May 12, 2016

Testimony before the House Committee on Foreign Affairs
Terrorism, Missiles and Corruption: The Risks of Economic Engagement with Iran

Elizabeth Rosenberg, Senior Fellow and Director
Energy, Economics, and Security Program
Center for a New American Security

Chairman Royce, Ranking Member Engel, and distinguished members of the Committee, thank you for the opportunity to testify today on the risks of economic engagement with Iran.

Sanctions on Iran created the pressure necessary to compel Iran to agree to a deal with the international community last year. In exchange for economic relief, the Iranian government agreed to curb its nuclear weapons capability. The effectiveness of Iran sanctions can be traced directly to the diligence and creativity of policymakers in Congress and in this administration, as well as the previous one. Specifically, the leadership of U.S. lawmakers and executive branch implementation and enforcement officials helped to craft a coherent international message regarding Iran's threatening proliferation behavior, a multilateral coalition to isolate Iran diplomatically and financially, and the collective financial leverage so critical to delivering the Iran nuclear deal. This deal was a major step forward in proliferation security in the Middle East and I applaud the work of this Committee for your important role in facilitating effective nuclear diplomacy.

The Iran sanctions regime was, and remains, the most comprehensive program of U.S. and international sanctions, commensurate with the grave security concerns regarding Iran's nuclear proliferation activities, as well as its ongoing regional destabilization, ballistic missile program, support for terrorism, and abuse of human rights. Many U.S. and international sanctions on Iran were waived on Implementation Day, the milestone of the nuclear deal recognizing Iran's completion of its major initial commitments to ship out nearly all of its enriched uranium, disassemble thousands of centrifuges, and submit to a much more comprehensive inspections regime. However, the United States maintains sanctions authorities relevant to Iran as part of the deal, as well as a wide array of sanctions on Iran outside the scope of the deal, including those that bar U.S. companies and citizens from doing business with Iran. The existing architecture of Iran sanctions remains very powerful and affords an enormous amount of leverage to U.S. policymakers to pursue Iranian security provocations and destabilization.

Unwinding Nuclear Sanctions Under the Iran Deal

On Implementation Day the removal of many EU sanctions and the exercise of U.S. sanctions waivers and issuance of licenses permitted Iran to expand its oil sales and access $100 billion in frozen assets.[1] Additionally, the United States, the EU, and the UN together removed hundreds of designated Iranian entities from sanctions lists, including Iranian banks that then gained access to European financial institutions. Iranian institutions have been able to expand their international ties since January, though this expansion is far from the tidal wave of new economic activity that many hoped for or feared. Iran has established new oil trading contracts in Europe[2] and expanded oil deliveries to Asia.[3] Several Iranian banks are reestablishing branch licenses and correspondent relationships in Europe and are renewing their ties with Asian counterparts.[4] Additionally, Iran's charm offensive to market new deals for trade and investment, including in areas such as automobiles and airplanes, have met some success internationally.[5]

There are various reasons why Iran will expand its links to the international financial system slowly, however. The cumbersome unraveling of nuclear sanctions restrictions at banks and companies around the world in order to engage in now-permitted business with Iran is only one factor. Remaining sanctions on Iran for its terrorist and ballistic missile activities are a deterrent to those who would contemplate business with Iran, along with prudential concerns related to a history of corruption, and a lack of transparency and maneuverability for foreign firms in Iran's financial system. Beneficial ownership information for Iranian legal entities is notoriously unavailable and confusing, and there is a lack of confidence in Iranian due process mechanisms for foreign entities conducting business there. Iranian banks also lag behind many emerging market peers in compliance with global tax, financial reporting, capital requirements, and anti-money laundering standards, a fact tacitly acknowledged by Iranian financial overseers.[6] The Financial Action Task Force has pointed out risks associated with Iran's economy in grave terms,[7] Transparency International ranks Iran 130 out of 168 on their corruption index,[8] the World Bank's Ease of Doing Business Ranking puts Iran at number 118 out of 189,[9] and the International Monetary Fund has recently called attention to

