

# U.S. Terrorism Sanctions Must Remain on Iran's IRGC

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*Negotiations with Iran remain stalled, reportedly due to a single Iranian demand unrelated to the 2015 nuclear deal: that the United States remove the Islamic Revolutionary Guard Corps (IRGC) from its Foreign Terrorist Organization (FTO) list. With mounting bipartisan opposition in Congress and concern among U.S. allies in Israel and the Sunni Arab world, the Biden administration is reportedly reconsidering lifting the designation or perhaps maintaining just part of the IRGC on the FTO list. It is critical that the entire IRGC, not just part of it, retain its FTO designation since it continues to meet the U.S. legal criteria for a terrorist organization.*

*Regardless of whether the IRGC is delisted, the emerging deal is dangerously short and weak and should be rejected.*

## What Happened?

- Vienna talks on rejoining the Iran nuclear deal have been stalled since [early March](#), reportedly as a result of Tehran demanding that the United States lift its foreign terrorism organization (FTO) designation against the Islamic Revolutionary Guard Corps (IRGC).
- Concurrently, growing pushback in the United States, as well as [from Israel](#) and America's Sunni Arab partners, has given the Biden administration pause about lifting the FTO designation.
  - » Most recently, 18 House Democrats [expressed](#) strong concerns about the prospective deal, and specifically the IRGC FTO designation, including Rep. Josh Gottheimer saying “we cannot treat the FTO designation ... as a cheap bargaining chip” and Rep. Ritchie Torres saying he “would have trouble supporting” any deal that includes sanctions relief for the IRGC.

## Why Is It Important?

- Though Biden administration officials and other Joint Comprehensive Plan of Action (JCPOA) [proponents](#) argue that removing the IRGC from the FTO list would be “merely symbolic,” revoking the designation would be damaging to U.S. and regional security. Moreover, the designation provides very real, tangible restrictions on the IRGC that there are no legal bases for lifting.

- » By removing the IRGC from the FTO list, the Biden administration would signal that it is willing to tolerate Iranian aggression for the sake of limited and temporary nuclear restrictions. This would have serious regional consequences:
  - Iran would take this as tacit permission to escalate the IRGC’s and its proxies’ aggression throughout the Middle East, including raining missiles and drones on U.S. forces and partners, without fear of U.S. retaliation or economic repercussions.
    - › A similar recent U.S. conciliatory gesture backfired concretely and immediately: the administration’s February 2021 FTO de-listing of the Houthis, the IRGC’s proxy terrorist militia in Yemen, [led to a doubling](#) of Iran-backed missile and drone attacks against Saudi Arabia and forced the United States to rush air defenses into the region.
  - Faced with growing Iranian aggression, U.S. partners in the Middle East would feel rightfully abandoned by Washington and seek out new security partners elsewhere, including Russia and China.
- » Retaining the designation better enables U.S. authorities to bar IRGC personnel from entering the United States, as well as to criminally prosecute entities that knowingly conduct business with the IRGC.
- » The IRGC still clearly meets the [criteria](#) for FTO designation, and it fails to achieve the benchmarks required for delisting, as defined by U.S. law (see JINSA [infographic](#)):
  - It continues to engage in terrorist activities, and retains the capability and intent to do so, as evidenced recently by its provision of missiles and drones for lethal attacks against the United Arab Emirates in January 2022;
  - These activities continue to threaten U.S. national security, for example the IRGC-backed drone attack against U.S. forces in Syria in October 2021, which intended to kill Americans.
- » Under the JCPOA, which the Biden administration and Iran both claim they are trying to reenter, the United States is not required to lift the IRGC’s FTO designation or any other “non-nuclear-related” sanctions on Iran’s support for terrorism.
- » Maintaining the IRGC FTO designation, however, should not be mistaken as a litmus test for any potential nuclear deal’s acceptability. Regardless of whether the IRGC is taken off the FTO list or remains on it, [the deal](#) will be dangerously [short and weak](#).
- The IRGC is the most important organ of the Iranian regime, playing leading roles in internal security and regional power projection while also [controlling](#) (illicitly or covertly) many of the country’s [biggest](#) economic sectors (e.g., energy, banking, shipping, manufacturing, etc.).
  - » The IRGC bears primary responsibility for the regime’s brutal human rights record, export of terrorism abroad, and ambitious pursuit of nuclear weapons, drones, missiles and other sophisticated military capabilities.
- In April 2019, the State Department [listed](#) the IRGC as an FTO – the first time the United States so designated an element of a foreign government.

