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## *House of Representatives*

### **Iranian Nuclear State “Inevitable” Under Flawed Weapons Deal**

*Mr. Smith of New Jersey:* President Obama continues to tell Congress and the American people that the Iran nuclear agreement is the best deal possible and advances peace. Such boasting collapses under scrutiny. What was previously unacceptable—an Iranian nuclear state—is now inevitable under the terms and conditions of what is officially known as the Joint Comprehensive Plan of Action.

Tragically, the deal is riddled with serious flaws, gaps, and huge concessions to Iran. Taken as a whole, the deal poses an existential threat to Israel, our allies in the region—and even poses significant risks to the United States, despite assurances from Secretary of State John Kerry in testimony before the House Foreign Affairs Committee today.

Not only is Iran now permitted to continue enriching uranium—a previous nonnegotiable redline was no enrichment whatsoever—but inspections are anything but “anytime, anywhere”—the Obama Administration’s previous pledge to the nation and the world.

And the key restriction on Iran’s nuclear program—the ability to enrich at high levels—begins to expire in as little as 10

years. Once these restrictions expire, Iran could enrich on an industrial scale and the U.S. and its allies will be left with no effective measures to prevent Iran from initiating an accelerated nuclear program to produce the materials needed for a nuclear weapon.

On the inspections front, Iran’s Supreme Leader Khamenei has stated that he will “never” permit inspectors to inspect Iran’s military bases. Even after the agreement was signed, the Iranian Minister of Defense reportedly said that “Tehran will not allow any foreigner to discover Iran’s defensive and missile capabilities by inspecting the country’s military sites.”

Given Iran’s repeated cover-ups of its clandestine nuclear program, its refusal to give the International Atomic Energy Agency (IAEA) access to its Parchin military facility where Iran is believed to have tested detonators for nuclear warheads, and its stone-walling the IAEA concerning evidence that it had done extensive research and development on a nuclear explosive device, verification is fundamental to ensure that Iran is abiding by the agreement’s terms. Secretary Kerry, after an Iranian history of refusal to allow inspections at

Parchin, would only assure us of inspections there “as appropriate,” whatever that means.

Yet the agreement contains many limits on access by IAEA inspectors to suspected sites, including a 24-day period in which Iran is allowed to continue to refuse the IAEA’s request to visit a facility followed by a very long process needed to increase pressure on Iran to permit access if it still blocks access by inspectors. During this period, Iran will have sufficient time to remove, cover up, or destroy any evidence. “Managed access” would be better called “manipulated access” as inspectors will get access to suspected sites only after consultations between the world powers and Iran, over as long as 24 days—or more.

Under Secretary of State Wendy Sherman has said that pledges by Obama Administration officials that the agreement would guarantee “anywhere, anytime” inspections of Iran’s nuclear facilities were only “rhetorical.” Mere words without substance? Why would our allies in the region trust us if our word—and negotiating positions—are indeed only rhetorical flourish?

Congress recently discovered that the United States and other P5+1 members have left the IAEA and Iran to work out inspection details in secret, which could allow Iran to simply submit samples and make its own certification of compliance in lieu of actual inspection of facilities such as Parchin.

Mr. Speaker, the IAEA has uncovered significant evidence that Iran has engaged in activities related to the development of a nuclear weapon. Despite many agreements with the IAEA in which Iran has pledged to provide satisfactory information, the IAEA has repeatedly said that Iran has given it

virtually nothing. Secretary of State Kerry has said that the U.S. has “absolute knowledge” of Iran’s past military activities regarding its nuclear program, but Gen. Michael Hayden, the former Director of the CIA, recently testified to Congress that the U.S. did not have that capability.

Furthermore, as witnesses testified at a joint hearing this afternoon by three Foreign Affairs subcommittees, there is ample evidence that Iran has a longstanding nuclear collaboration with North Korea. In light of the abundant evidence they will present, what gives the Administration certainty that the Iranians won’t at some point during this agreement acquire fissile material beyond what they are allowed to produce for themselves or actual warheads from North Korea?

Why was the Iran-North Korea nuclear collaboration not factored into the Iran nuclear agreement? Surely Secretary Kerry is aware of the Iran-North Korea nuclear linkage. Assistant Secretary of State for Public Affairs Douglas Frantz, previously a high-ranking Kerry Senate aide, wrote a 2003 article about Iran’s ties to the North Korean nuclear program. Are we to believe Frantz and Kerry never discussed this issue? He dodged the question at today’s committee hearing.

