

JINSA’s Blueprint for Congressional Action on Iran

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The Biden administration's plan to negotiate a "mutual return" to the Joint Comprehensive Plan of Action (JCPOA) is once again nearing a possible conclusion. Both Democrat and Republican leaders in Congress have warned they are not being adequately consulted on such a major national security issue, and are concerned the administration's negotiations have yielded a deal that fails to advance important national security objectives.

The deal currently on the table is shorter and weaker than the original JCPOA, not "longer and stronger" as President Biden and his team promised. It would entail far greater sanctions relief than the original JCPOA, including the likely lifting of over 170 sanctions prior to congressional review. The restrictions on Iran's nuclear program would bring them back to the same enrichment breakout time (about six months) that the Biden administration inherited in January 2021.

Like the Obama administration before it, the White House is again likely to argue that the alternative to this deal is either an Iranian bomb or the onset of war. The last four years outside the deal yielded neither outcome. There is another way to deal with Iran's nuclear provocations that does not rely on concessions or war.

The United States should pivot to a strategy, as previously [described by JINSA](#), of credible deterrence, nuclear tripwires, increased regional military cooperation, and comprehensive pressure on Tehran. Congress' involvement is needed to help put such a strategy in place. JINSA's blueprint for congressional action lays out a detailed Plan B approach that imposes clear and serious consequences on Iran if it continues to advance its nuclear program, strengthens the sanctions architecture to restore U.S. negotiating leverage, and bolsters the capabilities of U.S. regional partners to defend themselves.

Congress can and should play a decisive role in moving U.S. policy toward a realistic strategy to counter Iranian intransigence by advancing legislation to achieve four broad priorities:

1. Impose clear consequences and tripwires for further Iranian nuclear enrichment and weaponization advances;
2. Increase pressure on Iran by boosting partner capabilities and regional military cooperation;
3. Strengthen and codify the existing sanctions architecture;
4. Specify parameters for acceptable (and unacceptable) negotiation outcomes.

Create Tripwires for Further Iranian Nuclear Enrichment/Weaponization

Congress should set severe consequences for Iranian actions that bring the regime any closer to a nuclear weapon. These consequences should send a message to Iran that proceeding further would push it into semi-permanent economic and diplomatic isolation and would not increase their negotiating leverage.

Proposal 1: Consequences for Nuclear Extortion

Congress should identify several important Iranian economic entities to be subjected to mandatory sanctions if Iran passes certain nuclear thresholds.

Background: Iran has long sought and is relying as part of the new deal that it would obtain sanctions relief on several vital economic entities, including the Central Bank of Iran (CBI), National Iran Oil Company (NIOC), National Iran Tanker Company (NITC), National Development Fund (NDF), Khatam-al-Anbiya Construction Headquarters, and the Supreme Leaders' foundations such as Bonyad Mostazafan. Imposing mandatory sanctions on these entities would send a long-term signal to markets that all major Iranian economic entities are radioactive and will not receive sanctions relief in the near future. This could create major opposition and reluctance within the Iranian system to proceeding to significant nuclear development.

Provision: Congress should require a Presidential determination that the CBI, NIOC, NITC, NDF, Khatam-al-Anbiya Construction Headquarters, and the Bonyad Mostazafan have not provided any financial support for terrorism in the preceding five years in order to have their current designations under E.O. 13224 lifted under any mechanism, including INARA. This determination is triggered by an Intelligence Community finding that Iran is enriching uranium to a 90 percent purity level OR that Iran is engaging in significant nuclear weaponization activities.

Proposal 2: Isotope Isolation

Rescind waivers for civil nuclear cooperation if Iran reaches certain nuclear thresholds.

Background: In February 2022, the Biden Administration issued waivers for cooperation with Iran's civil nuclear industry, which would cover a \$10 billion construction project by Russian state-owned nuclear energy corporation Rosatom at the Bushehr Nuclear Site.