---

[1] "Written Testimony of Adam J. Szubin, Acting Under Secretary of Treasury for Terrorism and Financial Intelligence United States Senate Committee on Banking, Housing, and Urban Affairs," U.S. Department of the Treasury, press release, August 5, 2015, https://www.treasury.gov/press-center/press-releases/Pages/jl0144.aspx.
[2] "Italy's Renzi Signs Potentially Huge Business Deals in Iran," Reuters, April 12, 2016, http://www.reuters.com/article/us-iran-italy-idUSKCN0X91I2.
[3] Chen Aizhu, "Exclusive: Iran Renews Oil Contracts with China, Taps New Buyers," Reuters, December 3, 2015, http://www.reuters.com/article/us-china-iran-oil-idUSKBN0TM0CN20151203.
[4] Martin Arnold, "British Regulators Help Iranian Banks Come in From the Cold," *Financial Times*, January 31, 2016, http://www.ft.com/intl/cms/s/0/54144ec2-c692-11e5-b3b1-7b2481276e45.html#axzz45oJdIkOv.
[5] Mehrnosh Khalaj and Michael Stothard, "Peugeot Agrees Deal to Revive Iran Partnership," *Financial Times*, February 7, 2016, http://www.ft.com/intl/cms/s/0/71b1acd8-cdbb-11e5-831d-09f7778e7377.html#axzz45oJdIkOv.
[6] Barbara Slavin, "Central Bank governor: Iran expects access to US financial system," Al-Monitor, April 15, 2016, http://www.al-monitor.com/pulse/originals/2016/04/iran-expects-limited-access-us-financial-system.html; Patrick Clawson, "Iran Locks Itself Out of the International Financial System While Blaming Washington," The Washington Institute, Policywatch 2600, April 5, 2016, http://www.washingtoninstitute.org/policy-analysis/view/iran-locks-itself-out-of-the-international-financial-system-while-blaming-w.
[7] "FATF Public Statement – 19 February 2016," FATF, High-risk and non-cooperative jurisdictions, February 19, 2016, http://www.fatf-gafi.org/publications/high-riskandnon-cooperativejurisdictions/documents/public-statement-february-2016.html.
[8] "Corruption by country / territory: Iran," Transparency International, accessed April 14, 2016, https://www.transparency.org/country/#IRN.
[9] "Ease of doing business index," World Bank, Accessed April 14, 2016, http://data.worldbank.org/indicator/IC.BUS.EASE.XQ.

Iran's troubled banking system.[10] These various factors represent tremendous impediments to foreign investment in Iran and the creation of new commerce for the Iranian regime and people.

Beyond Iran's self-imposed financial troubles, its escalating regional provocations and continued aggression through proxies make the specter of future confrontation with its neighbors or the United States a real possibility. Iran has the largest, most lethal ballistic missile arsenal in the Middle East and has stepped up missile tests in recent months.[11] It has also expanded its material support to the Houthis in Yemen and continues to support other proxies that destabilize the region, including Hezbollah. Iran's aggressive rhetoric and flagrant disregard for the United Nations' restrictions on ballistic missile activity is a red flag to potential partners, who are already wary of the reckless behavior of Iran's revolutionary leaders.

For reasons of political and security risk, existing sanctions, and the serious financial challenges associated with attempting business with Iran, many global banks have made it clear that they do not plan on doing business with Iran. The banks and companies that will attempt it are generally moving slowly with actual contracts and deals, biding time to discover what market pitfalls or potential future sanctions may mean for their business. Furthermore, many of these banks are smaller, regional banks with a relatively smaller capacity to handle trade and structured finance, and retail services. They may also be more concentrated in Asia, with more limited exposure to the U.S. financial system than their European counterparts.

