

A “Disgusting” Lack of Transparency on New Iran Nuclear Deal

with Infographic

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With a new Iran nuclear deal potentially just days away, bipartisan concerns remain in Congress about the reported concessions being offered to Iran and the Biden administration’s highly concerning lack of transparency about negotiations. President Biden should submit any agreement to Congress, as required by U.S. law, and also refuse to lift terrorism sanctions on Iran unrelated to its nuclear program. Congress should urgently convene long overdue public hearings on the administration’s policy toward Iran’s nuclear program and malign behaviors more generally.

What Happened?

- On Tuesday, U.S. Special Envoy for Iran Robert Malley and Middle East Coordinator at the National Security Council Brett McGurk gave closed-door [briefings](#) to the Senate Foreign Relations Committee (SFRC) on the status of the Biden administration’s nuclear negotiations with Iran in Vienna.
 - » After the briefing, SFRC member Sen. Ben Cardin (D-MD) [expressed](#) concerns that the White House, in order to [surmount](#) the largest remaining hurdle to a new nuclear deal, was considering lifting the foreign terrorism organization (FTO) designation against Iran’s Islamic Revolutionary Guard Corps (IRGC). “That designation should remain,” said Cardin.
- Ranking Member Sen. Jim Risch (R-ID) echoed Cardin’s concerns about delisting the IRGC, and [warned](#) that “both Republicans and Democrats that I’ve talked to” are highly concerned about the “disgusting” lack of transparency from the Biden administration regarding the course of the Vienna talks.

Why Is It Important?

- In his January 2021 SFRC confirmation hearing, Secretary of State Antony Blinken [committed](#) to proactively consult with Congress as the administration negotiates with Iran to reenter or renegotiate the 2015 nuclear deal known as the Joint Comprehensive Plan of Action (JCPOA).

- With the Vienna talks potentially days away from culminating in a deal, Tuesday’s briefings underscore growing apprehensions from members of both parties on Capitol Hill that they are in the dark about the dangerous concessions reportedly offered by the administration to Iran under a new nuclear agreement – including lifting the IRGC’s FTO designation.
 - » On February 1, SFRC Chairman Sen. Bob Menendez (D-NJ) [gave a speech](#) on the Senate floor laying out concerns about the course of Vienna talks, and the lack of engagement from the White House, as news accumulated in terms of what the Biden administration reportedly was willing to give Tehran as part of a new deal.
 - Initial SFRC closed-door briefings from Malley and McGurk on February 8-9 seemed to provide Sen. Menendez no [further clarity](#), as he asked afterward “What is the deal? Is it exactly the way it was [with the JCPOA in 2015]? Is it different? If so, how? What are we giving?”
 - » After Sen. Menendez’s speech and the February 8-9 briefings, members from both parties have voiced concerns about the opacity of what is being agreed in Vienna:
 - On February 9, Rep. Claudia Tenney (R-NY) [said](#) administration officials “continue to dodge the important questions and give answers publicly.... Special Envoy Malley works for the American people, and he should answer them as well.”
 - On March 10, twelve House Democrats signed a [bipartisan letter](#) from Reps. Josh Gottheimer (D-NJ), Elaine Luria (D-VA) and Tom Reed (R-NY) laying out 16 questions for the administration about the contents and consequences of a new deal, including specifically asking: “Does the Administration intend to remove the Foreign Terrorist Organization designation of the IRGC? Will sanctions on the IRGC in any other way be diminished?”
 - After a March 12 conference call with McGurk, several House Democrats expressed [frustrations](#) over the administration’s lack of Congressional outreach regarding the potential parameters of a new nuclear deal.
 - On March 16, Sen. Menendez said Malley’s [briefings](#) have not been “very significant or insightful.”
 - On March 17, a group of House Democrats told McGurk and other senior Biden officials that the administration has [not provided](#) them enough information about what is being negotiated in Vienna.
 - On March 21, [seven weeks](#) after his floor speech, Sen. Menendez said “there’s been a little bit of insight as to how things are going but there’s no bigger picture insight. I don’t know what the deal is.... There’s still a lot unknown.”
 - On March 22, 86 House Republicans sent a letter to Secretary Blinken expressing how they are “[deeply concerned](#)“ about any attempt to remove the IRGC’s FTO designation: “We are united in strong opposition to any move to legitimize the IRGC’s reckless, destabilizing, and antisemitic actions throughout the Middle East.”
- The Biden administration’s lack of transparency and reported concessions to Iran have raised explicit concerns from Congress that, if there is a nuclear deal, President Biden could forego submitting the agreement for congressional review as required by the Iran Nuclear Agreement Review Act (INARA).

- » The administration has yet to formally say whether it will submit any Iran nuclear deal to Congress.
- » On February 7, 33 Republican senators signed [a letter](#) to President Biden noting that INARA “mandates that your administration submit to Congress for evaluation, within five days after it is reached, any agreement related to the nuclear program with Iran...”
- » On February 16, more than 160 Republican members of the House sent a letter to President Biden [demanding](#) an Iran nuclear deal “be submitted to Congress pursuant to the Iran Nuclear Agreement Review Act of 2015,” and explicitly opposing any attempt to rescind the IRGC’s FTO designation.
- » On March 14, 49 Republican senators issued [a statement](#) calling on President Biden to submit any nuclear deal to Congress, and noting the administration has avoided saying it will submit any nuclear deal “for review under statutory requirements that passed on a bipartisan basis in response to the 2015 deal. Additionally, despite earlier promises to the contrary, the administration has failed to adequately consult with Congress.”
 - The statement also warned that Senate Republicans will “oppose removing and seek to reimpose any terrorism-related sanctions” such as the IRGC’s FTO designation.
- » On March 16, Sen. Menendez [said](#) “I will check to see what the agreement is and look to apply INARA.”

What Should the United States Do Next?

- President Biden should formally commit to submit any nuclear deal with Iran – even an ostensible “return” to the original Joint Comprehensive Plan of Action of 2015 – to Congress for review, as required by INARA.
 - » In addition to affirming Congress’ oversight role, particularly regarding the dangerous possibility of lifting the IRGC’s FTO designation, this commitment would strengthen the administration’s hand in the Vienna talks by enabling it to claim – truthfully – that Iran will receive lasting sanctions relief only by agreeing to a deal that can meet with bipartisan approval in Congress.
 - » In tandem, the Biden administration should remove from the negotiating table in Vienna any lifting of terrorism and human rights sanctions on Iran – including the IRGC’s FTO designation – since these are separate from U.S. sanctions commitments under the JCPOA.
- Congress should convene public hearings for U.S. officials to clarify for the American public what exactly the administration is agreeing to in Vienna, and how it plans to counter Iran’s malign activities more broadly, whether or not there is a deal.

Requirements of Iran Nuclear Agreement Review Act (INARA)