Provision: Congress should pass legislation rescinding the sanctions waivers for Iran's civil nuclear program in the event the Intelligence Community determines that Iran is enriching uranium to 90 percent purity or has conducted significant weaponization activities.

Proposal 3: No Cash for Clunkers

Strengthen economic sanctions by targeting Iran's automotive industry.

Background: The Iranian economy continually evolves and is [transitioning](#) from extractive industries into manufacturing and service-based sectors. The automotive sector contributes a significant amount to the regime's GDP and [employs](#) around 100,000 Iranians directly and an additional 700,000 in related industries.

Provision: Congress should require the Executive Branch impose sanctions against Iran's automotive sector, such as prohibiting their ability to import parts for domestic production and requiring a sanctions determination regarding whether major Iranian automotive and machinery companies financially or materially contribute to the Iranian armed forces, MODAFL, or the IRGC, contingent on

a determination from the Intelligence Community that Iran is enriching uranium to 90 percent purity or has conducted significant weaponization activities.

Strengthen Regional Military Cooperation

Proposal 4: Support Partners

Boost Israel's ability to defend itself, by itself, and prevent a nuclear weapons-capable Iran by swiftly transferring critical military capabilities for which Israel already has arranged or requested expedited procurement. This includes: Joint Direct Attack Munitions (JDAM) and GBU-39/B precision guided munitions (PGM), KC-46A aerial refueling tankers, F-35I multirole aircraft, and CH-53K heavy lift and SH-60/MH-60 multi-mission helicopters.

Background: Expediting delivery of KC-46A aerial refueling tankers. Israel's limited capacity to operate at range—due to its small fleet of aged refueling tankers—degrades Israel's deterrence against and, if necessary, ability to respond to an Iranian attempt to produce a nuclear weapon, and undermines U.S. diplomatic leverage vis-à-vis Iran. Despite Israel already securing financing to acquire these platforms from the United States, the Biden administration has declined to deliver them before 2024, at the earliest.

Provision: Congress should require a report from the Secretary of Defense detailing the process required to expedite the sale of KC-46 refueling tankers to Israel. This should include options to accelerate purchase and delivery without adversely impacting U.S. defense readiness, and the estimated cost for each option to enable sufficient congressional oversight.

Background: Prepositioning PGMs. The Russian invasion of Ukraine underscores the difficulty of arming a friendly nation after a conflict has begun compared to providing assistance prior to the start of a conflict. Prepositioning PGMs in CENTCOM's depot in Israel is the fastest transfer route for these munitions to have them in place as a deterrent against Iran and its proxy forces.

Provision: Congress should require a report from the Secretary of Defense on the steps required to preposition PGMs in Israel. This should include a description of the quantity and type of PGMs necessary for Israeli use in a multi-front conflict with Iran and its terrorist proxies, Israel's current efforts to expand PGM production and stockpiles to meet operational requirements, the current quantity and type of precision-guided munitions in the War Reserves Stock Allies-Israel (WRSA-I), the number of additional PGMs that could be pre-positioned in WRSA-I to support current Operational Plans, and an update on ongoing efforts to expand industrial capacity, production, and stockpiles of PGMs in coordination with Israel to meet joint operational requirements.

Proposal 5: Lead on Regional Air Defense

As recommended in, a January 2022 JINSA report, [A Stronger and Wider Peace: A U.S. Strategy for Advancing the Abraham Accords](#), the United States should work with Middle East partners to develop a regional air defense network that would defend against malign Iranian activity, particularly against unmanned aerial vehicle and missile attacks.

Background: Iran and its proxy militias routinely fire Iranian-designed and -produced rockets, UAVs, and missiles at U.S. forces and partners in Israel, Iraq, Syria, Saudi Arabia, the United Arab Emirates, and international waterways. The current air defenses of America's partners in the region are insufficient to address these threats, particularly against the UAVs that Iran-backed groups have increasingly launched. The development of a U.S.-led regional air and missile defense network would significantly enhance surveillance of Iranian activity, lengthen the response time against attacks, and strengthen the capability of partners to neutralize incoming attacks.

