middle East, there is the Iranian Government doing what they can through the IRGC or terrorist organizations.

We need to take these people serious when they say that they want to eliminate Israel and they want to eliminate the United States. I think we are dealing in, like I said, irrational optimism if we think anything different. So without using Trump rhetoric, I think the President is being a realist about the world's situation. We over here, and the Europeans especially, who have a history of not dealing with actual facts, especially when it comes to countries that want to take over the rest of us. So we do what we can to stop what they are doing.

Now, maybe it is the deal, maybe it is—I would like a refund on that $150 billion we gave to them. Maybe it is to stop the intercontinental ballistic missiles, because that is not rhetoric, they are actually developing those, in my opinion, with the North Koreans. And you got these two rogue states in the world who keep talking about how they want to destroy the United States.

Maybe we should say, okay, we are going to be prepared rather than say, well, you really don't mean it. So, I know I have gone over, Mr. Chairman, I apologize. And thank you, gentlemen.

Chairman ROYCE. Thank you, Judge. Well, unfortunately, General Wald had to leave us for a previous commitment, but we appreciate his time and willingness to continue the conversation, as he has indicated to us with the members here.

We now go to Congresswoman Karen Bass of California.

Ms. BASS. Thank you. Thank you, Mr. Chairman, as always, for holding this hearing. I wanted to get at a couple of things in my questions. One is the differences between you when—I think it was two of you said Iran was not complying. And you, Ambassador, said that Iran was complying, but not with the resolution. And then Mr. Sullivan said there was compliance. And I wanted to understand

what the differences were. Where you think Iran is not complying, and what is the difference between Mr. Albright and Mr. Sullivan.

And then I also wanted to ask a couple of questions related to the consequences of us walking away, if we did. So maybe Mr. Albright and Mr. Sullivan can begin.

Mr. ALBRIGHT. Yeah. One is—in my testimony I gave several examples of where they have—they have been violating the deal, and I can go through them——

Ms. BASS. Well, just give me one, and then I would like ask Mr. Sullivan to respond to that.

Mr. ALBRIGHT. Accepts numbers of centrifuges that they were operating. They have exceeded on the heavy water cap.

Ms. BASS. Okay.

Mr. ALBRIGHT. And I can name 5 or 6 others.

Ms. BASS. That is fine.

Mr. ALBRIGHT. I want to make another point.

Ms. BASS. Okay. Quickly.

Mr. ALBRIGHT. Quick clarification. The International Atomic Energy Agency does not rule on whether Iran is in compliance. It is a misstatement to say that their reports or the statements of the Director General are saying that Iran is in——

Ms. BASS. Okay. Thank you. Mr. Sullivan, can you please respond?

Mr. SULLIVAN. Yes. I think Mr. Albright would agree that these two examples he just gave, both of which have been cured, were not material breaches of the agreement. In fact, that is why, in his public writings, Mr. Albright has tended to rely on the—it is not in our interest prong of the certification rather than the compliance prong.

I would also say that what Ambassador Jeffrey said in terms of the distinction between the U.N. resolution and the deal is correct. The U.N. resolution bars Iran from testing ballistic missiles, they are doing so. So it is in fact the case that Iran is not in compliance with the U.N. Security Council Resolution, which is why steps by this committee on issues like ballistic missiles are not only justified but necessary.

Ms. BASS. So being not——

Mr. ALBRIGHT. And I——

Ms. BASS. No. Being not in compliance with the U.N. resolution, what is the implication of that for the deal?

Ambassador JEFFREY. I have talked to the Iranians on that, and they say, well, we didn't agree to that. But it turns out that the U.N. resolution is under chapter seven, which has the force of international law. And it is not just the missiles, it is also arms transfers. In fact, that is stronger language in the resolution.

What it does is, again, it casts into doubt what Iran is trying to do in the region. Why it doesn't adhere to those resolutions, that resolution—and again, it raises questions about the political environment in which this deal was done. This is not a country coming in from the cold. This is not a country giving up its—as the Congressman had said—its rhetorical threats to Israel—and real threats to Israel and rhetorical threats to us. This is a problem.

Ms. BASS. Okay. So in terms of consequences of walking away from the deal, that part is difficult for me to understand, consid-

ering, as my other colleagues have said, this was not a bilateral agreement. So one of the consequences for snapback sanctions would be sanctioning Chinese companies for doing business with Iran. How then would this impact U.S. strategy on North Korea?

Ambassador JEFFREY. Again, we have different opinions here. I am not for walking away from the deal.

Ms. BASS. Okay.

Ambassador JEFFREY. I think that the deal is flawed and I think that there are things we can do. I would—frankly, I would be in violation, if I could, of the two articles that call for us to help Iran economically, and I would push for a new agreement. I would pressure Iran, through financial constraints on companies and such, and I would raise the possibility that we are going to do more against the deal because this deal is part of a larger context.

Walking away from the deal is, as everybody has said, is not going to get a new and better deal. The Europeans, the Russian, and the Chinese are neither going to negotiate a new deal, nor will Iran. And, furthermore, they will not apply the U.S. sanctions multilaterally against Iranian oil.

Ms. BASS. Mr. Albright, consequences of walking away? I am assuming that you think we should walk away from the deal.

Mr. ALBRIGHT. No, I didn't say that.

Ms. BASS. Okay.

Mr. ALBRIGHT. What I said is, I separate the certification process. There are some real problems in INARA.

Ms. BASS. Do you think we should walk away from the deal?

Mr. ALBRIGHT. No. I think we should fix it——

Ms. BASS. How do we fix it unilaterally without all the other——

Mr. ALBRIGHT. I think we should wait and see what President Trump says, and rewrite the conditions of the deal.

Ms. BASS. Okay. In, my last 30 seconds. Could you respond, Mr. Sullivan, in terms of if the snapback sanctions in China—what I was saying?

Mr. SULLIVAN. Yes. Both with respect to China and with respect to any efforts in negotiating with North Korea, going to them, and saying, hey, work a deal with us on the nuclear issue, you can count on us to actually enforce it. That would be a laughable proposition if we just walked away from the Iranian nuclear deal.

And by the way, we do not have the bandwidth to take on two nuclear crises in two different regions of the world at the same time, so let's not create a second one.

Ms. BASS. Thank you. Thank you, Mr. Chair.

Chairman ROYCE. Thank you, Congresswoman Bass. We go to Adam Kinzinger of Illinois.

Mr. KINZINGER. Thank you, Mr. Chairman, and thank you all for being here today, I appreciate it. I think one of the things that has probably been mentioned, but it bears repeating, is there are a lot of dead American soldiers as a result of Iran's intervention in Iraq. And when I was in Iraq, I mean, there were operations against these—whether it is the EFPs or intelligence assets, et cetera. So I think that is something we should never forget.

The big picture, this deal, I think, whether Iran is violating the technical letter of the deal, there is no doubt they are violating the spirit of the deal. And I found it interesting that Foreign Minister

Zarif blamed the U.S. for instability in the region when in fact it is their support for Bashar al-Assad with the Russians in brutalizing and in murdering plenty of innocent people in Syria is one of the most destabilizing forces in the Middle East in a very long time. And our inaction there is actually shameful.

Mr. Sullivan, just a couple of questions, respectfully, for you. Based on your role in the negotiations, why was it so important for the administration to separate the terrorism support and the missile development from the JCPOA? And let me ask you more specifically. In the opening salvo of our negotiations, was missile development on the table and then was it taken off?

Mr. SULLIVAN. We made a strong push to curb Iran's ballistic missile activity as part of the deal. It was clear to us that we were not going to get to deal on the fissile material, the nuclear material, with missiles as a part of it. And we made a decision that not allowing Iran to get a nuclear bomb was worth doing, even though we have to pursue the missile issue separately.

With respect to terrorism, there are two reasons. The first is that that requires a regional negotiation that goes way beyond what the P5+1 can do, because that implicates all the countries of the region.

But secondly, trading off what Iran can do in the region against particular constrains in its nuclear program is a very strange way to conduct a negotiation. It is better, from my perspective, to do an arms control agreement with a country that is an adversary of ours, like we did with the Soviet Union, and then retain our capabilities to go after them for all of their malign activities in the region, including, as you say, the killing of American troops in Iraq.

Mr. KINZINGER. I think the broader thing is, as one of you all mentioned just a few minutes ago, let's wait to see what the President unfolds when he talks about this. There is a lot of speculation about what the President is going to do. I know some of the strategy and some of my discussion, I actually think it is well thought out. But we need a broader engagement of Iran. I think the nuclear deal is a small part of the bigger piece of the pie.

I do want to make the point, though, that developing the delivery mechanisms for nuclear weapons is an extremely, in my mind, important part of the nuclear weapon question. And so I think that is something I hope we can address.

Ambassador Jeffrey, we have talked extensively about Syria in the past, and as we mentioned, Iran continues its support of Bashar al-Assad and instability. On numerous occasion, Iranian-backed Shia militia have threatened our special forces that are working with the moderate Syrian opposition on the ground. And every time Iran has tried to poke the bear, we have responded with force, which I commend. However, if we continue to allow Iran to gain more of a foothold in Syria, there is going to be no stopping them from achieving their land bridge of control from Tehran to the Mediterranean.

What do you think a permanent Iranian presence in Syria would look like? And what actions do we need to do to prevent them from establishing this presence?

Ambassador JEFFREY. It would look a lot like what we have at present, Congressman, that is, it would have Iranian advisers, it would have essentially the Quds Force, foreign legion of militias

from as far afield as Afghanistan, obviously, Hezbollah present there. It would have weapons systems such as medium and longer range missiles, focused on Israel initially, but also on Turkey and Jordan potentially.

