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VERIFYING IRAN'S NUCLEAR COMPLIANCE

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VERIFYING IRAN'S NUCLEAR COMPLIANCE

TUESDAY, JUNE 10, 2014

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10:07 a.m., in room 2172 Rayburn House Office Building, Hon. Edward Royce (chairman of the committee) presiding.

Chairman ROYCE. This hearing will come to order. This morning we are focused on Iran's efforts to acquire a nuclear weapons capability, and how to stop it.

International negotiations over Iran's nuclear program are coming down to the wire. Indeed, an urgent push is going on as we speak. Senior administration officials are sitting with the Iranians today in Geneva. Some critical differences remain, including the status of Iran's enrichment capability, which is technology key to developing a nuclear weapon. Iran's stated desire is to increase from its roughly 19,000 centrifuges today to over 50,000. The future of Iran's "plutonium bomb factory" at Arak remains unclear. Iran continues to stonewall international inspectors on its past bomb-making work. And just the other week, the country's Supreme Leader characterized the requirement that, as part of the final agreement, Iran limit its ballistic missile program as in his words "stupid, idiotic expectations." I think we can presume that this is going to be a hard climb here. Meanwhile, Iran continues its support for terrorism abroad. It continues its quest for regional domination, and the abysmal human rights record at home continues where those who are not of the right belief system, according to the theocratic state, are executed. A nuclear-capable Iran would be a national security disaster.

While the sides might sound far apart, the Obama administration will push very hard to reach a deal before the July 20th negotiating deadline, and this committee may soon be asked to judge a "comprehensive agreement." Central to this would be evaluating the verification measures needed to ensure that Iran cannot cheat. So what types of conditions should U.S. negotiators be demanding? What are the limits of verification? How does the IAEA's reliance on Iran's cooperation impact its work? Some cite the adage "trust, but verify." In this case, there certainly can't be any trust. The question today is, can there be verification?

These questions are sharpened by the fact that Iran's leaders have invested massive resources and decades of effort into their own nuclear program there. Enrichment facilities were built in se-

cret, a violation of its agreement with the IAEA. One was even dug into a mountainside on a military base, another violation. As one witness will testify, "when it comes to Iran's nuclear program, they have a history of deception, a history of covert procurement, and construction of clandestine facilities that are acknowledged only when revealed by the government's adversaries."

This dangerous regime has tied its prestige to its nuclear ambitions, and they are not peaceful. Given Iran's record of clandestine activity and intransigence, clear consequences for violating transparency and cooperation requirements must be spelled out with zero tolerance for cheating.

An immediate test of Iran's willingness to cooperate rests with the IAEA's attempts to clarify evidence the international observer group has on the "potential military dimensions" of Iran's programs. For several years, Iran has refused to provide explanations or information to the IAEA on past bomb efforts. This includes the Parchin military base, where Iran has gone to great lengths to eliminate all traces of any clandestine activity, including demolishing buildings and removing large areas of soil from the site.

Iran's willingness to come clean on its past weapons program should be an acid test for Western negotiators. We must ask: What good is striking an agreement and removing sanctions, our only leverage, if Iran keeps a capacity to secretly build nuclear bombs?

Unfortunately, U.S. negotiators have already made a key concession that will complicate the task of verifying Iran's nuclear commitments. The Interim Agreement of last year would allow Iran to maintain a mutually defined enrichment program. This program could give Iran cover to develop a covert weapons program, as technically speaking, the ability to produce low-enriched uranium is perilously close to that needed for a nuclear weapon.

If Iran is left with the capacity to enrich, a break-out race to a weapon will be a permanent threat, a threat that undoubtedly would increase as sanctions are eased and the world turns its attention elsewhere. That is especially troubling, given how Iranian leaders have spoken of Israel as in their words, a "one-bomb country."

Many on the committee are very troubled that the Obama administration has us on track to an agreement that leaves Iran as a permanent nuclear threat to the region and to us. Today's hearing will be this committee's latest warning against this ill-considered course of action.

And I will now turn to the ranking member for his opening statement, Mr. Eliot Engel of New York.

Mr. ENGEL. Well, thank you very much, Mr. Chairman. You know, you and I have made a great deal, as have other members of our committee, about the bipartisan nature of our committee and how you and I have worked hard to make this the most bipartisan committee in the Congress.

I must say after listening to your opening statement, I agree with it fully. I share your concerns and I think these are concerns of many, many members of this committee on both sides of the aisle. So I want to thank you for calling this timely and important hearing. And as the P5+1 in Iran continue to negotiate, a potential agreement on Iran's nuclear weapons program, we need to carefully

examine how such a deal could be fully verified. What are the requirements for a final deal? What safeguards are needed to give us confidence that Iran has truly ceased its drive to develop a nuclear weapons capability?

According to the IAEA, the Joint Plan of Action Interim Agreement has paused many of Iran's advancements toward a nuclear weapon. However, if this temporary agreement became permanent, it would certainly be inadequate. The status quo would leave us with too many unanswered questions and an Iran that is too close to a nuclear breakout point. A comprehensive agreement is necessary to end the permanent threat of a nuclear Iran.

With just weeks away from the July 20th deadline that the Joint Plan of Action set for a comprehensive deal, there have already been rumblings that an extension will be needed. Just last week, the head of the IAEA made clear that his agency would not be able to finish its ongoing investigation of Iran's nuclear program before July 20th. That actually might work in our interests if negotiations are continuing, but there is no deal and we need an extension.

The negotiations between the P5+1 in Iran have taken place behind closed doors so we cannot evaluate the specific details of the potential deal that is being discussed. I hope that we will have an opportunity to hear from the administration in open session when appropriate.

Whatever its final form, it is safe to say that this deal will not be based, as you said, Mr. Chairman, on Ronald Reagan's old axiom "trust, but verify." On the contrary, there is a tremendous amount of mistrust between the parties and the Iranians deserve every ounce of suspicion. Tehran has spent years developing a covert nuclear program and has brazenly violated its obligations under the Non-Proliferation Treaty. Under this cloud of mistrust, we must carefully examine one of the most important parts of the deal, how do we verify Iran's compliance? Iran may not make a mad dash for the bomb, but everything I have seen and know about the Iranian regime tells me that they will try to push the boundaries of any comprehensive agreement and test the will of the international community to respond.

One of my primary concerns is that even if negotiators are able to reach a deal, we still don't what we don't know. Building covert facilities, illicitly procuring equipment, outsourcing its program elsewhere; these steps could put Iran back on the path to a nuclear weapon.

Mr. Chairman, today's hearing is important because Congress has an important role to play in this deal. I want to reiterate that. Congress has an important role to play in this deal. Any long-term sanctions relief must, and I say must, be approved by Congress. And to pass such relief, we will have to be convinced that the deal on the table is a good one which brings us back to the key questions facing our panel today.

What are the minimum requirements for a good deal? I know that Secretary Kerry has said "no deal is better than a bad deal." Well, I agree. The question is, will we agree on what is a good deal? What sort of verification measures will be needed to give us full confidence that Iran isn't cheating, or worse, attempting to

break out? And finally, if we can't reach a deal with strong verification measures, what is the alternative?