Overseeing the Nuclear Deal and Addressing Non-nuclear Concerns with Iran

The core technical work of overseeing the Iranian deal falls to nuclear experts involved in compliance and verification activities. The International Atomic Energy Agency (IAEA), the lead institution on this effort, has so far given Iran fair marks for upholding its nuclear commitments under the deal. In February, it issued its first monitoring report following Implementation Day, raising no concerns about Iran's activities.[12]

For sanctions officials, overseeing the nuclear deal involves two primary lines of effort. The first is education and outreach to the global community to clarify what new business activities are permitted under the nuclear deal and what remain off limits pursuant to existing sanctions. This educational initiative is, by necessity, ongoing, given the dynamic nature of sanctions and evasion techniques that designated entities may pursue. The U.S. government has sent delegations around the world in this effort, but much more must be done to address confusion within the global private sector about what business is now allowed with Iran and the appropriate controls that must be in place to prevent sanctions violations in the future.

[10] "Islamic Republic of Iran – 2015 Article IV Consultation – Press Release; Staff Report; and Statement by the Executive Director for the Islamic Republic of Iran," International Monetary Fund, IMF Country Report No. 15/349, December 2015, http://www.imf.org/external/pubs/ft/scr/2015/cr15349.pdf.

[11] Kambiz Foroohar, "U.S. Frowns on New Iran Sanctions by Congress After Missile Test," Bloomberg, April 13, 2016, http://www.bloomberg.com/news/articles/2016-04-13/u-s-argues-against-more-iranian-sanctions-after-missile-tests.

[12] "Verification and Monitoring in the Islamic Republic of Iran in light of United Nations Security Council Resolution 2231 (2015)", IAEA, February 26, 2016, https://www.iaea.org/sites/default/files/gov-2016-8-derestricted.pdf.

The second primary effort for sanctions officials overseeing the nuclear deal is ensuring that sanctions authorities are primed for use, so that the United States and international allies are able to re-impose sanctions in part or in whole if Iran violates its nuclear commitments. Keeping authorities up to date means the reauthorization of the Iran Sanctions Act before it expires at the end of the year. Additionally, it means readying potential additional contingency measures, including new approaches to sanctions enforcement or possible new sanctions authorities, if Iran fails to uphold its commitments under the nuclear deal.

Using sanctions to address non-nuclear concerns with Iran is distinct from oversight of the nuclear deal. Unique authorities exist for sanctioning Iran's support for terrorism and use of ballistic missiles, as well as its human rights abuses. The Treasury Department has announced scores of designations under these authorities over the years, including a number of designations during negotiations on the nuclear deal. In recent months the Obama administration announced sanctions on Iran for its ballistic missile procurement activities and tests, including new sanctions on Implementation Day.[13] It also announced designations highlighting Iran's support for terrorism, including through designations of entities and individuals that support Mahan Air, in March, and Hezbollah, in January and April.[14] This is important work and I urge the administration to expand its sanctions implementation and enforcement in these areas. This is particularly important with regard to the work of exposing and targeting the insidious and dangerous activities of the IRGC within and beyond the borders of Iran, including exposing the financial activity and holdings of the IRGC, its agents and instrumentalities, and Iran's regional terrorist proxies, whenever feasible. The U.S. government should, at a minimum, designate the IRGC under its terrorism authorities.

Beyond designating more targets, sanctions officials in the administration should pursue non-nuclear concerns with Iran by urging foreign counterparts to match U.S. sanctions measures related to Iran's support for terrorism and use of ballistic missiles, as well as its human rights abuses. This includes outreach to European officials in the position to enhance EU sanctions lists to include more IRGC targets and entities involved in Iran's ballistic missile program and support for terrorism. As a specific example, outreach to the Europeans should include encouraging EU authorities to use sanctions restrictions to deny access to European airports for Mahan Air, given its involvement with Iranian support for terrorism. Expanding transatlantic unity on sanctions targeting Iran's continued security provocations and destabilizing regional role will send an important message to Iran: the international community, led by the United States and Europe, broadly condemns Iran's threatening behavior and is expanding its campaign to expose, interdict, and counter it through security and diplomatic means.