Provision: In June, the newly created Abraham Accords Caucus introduced the Deterring Enemy Forces and Enabling National Defenses (DEFEND) Act of 2022 that authorizes the Secretary of Defense to provide a roadmap for defense cooperation between the United States, Israel, and its Arab partners to develop joint defenses against Iran's ever expanding, increasingly precise, and lethal arsenals of missiles and drones along with an acquisition strategy to enable this strategy to succeed. This key piece of legislation, currently included in the House and Senate versions of the National Defense Authorization Act (NDAA), is a critical first step to bolstering congressional and administration leadership in countering Iranian regional aggression. NDAA conference report conferees should ensure that the DEFEND Act is included in the final version of the NDAA and passed into law. The Department of Defense should immediately build a strategy and then exercise U.S. leadership to execute it standing shoulder to shoulder with regional partners.

Increase Pressure and Strengthen Sanctions Architecture

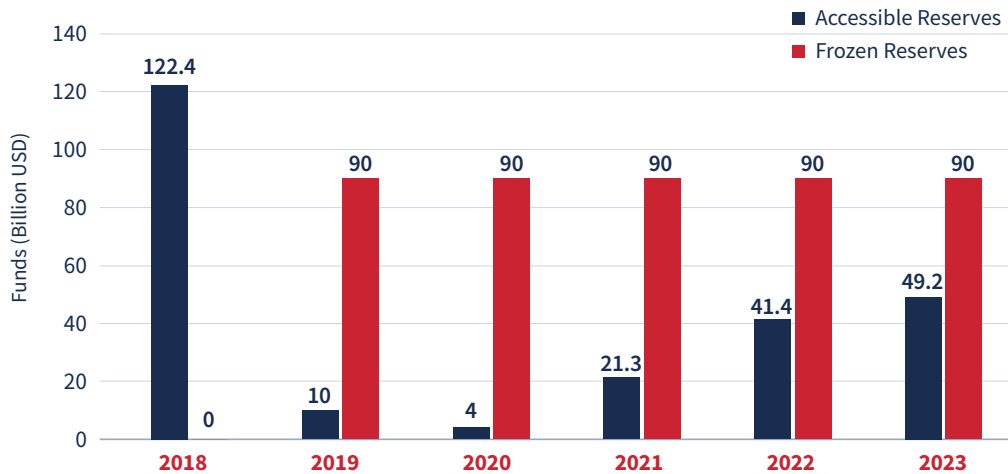
Congress should codify several of the discretionary Iran-related sanctions authorities that currently exist only via executive orders to push the administration to strengthen their economic and diplomatic leverage on Iran and establish U.S. policy on a firmer bipartisan foundation.

Proposal 6: Stop Oil for Terror

Strengthen economic sanctions on Iran's export of oil and petrochemical products.

Background: China imports between 70-75 percent of Iran's total crude exports. According to data from United Against Nuclear Iran, the regime exported \$23 billion of crude to China in 2021 and is on pace to export \$27 billion in 2022.

Iran's Foreign Funds (Billion USD)



Provision: Congress should require the President to submit a report to Congress every six months identifying every entity with respect to which there is credible information suggesting that the entity may have engaged in sanctionable activity relating to Iran's oil, petrochemical, metals, or banking industries. The President should be further be required to either impose sanctions on each entity identified in the report, or explain in the report with respect to each such entity the reasons why the President has decided not to impose sanctions on the entity. Congress should also ensure that Treasury, OFAC, and the State Department are fully resourced to monitor sanctions evasion, engage with international business groups, and target illicit transactions involving Iranian individuals and entities.

Proposal 7: Stop Iranian Terror Tankers

Strengthen economic sanctions by targeting insurance and flagging companies that support Iranian oil tankers violating U.S. sanctions.