And it will sooner or later use those forces to roll up our, as you said, moderate friends and allies, such as the PYD, such as the Free Syrian Army element that we are still working with in the south of the country.

The goal of Iran and Assad is to totally retake all territory in Syria and put it under Assad's brutal rule. Iran will support that. Russia has some doubts, but in the end will support it unless they fear that they will face a military push back from us, and so far they have seen no sign of that. In fact, we haven't always pushed back from the Iranians. We abandoned several sites where we were present on the ground with our troops and some of our allies close to the Iraqi border a few weeks ago.

Mr. KINZINGER. All right. Thank you. At risk of going over my time, I will just yield back.

Chairman ROYCE. Mr. Bill Keating of Massachusetts.

Mr. KEATING. Thank you, Mr. Chairman. I think it is important to note that of the three witnesses we have in front of us now, selected from both sides of the aisle, all three say we should not walk away from the plan. I think that is important to emphasize right now. There are areas of agreement where we go from here.

There is a political narrative I am concerned about right now, and that is the fact that if the President fails to certify the plan, and then Congress doesn't do anything for that period, then no harm, no foul. Well, evidently, a lot of people don't agree with that, including the Secretary of Defense.

I would like to ask, Mr. Sullivan, what is the impact of that? This idea that there is no harm in this? It sends a message. It is a political message. You know, I don't think it is only dangerous, it is foolhardy. I would like your comments on this.

Mr. SULLIVAN. I agree with you that it is dangerous. It is dangerous because it is destabilizing, because it creates doubt, and it creates uncertainty as we go forward. And it makes all of our partners think you know what, the United States isn't actually committed to seeing this thing through. And from my perspective, working to address issues not dealt within the deal, whether it is ballistic missiles, or working on what happens after some of these provisions expire in the out years is much easier to do with a set of partners who have confidence in your good faith and your willingness to hold true to your word, where Iran is the one with the burden of proof, then where they are sitting there constantly worried that at any moment you could walk away.

Mr. KEATING. And you are playing with fire, if I may, because in that period there could either be a coincidence of a major incident in that area, or it could be orchestrated to occur, and that could affect the way Congress deals with that 60-day period. And that is dangerous as well.

Mr. SULLIVAN. I mean, there is a huge amount of—a range of unpredictability here. Let's imagine that we have a circumstance in which the President declines to certify, it goes to Congress, Congress doesn't act, the President is unsatisfied with the state of play,

and now all of a sudden he is thinking, okay, what is my next move? And then that next move could be a further unraveling, and so forth on down the line.

Or for that matter, he decides, as I think some suggested, I am going to unilaterally rewrite the terms of the deal myself. And I think that would be a way of—a sure way to end up collapsing the deal over time without the rest of the world joining us and then reimposing pressure.

So I agree with you that it is—playing with fire is a very good term.

Mr. KEATING. Thank you. And I want to commend the witnesses, too, because, I think—the ones that remain here, in their testimony, at least they are offering alternatives. They are saying, you know, I don't want us to walk away, but there are things we should do. And that is the precise discussion that we should be having. And that is my concern.

Now, so many other people have commented, even with some of the questions, criticizing the situation, even outside the agreement, which isn't what we are here about today. But, also, it is a very narrow agreement. But, also, not offering where do we go from here, which invariably goes two ways when you unpeel the onion.

It either says, we are going to use our sanctions by ourselves, unilaterally, trying to influence our European allies on this that would walk away or there is military intervention. Those are the two main alternatives that are left.

I would like Mr. Sullivan to comment on 1996 with the ISA. What happened when the U.S. was left with that alternative of saying, we don't want Iran to grow its energy program the way it is now, so we are adopting these strong financial sanctions in place. Explain to us what happened then when we tried that as one of the two major alternatives left?

Mr. SULLIVAN. So in 1996 when the United States passed the Iran Sanctions Act, the Europeans—and part of that was about trying to stop European companies from investing in Iran or doing deals with Iran. The Europeans passed protective measures, basically telling their companies, don't worry about U.S. sanctions, we will have your back, you go ahead. And, in fact, over the course of both Democratic and Republican administrations, the ISA was never really effectively enforced against Europeans companies.

We developed an entirely different strategy over the course of the past several years with help from this committee, but that strategy relied on a simple predicate, which was that the world could trust the United States. That the United States was going to be the constant source of predictability and strength, and that Iran was the one that had the spotlight shown on it. And we have reversed that right now in a way that is making the Iranians walk around with a smile, and is making Europeans think, we don't necessarily have to listen to Washington.

Mr. KEATING. I want to thank you for mentioning the committee, because I do think we have played a role in developing a strategy. And as I have listened to all of our witnesses here, I would say this. We are looking at one of the real problems here. It is not in the confines of this deal, it is the lack of an overall strategy and resolve going forward that we can work on and be strong on, have

resolve on as a country, working with our allies, that is the problem we have now. That is what we will work forward in a bipartisan way in this committee, and that is what is lacking right now with the administration.

I yield back, Mr. Chairman.

Chairman ROYCE. Thanks, Mr. Keating. We go to Mr. Lee Zeldin of New York.

Mr. ZELDIN. Thank you, Mr. Chairman. Earlier, Mr. Sullivan, you said this deal is working as intended. You spoke of how this deal is providing the IAEA access to Iran's military sites. I would agree that is an important part of the deal to provide the IAEA access to Iran's military sites. Is Iran allowing the IAEA access to its military sites?

Mr. SULLIVAN. No. So far under the deal, Iran has——

Mr. ZELDIN. Your answer is no. Thank you. So there is I—don't know what exactly you meant by this deal is working as intended. I think we would both agree that it is important for the IAEA to have access to Iran's military sites. And I appreciate you admitting to the fact that the IAEA—that Iran has not allowed the IAEA access to its military sites. But then later on in your testimony——

Mr. SULLIVAN. I am happy to answer that, if you would like.

Mr. ZELDIN. You did by saying no. So later on in your testimony you are then going after President Trump. You are saying—you actually said, it is President Trump's fault that IAEA is not allowed to have access to Iran's military sites, when the IAEA has never had access to Iran's military sites. But you are here, sir, blaming President Trump for not having access to something we never had access to.

President Obama said this deal is not built on trust, it is built on verification. Have you read the verification agreement between the IAEA and Iran?

Mr. SULLIVAN. I have not read it. No. I have read the deal, though, which says very clearly——

Mr. ZELDIN. You have not read the verification agreement between the IAEA and Iran. And when Secretary Kerry was here, he admitted that he hadn't read the verification agreement between the IAEA and Iran either. So a deal that is built on—not on trust, but built on verification, the leaders of our government never read what the verification agreement was. An entire deal was built on verification.

What we have learned is that——

Mr. SULLIVAN. I wasn't——

Mr. ZELDIN. My time, not yours. We have learned that Iran is inspecting some of their own nuclear sites. We have learned that they are collecting some of their own soil samples. You said earlier that 98 percent of Iran's enriched uranium was shipped out of the country, correct?

Mr. SULLIVAN. I did.

Mr. ZELDIN. Where is the uranium?

Mr. SULLIVAN. The uranium is in Russia.

Mr. ZELDIN. How do you know that?

Mr. SULLIVAN. Because there is a supply and accountancy procedure to ensure where the uranium is collected in Iran, moved, and then stored.

Mr. ZELDIN. Where in Russia is it?

Mr. SULLIVAN. Sitting here today, I couldn't tell you.

Mr. ZELDIN. Okay. Because in my conversations with the people who are in charge of knowing that, I don't know where in our government we have anyone who has any idea where the uranium is, but I appreciate the fact that you, sir, you know where the uranium is today.

For my colleagues who opposed the deal very strongly, and are now indicating that we should uphold it because it is not perfect. I was here witnessing all of the statements, the testimony about why my colleagues on the other side of the aisle were opposing the Iran nuclear deal, and they were not opposing it because it was not perfect, they were opposing it because it is deeply flawed.

Mr. Smith earlier asked you, Mr. Sullivan, how much money went to terrorism, and you responded that the bulk goes to domestic purposes. I would offer that when you provide $100-$150 billion worth of sanctions relief, and we ask you a very specific question, how much goes to terrorism. We are not asking for where 60 percent or whatever the other number is, a bulk of gets defined as, going to domestic purposes. The question is, how much is going to terrorism?

And the question was one that was worthy of an answer. And standing here and calling for an improved Syria strategy to combat Iranian aggression. I would offer that if you, sir, and the Obama administration was that serious about combatting Iranian aggression, we should not have been providing $150 billion of sanctions relief to the Iranians to be able to conduct all of their bad activities.

Their bad activities—by the way, this is a deal we are talking about, we never even asked for a signature. Put that aside. When 10 of our Navy sailors are held hostage, they are embarrassed. When they are released, Secretary Kerry says, thank you. And he says, it is because of the Iran deal that this went so smoothly.

With Iran financing terror, over-throwing foreign governments, illegally test-firing intercontinental ballistic missiles, chanting, death to America, calling Israel the little Satan, America the great Satan. I would say that it was the wrong answer for us to be propping up the wrong regime with a jackpot of sanctions relief, and that we should be doing our part as Congress and as the United States, as the leaders of the free world, leading and fixing this, and turning this into a reasonable deal, not one that is very one-sided, and one where we got ridiculously played at the table. I yield back.

Chairman ROYCE. Okay. David Cicilline of Rhode Island is next.

Mr. CICILLINE. Thank you, Mr. Chair. I would like to give Mr. Sullivan an opportunity to answer the question he wasn't permitted to answer to Mr. Zeldin on the military site.

