

IRAN DEAL “DECERTIFICATION”

On October 13, 2017, President Trump declined to certify Iran's compliance with the nuclear deal under the terms of the Iran Nuclear Agreement Review Act of 2015 (INARA). INARA requires the president to certify every 90 days that Iran is “transparently, verifiably, and completely implementing the agreement” without “material breach;” has not taken any action “that could significantly advance its nuclear weapons program;” and that suspension of economic sanctions is “appropriate and proportionate” to Iran's action about its nuclear weapons program as well as “vital to the national security interests of the United States.”

This graphic provides background and possible outcomes.

FINANCIAL SANCTIONS

Beginning in 2006, the U.S. implements targeted financial sanctions on Iranian banks for their part in financing Iran's nuclear and ballistic missile program. In the following years, multilateral efforts, including UN Security Council sanctions, further constrict Iran's financial capabilities.



NUCLEAR DEAL STRUCK

Sanctions help to bring Iran to the negotiating table in 2013. In 2015, the Joint Comprehensive Plan of Action is announced by Iran and the P5+1, which are the five permanent members of the UN Security Council (U.S., France, Russia, China, and Great Britain) and Germany. Under the terms of the JCPOA, Iran agrees to limitations on its nuclear program beginning in January of 2016, in return for the suspension of nuclear-related sanctions. However, Iran's ballistic missile program, human rights abuses, and financial connections to terrorist organizations remain subject to separate U.S. and European sanctions.

IRAN NUCLEAR AGREEMENT REVIEW ACT OF 2015 (INARA)

In 2015, the U.S. Congress passes INARA (see above). Every 90 days, the president is required to certify whether Iran is fulfilling the terms of this congressional legislation. If he does not, congressional leaders can introduce a bill to reimpose sanctions.



IAEA FINDS IRAN NOT VIOLATING JCPOA

The International Atomic Energy Agency states in September 2017 that Iran is in technical compliance with the JCPOA. However, UN Security Council Resolution 2231, which gives international legal weight to the JCPOA, calls on Iran to cease all work on ballistic missiles capable of carrying a nuclear warhead. Iran continues to build and test such missiles; that program could significantly decrease the amount of time it would take for Iran to reach full nuclear capability.

PRESIDENT DECLINES TO CERTIFY

On October 13, 2017, President Trump declines to certify the INARA, but the U.S. remains in the JCPOA. The president declares he cannot certify that continuing to suspend sanctions is “appropriate and proportionate.” The administration calls on Congress to amend INARA to remove the periodic certification while including certain “trigger points” which, if crossed, would immediately reimpose sanctions and remove the U.S. from the nuclear deal.



POSSIBLE OUTCOMES

- 1) Starting on October 13, leadership in Congress could reintroduce legislation within 60 days that would reimpose sanctions currently being waived, which requires only 50 votes in the Senate. Other parties would presumably then regard the U.S. as no longer in compliance with the JCPOA.
- 2) Congress could instead amend INARA to include some or all of the proposed trigger points, if there are 60 votes for this in the Senate.
- 3) The U.S. could agree with like-minded allies about steps to be taken without Iranian agreement to address some of the shortcomings of the JCPOA, such as limiting Iran's missile program or countering its destabilizing activities.
- 4) The U.S. could lobby the P5 + 1 to propose opening negotiations with Iran about the terms of the JCPOA.