Background: According to UANI data, Iran's fleet of foreign vessels engaging the in the transfer of Iranian crude oil and petroleum products [has grown](#) from 70 vessels in November 2020 to over 203 vessels as of June 2022. The Trump Administration was regularly in touch with countries and international maritime organizations to warn them against assisting Iranian shipping and oil industries and succeeded in de-flagging hundreds of vessels carrying Iranian crude. It appears that those efforts have since faltered or been abandoned.

Provision: Congress should require semiannual reports from the Treasury Department identifying countries and entities providing flagging and insurance services in support of Iranian oil exports and the Iranian shipping industry. It should also require Treasury to provide a determination of whether those entities are in violation of U.S. sanctions. The President could issue a one-time national security waiver of these sanctions but could not repeat this waiver in the event that it was identified as engaging in sanctionable behavior during a subsequent reporting period.

Proposal 8: Stop Iranian Weapons

Mandate sanctions on conventional arms proliferators (codifies Executive Order 13949).

Background: When the UN Conventional Arms Embargo expired in October 2020, the Trump Administration released Executive Order 13949, authorizing the Executive Branch to place sanctions on individuals and entities who engage in the supply, sale, or transfer of arms as well as training and financial assistance for the sale of weapons to and from Iran. The Trump Administration issued two rounds of sanctions pursuant to this authority. The Biden Administration has not yet used this authority despite press reports that Russia and Iran are engaging or planning to engage in weapons transactions.

Provision: Congress should require the Executive Branch to report to Congress semiannually identifying those individuals and entities that have engaged in conduct that violates E.O. 13949 and mandate that the Executive Branch impose sanctions, not subject to any waiver authority.

Proposal 9: Secure Manhattan

Reinstate travel restrictions on Iranian diplomats at the UN Mission in New York City

Background: Under the Headquarters Agreement between the United States and the United Nations, the U.S. Government cannot restrict admission of foreign diplomats at the United Nations unless there are threats from those individuals to U.S. national security. However, recent reports of Iranian attempts to kidnap/rendition U.S. citizens from Brooklyn, plots to assassinate senior U.S. officials, and reports of spying on U.S. hostage families should encourage the United States to further remove or restrict Iranian personnel from New York.

Secretary of State Pompeo instituted strict travel restrictions for the dozens of Iranian diplomats living in New York City who work at their UN Mission, limiting their travel and mobility to several blocks around the UN, a few blocks around their residence, and the travel area between these areas. Secretary Pompeo offered to ease these restrictions if Iran released the U.S. citizens held hostage in Iran. In February 2021, Secretary of State Blinken eased their restrictions to only a 25-mile radius of midtown Manhattan as a bid to reduce tensions with Iran and “facilitate diplomacy”.

Provision: Congress should reinstate strict travel restrictions on Iranian diplomats. These restrictions would be triggered if, three months after the passage of the law, the State Department determines that Iran has not released Siamak Namazi, Baquer Namazi, Emad Shargi, and Morad Tahbaz into U.S. custody and has not ceased its assassination and other threats against current and former U.S. officials, as well as activists, like Masih Alinejad, living in the United States. Congress should provide additional funding to NYPD and FBI to monitor and report on any violations of these restrictions, and direct ICE to remove Iranian diplomats from the United States who violate these travel restrictions. Additionally, Congress should task the FBI with providing a classified report on the number and disposition of any Iranian intelligence assets currently in New York, at the Iranian Interests Section in Washington, D.C., or elsewhere throughout the country, and an update on why any such individuals have not been forcibly removed from the United States.

Set Negotiation Parameters

Congress should determine key parameters required by Iran in a deal to earn the relief of various restrictions and sanctions. This would set a minimum baseline requirement for any future negotiation with Iran and more forcefully re-assert Congress in the decision-making process.

Proposal 10: The Islamic Revolutionary Guard Corps (IRGC) is a Foreign Terrorist Organization (FTO)

Prohibition on removing IRGC FTO designation.