Mr. SULLIVAN. Right. So the deal expressly states that the IAEA, if they have a basis to believe that there is illicit nuclear activity occurring at any military—any site in Iran, including any military site in Iran, that they can get access and that Iran cannot stop them. That if the United States and the Europeans and the IAEA come forward and decide, we need access to this site, Iran can't say no.

Now, in the last 2 years, the United States actually hasn't gone to the IAEA and presented a particular military site, and said, I want to get access to that. But what Nikki Haley did was go and generally have a conversation with the IAEA about how to do this. I believe that American policy and American strategy could yield access to Iran's military sites under this deal. And I have no reason to believe, based on what has happened in the last 2 years, that that is not the case.

Mr. CICILLINE. Thank you. Mr. Sullivan you also say in your written testimony, that because the administration has spent so much time focused on the—will he or wouldn't we certify debate—and I will add something in this sort of reality TV show sort of way, that it has resulted in the administration and key components of the intelligence and security communities taking their eye off the ball on the larger questions, or the broader Iranian threat.

And so I would really like you to focus on that point. We can all sit here and posture about what we think would be a better provision, and if it were just up to us as individual Member of Congress, I would put this provision or that, but that is not what an international agreement with five or six other countries produces.

So I think it is really fruitful to think, what should we be doing going forward to respond in a serious way to Iranian aggression in the region. Secretary Kerry, in fact, when he testified before this committee said, one of the advantages of this agreement is we can put an end to the nuclear threat of Iran so that we will be in a stronger position to push back aggressively in a variety of other contexts.

What specifically can we or should this administration be doing with respect to that? And, secondly, is it not the case that this agreement permanently forecloses Iran from having a nuclear weapon, by its own terms?

Mr. SULLIVAN. There is a permanent ban on Iran acquiring a nuclear weapon. In the deal, there is a permanent ban on weapons-related nuclear activity in the deal. And there is a permanent provision for an inspections regime to monitor that in the deal. There are expiring nuclear restraints. Those are things we can work to deal with, but we should work the deal with them by committing to the deal and moving forward with our allies.

On the issue of the region more generally. I think Syria, for me, looms largest because it looms largest in the Iranian strategic calculus, and because it is a moral and humanitarian catastrophe to boot. And what we have seen over the course of the past several months is effective action against ISIS building on the Obama administration strategy, but no meaningful thought given to what comes next. And as a result, as Ambassador Jeffrey and others on this panel have made clear, the Iranians are on the march in Syria today to a much more significant degree than they even were 1 year ago.

And Israeli concern about that is reaching new heights, to the point where Israeli leaders are publicly warning about how this threat is metastasizing. So I think that we need to be sitting with our partners across the region, including Israel, as well as our European allies and others, and thinking about a broad multi-dimensional strategy that includes everything from further economic

pressure to how we are postured in the region, to intelligence led operations, interdictions of weapon shipments, on down to line.

And I would simply submit that having put a lid on Iran's nuclear program so that today we do not have to worry about them racing for a bomb because of this deal, we do have the opportunity to focus on this, and that is where we should turn our focus.

Mr. CICILLINE. And to follow-up. And do all of that work, the word of United States, our credibility in terms of honoring international agreements and continuing relationship with our allies in the region will be key to that. And so I think the point you made earlier is an important one.

Mr. Albright, you said that there is legislation that could be imposed unilaterally by the United States that would fix the deal, as you suggested. I would like to know what you think Congress could do unilaterally to an international agreement that would fix the deal?

Mr. ALBRIGHT. Well, let me answer that in a different way. I think you have a problem with INARA. INARA does not certify compliance with this deal.

Mr. CICILLINE. With all due respect, sir, I only have a limited time. You made the statement in this hearing that Congress could unilaterally take an action to fix the deal. I am asking you—you are testifying before this hearing. What in fact could Congress do unilaterally that would fix international agreement?

Mr. ALBRIGHT. The same way it created INARA, it can fix this deal. And I think that the purpose of that is to straighten out one fundamental problem that is tough for this administration, is that—the INARA makes it look like President Trump is certifying compliance with this deal. INARA doesn't actually do that. But it is putting it in a position to defend an intractable position. And that Congress needs to fix the 90-day certification requirement.

It needs to define what a material breach is. We use violation because we feel any—no violation is too small to correct. The language of material breach and noncompliance defined in INARA is unworkable. I would argue, actually, that the excess centrifuge numbers——

Mr. CICILLINE. Mr. Albright, do you think that the Congress of the United States has the ability to unilaterally change the terms or meaning of terms in an international agreement? You don't need to answer that question. The answer is, of course not.

Mr. ALBRIGHT. First of all, this is not an international agreement. The nuclear deal was never signed. It is more of—you can't call that an international agreement, first of all. The other thing is, if you look at what——

Mr. CICILLINE. What would you call it?

Mr. ALBRIGHT. On the conventional arms, and on the ballistic missiles, the Congress is actually redefining U.S. policy on the bans, the 5-year and the 8-year ban in 2031. They are setting up a situation where, if the ban ends, let's take the conventional arms transfer restrictions end at 5 years in the U.N. Security Council Resolution, a country A and goes and sells heavy armaments to Iran, they will be sanctioned.

So the United States is already under Congressional leadership rewriting the bans on conventional and ballistic missiles.

Chairman ROYCE. Time is expiring. I think we had better go to Ann Wagner of Missouri.

Mrs. WAGNER. Thank you, Mr. Chairman, for holding this hearing.

As North Korea captures the world's attention, we must, I would make the point here, remain vigilant in responding to Iranian aggression throughout the Middle East. General Wald, who, I am sorry, has left, I know that he wrote that the Iran deal positioned Iran on a trajectory to become possibly more challenging than North Korea. Ambassador Jeffrey put it well in his written statement: The U.S. must set clear final goals for our Iran policy and make those evident and persuasive to all those at home and abroad.

Ambassador Jeffrey, there may be as many as 60,000 Iranian-backed troops in Syria. It is no secret that the IRGC Quds Force and affiliated militias are taking over areas from ISIS on behalf of the Assad regime. Such activities are not in the interests of the United States of America.

How should U.S. policy change to counter the growing role of Iranian-backed forces that target Syrian civilians, undermine regional stability, and threaten U.S. security interests?

Ambassador JEFFREY. Well, first of all, Congresswoman, we have a U.N. Security Council resolution, 2254, and a process to deal with the internal situation in Syria, because when that was put together by the last administration, I think 2012, there was an understanding by everyone, including even Russia and Iran, which are a part of this process, that that internal situation is a concern for people in the region and for the international community, not just for Mr. Assad and the people of Syria.

So we need to build on that and restore the centrality of that process, and it needs to be backed with an American presence in Syria. The problem is, under the Authorization for the Use of Military Force that has to be to be fighting terrorists.

But we are never going to completely wipe out ISIS and al-Qaeda there. And there is a good argument to be made to keep limited forces to protect those Syrian opposition in the north and in the south while we try to sort this thing out politically. That is pushback against Iran.

Mrs. WAGNER. General Wald also raised an important military recommendation, and I would offer this question to anyone who would like to speak on his behalf or about it.

Would you suggest forward deploying our Aegis-equipped missile defense fleet to our existing bases in Gulf countries? And how can the U.S. better coordinate with Israel and the Gulf countries to establish a comprehensive missile defense system?

Ambassador.

Ambassador JEFFREY. We have four Aegis ships already in the Mediterranean, one of which is on station all of the time off of Israel. We have THAAD systems and our allies have THAAD systems and Patriots and phased array radars in the Gulf and in Israel. There is a phased array radar in Turkey, and there are SM-3 missiles designed to intercept Iranian rockets in Romania and in Poland. So there is already a very robust——

Mrs. WAGNER. You feel confident in our coordination with Israel and our others?

Ambassador JEFFREY. I think on that particular matter, at this point, yes. But I yield to General Wald's military advice.

Mr. SULLIVAN. I would just add one point, which is I think this is one of those areas, and maybe there aren't as many as there used to be, where there is actually real bipartisan cooperation on the ballistic missile issue and missile defense generally in the region. I think the Obama administration and the Trump administration have taken very similar lines on this, one building on the last.

It is a constantly evolving threat, so our posture and our cooperation with our partners has to constantly evolve. But I actually think we are on a pretty decent track on this issue.

Mrs. WAGNER. Ambassador Jeffrey, you wrote that U.S. military and diplomatic resources should be shifted away from ISIS and toward Iran. Paying more attention to Iran necessitates paying more attention to Iran's activities in Iraq and Syria.

Why do you think the administration hasn't designated proxy forces backed by Iran and Hezbollah as terrorist organizations?

Ambassador JEFFREY. I think one reason is force protection. It fears that, particularly in Iraq but also in Syria, that the Quds Force, as I mentioned in my testimony, will respond, and they will respond. It is just that we shouldn't be in the Middle East if we are worried about people shooting at us. We have had a lot of experience with Iran shooting at us, and the answer to that is to shoot back.

But I think that is part of it. The other thing is there really is almost an obsession with the ISIS fight. When the Kurds declared their independence, the statement out of the U.S. was they should stop doing that because this interferes with the fight against ISIS. That fight is almost over right now.

Mrs. WAGNER. Thank you. I am out of time.

Mr. Chairman, I yield back

Chairman ROYCE. Thank you.

We go to Dr. Ami Bera of California.

Mr. BERA. Thank you, Mr. Chairman.

Mr. Sullivan, you were integral in negotiating the Iran nuclear deal. Is that correct?