---

[13] "Treasury Sanctions Those Involved in Ballistic Missile Procurement for Iran," U.S. Department of the Treasury, press release, January 17, 2016, https://www.treasury.gov/press-center/press-releases/Pages/jl0322.aspx.

[14] "Treasury Sanctions Supporters of Iran's Ballistic Missile Program and Terrorism-Designated Mahan Air," U.S. Department of the Treasury, press release, March 24, 2016; "Treasury Sanctions Key Hizballah Money Laundering Network," U.S. Department of the Treasury, press release, January 28, 2016, https://www.treasury.gov/press-center/press-releases/Pages/jl0331.aspx; Publication of the Hizballah International Financing Prevention Act of 2015 Related Sanctions Regulations; Counter Terrorism Designations Updates; Syria Designations Updates," U.S. Department of the Treasury, April 15, 2016, https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20160415.aspx.

Alongside this additional sanctions implementation and coordination activity, U.S. policymakers and their European counterparts should also specifically and publicly identify Iran's self-imposed financial problems. Doing so will make clear to Iran and the global community that Iran bears significant responsibility for improving its economic conditions, and that the removal of sanctions under the nuclear deal cannot independently deliver a windfall to Iran. The strongest and most credible strategy to highlight Iran's need to improve its financial transparency and accountability is for technical experts inside the U.S. government, as well as outside at institutions such as the International Monetary Fund, the Financial Action Task Force, Transparency International and elsewhere, to point out the technical problems in the anti-money laundering, counter-terrorist financing, and counter-corruption domains that Iran must address. Additionally, such experts should be encouraged and allowed, by license if they are U.S. persons, to offer technical guidance to Iranian financial institutions to conduct this work. This will support U.S. policy interests in achieving greater transparency in the Iranian financial industry, and it will clearly demonstrate that the United States is not the roadblock to economic reform. It could help to reinvigorate private business in Iran to better challenge the insidious control of the IRGC over significant parts of the Iranian economy. Also, it could allow Iran to reap the economic benefits of the nuclear deal thereby strengthening this important proliferation security accomplishment.

A Strategy for Powerful, Sustainable Sanctions on Iran

In pursuing Iran sanctions now and in the future, U.S. policymakers must prioritize both the important work of isolating Iranian entities engaged in dangerous and illicit behavior, as well as a methodological approach to sanctions as a policy tool that supports sanctions' continued cogency and sustainability. Given that Iran sanctions authorities are already extraordinarily extensive and powerful, this means focusing on aggressively using existing authorities and avoiding the creation of new authorities that might sow confusion or undermine existing ones.

There are three particular hazards that U.S. sanctions policy officials must avoid. First, policymakers must refrain from the re-imposition of sanctions waived under the nuclear deal. Parties to the Iran deal agreed to refrain from re-imposing sanctions waived under the accord.[15] Re-imposing these sanctions would be seen at best as undermining confidence and adherence to the deal and at worst as contravention and grounds for throwing out the deal, a significant set back to proliferation security. Second, policymakers must avoid creating new standards, terminology, or timelines that do not line up with existing statutes and create significant confusion for those working to implement and abide by sanctions. The establishment of mismatched standards or terminology may be accidental, but can be difficult to correct and unintentionally harmful to the private sector or policy interests.

The third hazard that sanctions policymakers must avoid is one of strategic and wide-ranging national security significance. Policymakers must be careful not to put in place new sanctions that so significantly alter international financial flows and banking activities that they undermine the attractiveness or primacy of the U.S. financial system and the dollar as a reserve currency. If powerful new sanctions cause companies and banks to leave U.S. jurisdiction out of a desire to avoid confusing, cumbersome, expensive, and threatening sanctions restrictions, then U.S. security and intelligence leaders will have less insight into illicit financial flows and will face a less transparent

---

[15] *Joint Comprehensive Plan of Action*, July 14, 2015, 13-14.

international financial system. Additionally, the reach and leverage of U.S. sanctions will shrink and this critical security tool will be dulled. Treasury Secretary Lew has warned against the overuse of sanctions multiple times in recent weeks, urging his colleagues and successors in the sanctions arena not to use them lightly as "they can strain diplomatic relationships, introduce instability into the global economy, and impose real costs on companies here and abroad. And of course they carry a risk of retaliation."[16] Policymakers could diminish the power of the U.S. financial system with zealous overuse of the tool.

