

UNDER THE BIG TOP: CONGRESS AND THE IRAN NUCLEAR AGREEMENT

July 14, 2016

Edward P. Levine
*Chairman of the board of the Center for
Arms Control and Non-Proliferation*

When the Iran nuclear agreement was reached, it was transmitted to Congress, which had 60 days in which to take effective action to block U.S. implementation. The Iran Nuclear Agreement Review Act barred the executive branch from implementing the agreement during that period.

Republican opposition ensured majority support for a resolution of disapproval. When it became clear that not enough House Democrats would vote to override a veto, however, the impetus to pass legislation went out like the tide. Senate Democrats then blocked any need for a veto by preventing cloture on the resolution of disapproval. In the end, for all its labors, Congress did nothing and the agreement was implemented.

A year later, where does Congress stand on the agreement? Why, right where it stood last year, of course. Republicans still would scuttle the deal, despite its success in radically reducing Iran's nuclear activities. Most Democrats still support the deal and their president, despite Iran's missile tests and assistance to regional bad actors and terrorists. These views are unlikely to change unless Iran commits a major violation of the agreement or sponsors a horrific act of terrorism, or the U.S. elections cause some rethinking.

There are plenty of legislative proposals. Bills have been introduced to block dollar-denominated Iranian transactions, Boeing's sale of commercial aircraft to Iran, the U.S.

purchase of Iranian heavy water, and the U.S.-Iranian claims settlement; to extend the Iran Sanctions Act, which expires at the end of this year; to add new Iran sanctions due to its missile tests and/or support for terrorism; to improve U.S. oversight of JCPOA implementation; and to require executive branch reports on Russian deals with Iran and on any special International Atomic Energy Agency (IAEA)-Iran arrangements the Department of State may learn about. Some of these bills would force the United States to violate its Joint Comprehensive Plan of Action (JCPOA) obligations (e.g., the ban on commercial aircraft sales). Others would arguably put the United States in violation (e.g., the bills on dollar-denominated transactions, and any re-imposed sanctions on Iranian persons for whom nuclear sanctions were lifted). Still others might prompt Iran to denounce the nuclear agreement.

The House of Representatives may pass some of these bills. That should be no surprise. House members of both parties assume that the Senate will reject bills with serious foreign policy consequences, so the House may do as it wishes. Members get good publicity for taking a principled stand, with little or no concern for those nasty consequences.

In the Senate, most Iran bills will never get out of committee. The major legislation will be to extend the Iran Sanctions Act; the main issue will be what sort of additional non-nuclear sanctions, if any, to impose. Senators Mark Kirk (R-IL) and Robert

Menendez (D-NJ) introduced a bill on this over a year ago. Senators Bob Corker (R-TN) and Ben Cardin (D-MD) have said that they were working on a bill to be rolled out with greater bipartisan support, but their effort may have stalled.

Will *any* Iran bill get to the Senate floor? In practice, it would need 60 votes to be debated. Reuters adds that Senator Mitch McConnell (R-KY) wants any sanctions bill to have 67 votes, enough to override a veto; apparently, he does not want to pass a bill with great fanfare, only to give President Barack Obama the last word.¹ Any bill with 67 supporters will be prearranged with the administration, unless some bone-headed action by Iran leads 8 to 12 more Democrats to support the bill. Oversight and reporting provisions could be included, so that supporters can say they did more than merely extend current law.

When will this happen, *if* it happens? Not this week, so not before September. And it's hard to imagine a bipartisan rollout during the last weeks of an election campaign. After the election, as the Iran Sanctions Act approaches expiration, is when Congress may actually do something. And the real votes on Iran will be cast by the American people on November 8, whether they realize it or not.

EDWARD P. LEVINE

Retired professional staff member of the Senate Select Committee on Intelligence (1976–1997) and the Senate Foreign Relations Committee (1997–2011), is board chairman of the Center for Arms Control and Non-Proliferation

¹ Patricia Zengerle, “U.S. lawmakers want more Iran sanctions, but can’t agree,” Reuters, June 7, 2016, <http://www.reuters.com/article/us-iran-nuclear-usa-congress-idUSKCN0YT2F4>.