Mr. SULLIVAN. Part of. I always hate to say "integral."

Mr. BERA. Part of the team.

Mr. SULLIVAN. I was part of team. I was part of the team that began the negotiations that arrived at the interim deal and then that worked toward the final agreement. Yes, I am a proud member of that team.

Mr. BERA. Great. You would state that the ultimate goal of the deal was to reduce the Iran nuclear threat?

Mr. SULLIVAN. Correct.

Mr. BERA. Would you say that the deal has reduced the nuclear threat given what was prior to the deal?

Mr. SULLIVAN. I think there is no doubt about that. And, indeed, if you ask the chief of staff of the Israeli Defense Forces, he would say that the nuclear issue has gone down the list of strategic threats to Israel today compared to where it was before the deal.

Mr. BERA. Ambassador Jeffrey, would you agree with that, just on the nuclear issue?

Ambassador JEFFREY. For a temporary period of time. And there I would disagree with Mr. Sullivan. For a 10-year period, yes. But no less an authority than Barack Obama said after 10 years, in off-the-cuff comments, they are going to be on their way to, if they want to, a nuclear capability.

Mr. BERA. Okay. But at today's point in time, the threat is lower. At the time the deal was being negotiated, Mr. Sullivan, what would, in open source estimates, what would breakout capacity be? How close was Iran to breakout capacity?

Mr. SULLIVAN. The time for Iran to acquire one weapon's worth of weapons grade uranium before the deal was done was a matter of weeks, at the most 2 to 3 months, but probably a matter of weeks, and shrinking.

Mr. BERA. So would walking away from this deal, do you think that would reduce or increase the nuclear threat to Iran?

Mr. SULLIVAN. Well, let's say if we walked away from the deal—right now we have put Iran in a position where we have extended that breakout time out beyond a year. If we walked away from the deal and they began reinstalling the centrifuges that have been dismantled, working again to build that plutonium reactor that we have disabled and neutralized, that over the course of the next couple of years they would be in a position incredibly rapidly to move to a nuclear capability.

And our capacity to stop them from doing so by reimposing the sanctions that were on before, if we are the ones who walk away from the deal, would be very limited, because the rest of the international community would say: "What the heck are we coming along with you for on sanctions? The whole point of doing this was to get the very deal you just walked away from."

Mr. BERA. And in your assessment, with our hands full currently on the Korean Peninsula, it would be a pretty unwise time diplomatically to try to engage with two nuclear threats, correct?

Mr. SULLIVAN. You know, what is interesting about what North Korea presents as an example today is what happens when you don't have good choices, when you don't have an opportunity to produce the kind of deal that we did with respect to Iran. And so today we are faced with a rapidly accelerating North Korean capability and a completely unstable situation.

We walk away from the deal, we produce a very similar dynamic in the Middle East, and all of a sudden you are dealing a nuclear crisis in the heart of East Asia and a nuclear crisis in the heart of the Middle East, both of which the United States needs to manage.

The crisis in North Korea is one that has been generated by Kim Jong-un. If we walk away from this deal, we would be largely responsible for the creation of that nuclear crisis today in the heart of the Middle East.

Mr. BERA. And given our strategy on the Korean Peninsula is one of increasing pressure, increasing isolation, in the hopes of getting to engagement and reducing tensions with North Korea, would decertifying this deal make it easier to get a North Korean agree-

ment or would it reduce our ability to find a diplomatic solution to the Korean Peninsula?

Mr. SULLIVAN. I think any fair reading would say it would make it harder for us to get a deal in the North Korean context. How much harder is a question that we can debate. But the idea that the Chinese would say, "Oh, you know what? The fact that you are decertifying this deal and potentially walking away from it, that makes us more confident that we should join you in something we haven't wanted to do, which is sanctioning North Korea, because we trust that you are going to end up agreeing to something in North Korea," the same thing goes for the North Koreans themselves.

So I think the notion that if the United States walks away from the Iran deal that it would be easier to get a deal with North Korea is not based on either logic or fact.

Mr. BERA. I would agree with that.

Mr. ALBRIGHT. Can I add something real quick? I don't think it will affect our North Korea deal at all if President Trump decertifies.

Mr. BERA. I think it will affect the reliability of our word.

Mr. ALBRIGHT. And people shouldn't conflate decertification with walking away from the deal. They are two different things. And I think Ambassador Haley laid out in a speech several weeks ago that there are various pillars that need to be addressed and considered. And I think thinking that decertification would affect the North Korea deal, I think, is lunacy.

Mr. BERA. But on the issue of reducing the nuclear threat, the deal has accomplished that. Now, we can speculate where we are going to be 10 years from now.

The concern here is we have given the administration the tools to address what we are really concerned about, the ballistic missile issue, cracking down on Hezbollah. We, through this committee, have given the administration some tools that they are not currently using. I would ask the administration to use those tools.

Mr. ALBRIGHT. And I would add too, there is a lot of agreement on this panel, at least I hear. The sunsets are a real problem. I hear it in the committee. They are a real problem. What I am saying, and I think there is support in the Trump administration, is that we can't wait to deal with those sunsets when Iran is a strong, well-armed, powerful regional force. We need to deal with it now.

Chairman ROYCE. We need to go to Tom Garrett right now from Virginia.

Mr. GARRETT. Thank you, Mr. Chairman.

Chairman ROYCE. Thank you very much.

Mr. GARRETT. Those who do not know history are condemned to repeat it, and this has all played out before almost analogously. I will start with a little bit of a soliloquy, because I am so disgusted.

The talk of, number one, the United States credibility on the global stage as it relates to one with whom an entity can engage in deals, I think that the Iranian credibility is certainly far more in question than the United States credibility insofar as the stability of our Nation and its reliability internationally is well demonstrated over centuries, whereas this regime has a record that

hasn't been touched in this room but spoken to by the people who sit here.

In 1979 and 1982 and 1996 and 2009 in the Green Revolution, people stood up against this regime, and on most occasions, the United States sat back and did nothing while they were murdered by the Quds Forces, who are their very cousins and brothers and sisters, in the streets in Iran, and we did nothing.

And with all due respect, Mr. Sullivan, as Daniel Patrick Moynihan once said: You are entitled to your own opinions, but you are not entitled to your own facts. Don't talk about how there is bipartisan agreement on the antiballistic missile defenses in Europe, and particularly Poland, when the previous administration's first action as it relates to foreign policy was to withdraw from a commitment to defend Europe and the Poles from the very Iranian missiles that we contemplate today. That happened.

Now, let's go back in history. I heard Mr. Sullivan state, Mr. Chairman, that if the IAEA has indications that there are violations, that they have a right to inspect. Really? Worcester v. Georgia. When Andrew Jackson was President, he anecdotally is credited with saying that Justice Marshall has made his ruling, let's see him enforce it. The IAEA and what army will go in and verify when there have been violations?

You know where the uranium is? That is news, that is newsworthy, because nobody else does. And ironically, if we credit the uranium with being in Russia, it would be an interesting departure from the individuals who don't trust Russia on anything except, apparently, where the uranium fissile material might be. And I guess that is convenient.

But as it results to presuming to operate in a world where individuals keep their word, understand that the current regime of Iran has burned the effigy of every single President of the United States since Carter and literally depicted a lynching of our first African-American President in 2015 while this deal was being finalized. And they reference the Great Satan, and they reference the Little Satan, and they chant, "Death to America," and they talk about the death to the devil's triangle, the United States, the U.K., and Israel.

And if that is not bad enough, if we adjust for population, the murder of Iranian citizens by the current regime would be tantamount and comparable to the deaths experienced by the United States during the entire Second World War.

So I am very curious, in fact, I am delighted to have someone here who claims credit for having negotiated the JCPOA, I am sorry—how it is that we talk about the international community not being willing to agree to harsher sanctions as it relates to ballistic missile development when U.N. Security Council Resolution 1929 of 2010 read, and I quote, "Iran shall not undertake activity related to ballistic missiles"—I think at least Mr. Sullivan went to a pretty prestigious law school—and U.N. Security Council Resolution 2231 of 2015, which mirrors the JCPOA, reads, "Iran is called upon not to undertake activity as it relates to the development of ballistic missiles."

It strikes me that if the U.N. Security Council agreed on Resolution 1929, which said, "shall not," that we have evidence the inter-

national community will agree to stronger sanctions, which will prohibit the delivery systems of nuclear weapons from being developed by the Iranians, and it has already been done, and the JCPOA quite literally, in moving from "shall not undertake" to "is called upon not to undertake," created more latitude.

Next, everyone that knows about this issue knows that the long pole in the Iranian tent is the IRGC, that the IRGC controls the bulk of the black economy in Iran, probably over 90 percent, and, in fact, funnels a vast, vast quantity of the real economy in Iran through its own coffers.

And so I heard someone state that the ISA was never fully enforced. And I have created a paradigm, because I am not that smart, but this seems to make sense to me, that I would wager that if we said to our allies in particular—and I will call out some European nations if anybody wants to ask for specificity—that they can choose between doing business with Iran, and specifically the IRGC, or us, and we put some teeth in the sanctions, that we can watch this monstrous, murderous regime, which has repeatedly called for the destruction of everyone in entire nations, whither on a vine, and the millions of Iranians who have been displaced against their will and the hundreds of thousands who have been murdered might then be justified, and then we can know that there is hope for peace and no nuclear exchange with a radical, defiant Iranian regime.

I apologize for running over.

Chairman ROYCE. Thank you, Mr. Garrett.

We now go to Robin Kelly of Illinois.

Ms. KELLY. Thank you, Mr. Chair.