You know, I have been troubled by the negotiations with Iran. I hope we do have a comprehensive agreement. I hope it is verifiable and I hope that we are pleased with it. But you know what troubles me is while we are negotiating with Iran, they still continue to enrich. And it seemed to me that we could have and should have made a deal saying to the Iranians, "If you want to talk with us for 6 months, you stop enriching while we are talking." I don't think that was so much to ask. And the fact that it wasn't done troubles me. I am told that it wasn't done because Iran wouldn't agree to it. Well, if they didn't agree to something as simple as that, what does that tell us, I fear, about their acquiescence to any kind of comprehensive agreement?

So I welcome the testimony of our panel of expert witnesses to help answer these critical questions. But as far as I am concerned, I want to see a dismantling of Iran's program, not just a point where they are at nuclear break-out capacity, not at the point where we perhaps push them back a few months. I want to see them dismantle their program. And I thank you, Mr. Chairman.

Chairman ROYCE. Thank you, Mr. Engel. We go now to Ileana Ros-Lehtinen of Florida, chairman of the Subcommittee on the Middle East and North Africa, who has been focused on Iran for a very long time.

Ms. ROS-LEHTINEN. Thank you very much, Chairman Royce, and Ranking Member Engel for holding this vitally important hearing. While the administration continues to negotiate a bad and weak deal with Iran, while keeping Congress in the dark, it is important for us to continue to highlight the menacing nature of the Iranian regime and the flaws in the administration's approach to this deception. We are almost at the end of the 6-month agreement, yet the administration has failed to properly consult with Congress about important parts of this deal. Where are the details?

Congress has been steadfast in our mission to prevent Iran from acquiring nuclear weapons and it was only because of our efforts on implementing Iran's sanctions that Iran has even agreed to negotiate. I authored, with the support of so many members of this committee, the strictest sanctions against Iran, and now we are seeing all of that work undone by the administration that misguidedly and dangerously trusts Iran despite decades of evidence that tells us that the mullahs are untrustworthy. Time to wake up. Thank you, Mr. Chairman.

Chairman ROYCE. Thank you, Ms. Ros-Lehtinen. We go now to Representative Ted Deutch of Florida, the ranking member on the Middle East and North Africa Subcommittee.

Mr. DEUTCH. Thank you, Mr. Chairman. This morning's hearing is on verifying compliance. I fear that the hearing topic might be a bit premature. We are now coming up on the July 20th date, the end of the 6-month period. And before talking about compliance, we find ourselves asking what meaningful discussions have taken place on reducing the number of centrifuges? How close are we to a resolution on Fordow? What is the plan to mothball Arak? Has there been any access to Parchin, at all? And finally, and I think

most importantly, when will Iran come clean on the military dimensions of its program?

These were the fundamental points that we had to deal with during the 6-month period and as we approach the end of the 6-month period, the notion that we can simply extend for another 6 months because we don't have a deal yet is not an acceptable one. We need to have some sense that there is movement on the part of the Iranians toward a resolution rather than only delay. And I look forward to hearing from our witnesses today on how we might do that. Thank you, Mr. Chairman.

Chairman ROYCE. Thank you, Mr. Deutch. Now we go to Mr. Ted Poe, chair of the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. POE. Since the Joint Plan of Action was signed by Iran and the P5+1 in November, the administration has been negotiating with the Iranians for a big final deal. I hope our negotiators are not the same ones that worked in the big deal to trade in the Taliban 5 for Bergdahl. The administration seems to be giving away the courthouse and the mineral rights as well. It seems the White House would rather have any agreement, even a bad one, than no agreement at all.

Iran is insisting on the right to enrich, which will allow them to cheat and come up with a bomb. This could take a few months or maybe a few years. They could develop a bomb so fast that we will not be able to detect it or stop it and then Saudi Arabia, Turkey, and Egypt will want to develop nuclear weapons. We must insist on absolute dismantling of nuclear weapon capability in any agreement. We are not dealing with nice people and cannot believe they will be honest about nuclear development. We must remember the Ayatollah still insists on the destruction of Israel and the United States and we must remember the Iranians are still developing intercontinental ballistic missiles, which could be used against the United States. So I have a lot of questions to ask. Thank you Mr. Chairman.

Chairman ROYCE. Thank you, Judge. We go now to Mr. Brad Sherman of California, the ranking member on the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. SHERMAN. I strongly agree with the statements of the chair and the ranking member and reflect that this committee was pushing for strong sanctions on Iran over the objection of three administrations. Iran was brought to the table only because Congress imposed sanctions, they were resisted by the executive branch. In these negotiations, a lot of the focus is on whether Iran will enrich. Of equal importance is whether they will stockpile. Iran's resistance to enforcement mechanisms betrays an interest in evasion. It is easier to reactivate a centrifuge cascade than it is to reassemble international sanctions.

Accordingly, we not only need to negotiate with Iran what mechanisms there will be to detect evasion, but we need to negotiate with our European and Asian partners what automatic sanctions reapplication will apply if any violation is detected.

And finally, our experience with the Soviet Union illustrates that you can negotiate a deal and enforce a deal, even with an untrustworthy partner and even if that partner has greater capac-

ity for evasion than Iran. So I think a deal is physically possible. The question is whether we will reach one.

Chairman ROYCE. Thank you, Mr. Sherman. We are joined to help us think through these critical issues, we are joined by a distinguished group of experts here. Mr. John Lauder is a senior advisor at 2020 Strategic Consulting. He previously served as deputy director of the National Reconnaissance Office for National Support and was director of the DCI Non-Proliferation Center.

We have Mr. Olli Heinonen. He is a Senior Fellow at the Harvard Kennedy School of Government's Belfer Center for Science and International Affairs. Previously, he served 27 years at the International Atomic Energy Agency in Vienna, where he was Deputy Director and head of its Department of Safeguards.

We have Ambassador DeTrani. Prior to assuming his role as President of the Intelligence and National Security Alliance, Ambassador Joseph DeTrani served as the senior advisor to the Director of National Intelligence and he was Director of the National Counter-Proliferation Center.

And we have Mr. Stephen Rademaker. Prior to joining the Bipartisan Policy Center as a National Security Project Advisor, Mr. Rademaker served as Assistant Secretary of State for the Bureau of Arms Control and the Bureau of International Security and Nonproliferation. Prior to that, he served as Deputy Staff Director and Chief Counsel of this committee and we welcome him back.

So let me say that without objection, the witnesses' full prepared statement will be made part of the record. That is to encourage you to synthesize this into 5 minutes and the members here are going to have 5 calendar days to submit statements and questions and any extraneous material for the record.

So Mr. Rademaker, if you would please summarize your remarks, we will begin with you.

STATEMENT OF THE HONORABLE STEPHEN G. RADEMAKER, NATIONAL SECURITY ADVISOR, BIPARTISAN POLICY CENTER (FORMER ASSISTANT SECRETARY, BUREAU OF ARMS CONTROL & BUREAU OF INTERNATIONAL SECURITY AND NONPROLIFERATION, U.S. DEPARTMENT OF STATE)

Mr. RADEMAKER. Thank you, Mr. Chairman, and Congressman Engel. It is a real pleasure for me to appear here before the committee. It is always nice to come home to the Rayburn Office Building.

You know I joined the committee staff in 1993 and one of the foremost issues of concern to the members of the committee in 1993 was the risk that Iran might acquire a nuclear weapon. And to me, it is really astonishing that here we are more than 20 years later and this remains one of the foremost threats to U.S. national security. I just want to observe at the outset that I think this committee has consistently paid attention to this problem for more than two decades. You have provided extraordinary leadership to our nation and I think the American people are very well served by the leadership this committee has provided under a number of chairmen over the last 20-plus years. And I am glad to see that you are continuing to pay attention to the problem as demonstrated by today's hearing.