Mr. Speaker, in March 2007, the UN Security Council unanimously adopted Resolution 1747 which, *inter alia*, established an embargo on the export from Iran of all arms and related materials, thereby banning all states and groups from purchasing or receiving arms from Iran. The resolution also called on all states to “exercise vigilance and restraint” in their supply of any items covered by the U.N. Register of Conventional Arms to Iran.

However, reports indicate that Russia is eager to sell massive amounts of military hardware to Iran. How will this shape other regional conflicts in which Iran is currently involved, including Iraq, Syria, and Yemen? After the conventional arms embargo is lifted in just 5 years, what limitations, if any, will there be on Iran's ability to export arms, specifically heavy weapons? Besides Russia, who else will sell weapons to Iran? China?

Moreover, the Administration and its supporters of the Iranian nuclear agreement downplay the possibility of Saudi Arabia, for example, producing a nuclear weapon as part of a Middle East arms race. However, the Saudis are building King Abdullah City for Atomic Renewable Energy to train nuclear scientists and already have greater science and mathematics capacity than Pakistan had when it developed nuclear weapons. Why couldn't and why wouldn't the Saudis join the nuclear arms race when faced with a more nuclear and conventionally armed Iran? Secretary Kerry would have us believe that the Saudis and others in the region would prefer the current agreement to an effort to achieve a more effective one and would agree not to pursue nuclear weapons even though Iran is on the path to develop or acquire its own.

Mr. Speaker, ballistic missiles are a central component of any country's nuclear weapons program as they allow for the quick, accurate delivery of nuclear weapons over long distances. While the agreement calls for Iran to abide by all U.N. Security Council resolutions—including the requirement that “Iran shall not undertake any activity related to ballistic missiles capable of delivering nuclear weapons,” Iranian Supreme leader Ayatollah Ali Khamenei's criticized the call for Iran to end its ballistic missile program, characterizing it as “a stupid, idiotic expectation” and

claiming “The Revolutionary Guards should definitely carry out their program and not be satisfied with the present level. They should mass produce.”

In an 11<sup>th</sup> hour concession by the Obama Administration and others, the agreement “sunsets” U.N. sanctions on Iran's ballistic missile program after 8 years, and also requires that the European Union do the same. U.S. intelligence estimates Iran to have the largest arsenal of ballistic missiles in the Middle East. Congress has heard testimony that “no country that has *not* aspired to possess nuclear weapons has *ever* opted to sustain” a costly, long-range missile program. Simply put, countries build ICBMs to deliver nukes.

Under this agreement, the Iranians have stated they are under no obligation to stop developing ballistic missiles. In fact, this agreement would allow them the two things they need to advance their program: money and foreign assistance.

Mr. Speaker, the agreement requires “full implementation” by October 15 of the commitments in the “roadmap” made by Iran to the IAEA in their 2011 agreement, following which the IAEA is to provide its “final assessment on the resolution of all past and present outstanding issues.” However, there is no stated penalty if Iran continues to refuse to provide sufficient information to fully answer the IAEA's questions, which Iran cannot do without admitting it had a secret nuclear weapons program.

Iran has repeatedly agreed to answer the IAEA's questions regarding extensive evidence that it had a secret research and development program regarding a nuclear device, including fitting it onto a ballistic

missile. All that resulted was the Iranians stonewalling the inspectors.

Is the failure to resolve the possible military dimensions as required by the IAEA a violation of the agreement? Why would Iran provide any information now when there is nothing in the agreement to compel it to do so?

Finally, Mr. Speaker, Saeed Abedini is an American citizen. He was in Iran in 2012, visiting family and building an orphanage, when he was taken prisoner. Twelve years before, he had converted to Christianity and later was involved in the home church movement in Iran. Knowing about his conversion and earlier engagement with home churches, Iranian authorities approved his 2012 trip, approved his orphanage-building, and then imprisoned him. He has been in prison ever since then, and has suffered immensely, from beatings that have caused internal bleeding, death threats, solitary confinement, and more. His wife, Naghmeh, who is also an American and has been a heroic champion for her husband, and their two young children, have also suffered.

I and many other Members of Congress have been advocating on behalf of Pastor Abedini and the other Americans unjustly held in Iran: Amir Hekmati, Jason Rezaian, and Robert Levinson. After our constant appeals for action to secure their release, Secretary Kerry said today that the Administration is now focusing on their release. We shall see what happens.

Congress should vote down the Joint Comprehensive Plan of Action, reinstate comprehensive, robust sanctions and direct the executive branch to resume the struggle to craft an enforceable accord to ensure no nuclear weapons capability for Iran—ever. Congress did this with the SALT 1, SALT II and the Chemical Weapons Convention and ended up with stronger accords. Why not do so once again?