

# What's In Biden's New Nuclear "Not-a-Deal" with Iran?

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*Despite [proclaiming](#) that “rumors about a nuclear deal, interim or otherwise, are false and misleading...” the Biden administration [reportedly](#) has indeed been negotiating a [limited](#) nuclear and hostage [agreement](#) with Iran. Except, in their words, the Biden administration is negotiating an “informal, unwritten agreement” – but definitely not a “deal.”*

*Much remains unknown about this “not-a-deal” – including why the administration would not want a written agreement to hold Iran accountable, other than to keep the deal’s contents away from Congress and the public – but its basic contours have been disclosed by credible reporters, citing diplomatic sources across the United States, Europe, Israel, and Iran. Some additional details, included in the brief below, also have been confirmed to JINSA by U.S. government officials.*

*Based on what is known thus far, this “not-a-deal” does not actually require Iran to reduce its nuclear program or breakout timeline in any way. Instead, the Biden administration seems to be offering Tehran somewhere between \$7-24 billion cash up front in addition to \$2.7 billion already transferred, and hundreds of millions more in ongoing monthly oil revenue, in exchange for Tehran’s unwritten promise not to escalate an already-untenable situation: approaching the nuclear weapons threshold while sending weapons to Russia in support of its aggression against Ukraine. There is also no indication Iran faces any deterrent to, or costs for, violating this one-sided ceasefire.*

*Given its denials that there is a deal in the making and its reported determination to keep the agreement unwritten, it is likely that much will remain unknown about this cash-for-hope “not-a-deal,” unless Congress forces the Biden administration to submit it for congressional review as is required under U.S. law.*

# Iran Reportedly Agrees to:



## *Nuclear:*

- No limit on production of up to 5 percent enriched uranium.
- No limit on production of 20 percent enriched uranium.
- No further accumulation of 60 percent enriched uranium stockpiles (currently 114.1 kilograms).
  - » Iran will still be [allowed](#) to enrich uranium to 60 percent, as long as it is immediately downblended to a lower purity.
- Provide greater cooperation with International Atomic Energy Agency (IAEA).

## *Regional Aggression:*

- Halt proxy attacks on U.S. forces in Iraq and Syria.
- Refrain from providing Russia with ballistic missiles.

## *Hostages:*

- Release three Iranian-American hostages:
  - » Siamak Namazi, a dual Iranian-American citizen and businessman imprisoned in Iran since 2016.
  - » Morad Tahbaz, an Iranian-American-British citizen and conservationist imprisoned in Iran since 2018.
  - » Emad Shargi, a dual Iranian-American citizen and businessman imprisoned in Iran since 2018.

# United States Reportedly Agrees to:



## *Sanctions:*

- Freeze existing U.S. sanctions and levy no new economic sanctions on Iran, particularly against Iranian oil exports.
- Cease enforcement of U.S. sanctions on Iranian oil exports at sea through seizure of international oil tankers.
- Not [pursue](#) new punitive resolutions against Iran at the United Nations.
  - » This likely would extend to blocking any potential European snapback of previous UN sanctions on Iran’s nuclear program, as provided for under UN Security Council Resolution (UNSCR) 2231.
- Unfreeze Iranian assets frozen under U.S. sanctions totaling as much as \$27 billion:
  - » Already released:
    - \$2.76 billion [via sanctions waiver](#) for Iraq to settle energy debts to Iran.
  - » To be released:
    - \$7 billion of Iranian funds frozen in South Korean banks, to be in a special account either in Qatar or the UAE.
  - » Unconfirmed:
    - Allowing Iran to convert \$6.7 billion of IMF special drawing rights (SDR) for “economic needs” – likely into euros (Iranian claim).
    - Providing a sanctions waiver for Iraq to transfer to Iran an additional ~\$10 billion in frozen Iranian funds held in Iraqi banks (Iranian claim).

## *IAEA Investigations:*

- The United States will not pursue new punitive resolutions against Iran at the IAEA.

## *Prisoner Release:*

- Release an unknown number of Iranian nationals currently incarcerated in the United States.

## What's Reported Not to Be Included:

### *Nuclear:*

- Any measures that would reduce Iran's current ability to produce enough fissile material for a nuclear weapon in less than two weeks and enough fissile material for several more bombs in two months.

### *Regional Aggression:*

- Any commitment by the Iranian regime to halt its efforts to assassinate former U.S. National Security Advisor John Bolton, former Secretary of State Mike Pompeo, former Secretary of Defense Mark Esper, current Chairman of the Joint Chiefs of Staff Gen. Mark Milley, or former U.S. Special Representative for Iran Brian Hook.
- Any commitment by the Iranian regime to halt its efforts to assassinate over a dozen Iranian dissidents on U.S. and British soil, including Masih Alinejad and several reporters.
- Any commitment by Iran to curtail its development of nuclear delivery systems, including ballistic missiles of any range or sophistication.
- Any commitment by Iran to cease providing financial, operational, and military support to Hamas, Hezbollah, the Houthis in Yemen, or its proxies in Iraq.
- Any commitment by Iran to cease providing Russia with [military support](#), long-range suicide drones, trainers, ammunition, or building munitions factories inside Russia – other than a commitment to continue not providing Russia with ballistic missiles.