I have submitted a prepared statement, so perhaps I will just summarize the key points that I make. The first point I make in my prepared statement is that Iran is not like other countries that say they want to develop civil nuclear energy. They have a track record of deception, of covert procurement. The totality of the evidence strongly suggests that Iran is interested in developing a nuclear weapon. So they can't be treated like a normal country. And that is why the question of verification of any agreement that is reached with Iran is critically important and that is why this is a very timely hearing that you are having today.

The second point I make and I say if you only take away one point from my testimony today I want it to be this. Today, we are very much focused on verification of the Joint Plan of Action and the so-called Comprehensive Solution that is being negotiated now between the two sides in Vienna. A lot of the focus, most of the focus in verification discussions is valid. How do we verify their compliance with the JPA? How do we verify their compliance with the Comprehensive Solution? And I think that is important, given Iran's track record and I am joined by experts today that are going to have deep insights into how we should go about trying to detect any cheating by Iran on those agreements.

But my critical point to you is the focus of verification has to be broader than just compliance with the current agreement and the one that is being negotiated right now. Verification has to look at what has happened in the past because there are a lot of unanswered questions about the past. It also has to be—this is even more important. I think we need to be worried about permanent verification because, as I explained in my testimony, the framework of the Joint Plan of Action and my Comprehensive Solution is that there is to be a long-term agreement here. But it is not a permanent agreement. It is to be, by its terms, it is to be time limited. That has been agreed to by the Obama administration and the P5+1.

So what is being negotiated, it will be an agreement that applies for some period of time. I think the Iranians, my understanding is the Iranians only want it to be in effect for 5 years. Other experts are saying it needs to run 20 years. I don't know what the P5+1 is asking, but I think the duration of this Comprehensive Solution is going to be somewhere between 5 years and 20 years. That remains to be negotiated.

So all of these discussions you are hearing now about limits on the number of centrifuges and the amount of enriched material that they can have, those limitations will apply while the Comprehensive Solution is in effect. But the JPA is crystal clear that when that term expires, when the agreed duration of the Comprehensive Solution is reached, all of these limitations end and then Iran becomes like any other country. Everything goes away. And let me just read the language from the JPA. It says, "Following successful implementation of the final step of the Comprehensive Solution for its full duration"—that is the period that they agreed to—"the Iranian nuclear program will be treated in the same manner as that of any non-nuclear weapons state party to the NPT." And what that means is after 5 years or after 20 years or whatever the period is, nuclear sanctions on Iran go away. That

is the U.N. sanctions on Iran have to go away. Our sanctions on Iran have to go away. All of that is to end at that point. Restrictions on nuclear commerce with Iran end. So Iran can't be singled out and treated differently than other countries. We can't have export controls that treat Iran differently than other countries. Nor can the rest of the international community. Iran becomes a legitimate partner.

So the idea of the Comprehensive Solution is that for a period of time if Iran behaves, if they are not caught cheating, and they uphold their commitments under the Comprehensive Solution, at the end of the Comprehensive Solution, they go from being nuclear pariah to nuclear partner. And at that point they are subject to the same verification that Germany or Japan or any other country is subject to. That basically consists of two things. That consists of IAEA verification under the Comprehensive Safeguards Agreement that applies to all countries. And then secondly, the additional protocol is enhanced verification that Iran has committed to ratifying and implementing under the JPA. But that is it. There will be more robust verification agreed to under the Comprehensive Solution and I think the parties are talking about. But that more robust verification will end when the Comprehensive Solution ends. And then we revert back to the additional protocol and comprehensive safeguards, the same verification that every other country in the world is subject to.

I think it is a critical question for the committee to ask whether you are prepared today to agree that if Iran behaves for a set period of time, then we are prepared to end their sanctions. We are prepared to end special scrutiny of Iran and treat them as if they were Japan.

I point out in my testimony, there are other examples of countries that have abandoned nuclear weapons programs and we have accepted that. And once they abandon their nuclear weapons program, we then treat them like a normal country. South Africa is an example. Brazil and Argentina are examples. But what was different in those cases was not only did they say they were abandoning nuclear weapons programs, and not only did they take steps in that direction, but in those cases there was also a fundamental change in government. In South Africa, the apartheid regime ended and Nelson Mandela took power. In Brazil and Argentina, military governments gave up power to civilian elected governments. And so it was logical in those cases to accept that there had been a fundamental change, that the government perhaps was no longer interested in nuclear weapons.

In the case of Iran, the vision of the JPA is there doesn't need to be a fundamental change in government. Ahmadinejad can be the leader of Iran when the Comprehensive Solution lapses and Ahmadinejad will be treated as if he were Japan, his country will be treated as if it was Japan. That is what is spelled out. And so when we talk about verification, I think yes, absolutely, we need to focus on verification of the JPA and the Comprehensive Solution because for a country with Iran's record we have to be suspicious that there will be cheating. But we need to get to the bottom of what happened in the past.

There are lots of unanswered questions and the JPA does not compel Iran to answer those questions. It says if a mechanism where there is to be a discussion, but there are no consequences attached if Iran fails to cooperate. If the questions remain unanswered, the JPA goes forward nonetheless. And I think something needs to be done about that to make sure we get answers about the degree to which they pursued a military nuclear program in the past. Even more importantly, in the future, after the Comprehensive Solution, I think the committee needs to consider: Are you satisfied with the standard safeguards and the additional protocol as the only verification that will apply to Iran's nuclear program upon the expiration of the Comprehensive Solution?

[The prepared statement of Mr. Rademaker follows:]

STATEMENT OF STEPHEN G. RADEMAKER
National Security Project Advisor, Bipartisan Policy Center
Principal, The Podesta Group

"Verifying Iran's Nuclear Compliance"
Committee on Foreign Affairs
U.S. House of Representatives
June 10, 2014

Chairman Royce, Ranking Member Engel, Members of the Committee, it is an honor for me to appear before you today, after so many years of service in these halls as a member of the Committee staff. When I joined the staff in 1993, the risk of a nuclear Iran was one of this Committee's foremost concerns. It is sobering to realize that more than twenty years later, it remains one of the greatest risks to the security of our nation. The American people are fortunate that this Committee has provided consistent leadership on this critical issue, and continues to do so today.

I have been asked to address the question of verifying the Islamic Republic of Iran's nuclear compliance not from a technical perspective, but rather from a broader policy perspective. In so doing, I will draw on the work that I and many distinguished experts have been doing for a number of years as members of Iran task forces organized by the Bipartisan Policy Center and the Gemunder Center for Defense and Strategy of JINSA. These task forces have issued multiple reports on Iran, which can be found at http://bipartisanpolicy.org/projects/iran-initiative and http://www.jinsa.org/gemunder-center-iran-task-force. I commend these reports to the Committee for your consideration.