Current policy proposals to create new sanctions restrictions on Iran's use of the dollar in all financial transactions may be an instance of flirtation with the hazards outlined above. It is not the most effective way to draw attention to Iran's significant illicit activities of concern, and it adds little additional bite to U.S. sanctions on Iran while lending strength to the argument that the United States seeks to undermine the nuclear deal by making it difficult for Iran to reap the economic benefit of its bargain. Furthermore, it may undermine the strength of the U.S. financial system over the longer term. As background, in 2008 U.S. policymakers barred so-called U-Turn transactions for Iranian entities – the transfer of funds by a foreign bank through a U.S. financial institution to a second foreign bank for the benefit of an Iranian bank. Since that time, Iran has been able to use the U.S. dollar if a transaction does not touch a U.S. bank or citizen. In practice this means that Iranian banks or companies cannot deal in dollars for any transaction of significant size or for any significant number of transactions, as any transaction (or series of transactions) of scale must be cleared through a U.S. financial institution and would therefore violate the U-Turn rule. In simplest terms, Iran is virtually barred from use of the U.S. financial system because of the U-Turn prohibition. In response to recent rumors that the administration might be considering loosening this prohibition, President Obama made clear that U.S. has no plans to do so.[17]

The U-Turn rule is highly consequential for global financial institutions. Attempts to circumvent it have proven expensive and caused tremendous reputational damage, as shown by some of the big bank sanctions violations cases of the last decade.[18] The aggressive enforcement posture of U.S. financial officials in these cases has contributed to a tendency among foreign banks to aggressively avoid U.S. sanctions violations by refusing business with Iran, even when permissible under sanctions rules and when it could involve very small dollar amounts that may not need to be cleared through a U.S. financial institution. Banks' so called de-risking behavior, which has accelerated, not abated, even as nuclear tensions with Iran have receded somewhat, underscores the inaccessibility to Iran of the U.S. financial system.

In this context, anxiety about Iranian use of the U.S. dollar may be overstated in many instances and discussion of new dollar-related sanctions can distract from the grave and urgent need to focus more

[16] "Remarks of Secretary Lew on the Evolution of Sanctions and Lessons for the Future at the Carnegie Endowment for International Peace," Department of the Treasury, press release, March 30, 2016, https://www.treasury.gov/press-center/press-releases/Pages/jl0398.aspx; "Treasury Secretary Jacob J. Lew Remarks at Council on Foreign Relations: America and the Global Economy: The Case for U.S. Leadership," Department of the Treasury, press release, April 11, 2016, https://www.treasury.gov/press-center/press-releases/Pages/jl0415.aspx
[17] "Press Conference by President Obama, 4/1/2016," The White House, press release, April 1, 2016, https://www.whitehouse.gov/the-press-office/2016/04/01/press-conference-president-obama-412016.
[18] Patricia Hurtado, "BNP Paribas Pleads Guilty in U.S. to Violating Sanctions," Bloomberg, July 9, 2014, http://www.bloomberg.com/news/articles/2014-07-09/bnp-paribas-pleads-guilty-in-u-s-to-violating-sanctions.

directly on Iran's terrorism and regional destabilization activities. Furthermore, such new sanctions would not serve U.S. nuclear security interests if they are construed as seeking to disable Iran's ability to use the international financial system and collapse the nuclear deal. Also, if new sanctions remove or restrict waiver authority for the President, it will make the sanctions less flexible, and less of a true bargaining chip for the administration to use with Iran to coerce policy change from Tehran. Finally, introducing a chilling new restriction on dollar activity in the financial system may cause some global banks to shrink their footprint in U.S. jurisdiction to avoid exposure to threatening penalties. Over the long term this may have negative implications for U.S. financial system strength and the reach of sanctions.