- » The [criteria](#) for FTO designation are:
  - A foreign organization;
  - That engages in terrorist activities;
  - Which threaten U.S. national security.
- » The criteria for lifting an FTO designation, aside from the Secretary of State having the authority to do so, are:
  - The circumstances that were the basis of the designation have changed; or
  - The national security of the United States warrants a revocation.
- The FTO designation came atop other U.S. economic sanctions on the IRGC, which restrict the financial activities of designees in the United States, including:
  - » EO [13553](#), under which the entire IRGC was sanctioned in 2011 for human rights abuses; and
  - » EO [13224](#), under which the entire IRGC was designated a Specially Designated Global Terrorist (SDGT) and sanctioned for terrorism in 2017.
    - The 2017 action [imposes](#) less expansive and stringent immigration restrictions than [the FTO](#) designation on IRGC members and, unlike the FTO designation, does not include criminal prohibitions on knowingly providing material support or resources to the IRGC.
- Despite being set to receive billions of dollars in relief from the lifting of “nuclear-related” sanctions on key [economic sectors](#) in which the IRGC plays lucrative roles, Iranian negotiators have [declared](#) the IRGC’s removal from the FTO list as a “redline” for agreeing to a nuclear deal.
  - » Iran views the FTO designation as a hindrance to attracting foreign investment – which it argues is indispensable to realizing the JCPOA’s full economic benefits.
  - » Sticking to this as a redline, even after every technical issue of the nuclear deal has reportedly already been negotiated, also enables Tehran to prolong the talks, build additional leverage by further expanding its nuclear program, and extract additional concessions.
- An April 8 *Washington Post* [article](#) suggested the Biden administration plans to reject the Iranian demand to lift the FTO designation, though the administration has not publicly ruled it out.
  - » *The Wall Street Journal* [reported](#) on April 12 that the United States has thus far only ruled out lifting the FTO designation *unconditionally*; the administration reportedly already offered to lift the FTO designation under the condition that Iran publicly commits to de-escalating in the region and stop trying to avenge the death of Qasem Soleimani, but Tehran refused.

- » On April 6, Secretary of State Antony Blinken [said](#) the IRGC is a terrorist organization, but declined to say whether the FTO designation would remain.
- It is possible that the administration might seek another solution, such as removing the IRGC from the FTO list but designating a smaller portion of it as a terrorist organization to avoid political criticism.
  - » When asked whether the IRGC was a terrorist organization by the Senate Armed Services Committee on April 7, Chairman of the Joint Chiefs of Staff Gen. Mark A. Milley, said, “I believe the IRGC Quds Force to be a terrorist organization, and I do not support them being de-listed.”
    - While Gen. Milley may have intended to refer to the IRGC in its entirety, as the Quds Force has never been designated as an FTO, it is also possible he was intentionally specifying the Quds Force to suggest, albeit incorrectly, that this is the only branch of the IRGC that engages in terrorist activity.
    - Alternatively, Gen. Milley might have been foreshadowing a decision to designate the Quds Force while taking the IRGC as a whole off the FTO list.
  - » The Quds Force, formerly headed by Qasem Soleimani, is the IRGC’s elite expeditionary arm responsible for terrorist operations and illicit weapons proliferation abroad.
    - The Quds Force was designated an SDGT by the U.S. Department of Treasury under Executive Order 13224 and as “Weapons of Mass Destruction Proliferators and their Supporters” pursuant to Executive Order (EO) 13382 in 2007, however it is not currently nor has it ever been designated as a Foreign Terrorist Organization.

## What Should the United States Do Next?

- The Biden administration should recognize there is no good deal on the table and end its counterproductive negotiations with Iran. Rather than spending precious time and energy seeking creative diplomatic solutions to accommodate Iran’s unreasonable and irrelevant demands that the IRGC somehow has met the criteria for lifting the FTO designation, and after months of repeatedly warning that time is [running out](#), the administration now must move on.
  - » Removing the IRGC’s FTO designation would have the negative consequences spelled out above, yet these impacts still would represent only a small part of the much larger, irreparable damage to U.S. and regional security from entering a nuclear agreement that is even [weaker and shorter](#) than the already deeply-flawed JCPOA.
- Regardless of whether it agrees to remove the IRGC’s FTO designation, the Biden administration must submit any ensuing nuclear deal to Congress for review, as [required](#) by U.S. law under the Iran Nuclear Agreement Review Act ([INARA](#)).
- The United States also should ensure Israel’s capability to defend itself against Iran and its expanding nuclear program, including by expediting delivery of [KC-46A aircraft refueling tankers](#) and other crucial [military capabilities](#).