### *Hostage Taking:*

- Any commitment by Iran to cease taking additional American, foreign, or dual-national citizens hostage on false charges.

## What We Don't Know:

### *Duration:*

- The Biden administration has previously [mentioned](#) its interest in an interim deal, but it is unknown whether what is currently being negotiated has a limited duration or is intended to remain in place indefinitely.

### *Nuclear:*

- Whether there is any Iranian commitment to suspend or limit its manufacturing, installation, use, or research and development (R&D) of additional advanced centrifuges, and whether there are any agreed-to penalties for breaches.
- Whether there are any limits on construction of new nuclear facilities and/or changes to the disposition of existing nuclear infrastructure.
- Whether there are any agreed-to penalties or U.S. countermeasures in the event that Iran breaches its enrichment commitments.

### *IAEA Inspections and Investigations:*

- The nature (if any) of Iranian commitments to cooperate with the IAEA on outstanding safeguards issues, access to footage and restoration of IAEA cameras in enrichment and centrifuge-manufacturing facilities, and whether there is any enforcement mechanism.
- Whether Iran commits to verifiably resolve longstanding IAEA investigations into Iran's previous, and possibly ongoing, work toward building a nuclear weapon.

### *Regional Aggression:*

- Whether Iran's commitment not to provide Russia with ballistic missiles extends after October 18, 2023, when UNSCR 2231's prohibition on such transfers expires.

### *Sanctions Relief:*

- Whether the United States agrees to limits of new economic sanctions (such as against oil exports) and their enforcement, or whether the United States also agrees to a cessation of new sanctions and sanctions enforcement relating more to terrorism, human rights, cyber and election interference, WMD proliferation, and more.
  - » The United States typically targets Iran's main economic industries, such as its oil, petrochemical, shipping, metals, and industrial sectors under sectoral (or economic) sanctions.

### *Prisoner Release:*

- The identity of Iranian prisoners set to be released by the Department of Justice, their crimes, imposed and remaining sentences, likelihood of recidivism, and their value to the Iranian regime.
- Whether the hostage payments and releases are severable to the nuclear steps and reduction of sanctions enforcement, or whether they are a package deal in this "not-a-deal." This is relevant for the Iran Nuclear Agreement Review Act's (INARA) requirement that any agreement "regarding Iran's nuclear program" be submitted to Congress.

## Implications:

### *General:*

- This “not-a-deal” relies on hope and billions of dollars in cash, not verification and credible deterrence, to induce minimal Iranian concessions that will not limit its ability to continue developing nuclear weapons, expanding its regional military footprint, and taking foreign nationals hostage. When the United States runs out of concessions – or Iran decides they are not sufficient – Iran will face no limitation on returning to its previous behavior, this time with an upper hand.
- It favors Iran by requiring no change to its nuclear infrastructure, enabling it to instantly return to military-grade enrichment at any time, and giving the regime cash and time to continue expanding its remarkable nuclear gains, fortify its nuclear infrastructure, and rebuild its faltering economy.
- It also removes any remaining U.S. leverage for a future comprehensive deal by eliminating vast amounts of frozen Iranian funds from U.S. control, limiting America’s future ability to enforce sanctions and ensure compliance, and conveying the Biden administration’s clear reluctance to implement any measures that will increase pressure on Iran or strengthen credible U.S. deterrence.

### *Nuclear:*

- By failing to remove Iran’s 470.9kg stockpile of 20 percent and 114.1kg stockpile of 60 percent enriched uranium (as of the IAEA’s May 2023 [report](#)), this “not-a-deal” does nothing to roll back Tehran’s current near-zero “breakout time” to enrich a bomb’s worth of 90 percent fissile material.
  - » Iran would maintain its existing stockpile of more than a bomb’s worth of 60 percent enriched uranium, which it could enrich to weapons grade in less than two weeks.
  - » Iran is permitted to continue amassing 20 percent enriched uranium, a level which already represents 90 percent of the work to reach fissile material. Iran has six bombs’ worth of 20 percent enriched uranium and would be allowed to raise both its stockpile and production rate of this material, which already is the technical threshold for highly enriched uranium, and which Iran can upgrade to weapons-grade uranium in a matter of weeks.
  - » There is no mechanism to prevent Iran from reneging at any time and restarting its 60 percent enrichment and/or enriching to even higher levels.
  - » Iran also could continue enriching uranium up to 5 percent, which serves as its primary feedstock for producing 60 percent enriched uranium.
- If this “not-a-deal” allows Iran to continue enriching 60 percent but not accumulate product, it still will gain invaluable and irreversible R&D knowledge for a breakout using its advanced centrifuges.