Why Verification of Iranian Compliance is Critically Important

At the outset, it is important to recall why verification of the Islamic Republic's nuclear compliance is so important. Iran is not like most other nations that say they they're interested in developing a civil nuclear power program. When it comes to their nuclear program, they have a history of deception, covert procurement, and construction of clandestine facilities that are acknowledged only when revealed by the government's adversaries. There is no economic justification for the nuclear infrastructure that the Islamic Republic is developing, nor do they appear to have sufficient reserves of uranium ore to ever achieve the nuclear energy independence from foreign sources of supply that they claim they want to achieve. Successive Iranian governments have stonewalled the International Atomic Energy Agency (IAEA) in its efforts to uncover the full history of their nuclear program, and they have defied six binding resolutions of the UN Security Council demanding that Iran suspend uranium enrichment until international concerns have been addressed.

For such a government, there is every reason to be skeptical of their insistence that their nuclear program is purely peaceful in nature, and we would have to be fools to take them at their word in any nuclear negotiation. That is why the subject of today's hearing—verification—must be front and center in every discussion of how to resolve the Iranian nuclear file.

I worry, however, that since the Joint Plan of Action (JPA) was agreed on November 24th of last year, most discussions of Iranian compliance focus on how we make sure that Iran upholds the commitments that it made in the JPA, as well as the ones that it is expected to make in the so-called "comprehensive solution" that is being negotiated now pursuant to the JPA. *If I leave you with only one thought today, let it be this: the focus of verification needs to be much broader than just Iran's compliance with the JPA and the comprehensive solution. Verification must focus not just on the present and immediate future, but also on the past, as well as the more distant future.*

Verification of Compliance with the Joint Plan of Action and the Comprehensive Solution

For reasons that I will explain in a moment, I believe the Iranians would have to be very short-sighted to cheat on the JPA and the comprehensive solution. I don't think they are short-sighted, but rather highly calculating, and therefore I will be surprised if they violate the JPA and comprehensive solution. Of course Iran has a long history of building clandestine nuclear facilities, so it's certainly possible that they are building or even operating a parallel nuclear program today. Accordingly, it is essential that we have a robust verification regime to ensure their compliance with these agreements, and I'm pleased to be joined today by some of the world's leading verification experts who can tell us more about how to do that. But it as at least as important to verify what happened before the JPA and comprehensive solution came into effect, as well as what will come after them.

Why do I say this? It is clear that Iran won a number of critically important concessions in the JPA. In past hearings many members of this Committee have criticized the fact that the Obama Administration accepted in the JPA that Iran is going to continue enriching uranium, notwithstanding six legally binding Security Council resolutions directing them to suspend enrichment. This was an important victory by Iran: they persuaded the U.S. to set aside its oft-stated policy that Iran has no *right* to enrichment, as well as the even more fundamental principle that legally binding resolutions of the Security Council are indeed legally binding. Iran also won important concessions on sanctions that have broken the momentum that was previously behind that policy. But in my opinion, the single biggest concession won by Iran in the JPA has to do with what will come after the JPA.

The framework of the JPA is very simple. It provides for some confidence-building measures on both sides that are to be in effect for a period of six months. During that six-month period, the two sides—the P5+1 and Iran—are to negotiate a "mutually-agreed long-term comprehensive solution" that will involve additional agreed limitations on Iran's enrichment

program, as well as enhanced transparency and verification measures. But the JPA is crystal clear that in this context, "long-term" does not mean permanent. To the contrary, the JPA states that the comprehensive solution shall "[h]ave a specified long-term duration to be agreed upon." Even more ominously, it states:

> Following successful implementation of the final step of the comprehensive solution for its full duration, the Iranian nuclear programme will be treated in the same manner as that of any non-nuclear weapon state party to the NPT.

In other words, if Iran complies with its obligations under the comprehensive solution for the agreed duration of that agreement, it becomes legally entitled to the same treatment in nuclear energy matters as Japan or Germany or any other non-nuclear weapon state with a civil nuclear program. No more nuclear sanctions of any kind. No more restrictions on its ability to procure civil nuclear items from other countries. No more Security Council-imposed limitations on its nuclear program. No more restrictions on the number of centrifuges it may operate, the level to which it may enrich uranium, the amount of enriched uranium it may stockpile, whether it may reprocess spent fuel, whether it can pursue a heavy water plutonium production program. And this is true irrespective of whatever restrictions it may submit to on its enrichment and heavy water programs during the period in which the comprehensive solution will be in effect. The JPA is clear: once the period of the comprehensive solution expires, the restrictions accepted under the comprehensive solution will lapse.

In effect, the JPA and the comprehensive solution act as a giant get out of jail free card for Iran. All they need to do is behave during the period that these agreements are in effect, and the slate will be wiped clean; Iran's nuclear program will be accepted as legitimate, and bygones will be bygones. This will be true even if Iran concedes that it was actively seeking to develop nuclear weapons in the past, or even up to the present day.

So as much as I agree that we need to consider, for example, how quickly Iran could break out of the JPA and produce a nuclear weapon, logically it would make little sense for them to do so. Why would they, when all they have to do is wait for a specified period of time and then they will be free to stand up a vastly more robust nuclear program, with unrestricted assistance from foreign suppliers and without international opprobrium? They would be able to break out far more effectively after establishing a more robust program than they can today. Of course, the Islamic Republic has a long history of deception in its nuclear program, so we cannot assume that they will behave in a manner that we would consider logical, but I think the odds are that they will respond to the incentives that the JPA provides them.

Obviously the United States will want the duration of the comprehensive solution to be as long as possible in order to postpone these consequences as long as possible. But for the opposite reason, Iran will want the duration to be as short as possible. Clearly this is one of the key points of contention in the ongoing negotiations, but from the public commentary we can get

a general sense of the parameters. Many Western experts say the duration should be at least 20 years; the Iranians are said to be pressing for five years or less. It's logical to expect that, in a negotiation, the two sides will likely settle somewhere between these two positions.

It is worrisome that the Administration is committed to a process that promises Iran full nuclear rehabilitation in exchange only for behaving for a specified period of time. There have been other instances, in which countries have abandoned nuclear weapons programs and subsequently been considered rehabilitated. South Africa, Brazil and Argentina come to mind. But in these cases, our willingness to accept that they had abandoned their nuclear weapons ambitions and to begin treating them as responsible stewards of civil nuclear technology rested on the fact that they had undergone fundamental changes in government. In South Africa, the apartheid regime was replaced by the democratically-elected government of Nelson Mandela. In Brazil and Argentina, military dictatorships yielded power to elected civilian governments. It was reasonable to believe that these new governments were not committed to the nuclear weapons programs that had been pursued by their predecessors.

In the case of Iran, however, the JPA framework requires no fundamental change in government before Iran is to be rehabilitated. The passage of time alone, coupled with good behavior during the agreed time period, will be sufficient to convert Iran from nuclear pariah to nuclear partner.

Verification of Past Activities, Particularly Nuclear Weapons Development

Especially because the JPA process promises the Islamic Republic full rehabilitation without any change in its government or ideology, it is critical that we learn now the full story about the history of their nuclear program, particularly the degree to which Iran has sought to develop nuclear weapons. Without such knowledge, it will be impossible for us to make informed judgments about the degree to which Iran can be trusted as a steward of civil nuclear technology going forward.