# The Islamic Revolutionary Guard Corps Remains a Foreign Terrorist Organization

*The Biden administration is reportedly considering removing Iran's Islamic Revolutionary Guard Corps (IRGC) from the U.S. list of Foreign Terrorist Organizations (FTOs) as part of a new nuclear deal. However, the IRGC remains a terrorist organization and does not meet the criteria for removal from the FTO list under U.S. law.<sup>1</sup>*

## What makes the IRGC an FTO?

### Is it a foreign organization?



**YES**

- The IRGC, founded during the Iranian Revolution in 1979, has served as the primary driver of the regime's nuclear ambitions, export of terrorism and weapons proliferation.

### Is it an organization that engages in terrorist activities<sup>2</sup> or terrorism<sup>3</sup> and retains the capability and intent to do so?



**YES**

- On January 17, 2022, [Iran-backed](#) Houthi rebels in Yemen [struck](#) the United Arab Emirates with IRGC-furnished missiles and armed drones, resulting in three civilian deaths.
- On January 4, 2021, the IRGC [seized](#) a South Korean vessel in the Persian Gulf, only releasing it four months later after South Korea released billions of dollars of Iranian assets frozen in compliance with U.S. sanctions.
- In October 2019, the IRGC [kidnapped](#) a Paris-based Iranian dissident who was then taken to Iran, tortured, and hanged.
- On September 14, 2019, the IRGC [planned and executed](#) a massive missile and drone strike on Saudi energy facilities, resulting in the world's largest oil supply disruption since WWII.

### Is it an organization whose terrorist activities threaten the national security of the United States or the security of U.S. nationals?



**YES**

- On March 13, 2022, the IRGC [claimed responsibility](#) for a ballistic missile attack against an alleged Israeli target near the U.S. consulate in Erbil, Iraqi Kurdistan.
- On October 20, 2021, IRGC-armed Iranian proxies [launched suicide drones](#) at U.S. forces in Syria with clear intent to kill Americans, according to the top U.S. military officer in the Middle East.
- In 2011, the IRGC [planned](#) to assassinate the Saudi Ambassador to the United States at a Washington, D.C., restaurant.
- IRGC-backed proxy militias [killed](#) at least 603 U.S. troops during the Iraq War, meaning that one in six U.S. deaths in the war is attributable to the IRGC.

# Does the IRGC meet criteria for removal from FTO list?

Have the circumstances permitting the designation changed sufficiently to revoke designation?



**NO**

- IRGC and IRGC-backed malign activities have [nearly doubled](#) since the start of the Biden administration.
- On [April 1, 2022](#), House Majority Leader Steny Hoyer (D-MD) said, “the IRGC is a terrorist organization. And I’m for continuing it being designated as a terrorist organization.”
- On [March 22, 2022](#), Senator Ben Cardin (D-MD) said, “[the IRGC FTO] designation should remain.”
- On [March 18, 2022](#), Israeli Prime Minister Naftali Bennett and Israeli Foreign Minister Yair Lapid said, “the Revolutionary Guards are a terrorist organization that has murdered thousands of people, including Americans. We have a hard time believing that the United States will remove it from the definition of a terrorist organization.”
- On [March 16, 2022](#), U.S. CENTCOM Commander General Kenneth McKenzie said, “the IRGC is a terrorist organization.”

Does the national security of the United States warrant a revocation?



**NO**

- The IRGC deputy head publicly [threatened violence](#) against the U.S. and Israel as recently as March, calling for “immediate revenge” against the U.S. for its role in killing IRGC Quds Force Commander Qasem Soleimani.
- Delisting would reward and reinforce bad behavior. For example, since the Biden administration revoked the Houthis’ FTO status in February 2021, Houthi munitions attacks around the region have [increased](#) by roughly 80 percent.
- The IRGC is a threat to U.S. security partners in the Middle East, and the discussion of delisting the IRGC has already [strained](#) U.S. ties with those partners and [impeded](#) U.S. efforts to stabilize the current energy crisis.

1. [As defined by §1189\(a\) of Title 8 of the Immigration and Nationality Act.](#)
2. [As defined by §1182\(a\)\(3\)\(B\) of Title 8 of the Immigration and Nationality Act.](#)
3. [As defined by §2656f\(d\)\(2\) of Title 22 of the Immigration and Nationality Act.](#)