- The “not-a-deal” also permits Iran’s ongoing major expansion of its nuclear enrichment infrastructure and associated R&D.
  - » There is no limit on Iran’s manufacturing of advanced centrifuges, which is the focal point of its ongoing concerted effort to massively expand its nuclear infrastructure.
  - » Iran also can likely continue its weaponization progress, which recently led both Israel and the United States to revisit their previous [estimates](#) from Tehran being 1-2 years away from a bomb, to now only several months from this threshold if it so chooses.
  - » Iran also can continue expanding and hardening its enrichment and centrifuge-manufacturing sites to make them more [survivable](#) against potential military strikes.
- By legitimizing Iran’s 20 percent enrichment and its possession of 60 percent enriched stockpiles, and by blocking IAEA censure for ongoing or future Iranian stonewalling on its nuclear safeguards commitments, the “not-a-deal” undermines the global nonproliferation regime and de facto legitimizes and rewards Iran’s ongoing nuclear extortion.

### *Prisoner Exchange and Ransom Payment:*

- The “not-a-deal” rewards Iranian hostage-taking with large cash payments, thus guaranteeing that American citizens traveling abroad will become a prized possession and target of terrorist groups and dictators across the world.
- It breaks standards, maintained during the Trump administration, that the United States will not pay a cent for the release of U.S. hostages – a position that degraded the Iranian regime’s perceived value of taking Americans hostage.
- Paying Iran \$7 billion for three hostages is a massive increase from the Obama Administration’s \$1.7 billion [payment](#) in 2016 for five hostages, a discrepancy the Iranian regime’s officials will pounce on as evidence they can continue to eke out more concessions from the Biden Administration by taking more hostages.
  - » Iranian officials and clerics openly [discussed](#) taking Americans hostage as a tactic to balance the Iranian budget after the 2016 hostage deal.

### *Sanctions Relief and Non-Enforcement:*

- The Biden administration has already significantly relaxed enforcement of U.S. sanctions on Iran’s oil exports, which are crucial to the regime’s income.
  - » Iranian oil exports have [increased](#) from around 400,000 barrels per day (bpd) in 2019 and 2020 under the Trump administration’s maximum pressure policy to roughly 1.3 million bpd today, with China the predominant destination.

- » This increase in oil exports has provided Iran with around \$40-50 billion in additional revenue since the Biden administration took office.
- Further relaxation of sanctions against Iranian oil exports – or decreased sanctions enforcement – would provide the regime with billions more in funding for its terror programs, military budget, and domestic repression.

### *Funding for Iranian Regional Aggression:*

- The transfer of between \$7-27 billion in unfrozen funds to the Iranian government, even if kept in restricted accounts, allows the regime to divert other funding to military and terror accounts, supercharging its ability to [ramp up](#) malign activities – as occurred from 2015-2017 in the wake of Iran’s sanctions relief windfall from the JCPOA.
- It also gives the Iranian regime an economic and political lifeline amid prolonged and severe domestic upheaval and the regime’s brutal repression of Iranian women and protesters. In 2022, the regime used the proceeds from lax sanctions enforcement to massively [increase](#) funding for state institutions that facilitate and advance domestic repression.

### *International Sanctions:*

- Any commitment not to pursue further resolutions against Iran at the United Nations or IAEA precludes the snapback of UNSCR 2231, meaning: 1) Iran can legally export ballistic missiles starting on October 18, 2023, and 2) Iran faces no reimposition of six previous UNSC resolutions and sanctions for its illegal enrichment and other nuclear activities.
- The lapse of UNSCR 2231’s restrictions would legitimize Iran’s current and ongoing military support for Russia – including violations of UNSCR 2231 through the provision of long-range drones to Russia.

### *Congressional Review:*

- By reportedly hoping to establish an unwritten, informal “understanding” with Iran rather than producing a public agreement with text, the Biden administration seemingly hopes to avoid submitting the agreement for Congressional review – as [required](#) under INARA – by proceeding with concessions and then telling Congress there is no negotiation or deal.
- If Biden administration lawyers greenlight the circumvention of INARA by renaming this agreement an “understanding” and ignoring INARA’s directive that submission is required for any deal “regardless of the form it takes,” then the Executive Branch signals to Congress that they have full rights to re-interpret the English language to ignore any requirements and directives they find inconvenient – dangerously undermining the balance of powers.



- Circumventing INARA would signal utter disdain for the Legislative Branch, which has both rights and obligations to provide an oversight and approval function for issues with major national security implications, and which passed INARA in 2015 specifically to uphold these rights.
- Legislative snapback – a right supported and codified into law by bipartisan majorities in Congress during the drafting and passage of INARA – thus becomes the [only option](#) for Congress to restore its rights and block this profoundly unacceptable “not-a-deal.”