Background: The State Department listed the IRGC as a Foreign Terrorist Organization (FTO) in 2019 for being “an active and enthusiastic participant in acts of terror.” Iran had been demanding the Biden administration lift this designation as part of a renewed nuclear deal, despite the IRGC continuing to engage in terrorism and despite there being no such requirement for the United States to do so in order to return to JCPOA compliance.

Provision: Congress should pass legislation requiring that in order to remove the Foreign Terrorist Organization designation on the Islamic Revolutionary Guard Corps (IRGC) or any of its subsidiaries, including the Khatam-al Anbiya Construction Headquarters, the President must provide Congress with a certification that the IRGC has not engaged in or supported terrorist activity for a period of at least three years prior to the certification.

Proposal 11: Iran Nuclear Transparency

Prevent sanctions relief to Iran until Iran provides the IAEA a full accounting of all previous military dimensions of its nuclear program.

Background: Iran has consistently avoided providing full transparency to the IAEA regarding its NPT safeguard violations, such as explaining the presence of uranium particles at undeclared sites. These are not merely trivial matters.

Provision: Congress should amend INARA to require a presidential certification that Iran has fully complied with IAEA requests and adequately resolved all its safeguards violations and providing a full accounting of the previous military dimensions of its nuclear program before the United States can proceed with sanctions relief.

Proposal 12: No Bailouts for Iran

Prohibit the International Monetary Fund (IMF) from providing financial assistance to Iran until Iran has passed Palermo Convention reforms.

Background: Iran has suffered economic difficulties due its low foreign currency exchange reserves. While simultaneously trying to bring Iran to the negotiating table, the Biden Administration voted to support an IMF allocation of Special Drawing Rights (SDR) equivalent to \$4.96 billion for Iran, significantly boosting its currency reserves. This financial assistance should never have been provided to a nation on the blacklist of the Financial Action Task Force (FATF) for its failure to adhere to Anti-Money Laundering/Combating the Finance of Terrorism (AML/CTF) standards.

Provision: Congress should direct that neither the President nor anyone person or agency operating on behalf of the President shall vote for an SDR allocation for Iran while it remains on FATF’s blacklist.

Proposal 13: No Hostage Ransom

Prohibit the transfer of cash or in-kind financial remuneration in exchange for the return of U.S. hostages.

Background: Iran utilizes hostage-taking as leverage for the return of Iranian agents imprisoned by foreign governments, to force foreign governments to pay stalled debts, or for outright ransom payments. According to reports, the United States was prepared to facilitate the release of \$7 billion in frozen Iranian assets for the release of American hostages. If U.S. law prohibits these avenues and others, Iran will not see as much benefit for taking hostages, since the practice deters tourism and earns them a strong negative reputation internationally.



Provision: Congress should limit the financial incentives for Iranian hostage taking by prohibiting any cash or financial transfers, reduction of sanctions, provision of “comfort letters”, sanctions waivers, and any other mechanism to facilitate the transfer of U.S. or foreign financial assets to Iranian control, directly or indirectly, in conjunction with the release of U.S. citizens wrongfully held in Iran.