The Key Leadership Role for Congress on Iran Policy

Congress has a number of critical roles to play on Iran policy. A primary one is providing current and future oversight of the deal, ensuring that the IAEA is adequately funded to sustain its nuclear inspection and verification activities in Iran. Congress should fully support the office of the Coordinator for Iran Nuclear Implementation. Additionally, lawmakers should provide sanctions investigators, implementers, and enforcement officials at the Treasury and State Departments and in the intelligence community sufficient resources to carry out their activities related to the Iran deal as well as Iranian activities beyond the scope of the deal. In addition to these resource issues, Congress should continue to play an important role in helping to conceive of and prepare for additional sanctions measures related to Iran if it breaches the nuclear deal. This includes eventual reauthorization of the Iran Sanctions Act.

Aside from sanctions measures, Congress has several other important responsibilities in the successful execution of an effective Iran policy. Through appropriations and authorizations processes it must ensure that the United States has adequate ballistic missile defense capabilities in the Middle East. It should also provide an oversight role to ensure that the United States makes available these capabilities to partners in the region and engages with them in robust partner capacity building and cooperation in counterterrorism activities and interdiction efforts to expose and halt Iran's material support to Hezbollah, the Assad regime, and the Houthis in Yemen. Congress should also expand its support to Israel, a key ally in the Middle East, in intelligence-sharing and military aid arenas.

Conclusion

Iran sanctions are a powerful tool in the U.S. security arsenal and have delivered successful nuclear diplomacy and a historic deal. Even while many sanctions have recently been rolled back as part of this deal, the regime is still extensive and strong. Policymakers should continue to forcefully implement sanctions on Iran to address its destabilizing regional role and support for terrorism. But they must avoid undermining the availability of sanctions by diminishing the strength and reach of the U.S. financial system. As a tool of first resort, sanctions are an essential part of the U.S. security infrastructure, and policymakers must prioritize a sustainable approach to ensure the cogency and effectiveness of sanctions as a central part of U.S. policy toward Iran in the future.

Elizabeth Rosenberg
Senior Fellow and Director, Energy, Economics, and Security Program, Center for a New American Security

Elizabeth Rosenberg is a Senior Fellow and Director of the Energy, Economics, and Security Program at the Center for a New American Security. In this capacity, she publishes and speaks on the national security and foreign policy implications of energy market shifts and the coercive tools of economic statecraft. She has testified before Congress on energy and sanctions issues and been quoted widely by leading media outlets in the United States and Europe.

From May 2009 through September 2013, Ms. Rosenberg served as a Senior Advisor at the U.S. Department of the Treasury, to the Assistant Secretary for Terrorist Financing and Financial Crimes, and then to the Under Secretary for Terrorism and Financial Intelligence. In these senior roles she helped to develop and implement financial and energy sanctions. Key initiatives she helped to oversee include the tightening of global sanctions on Iran, the launching of new, comprehensive sanctions against Libya and Syria and modification of Burma sanctions in step with normalization of diplomatic relations. She also helped to formulate anti-money laundering and counter-terrorist financing policy and oversee financial regulatory enforcement activities.

From 2005 to 2009 Ms. Rosenberg was an energy policy correspondent at Argus Media in Washington D.C., analyzing U.S and Middle Eastern energy policy, regulation and trading. She spoke and published extensively on OPEC, strategic reserves, energy sanctions and national security policy, oil and natural gas investment and production, and renewable fuels.

Ms. Rosenberg studied energy subsidy reform and Arabic during a 2004-2005 fellowship in Cairo, Egypt. She was an editor of the Arab Studies Journal from 2002-2005 and researched and wrote on Middle Eastern politics at the Council on Foreign Relations in 2003. She received an MA in Near Eastern Studies from New York University and a BA in Politics and Religion from Oberlin College.