Iran denies that it has worked to develop nuclear weapons, but they have studiously resisted cooperating with the IAEA's efforts to delve into this issue, which in and of itself is probably an admission that they have something to hide. The rest of the world has little doubt, however. The infamous 2007 National Intelligence Estimate, while rightly criticized by many members of this Committee for whitewashing Iran's nuclear record, nevertheless includes this statement: "We assess with high confidence that until fall 2003, Iranian military entities were working under government direction to develop nuclear weapons." Even the IAEA, which is ordinarily highly constrained in what it can say, asserted in its November 2011 safeguards report that "There are also indications that some activities relevant to the development of a nuclear explosive device continued after 2003, and that some may still be ongoing."

One of the profound flaws of the JPA is that it does not condition diplomatic progress with Iran—and Iran's ultimate nuclear rehabilitation—on Iranian cooperation with the IAEA to

answer the Agency's questions about past nuclear weapons activities. To be sure, the JPA establishes a Joint Commission consisting of the P5+1 to "work with the IAEA to facilitate resolution of past and present issues of concern." But no consequences attach to the failure of this mechanism to make progress on these issues. Rather, the negotiators of the JPA seem to have taken the inexplicable view that it's really the IAEA's problem to get to the bottom of these issues, not a vital interest of the United States.

The IAEA has been making progress with Iran on other issues where the JPA specifically requires Iran to cooperate with the Agency. Consistent with the JPA, Iran last November agreed to a "Framework for Cooperation" with the IAEA to address matters where cooperation is required. There has been some limited discussion within this channel of one of the IAEA's concerns about military dimensions of Iran's nuclear program, relating to the development of Exploding Bridge Wire detonators. It also appears that two other narrow military-related concerns may be addressed in the future within this Framework. But the IAEA's most recent report, dated May 23, 2014, makes clear that the vast majority of the Agency's concerns about military dimensions of the program remain unaddressed under the Framework for Cooperation.

There is no secret about what is required to get to the bottom of this matter: Iran needs to cooperate fully and transparently with the IAEA. The JPA does not compel such cooperation, so it may fall to Congress to require it in future legislation.

Verification Following Expiration of the JPA and the Comprehensive Solution

As I have already stressed, the JPA envisions that all extraordinary monitoring and verification of Iran's nuclear program will cease once the comprehensive solution expires. At that point—probably ten to twenty years from now—Iran will be subject only to the same verification measures that apply to all other countries. These will consist of routine IAEA safeguards inspections, as well as the provisions of the IAEA Additional Protocol, which the JPA requires Iran to ratify and implement.

Congress needs to make a judgment whether this level of verification will be adequate for a government with Islamic Republic's record, in the absence of any fundamental change in the nature of the government or its ideology. Personally I have grave doubts. So again, this is a matter that Congress may need to address legislatively.

It may be that in the end Congress and the President agree that it is impossible to judge today where things will stand ten or twenty years from now, and final decisions will be postponed to shortly before the comprehensive solution is scheduled to expire. If that is how legislative consideration of this issue plays out, I'm sure it will be argued that you should accept a future President's judgment about whether routine safeguards inspections plus the Additional Protocol will be adequate verification measures. My strong advice is that you reject such arguments.

If Congress decides it cannot make that judgment today, you need to reserve the right to make an independent judgment in the future about what level of verification will be required on a more permanent basis. In this regard, I commend to you a recommendation made by the Bipartisan Policy Center's Iran Task Force in May 2012. We recommended that Congress consider creating an independent commission to evaluate Iranian behavior and offer policy proposals to Congress (http://bipartisanpolicy.org/sites/default/files/Assessing%20the%20Effectiveness%20of%20Sanctions%20on%20Iran.pdf). Our idea was to red team assessments that were coming from the Executive branch and provide an independent source of analysis and advice to Congress.

The considerations that made this a good idea in 2012 are even more pertinent in the context of the JPA framework. You need to anticipate that Executive branch officials are going to become deeply invested in the success of the JPA and the comprehensive solution, and they will be accept evidence that it is failing, much less acknowledge that aspects of it were poorly conceived to begin with. Congress needs to maintain its objectivity in approaching the question of what level of verification is going to be required following expiration of the comprehensive solution, and you should seek to develop tools that will assist you in making well-informed judgments.

With these thoughts I will conclude my remarks and invite questions.

Chairman ROYCE. Thank you, Mr. Rademaker. Mr. Lauder.

STATEMENT OF MR. JOHN A. LAUDER, SENIOR ADVISOR, 20TWENTY STRATEGIC CONSULTING, INC. (FORMER DIRECTOR, NONPROLIFERATION CENTER, INTELLIGENCE COMMUNITY)

Mr. LAUDER. Thank you very much, Chairman Royce, Ranking Member Engel, members of the committee. Thank you for the opportunity to be here today to help address this vital national security topic, monitoring Iranian compliance with a potential nuclear agreement.

I appear before you today in my private capacity as someone who has labored on monitoring and verification over several decades. The views that I will be presenting are my own and are not intended to represent the views of organizations with whom I have been affiliated, such as the intelligence community, the Department of Defense, and the Defense Science Board Task Force on the Assessment of Nuclear Treaty Monitoring and Verification. My statement draws in part on those experiences and on the Defense Science Board Task Force Report, as well as some work on a nongovernmental Task Force on Verification Requirements for a Nuclear Agreement with Iran.

Neither of the two task forces makes a judgment as to whether compliance with any particular nuclear agreement is verifiable. Indeed, we do not yet know of the details of the monitoring provisions that will emerge in the Iranian agreement now under negotiation or if such an agreement will be concluded. The Defense Science Board Task Force Report underscores that monitoring nuclear programs is very challenging and that the technical capabilities to do so are limited. But the report suggests a number of steps that can be taken to make monitoring more effective, to develop additional tools and approaches and to mitigate, but not entirely eliminate the risks.

Mr. Chairman, I submitted a statement for the record that outlines key elements to facilitate compliance monitoring, elements that I would respectfully suggest to be part of the agreement with Iran and core to the way in which the United States and the international community approaches monitoring and implementation of the agreement.

The implementation of a monitoring regime should be sufficiently rigorous to determine whether Iran has made a fundamental strategic decision to abandon its pursuit of nuclear weapons and toward a culture of compliance with international agreements and norms. I believe that the monitoring provisions to be included in the agreement will be the main determinant of the agreement's success and establish the essential foundation for all of the other provisions. Effective monitoring needs to be able to detect both a rapid breakout from some facilities known to us and a slow sneakout from covert facilities.

An agreement with Iran should hence provide one, a full explanation of past Iranian nuclear activities with possible military dimensions; and two, Iran answers previous questions from the International Atomic Energy Agency about such activities, explains who was involved, what actions were taken and where they took

place. There can be no international confidence that the development of nuclear weapons capabilities has ceased.

Second, a complete data declaration and robust inspection of Iran's nuclear activities, material, and equipment. Critical parts of Iran's nuclear programs are still not well understood by the international community. A final agreement must allow access to sites, persons, and records sufficient to make Iran's nuclear programs transparent.

Third, an effective means of monitoring all of Iran's procurement activities with possible nuclear applications. A final agreement must prevent Iran from continuing to import illicitly materials for its nuclear enterprise. The best way to accomplish this is to set up an agreed channel for ending nuclear imports that might be allowed by the agreement. No import outside the channel should be permitted which will reduce ambiguities in the information detected by the monitoring process.

Successful monitoring regimes in the past have achieved effective verification of compliance through a combination of measures, which may be held out as a standard by which to judge the adequacy of the monitoring regime to be applied in Iran. Based on past experience, an Iranian monitoring regime should include a combination of negotiated data declarations, inspection measures, and national and international monitoring to break tough challenges into manageable pieces, as well as a consultative body for an anomaly in dispute resolution.