I, too, agree walking away from the JCPOA would weaken the United States position to increase pressure in the future while endangering any future nonproliferation agreements that the U.S. might seek to make.

As you know, this committee recently passed legislation that cracked down on Iran's nefarious actions. Mr. Sullivan, how should the U.S. continue to put pressure on Iran while adhering to the JCPOA? And is there a red line for Iran where certain sanctions would push them out of the agreement?

Mr. SULLIVAN. Just on the second point, on the question of red line, to respond to what Mr. Garrett said, the IAEA and what army, the fact is that if Iran violates the access provisions of the JCPOA, that would be a violation that would trigger the reimposition of sanctions, and the United States would have the capacity then to marshal the international community, because it would be Iran who was violating the deal, not the United States.

So from my perspective, we retain tools under this agreement to make sure that Iran stays in compliance. And if they violate those terms, I will be the first one to say the United States should snap back sanctions, and the deal creates the capability for the United States to effectively do that. It maintains the sanctions architecture.

With respect to how we go about dealing with Iran in the region, I really do believe this needs to be a whole-of-government approach. It needs to be multidimensional. It needs every aspect of our power, our economic power, military power, intelligence, et

cetera, working with allies and partners in the region, to put increasing pressure on Iran and to raise the cost for their destabilizing behavior and their sponsorship of terrorism in the region.

It also means that we need to invest in the defensive capabilities of our allies and partners, as the previous discussion about ballistic missile defense indicated. I have a different view on the issue of Poland, but my answer to Mrs. Wagner earlier was about ballistic missile defense in the Middle East, where I actually do believe that there has been strong bipartisan cooperation, and we should continue that.

So that is just some of what I think the United States should be working on as part of a multidimensional, multilateral strategy to push back against Iranian aggression in the region.

Thank you.

Ms. KELLY. Thank you.

Ambassador Jeffrey, in your testimony you talked about communicating with Iran. Do you believe the President's tweets and treating certification like a reality TV show cliffhanger are productive ways to communicate? Do you think this is helping?

Ambassador JEFFREY. I think that, when I talk about communicating with Iran, I am talking mainly about doing it quietly, as we did between Ambassador Crocker and the Iranians during the Bush administration and Baghdad.

The tweets are unique to President Trump. I think that the world recognizes that he does it. I don't think they are a major problem. I don't think they are a major plus. I think they are just there. But they are not a substitute for diplomatic communication. I will answer your question that way.

Ms. KELLY. Very diplomatically. Do either of the two witnesses——

Mr. ALBRIGHT. If I could go back to another question you asked. I think the Director General of the International Atomic Energy Agency is asking for guidance because he does not feel he has the resources or the authorities to go and implement Section T, which would involve going to military sites. It is different than saying we have a suspicion of going and we need to go. This has to do with more routine verification of bans on nuclear weapons development.

And so I would say there is already a big problem in implementing the JCPOA inspection architecture, and the United States is going to be called upon to deal with this. Russia has already made its opinion clear. It said the IAEA cannot go to military sites, should not go to military sites. So we already have a problem. And it is beyond what was envisioned in the language of the JCPOA.

Ms. KELLY. Thank you.

Mr. SULLIVAN. Just to respond to that. First of all, we anticipated the possibility that maybe Russia would say, "Hey, you know, we are not that interested in having the United States get into Iranian nuclear sites." They don't get a veto over that. In fact, if the Europeans and the Americans and the IAEA agree that access needs to be granted, the Russians can't stop it, nor can the Iranians. That is point one.

Point two is, the fact that the IAEA Director General is seeking guidance from the United States and from the other members of the P5+1 on this issue is not in and of itself a problem.

What is a problem is if the United States, rather than bringing our partners together and saying, "Let's work this out and enforce the deal, including through military sites," says, "We don't really like this deal, this deal stinks, you know, screw it." That is just going to make it much harder to actually effectively enforce this critical provision. And I agree with Mr. Albright that access to military sites is an important part of the long-term enforcement of the JCPOA.

Mr. ALBRIGHT. But the structure of the JCPOA puts an unfair burden on the IAEA. If they demand to go to military sites and they invoke this clause, then it brings down the entire deal.

And so I think that it is incumbent upon the P5+1, and I would say the United States is leading that, to straighten out this issue and actually strengthen the deal's conditions on access to military sites. But it isn't put on the IAEA to have to ask the question: If we ask to go, do we have to—are we really risking bringing down the entire deal?

Ms. KELLY. Thank you. My time is way up.

Chairman ROYCE. Thank you. Thank you, Congresswoman Kelly.

We now go to Mr. Ted Yoho of Florida.

Mr. YOHO. Thank you, Mr. Chairman.

Thank you, panel, for being here. I appreciate you giving us great information on this.

The era of strategic patience as far as the diplomatic and negotiating policy or foreign diplomacy I think was a mistake of the last administration. It led us to pulling out of support of Poland with a missile defense system, led to the Russia unnamed army to invade Ukraine, even though we were supposed to protect them, and allowed them to annex Crimea. It allowed China's aggressive encroachment to the South China Sea as we stood by with strategic patience hoping it would go away.

I am a veterinarian by trade, and when you have benign neglect, that is strategic impatience—or patience. Benign neglect is when you look at something knowing it will probably get better on its own. These things aren't going to get better on their own, so we can't have strategic patience.

My question to you, Ambassador Jeffrey, is the JCPOA, as Mr. Sullivan stated, says that the IAEA can inspect any time, anyplace. Does that happen?

Ambassador JEFFREY. As we have discussed at some length, not military sites.

Mr. YOHO. Right. But the military site Parchin in particular said—it gave Iran the ability to pick up the soil and have it tested. Is that correct? Is that the way I understood that?

Ambassador JEFFREY. On the one IAEA intervention on inspection in Parchin, that was what the IAEA negotiated with the Iranians.

Mr. YOHO. Right.

Ambassador JEFFREY. The IAEA claims that they were monitoring that with cameras and all of that. But, of course, it raises a really—it looks strange, let's face it.

Mr. YOHO. It would be analogous to a drug addict bringing in a urine sample that he collected himself in private and saying, "Here is my sample."

Ambassador JEFFREY. It is not quite that bad. I will stand with it was a strange formulation.

Mr. YOHO. It is a stretch.

Mr. Albright, is the overproduction of heavy water allowed under the JCPOA?

Mr. ALBRIGHT. There is a cap of 130 tons.

Mr. YOHO. And they have bypassed that twice.

Mr. ALBRIGHT. Yeah. And there is also—Iran has exploited a—what I guess you would call a loophole, that they have been able to take overage of heavy water and deposit it under their control overseas. And so that is another problem in the deal, is that Iran has exploited loopholes.

Mr. YOHO. So we should talk to somebody that negotiated that deal, how that loophole got here.

Mr. Sullivan, do you want to explain how that happened?

Mr. SULLIVAN. How what happened?

Mr. YOHO. That there was a loophole that allowed Iran to overproduce heavy water and that they could store it and monitor it on their own. Is that what, Mr. Albright——

Mr. SULLIVAN. It is under accountancy and monitoring by the IAEA, meaning that they do not have the——

Mr. YOHO. In Russia, right?

Mr. SULLIVAN. I am not sure where the heavy water is stored.

Mr. ALBRIGHT. In Oman.

Mr. YOHO. But they have overdone that twice, and that is in disagreement with the JCPOA. Is that?

Mr. ALBRIGHT. I think if you had a strict interpretation terms of it, I think yes.

Mr. YOHO. Okay. Has Iran built and operated more advanced centrifuges than allowed? And has it misused the quality assurance limitations to conduct banned mechanical testing of advanced centrifuges?

Mr. ALBRIGHT. Yes.

Mr. YOHO. All right. And that is in violation of the JCPOA, right?

Mr. ALBRIGHT. Yes.

Mr. YOHO. All right. And then, you know, I can remember the past administration, and John Kerry sitting right here, that no deal would be better than a bad deal. And they are already in violation of so many things on this. This is a bad deal. And we are talking about if we don't stand up to this.

You know, we are used to a strategic patience from the last administration. What we have now is a Commander in Chief that says what he means, and he is going to stand up. And the world isn't used to this, the world community. But we have to have somebody willing to do that, because this will strengthen our negotiation with North Korea.

Ambassador Jeffrey, do you think so?

Ambassador JEFFREY. I don't think we have a negotiation with North Korea. I think we have a military confrontation with North Korea. I think these two issues are totally separate. I don't think——

Mr. YOHO. I agree. But I hope we don't have a—you know, our goal is not to have a conflict. But if we come to the table weak and

we don't show resolve, we have a weakened hand, and we won't get anywhere in negotiations.

Ambassador JEFFREY. Very quickly, because I have wanted to say this at several points. Walking out of an agreement is a perfectly legitimate diplomatic activity.

Mr. YOHO. I agree.

Ambassador JEFFREY. It doesn't mean that we are a bad person or that nobody trusts us anymore.

Violating an agreement that you claim you are adhering to is very different. We walked away from the ABM Treaty and international relations survived.

I think that North Korea will judge us on the basis of how strong we are deterring Iran across the board, period.

Mr. YOHO. And you got out exactly what I wanted to hear. Thank you all for your time.

I yield back.

Chairman ROYCE. Thank you, Mr. Yoho.

We go now to Mr. Brad Schneider of Illinois.

Mr. SCHNEIDER. Thank you, Mr. Chairman. And thank you for having this meeting.

To the witnesses, thank you for sharing your perspectives, but also the endurance of staying here for all this. I greatly appreciate it.