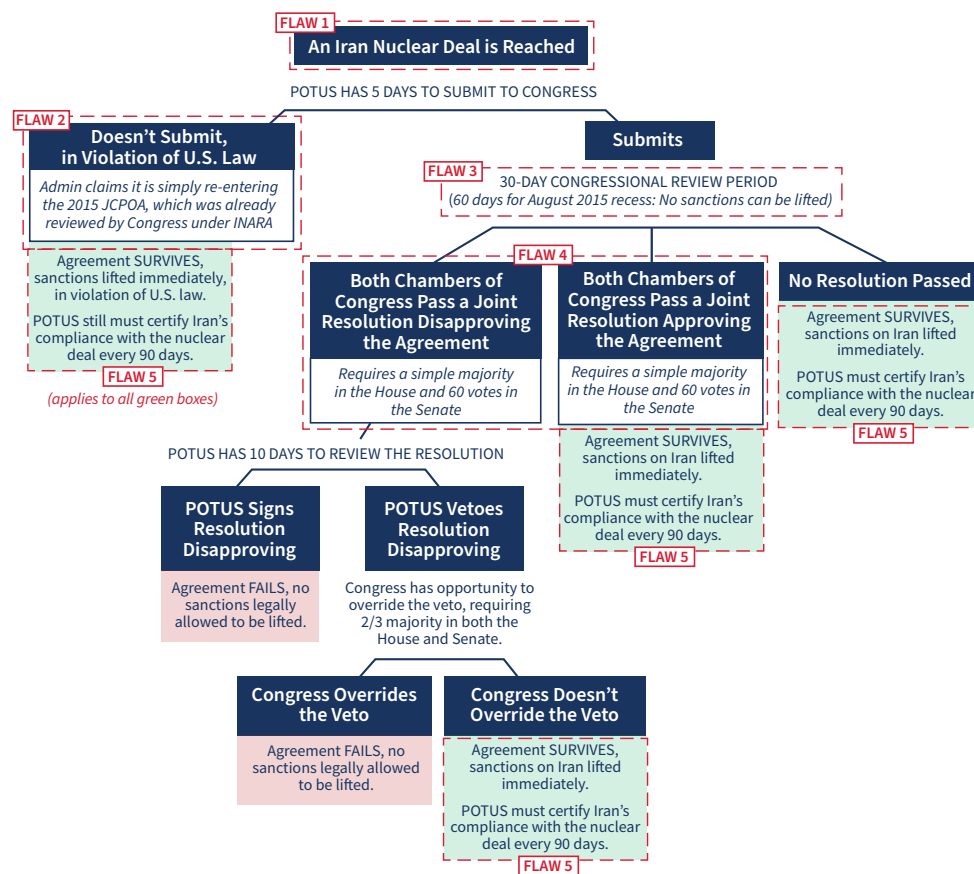
Proposal 14: Empower Congress

Congress should pass reforms of the Iran Nuclear Agreement Review Act (INARA) to strengthen Congress' oversight role in any negotiations and finalized deal.

Background: Congress passed INARA in 2015 to guarantee its ability to review and vote on any nuclear agreement reached with Iran. INARA remains the only mechanism that ensures Congress has a say on Iran negotiations. However, the law has several weaknesses: it extends the review period for some, but not all recesses; it does not clearly specify that it applies to any and all nuclear deals with Iran; and it requires a supermajority to block a deal, the opposite of the treaty ratification process. Finally, Iranian reports indicate the Biden Administration intends to lift nearly 170 sanctions on Iran prior to INARA review by lifting three non-codified Executive Orders.

Provision: Congress should ensure applicability of Congressional review through recess periods, fully cover sanctions from relief by codifying recent Iran-related executive orders, ensure permanent applicability of the legislative snapback, increase the vote threshold to simple majority required to approve a deal, and specify that INARA's review procedure applies regardless of Congress' prior review of the JCPOA.

5 Key Fixes to Iran Nuclear Agreement Review Act (INARA)



FIX 1: Strengthen certification requirements: Require that any deal include permanent restrictions on Iran's nuclear enrichment, require Iran to fully come clean about previous military dimensions of its nuclear program.

FIX 2: Fix the submission loophole: Congress must permanently close any possibility of abuse by clarifying the submission requirements apply regardless of Congress' previous review of the JCPOA.

FIX 3: Fix the recess loophole: Congress should extend the 60-day review period from 2015 permanently or ensure that it applies to all future extended recess periods.

FIX 4: Fix the veto loophole: INARA should be amended so a majority vote is required to proceed with a new Iran agreement, as was originally envisioned by Congress before President Obama's veto threat.

FIX 5: Fix the snapback loophole: Extend the window to snapback sanctions if compliance cannot be certified from 60 days to 90 days. (applies to all green boxes)