The key to all of these measures working effectively is the synergy created among data declarations tell us where to look, routine inspections, audited declarations, national and international unilateral monitoring and intelligence means to detect anomalies and challenge inspections, and the consultative body seek to gather more information relevant to the resolution of those anomalies. I recognize that not all of the measures that I recommend in my statement will be easily negotiable or ready for rapid implementation, but our goal should be to bring Iran from its prior pursuits of nuclear weapons capabilities into what I called earlier a culture of compliance with international agreements and norms.

We should seek the newness in negotiations with Iran by seeking agreement and a security agreement to effective monitoring measures. We can also reinforce a culture of compliance by vigorous implementing the monitoring regime. Some of that implementation will fall to the International Atomic Energy Agency. Others will need to be carried out by the P5+1 itself including by U.S. Government agencies.

Congress can play a positive and strong role in insisting on effective verification, providing the resources necessary for monitoring tasks, and being attentive to compliance issues that may emerge.

Thank you again to the committee for the opportunity to present some of my ideas on this vital topic. I look forward to your questions.

[The prepared statement of Mr. Lauder follows:]

Statement of John A. Lauder
United States House of Representatives
Committee on Foreign Affairs
June 10, 2014
Hearing on "Verifying Iran's Nuclear Compliance"

Chairman Royce, Ranking Member Engel, and Members of the Committee, thank you for the opportunity to be here to help address a vital topic for international security – monitoring Iranian compliance with a potential nuclear agreement. I appear before you today in my private capacity as someone who has labored on monitoring and verification issues over several decades. The views that I will be presenting are my own and are not intended to represent the views of the Intelligence Community, the Department of Defense, or the Defense Science Board Task Force on the Assessment of Nuclear Treaty Monitoring and Verification, of which I was a member. My statement draws heavily on that Defense Science Board Task Force Report as well as on the work of a non-governmental Task Force on Verification Requirements for a Nuclear Agreement with Iran. That latter Task Force is a joint effort among the Federation of American Scientists, The American Bar Association's Standing Committee on Law and National Security, and the Sandra Day O'Connor College of Law at Arizona State University and sponsored by the John D. and Catherine T. MacArthur Foundation.

Neither of the two Task Forces makes a judgment as to whether any particular nuclear agreement is verifiable. Indeed, we do not yet know the details of the monitoring provisions of the Iranian agreement now under negotiation or when or if such an agreement will be concluded. The job of experts on agreement monitoring, in and outside the government, is to gather the best possible information to inform those judgments, to nurture and deploy effectively the necessary expertise, and to improve the tools and methods available over time to enhance monitoring. The Defense Science Board Task Force Report underscores, for example, that monitoring nuclear programs is very challenging and that the technical capabilities to do so are limited. But the Report suggests a

number of steps that can be taken to make monitoring more effective and to mitigate, but not eliminate, the risks. There will always be risks and opportunities in any agreement. The risk-benefit assessment is ultimately a political judgment for the Executive and Congress that those of us engaged in monitoring strive to do our best to inform.

The Challenge. Knowledgeable observers disagree on the wisdom, scope, and content of various forms of an agreement with Iran on its nuclear program. But nearly all judge that an agreement with Iran without effective verification and monitoring measures would be counterproductive and dangerous. This statement seeks to address the following questions about a monitoring regime for Iran:

-What should be those verification and monitoring measures?

-What does the history of previous international agreements teach us about how to achieve effective verification?

-What are the standards by which to judge the adequacy of the verification measures that will be negotiated with Iran?

-What types of compliance issues are likely to emerge? What will be effective approaches and processes for detecting and resolving compliance issues and strengthening the agreement?

Building an effective monitoring regime with Iran will be a prolonged process. Not all of the measures discussed in this testimony will be easily negotiable or ready for rapid implementation. The intent of the measures, and the extended dialogue between Iranians and western experts necessary for implementation, is to bring about a more open and moderate Iran. Our goal should be to bring Iran from its prior pursuit of nuclear weapons capabilities into a culture of compliance with international agreements and norms. We should seek to do this in negotiations with Iran by securing agreement to effective monitoring measures. We can also reinforce a culture of compliance by vigorously implementing the monitoring provisions that should be part of any new agreement with Iran. Some of that implementation will fall to the International Atomic Energy Agency (IAEA). Others will need to be carried out by US Government agencies. The Congress itself can play a positive and strong role

in insisting on effective verification, providing the resources necessary for monitoring tasks, and being attentive to compliance issues that may emerge.

So what will the monitoring regime be tasked to do? That is still largely a work in progress. On 24 November 2013 Iran and the P-5 +1 reached agreement on a Joint Plan of Action as a "first step towards a comprehensive and verifiable diplomatic solution to concerns about the Iranian nuclear" program.[1] According to the text of the agreement, "the first step would be time-bound, with a duration of 6 months, and renewable by mutual consent, during which all parties will work to maintain a constructive atmosphere for negotiations in good faith." The Joint Plan of Action specifies that "the goal for these negotiations is to reach a mutually-agreed long-term comprehensive solution that would ensure Iran's nuclear programme will be exclusively peaceful." The parties agreed to undertake a number of voluntary measures. The Plan of Action also identifies elements of "the final step of a comprehensive solution" with the standard understanding that "nothing is agreed until everything is agreed."

Key Definitions: This statement will use both the terms monitoring and verification. There are varying definitions of the terms in arms control literature, but the following are definitions often used.

- Monitoring is gathering information relevant to compliance assessments and for general understanding of weapons programs through intelligence methods, diplomatic means, and negotiated measures such as information exchanges and on-site inspections.
- Verification is the process of reaching political judgments about the extent and significance of compliance with international agreements and the determination of how to resolve ambiguities or evidence of noncompliance.

A Gold-Standard Monitoring Regime: An effective monitoring regime for Iran, should have the following attributes:

[1] The P5+1 include the five permanent members of the UN Security Council (The United States, the United Kingdom, France, Russia, and China plus Germany). The group is also referred to as the E-3/EU+3. The text of the Joint Action Plan cited in this statement can be found at http://eeas.europa.eu/statements/docs/2013/131124_03_en.pdf.

--It should be capable of detecting at least militarily significant noncompliance[2].

--It should create synergy in discovery of relevant Iranian activities among negotiated measures, international inspections, national intelligence means, and publically available information.

--It should establish mechanisms for anomaly and dispute resolution.

-- It should build greater transparency and enhance channels of communication by making contacts between monitoring experts and Iranians a matter of routine.