Let me echo the earlier remarks of the chairman and ranking member in saying that while I opposed the JCPOA, now that it is in place I believe we have to aggressively and rigorously enforce it.

But as we enforce it, it is vital that we acknowledge that the JCPOA, like any agreement, has inherent risk, but that this deal in particular has serious shortcomings and gaps, including but not limited to the sunset provision.

The urgent responsibility of our government, in conjunction with our European partners and our regional allies, is to develop the comprehensive strategies and commit the necessary resources to work to close the gaps and reduce the risk. I believe we must clearly and fully articulate as a matter of national policy that the United States will never allow Iran to have a nuclear weapon and that we will aggressively work to confront Iran's malign activities in the region and around the world.

These are clearly topics for a much longer exchange than we have time for with the 5 minutes today. I only have a few minutes, so let me turn to a couple of very focused questions.

First, in the context of the JCPOA, do you believe Iran has changed its ambitions to have a nuclear weapon, Ambassador Jeffrey?

Ambassador JEFFREY. I believe it has always had that option open. They were very close to a weaponization program until they stopped it in 2003. They are ready to turn that on again when they deem it necessary or useful.

Mr. SCHNEIDER. Mr. Albright.

Mr. ALBRIGHT. I think they are, under the current conditions, extended. Yes, I think they will seek nuclear weapons.

Mr. SCHNEIDER. Mr. Sullivan.

Mr. SULLIVAN. I think the way that Ambassador Jeffrey put it is right. They have wanted to maintain the capability. They still

want to maintain the capability. And part of what a diplomatic solution has to do is to deny them the opportunity to exercise it.

Mr. SCHNEIDER. We will go the other way. Has Iran moderated its regional goals in the context of the JCPOA?

Mr. SULLIVAN. No, it has not, although I would like to say something that I have wanted to say for much of the hearing.

Iran was aggressive before the JCPOA. You guys held multiple hearings on that before 2015. It was aggressive during the negotiation of the JCPOA, and it remains aggressive. I do not believe that money has been the major limiting factor to Iran's aggression, it has been opportunity, and they see more opportunity in the region now than they did before.

Mr. SCHNEIDER. Mr. Albright.

Mr. ALBRIGHT. No, I don't think their behavior has moderated.

Mr. SCHNEIDER. Ambassador Jeffrey.

Ambassador JEFFREY. I think it has gotten worse. I can't do a cause-and-effect specifically with the agreement, but it has definitely gotten worse. They feel more liberated to do what they want.

Mr. SCHNEIDER. Okay. So the broad question is, will the United States withdrawing from the JCPOA at this time help or hurt our goals of stopping Iran from getting a nuclear weapon and thwarting Iran's malign designs and regional goals?

Mr. ALBRIGHT. I think it is an interesting and important question, and certainly the administration has been wrestling with this, that let's say you just abrogate the deal. I personally believe that is not the best way forward. But there is an argument for those who say abrogate the deal that you can actually deal with this situation again. You can repair relations with the Europeans after you have reimposed all the nuclear sanctions and put them in a dilemma: Do you want to do business with Iran or the United States? And then you would have a free hand to do whatever you want with Iran.

So I think there is an argument to abrogate. I personally don't want to go down that path, but I think it is something the administration has certainly been considering.

Mr. SCHNEIDER. Ambassador.

Ambassador JEFFREY. Very quickly. I agree with Mr. Albright. We are using imprecise terms both in the certification and in walking out of the agreement. You can walk out of the agreement and, frankly, I think the Iranians and the Europeans and Russia and China would continue with it.

If you walk out of the agreement, try to impose the NDAA oil import sanctions on the rest of the world against Iran, or you use the snapback provision and bring back all the U.N. resolutions, then Iran would move toward that 3 or 4 weeks away from a nuclear device very quickly, and that is the risk.

Mr. SCHNEIDER. Okay. Mr. Sullivan.

Mr. SULLIVAN. I think it would, as I have said over the course of this hearing, put us in a materially worse position with respect to the Iranian nuclear capability.

And I would just reinforce that anyone who casually says we can just tell the Europeans and the Chinese and the rest of the global economy, "Either trade with us or trade with Iran," they should read the top sanctions official Adam Szubin's piece in The Wash-

ington Post, because, as he says in that piece, nobody who is making that argument has sat in his seat to build and execute these sanctions regimes. And I think it is not nearly as simple as that. And I don't think the sanctions architecture would come back.

Mr. SCHNEIDER. Thank you. I am out of time.

Let me leave one last question for the record to follow up in writing. Part of the JCPOA is this additional protocol under the Nuclear Non-Proliferation Treaty. How important is the additional protocol to making sure Iran doesn't get a nuclear weapon during the terms of the agreement and afterwards? And would withdrawing from the agreement put the additional protocol at risk? And I will leave that for the record.

Thank you, and I yield back.

Chairman ROYCE. Thank you.

We go now to Mr. Scott Perry of Pennsylvania.

Mr. PERRY. Thanks, Mr. Chairman.

Gentlemen, what was Iran's original claim regarding their nuclear ambitions? Was their original claim they wanted to have a nuclear weapons program or it was for domestic emergency production and domestic purposes, medicine, et cetera?

Mr. SULLIVAN. They have consistently claimed that they want this for peaceful purposes, and we believe that that is a false claim.

Mr. PERRY. Right. Right. So does anybody on the panel disagree with that?

Ambassador JEFFREY. I have heard senior Iranian officials informally say: Okay, we did certain studies on weaponization, but it wasn't a weaponization program, so they stopped at that level. But, I mean, they know we have them dead to rights on the weaponization information.

Mr. PERRY. Mr. Albright, you might as well.

Mr. ALBRIGHT. They have always claimed it is a civil non-nuclear weapons program.

Mr. PERRY. Right. Right. So, I mean, the point to the whole exercise of the question is that Iran, at least for the rest of us in the world, they are known liars. They are liars. They lie about things. They are liars, cheaters, and stealers. And if you don't believe me, just ask all these folks back here.

I am sure, you know, Stalin told the Poles that they didn't kill the Poles in the Katyn Forest massacre either. And the Poles couldn't prove it, but it doesn't mean it didn't happen, right? These folks know what we are dealing with. All of us know what we are dealing with.

Let me ask you this. How many Iranian individuals have been sanctioned by our European partners regarding their forays or breach of U.N. resolutions regarding ballistic missiles? How many individuals have our European allies sanctioned for those breaches? Any?

Ambassador JEFFREY. I know of none. The Europeans did sign a joint statement with us stating that the missile activity was not essentially in compliance.

Mr. PERRY. But no sanctions, right, no punishment? I mean——

Mr. ALBRIGHT. You are exactly right.

Mr. PERRY. Mr. Sullivan.

Mr. SULLIVAN. I am not aware of it, but I am also not read into the strategy to get them to. And part of my argument is that should be our focus, not the certification.

Mr. PERRY. Yeah, the strategy. Let me ask you this. How many American members are on the IAEA inspection team in Iran inspecting these sites?

Mr. ALBRIGHT. None.

Mr. PERRY. Zero, right? Well, I have spent some time in the military. And to me, you don't look for military nuclear weapons down at the power plant. That is probably not where they are going to be. They are going to be on the military sites. But, unfortunately, we can't inspect the military sites.

Now, I don't know if it was our genius or Iran's genius, but for someone who says that it is a peaceful program dealing with medicine and power and so on and so forth, but really, in reality, it is a military program, the last place you are going to put them is where we are going to find them.

And with all due respect, Mr. Sullivan, I appreciate your good charity and your goodwill to these other people and these other nations. But the reality is that Iran wants to be a nuclear power, just like North Korea wanted to be a nuclear power. And they are going to tell us whatever they want to tell us, whatever we are going to believe, whatever the rest of the world is going to believe as long as they get there.

And it strikes me as curious if not just downright scary that we seem to be willing to trade security now at some level—or stability now at some level—by saying, well, they are not going to have it for 10 or 15 years. Everybody in this room knows what is going to happen in 10 or 15 years.

And it also strikes me that maybe that plays right into Iran's bigger strategy while they are in Yemen, while they are in Syrian, while they are in Lebanon, while they are supporting Hezbollah, to coalesce all that territory and all that power so that at that time they will be able to spend more money on their nuclear weapons.

Who develops a ballistic missile? Are they going to drop leaflets on the United States with that? Everybody knows where this is headed. Everybody knows. And for, I don't know, 30 years, since the Shah was deposed and they took our Americans hostage, we have been playing this game of, "Well, we are going to do this, and we hope they will do that. And we will sign this agreement. We will have this negotiation."

Let me ask you this, Mr. Sullivan. Who signed this agreement? It is not a treaty. Who signed this agreement? Did Iran sign it?

Mr. SULLIVAN. No. As David Albright said before, this isn't a treaty. It is not a signed document. It is an agreement——

Mr. PERRY. Right. We know it is not a treaty. It is some kind of an agreement between somebody here in the United States. Who from the United States signed it?

Mr. SULLIVAN. Nobody signed the agreement. The administration, the executive branch of the United States, signed the United States up the commitments under the deal.

Mr. PERRY. And who from Iran?

Mr. SULLIVAN. The Foreign Minister of Iran and the Secretary of State of the United States were the ones in the room, along with

the Foreign Ministers of the P5+1 nations, who reached the agreement.

Mr. PERRY. They signed it. Iran signed it.

Mr. SULLIVAN. No. As I have said couple times now——

Mr. PERRY. What kind of agreement? We don't have any agreement. We can't walk away from an agreement we don't have, because they have not agreed to it. They haven't signed it.