Successful monitoring regimes in the past have achieved the above attributes through a combination of measures, which may be held up as a standard by which to judge the adequacy of the monitoring regime to be applied in Iran. Based on past experience, we judge that an Iranian monitoring regime should include a combination of negotiated measures and national and international monitoring to break tough challenges into manageable pieces. For example, it would be impossible for either international inspectors or national reconnaissance means to count simultaneously and accurately all of the centrifuges in Iran, but there are proven techniques for making such a task more manageable. (We will use the monitoring of centrifuges in the following discussion because of the importance of enrichment limits in the Plan of Action and the likely prominence of limits on centrifuges in the agreement that will be negotiated next, but these monitoring approaches are applicable to any material, equipment, and activity that might be limited in the agreements with Iran.) These interlocking approaches include:

[2] The standard of detecting "militarily significant" noncompliance was regularly used for the classic arms control agreements of the 1980s and 1990s. There is a great degree of creative ambiguity in "militarily significant", permitting the actual gears of monitoring, verification, and day-to-day agreement operation to run more smoothly without a great deal of unnecessary friction over technical violations without strategic significance. The interim agreement with Iran appears to set a standard of militarily significant through such provisions as defining a level of permissible enrichment and, perhaps eventually, the number of allowable centrifuges. Further elaboration of the standards for effective verification -- what is militarily or politically significant -- will likely be hammered out in the negotiations and in dialogue among international partners and between the Executive Branch and Congress.

- Data declarations and notifications to provide a baseline for normalcy and the functional equivalent of a tax return or internal audit. Iran should be asked, for example, to identify where all of its centrifuges, by type, are located, and to notify when centrifuges are being moved from one location to another. There needs to be a certain logic and consistency to such declarations both internal to the declarations and to the information available to the international community. The declarations are compliance tools in themselves that help test the willingness of Iran to be transparent. The declarations also help establish those areas where equipment subject to the agreements with Iran are located and thus those areas that should be among those subject to inspection and persistent monitoring.

- Routine inspections and cooperative monitoring measures to provide scrutiny of geographic locations where cheating would be easiest. These routine inspections or persistent monitoring of declared sites are the functional equivalent of an audit of the data declarations. They also would help deter and discover Iranian noncompliance in the areas where such noncompliance would be easiest – using, for example, the existing infrastructure to support the operation of two thousand centrifuges at a location where only a thousand centrifuges had been declared. Routine inspections would also serve as early tripwires of any Iranian decision to break out of an agreement. Iran would need to suspend the inspections or limit the access of inspectors in ways that would provide warning of impending actions inconsistent with the agreements. Conversely, strict Iranian adherence to the inspection and other aspects of the monitoring regime would contribute to regional stability and confidence.

- Challenge inspections available to gather data on compliance concerns. Iran may not declare all of the sites in its declarations where centrifuges or other material or activity subject to the agreements may be present or occurring. So there should be provision to allow inspections in new areas. These inspections too should have a routine tone to them. The conduct of such inspections should not be an accusation of agreement violation in themselves but rather another form of audit to build confidence that

the Iranians are in compliance. Neither the routine nor challenge inspections can be just guided tours. The inspectors will need to visit on short notice, spend extended periods at the designated sites, be provided with appropriate site diagrams, and be allowed to bring and use appropriate equipment. These forms of managed access will need to be subject to negotiation. It will be important too to carry out challenge inspections early in the life of any agreement to establish the precedent for their use and to reinforce that such inspections are routine monitoring and not accusations of noncompliance.

- Modalities and scope of inspections need to be broad. Both routine and challenge inspections should be focused on understanding the full status and scope of Iranian nuclear weapons programs. The inspectors will need to have a nonconfrontational but investigative mindset, inclined to ask the type of low-key but probing questions characteristic of Inspector Columbo in the old TV series. The inspections should go beyond the scope of just IAEA Safeguards inspections – as important as they may be in understanding Iranian activities. It may be useful to augment the IAEA inspections with special inspections carried out by the P-5 + 1 or similar ad hoc body. Such inspections would have the advantage of involving the other participating states directly in the compliance regime and taking advantage of some of their more robust access to Iran. The involvement of the Russians and the Chinese in the inspections would raise complications, but it would begin to establish relationships that might be helpful in the event of noncompliance or in a subsequent move to broader arms control and nonproliferation agreements beyond Iran.

- National Technical Means look for anomalies across broad areas and cover the backdoor during inspections. The amount of area in Iran likely to be subject to routine inspections is relatively small in a large country. Thus, a monitoring regime to be effective will require the commitment of substantial US and international satellite coverage, other technical collection, and covert intelligence means to search for any sign of noncompliant behavior. The data declarations also make detections from this form of monitoring less ambiguous. For

example, if the locations of all centrifuges are to have been accounted for in the data declarations, but a centrifuge is detected elsewhere in Iran, it is potential evidence of noncompliance that needs to be addressed. (The mechanisms for such resolution of anomalies and noncompliance are addressed later in this paper.) Intelligence means should also be used to observe locations about to undergo routine or challenge inspections. Is material moving out the back gate in advance of such inspections or is there other evidence of efforts to cover up activities that may be contrary to the agreements?

Internal and External Audits. Ambassador Gregory Govan has used the terms internal and external audits in describing the interrelationship among data declarations and inspection measures.[3]

- The data declarations are the internal audits. The data set itself is where compliance problems are often revealed. With complex data sets it becomes very difficult over time to cheat consistently without revealing in the data that something is amiss. A careful review of the data declarations, which should be periodic to register changes to the monitored status or numbers over time, is essential; this is the "internal audit" that is the equivalent of a company looking carefully at its books. To the reasons listed for encouraging detailed declarations should be added the idea that they encourage buy-in by the declarer. From his point of view, solid declarations become the way to demonstrate that he is in full compliance. Conversely, if the declarer cannot tell a consistent story with his data, he knows he is going to be subjected to harsher scrutiny in the inspection regime.

- Inspections and independent monitoring are the "external audit", the spot check to determine that the appropriate numbers of things are where they are supposed to be and nothing is where it should not be. Harvey Rishikof, the Chairman of The American Bar Association's Standing Committee on Law and National Security, has noted that inspections are like an outside

[3] Ambassador Govan is a retired US Army Brigadier General who led the US Onsite Inspection Agency (OSIA) in the early 1990s and subsequently served as the senior US government representative to the governing bodies of the Conventional Forces in Europe Treaty and the Open Skies Treaty.

auditor's review or a regulator-imposed scrutiny to be sure that the entity is complying with regulations and laws. The agreement with Iran is going to be like a building contract, and the developer has every right and every incentive to be sure that work conforms to applicable building codes and contract terms. It goes without saying that the certain knowledge that the building inspector will check your wiring is a strong incentive to get the wiring right, and the suspicion that someone is checking on other aspects of the construction will make you think twice about cutting corners.

The importance of building synergy. The key to all of these measures working effectively is the synergy created among them. Data declarations tell us where to look, routine inspections audit the declarations, national and international unilateral monitoring and intelligence means detect anomalies, and challenge inspections seek to gather more information relevant to the resolution of those anomalies. The inspections themselves serve as forcing events that may trigger concealment activities on the part of the Iranians that might be indicative of noncompliance. The inspectors are also in a unique position to provide ground-truth situational awareness of Iranian nuclear capabilities and intent that remote access means cannot duplicate.

To achieve synergy, all of the above needs to be orchestrated in some way by experts familiar with the full range of monitoring resources. During the height of arms control monitoring in the late '80s and 90s, the Treaty Monitoring Manager within the US Intelligence Community proved an effective vehicle for coordinating the work of organizations that were implementing both negotiated monitoring measures and intelligence collection activities.[4] A similar position should be established for the monitoring of the Iranian agreement. Such a monitoring manager would need to work closely, and behind the scenes, with allies and international organizations.