I mean, these people have been lied to over and over again. Their families have. We are in agreement on nuclear weapons with a lying, cheating nation who wants to kill us and has said so. There is no agreement, sir.

With that, Mr. Chairman, I yield.

Mr. SULLIVAN. The issue wasn't their signature. It was ours. We didn't want to have sign it because we wanted to maintain maximum flexibility.

Chairman ROYCE. Thank you very much, General Perry.

We now go to Tom Suozzi of New York.

Mr. SUOZZI. Thank you, Mr. Chairman. It is so good to have spent this time with you.

I want to thank all of our witnesses so much for their attention today and their preparation, the good work that they do.

Let's assume that the JCPOA deal has flaws and inadequacies. Let's assume that we will not walk away from the deal, especially after we have already given so much benefit to Iran in the form of monetary payments.

Let's assume that the IAEA hasn't done the inspections that they need to do. Let's assume that Iran is purveying evil and instability and terror throughout the region with their Tehran-backed militias in Iraq, Syria, Yemen, Bahrain, Gaza, and elsewhere. Let's assume all these things for argument's sake.

I would like each of you to just please tell me what is the number one thing we can do to, one, enforce compliance of the treaty—not the treaty, of the agreement. And number two, what is the number one thing we can do, the number one toughest sanction we can impose without violating the deal?

Ambassador.

Ambassador JEFFREY. Number one, enforce the agreement. Number two, tougher sanctions without violating it.

Ambassador JEFFREY. Use the joint committee process to start challenging Iran on all of these issues that we have talked about today, the militarization—rather, the access to the military bases, the issues that have been raised by Mr. Albright, and some of the other actions that are in 2231, the U.N. resolution, and press the Iranians through that process. Because at the end of that process there are steps we can take, short of walking out of the agreement, that could limit some of our commitments, for example, to provide them technical economic trade——

Mr. SUOZZI. Okay. So what is the number one thing we should do, is use joint committee to——

Ambassador JEFFREY. Use the Joint Commission to challenge Iran's violations and behavior. That is on the agreement on the——

Mr. SUOZZI. What would you say the number one violation is?

Ambassador JEFFREY. I would say it is the missile program.

Mr. SUOZZI. Okay.

Mr. ALBRIGHT. The U.S. should change its policy that it no longer accepts the sunsets and then work with its European allies to try to create a joint position on how to——

Mr. SUOZZI. Okay. So that wouldn't be enforcing the existing deal, that would be to change the deal.

Mr. ALBRIGHT. Well, that is right, to change the deal. To enforce it, certainly, what the Ambassador said about using the Joint Commission to try to give access to military sites.

Mr. SUOZZI. Get access. So you are saying ballistic missiles. You are saying military sites.

Mr. ALBRIGHT. But in terms of U.S. actions, I think that——

Mr. SUOZZI. Toughest sanction we can do without violating the agreement.

Mr. ALBRIGHT. I think we do need to step up non-nuclear sanctions on Iran, and we need to have a broader——

Mr. SUOZZI. So what would the number one sanction we could be, non-nuclear sanction we could do?

Mr. ALBRIGHT. Well, I am not an expert on sanctions. I look to what this committee is working on, and I see many possibilities and think that those are very sound things to do.

Mr. SUOZZI. Okay.

Mr. ALBRIGHT. Including the ones in the bill to be marked up tomorrow.

Mr. SUOZZI. Thank you.

Mr. Sullivan.

Mr. SULLIVAN. I think we should work with the IAEA and with our European partners on how to interpret and enforce Section T and Section Q of the agreement, which go to these military-related nuclear—potential military-related nuclear activities of Iran.

And in terms of additional sanctions that we can impose that are compliant with the JCPOA, I think that our key two areas of focus should be economic pressure around Tehran's proxies, meaning trying to disrupt the financial flows and the means of payment from Hezbollah to its proxies in Syria——

Mr. SUOZZI. Through the State Department and the Treasury Department?

Mr. SULLIVAN. Through the Treasury Department chiefly. I mean, I believe that our Treasury Department is the gold standard when it comes to disrupting illicit financial flows if they have the resources and the authorities they need to go do it. And I think we should give that to them.

And then I also believe that we should be thinking about how you tighten the screws on the supply chain for ballistic missiles.

Mr. SUOZZI. Okay. Thank you, Mr. Chairman.

Chairman ROYCE. Thank you very much, Mr. Suozzi.

And I also want to thank the members of our panel here today. We very much appreciate these informative exchanges that you have had with the members, including the ability to get into some clarification of some issues that I think are very helpful.

I think there is a broad and bipartisan agreement that Iran is, in fact, a threat, a deadly threat to the United States and to our allies. And I think our intent here is to continue our oversight work, but then to drive policy with respect to countering this rad-

ical regime. And I think that the ideas that come out of this hearing can be very helpful in terms of how exactly we do that.

The hearing is adjourned. Thank you again.

[Whereupon, at 12:51 p.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Record

FULL COMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Edward R. Royce (R-CA), Chairman

October 11, 2017

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at http://www.ForeignAffairs.house.gov):

DATE: Wednesday, October 11, 2017

TIME: 10:00 a.m.

SUBJECT: Confronting the Full Range of Iranian Threats

WITNESSES: The Honorable James F. Jeffrey
Philip Solondz Distinguished Fellow
The Washington Institute for Near East Policy
(*Former U.S. Ambassador to Iraq, Turkey, and Albania*)

General Charles F. Wald, USAF, Retired
Distinguished Fellow and Co-Chair
The Gemunder Center Iran Task Force
The Jewish Institute for National Security of America
(*Former Deputy Commander, U.S. European Command*)

Mr. David Albright
Founder and President
Institute for Science and International Security

Mr. Jake Sullivan
Senior Fellow
Geoeconomics and Strategy Program
Carnegie Endowment for International Peace
(*Former National Security Adviser to the Vice President; Former Director of Policy Planning, U.S. Department of State*)

By Direction of the Chairman

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COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE HEARING

Day *Wednesday* **Date** *10/11/2017* **Room** *2172*

Starting Time *10:12AM* **Ending Time** *12:50PM*

Recesses [*0*] (____to____) (____to____) (____to____) (____to____) (____to____) (____to____)

Presiding Member(s)

Chairman Edward R. Royce

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]

Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

Confronting the Full Range of Iranian Threats

COMMITTEE MEMBERS PRESENT:

See attached.

NON-COMMITTEE MEMBERS PRESENT:

N/A

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

SFR- Representative Connolly
QFR - Representatives Titus, Schneider

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *12:50PM*

Full Committee Hearing Coordinator

HOUSE COMMITTEE ON FOREIGN AFFAIRS

FULL COMMITTEE HEARING

PRESENT	*MEMBER*
X	Edward R. Royce, CA
X	Christopher H. Smith, NJ
X	Ileana Ros-Lehtinen, FL
X	Dana Rohrabacher, CA
X	Steve Chabot, OH
X	Joe Wilson, SC
X	Michael T. McCaul, TX
X	Ted Poe, TX
X	Darrell Issa, CA
	Tom Marino, PA
X	Jeff Duncan, SC
X	Mo Brooks, AL
X	Paul Cook, CA
X	Scott Perry, PA
	Ron DeSantis, FL
	Mark Meadows, NC
X	Ted Yoho, FL
X	Adam Kinzinger,IL
X	Lee Zeldin, NY
X	Dan Donovan, NY
	James F. Sensenbrenner, Jr., WI
X	Ann Wagner, MO
X	Brian J. Mast, FL
X	Brian K. Fitzpatrick, PA
	Francis Rooney, FL
X	Thomas A. Garrett, Jr., VA

PRESENT	*MEMBER*
X	Eliot L. Engel, NY
X	Brad Sherman, CA
X	Gregory W. Meeks, NY
X	Albio Sires, NJ
	Gerald E. Connolly, VA
X	Theodore E. Deutch, FL
X	Karen Bass, CA
X	William Keating, MA
X	David Cicilline, RI
X	Ami Bera, CA
	Lois Frankel, FL
	Tulsi Gabbard, HI
X	Joaquin Castro, TX
X	Robin Kelly, IL
X	Brendan Boyle, PA
	Dina Titus, NV
	Norma Torres, CA
X	Brad Schneider, IL
X	Tom Suozzi, NY
X	Adriano Espaillat, NY
X	Ted Lieu, CA

Statement for the Record
Submitted by Mr. Connolly of Virginia

In less than five days, President Trump must certify to Congress whether or not Iran is complying with the Joint Comprehensive Plan of Action (JCPOA). The President has reportedly already decided to decertify, despite lacking evidence of Iranian violations of the agreement. While the United States faces a range of threats from Iran, none is more dangerous than the prospect of a nuclear-armed Tehran. That is why the P5+1 countries that negotiated the agreement focused exclusively on nuclear issues. Rather than abrogating the agreement, the Trump Administration should look to the nuclear deal as a model for addressing Iran's other threatening behavior.

By all accounts, Iran is in compliance with the JCPOA, and the deal is accomplishing a critical national security priority – preventing Iran from obtaining a nuclear weapon. Pursuant to the terms of the agreement, Iran has poured concrete into its plutonium reactor, reduced its centrifuges from 19,000 to 6,104, reduced its stockpile of enriched uranium to no more than 300 kilograms enriched no higher than 3.67 percent, and submitted to continuous monitoring and inspections at its key nuclear facilities. The International Atomic Energy Agency has released nine verification and monitoring reports indicating that Iran has not violated the agreement, and the President has certified to Congress six times that Iran is in compliance.

Critics of the JCPOA charge that it is not an all-encompassing agreement addressing all of Iran's malign behavior. Iran's repeated testing of ballistic missiles runs contrary to the United Nations Security Council Resolution 2231. Iran's Islamic Revolutionary Guard Corps (IRGC) continues to bankroll and arm regional terrorist organizations, including Hezbollah and Hamas, that threaten our greatest ally in the Middle East, Israel. Iran further acts as a destabilizing force in the region by supporting the Houthis in Yemen and Shia militias in Iraq and Syria. And on the home front, the Iranian regime engages in significant human rights abuses to maintain its brutal stranglehold on the Iranian people.

Each of these behaviors constitutes a threat to the United States and therefore demands an appropriate response. That is precisely why we recently enacted the Countering America's Adversaries Through Sanctions Act (P.L. 115-44), which is the most robust sanctions regime ever passed by Congress. If President Trump shares my concern for Iran's other destabilizing behavior, then he should employ the authorities granted him under that law, which the administration has failed to implement. Trump has no overarching strategy to counter Iran's behavior and his administration's unilateral retreat has left a vacuum in Syria. There are serious concerns that the Syrian de-escalation zones, negotiated by the Trump Administration and Russia, have allowed Iran to operate freely on Israel's border.

If Trump proceeds with decertification, he will enable that which we all can agree is an unacceptable outcome – a nuclear-armed Iran. Withdrawing from the JCPOA allows Iran to immediately restart its nuclear program, and leaves the United States with only military options to combat Iranian nuclear proliferation. The last thing the world needs right now is an additional nuclear front. In order to

prevent such a dire result, Congress must work in concert with the Administration to ensure that the nuclear agreement is fully implemented and strictly enforced.

To this end, I have reintroduced bipartisan legislation with my Republican colleague Rep. Francis Rooney to establish a Congressional-Executive Commission to verify Iran's compliance with its obligations under the deal. The Commission to Verify Iranian Nuclear Compliance Act (H.R. 3810) would ensure close and enduring Congressional oversight of the JCPOA as well as coordination between Congress and the Administration regarding implementation of the deal. Congress should act immediately to advance one of the rare proposals on Capitol Hill that has garnered support from both sides of the heated JCPOA debate.

Withdrawing from the deal would damage U.S. credibility in the eyes of our allies and adversaries and weaken our leverage to negotiate future agreements with Iran or other states. The leaders of all parties to the deal, including many members of Trump's own administration, maintain that Iran is in compliance. Just last week, Chairman of the Joint Chiefs of Staff General Joseph Dunford reiterated that "Iran is not in material breach of the agreement, and I do believe the agreement to date has delayed the development of a nuclear capability by Iran." Secretary of Defense Jim Mattis added that he believes it is in the U.S. national security interest to remain in the JCPOA. Furthermore, our partners are unwilling to return to the negotiating table. We should always endeavor to improve the deal and further constrain the Iranian nuclear program, but not in a unilateral fashion and not at the expense of the broader agreement.

If the President decertifies, not only will the United States eliminate its diplomatic options to avert a nuclear-armed Iran, but it would also weaken its leverage to curb Iran's other abhorrent behavior. I regret the absence of Administration witnesses at today's hearing to explain President Trump's comprehensive Iran strategy. Nonetheless, I look forward to hearing from our witnesses regarding how we can ensure strict enforcement and transparency of the JCPOA and how we may apply lessons learned from that effort to the myriad threats posed by the Iranian regime.

Questions for the Record Submitted to
Mr. Jake Sullivan
By Representative Dina Titus
October 11, 2017

Question:

Mr. Sullivan, thank you for joining us today. I share many of the concerns that you outlined in your written statement, especially the President is turning the decision to certify Iran's compliance with the J-C-P-O-A into a bad reality TV show. During the campaign, the President was very clear that he was opposed to the Iran Deal, calling it one of the worst agreements in history. Now, rather than providing a stable voice to lead the world community on this issue, he is refusing to work with our allies or even tell them if he will certify compliance.

It was reported that during the UN General Assembly, the President refused to tell Teresa May his decision regarding certification, despite claiming he had already made up his mind. Our European allies have made it very clear that they want the U.S. to stay in the deal.

I agree with my colleagues that there are issues with the current Iran deal that we should closely examine and work to improve. Meanwhile, we continue watch as the President blunders through his diplomatic efforts, including insulting long term allies. Do you believe this approach encourages our allies to work with us to strengthen the Iran deal or address other Iranian malfeasance, including their missile program?

Response:

I believe the President's persistent efforts to cast doubt on America's commitment to the JCPOA has made it harder for us to secure the cooperation of our partners in addressing the security challenges posed by Iran that are not addressed in the deal. It has distracted us and the Europeans from focusing on issues like ballistic missiles and Iran's sponsorship of terrorism. It has made the Europeans worry more about the risk Washington poses than the risk Tehran poses. The right approach is to commit to the deal, enforce it vigorously, and then turn our attention -- along with our partners -- to these pressing issues.

Questions for the Record Submitted to
Ambassador Jeffrey, Mr. Albright, and Mr. Sullivan
By Representative Brad Schneider
October 11, 2017

Question:

Iran agreed, in the JCPOA, to implement an Additional Protocol agreement and this will continue in perpetuity for as long as Iran remains part of the Nuclear Non-Proliferation Treaty (NPT). How important is the additional protocol in making sure Iran does not acquire a nuclear weapon during the terms of the JCPOA and beyond?

Ambassador Jeffrey's Response:

Iran did agree to implement an additional protocol to the Non-Proliferation Treaty (NPT) in the Joint Comprehensive Plan of Action (JCPOA) for the Iran nuclear issue, specifically in paragraphs 1 and 13 of the basic JCPOA Agreement.

Commitment to and fulfillment of the terms of an additional protocol to the NPT is important to ensure that Iran does not acquire a nuclear weapon, both during the terms of the JCPOA, and especially, beyond.

Each additional protocol is unique, and well over 100 countries have signed such agreements with the International Atomic Energy Agency (IAEA). Additional protocols generally give the IAEA and thus the international community more transparency over all aspects of a country's nuclear program than the terms of the NPT. In particular, countries that sign such agreements have to accept provision of considerably more data to the IAEA and inspections at least in principle anywhere in a country if the IAEA can raise a concern.

While the JCPOA contains certain data provision and inspection modalities similar to an additional protocol, the JCPOA and the various modalities are time limited. Iran's commitments under its additional protocol are not and it thus is a more confidence-building document.

Iran in paragraphs 1 and 13 of the basic JCPOA has committed that its government will provisionally apply its additional protocol. (Iran did so 2003-6); but it is not required to have its parliament ratify it (which would provide far greater assurance that it is a 'permanent' agreement) until, as stipulated in Article 34 (iv) of the basic Agreement, at "Transition Day" in the Agreement (8 years after the Agreement enters into force, or when the IAEA issues its 'Broader Finding' that Iran's program is free of any concern of a nuclear weapons component, whichever comes first), the U.S. complies with its commitment in Article 21 of JCPOA Annex V. (That commitment is for the U.S. to make permanent by legislative action the President's or Executive's waiving of legislative sanctions against Iran related to the nuclear program required by the JCPOA, i.e., repealing those Iran sanctions.)

If the U.S. (specifically, the Congress) were not to do so, then Iran under the terms of Article 34 would not be required to ratify the agreement (i.e., the JCPOA links the two sets of actions explicitly).

Mr. Albright's Response:

The Additional Protocol (AP) is an important, but by no means sufficient, piece of the package of measures to make sure Iran does not acquire nuclear weapons during and after the period of nuclear limitations of the JCPOA. To ensure Iran does not acquire nuclear weapons, Iran's adherence to the NPT plus the Additional

Protocol was not enough in 2013-2015 when the JCPOA was negotiated. The nuclear limitations were viewed as the critical piece of this deal. After these nuclear limitations start to sunset, particularly given the expected trajectory of the Iranian regime, the NPT plus the AP will not be enough either.

Mr. Sullivan's Response: The Additional Protocol (AP) is vitally important. It provides the International Atomic Energy Agency (IAEA) with critical tools, including access to information and locations, producing a much more detailed picture of a State's nuclear program so as to provide confidence that a State does not have any undeclared nuclear material or facilities. These AP tools are the foundation of JCPOA monitoring and inspection, though the JCPOA also adds additional access requirements specific to Iran. Iran's full ratification of the AP (required 8 years into the deal) will be one element of ensuring that they meet their commitment in perpetuity "that under no circumstances will Iran ever seek, develop or acquire any nuclear weapons."

Question:

Would withdrawing from the JCPOA put Iran's Additional Protocol agreement at risk?

Ambassador Jeffrey's Response:

At any point if the U.S. were to cease in part or totally its commitments under the JCPOA (which as per the question would include "withdrawing from the JCPOA"), then, in accordance with the procedures of Article 36 of the basic JCPOA Agreement, Iran could, to quote that Article "cease performing its commitments under this JCPOA in whole or in part." That would thus allow Iran, consistent with the Agreement, for example to cancel its provisional application of its additional protocol, with the resulting erosion of IAEA and international oversight of its nuclear programs. (It could also continue provisional adherence to the additional protocol but take other measures to modify or reduce its compliance with the Agreement in response to U.S. action that ends or modifies U.S. adherence.)

Mr. Albright's Response:

I would expect Iran to stop implementing the Additional Protocol if the deal collapsed.

Mr. Sullivan's Response:

Iran is almost certain to cease application of the AP quickly upon U.S. failure to abide by its own JCPOA commitments. It is hard to see a circumstance in which Iran would ratify the AP outside of the context of the JCPOA.

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