One challenge is that, unlike most arms control agreements, with Iran we have the main technical expertise embodied in an international organization that is independent of the agreement states parties, reports to an international authority with much broader membership than the agreement states parties, and has a vested interest in one particular kind of inspection regime (IAEA Safeguards)

[4] The Defense Science Board Report describes the position of Treaty Monitoring Manager and the position's potential role in future agreements on pages 62-63 of its report, Assessment of Nuclear Monitoring and Verification Technologies, January 2014

that does not necessarily match the mindset required of inspectors working on the Iran nuclear agreement. Although sanctions imposed by the UN and others have been important in getting Iran to agree to limits to its nuclear program and will continue to be important as a means to insure compliance, the unilateral and independently coordinated actions of the agreement states parties are also at least as important. The inspection regime has to work for these vitally interested states parties, not just for – or through – the larger international body.

For these reasons, the P5 + 1 should not turn over the complete monitoring of the agreement to the IAEA. Rather, the P5 + 1 needs to establish its own operating body (agreement monitoring managers) with Iran, as well as its own agreement consultative body, as discussed later in this paper. In essence, the monitoring regime should be a layered approach with aspects carried out by the IAEA, others by the P5+1, and still others by US and other intelligence agencies.

Short of the formation of a P5+1 monitoring body, the P5+1 will need to encourage the IAEA to use the inspection tools that it has available. The IAEA has not historically made use of its authority to carry out "special inspections," which can be used to gain insight into the overall scope of a state's nuclear programs. The P5 + 1 should work with the IAEA to determine those circumstances relevant to the Iran agreement that should appropriately trigger special inspections. The IAEA itself has a long list of questions, supported by UN Security Council resolutions, re the Iranian program, that it should be encouraged to pursue. Any Iranian effort to claim that the Joint Plan of Action preempts such resolutions and IAEA activities should be resisted.

Dealing with Noncompliance: Near the beginning of major efforts to bring about significant arms control agreements between the United States and the Soviet Union in January 1961, Fred Ikle' posed a provocative question in what has become a classic article from Foreign Affairs, "After Detection, What?" He argued that detecting violations of an agreement is not enough and that "even if we can develop an inspection regime that makes the probability of detection very high, a nation contemplating a violation will not be deterred if it thinks it can discourage, circumvent, or absorb our reaction." The need for the United States and its allies to consider and prepare options in advance for responding to evidence of noncompliance is equally vital with Iran. Ignoring noncompliance risks the credibility of the agreements with Iran as well as the credibility of US commitments in the region.

One can envisage several types of compliance issues that the United States and its allies should prepare for during implementation of an agreement with Iran in increasing order of severity:

Iran will likely press the envelope of the agreement: The history of implementation of past agreements and past Iranian behavior suggest that there will be a period of jostling about the scope and language of the framework. As is the case with most international agreements, the language of the Joint Plan of Action has a degree of ambiguity. One can expect that the Iranians will have an interpretation of the language of the agreement that will limit the scope of inspections to which they will be subject and the scope of the information that they will be required to provide. Some of this ambiguity can be reduced in the negotiations in which more specificity and clearer definitions will presumably be discussed. But it will be important for the P5+1 and IAEA monitors to push back on efforts of the Iranians to limit the scope of monitoring below the spirit of the agreement.

Hiding noncompliance in plain sight: As noted above, the easiest places for a state to exceed agreement limits are in those locations where limited equipment and activities are already declared and can be present under the terms of an agreement. In the case of Iran, some of the key facilities are already subject to IAEA safeguards. The Joint Plan of Action brings additional facilities within the scope of information exchange and inspections and allows greater frequency of inspections. The Plan specifies that Iran will provide IAEA inspectors with "managed access" to its "centrifuge rotor production workshops, centrifuge storage facilities, and uranium mines and mills." The Plan of Action also provides for daily IAEA inspector access to the "offline surveillance [video] records, at Fordow and Natanz."

The access of IAEA and other inspectors to these declared facilities is another area where the history of prior agreements and previous Iranian behavior suggests that the Iranians may try to limit the scope and modalities of inspections. The West will need to be prepared to carry out thorough but nonconfrontational inspections and be vigilant in discussing with the Iranians concerns about the inspection process as well as any apparent compliance issues.

Continued use of illicit procurement networks: A key component of the Iranian nuclear weapons program has been its procurement efforts and networks designed to circumvent international restrictions on its ability to acquire material

and expertise for the development of nuclear weapons. Iranian prior procurement efforts, their degree of success, and the current and future pursuit of such procurement are not directly addressed in the Plan of Action. Indeed the lifting of some sanctions and the easing of the economic isolation of Iran could potentially facilitate procurement efforts related to the nuclear weapons program.

The P-5 + 1 will need to press for a complete understanding of the Iranian procurement efforts as part of the negotiations and as a focus of future information exchange and inspections. The monitors will need to be vigilant that new covert procurement paths are not being developed. It is also vital that the monitoring efforts capture any Iranian effort to export or import nuclear weapons technology and material or to use other states as surrogates for aspects of the weapons development process or testing of components.

Dealing with the Stressing Case of Covert Facilities: Comprehensive data declarations by Iran, combined with routine and challenge inspections, go a long way toward deterring and detecting potential noncompliance. The most stressing case would be the possibility of covert facilities outside the data declarations and inspection regime. As noted above, the task of finding such facilities falls largely to national intelligence means. The full range of the means that could be employed are outside the scope and classification of this paper, as is an assessment of whether other priorities and budget constraints will reduce the amount of resources that can be made available for monitoring an Iranian agreement.

It would be helpful to have an explicit understanding in an Iranian agreement that there be no interference with National Technical Means being used to carry out monitoring of Iranian compliance. As is customary in international agreements, National Technical Means should be undefined in the agreement.

There will be significant gaps and challenges in discovering covert facilities and activities. Among these challenges are:

-Limits to the stand-off detection of fissile materials.

-Identification and characterization of underground facilities and mobile targets.

-Dealing with a significant "Signal to Clutter" problem, which will be complicated further by any Iranian denial and deception.

-The atrophy and redirection of US agreement monitoring resources and organizational structures focused on such monitoring.

-Declining numbers of skilled and experienced practitioners of monitoring.

Yet, there are some recent developments that may provide enhanced monitoring capabilities. Among these are:

-Advances in wide-area, persistent surveillance. Although these advances were largely honed in the permissive aerial environments of Iraq and Afghanistan, some of the techniques will be applicable in Iran.

-Products from commercial imagery and radar are widely-available and can augment national intelligence resources and be exploited internationally.

-International verification institutions and resources are growing in number and sophistication.

-New techniques for data mining and analytics give some promise of detecting bits of information that might lead to the discovery of covert facilities.

-The widespread availability of data from social media and crowdsourcing is beginning to have greater applicability and the United States is exploring ways to bring such information directly to bear.

Continued work on aspects of the nuclear program not covered by the agreement: The Joint Plan of Action focuses largely on Iranian enrichment and nuclear materials. It does not focus on the other steps necessary to achieve nuclear weapons capability. Among these steps are the development of weapons designs, the manufacture, procurement, and testing of nonnuclear components for nuclear weapons, and the development of delivery vehicles. The Annex of the IAEA report issued in November 2011 outlines some of the elements of Iran's programs including "work involving neutron initiators, triggering systems, mathematical modeling, and implosion experiments."

Continued development by Iran of these capabilities would reduce the time required for Iran to field a nuclear weapons capability. The scope of monitoring activities being carried out should be sufficiently broad as to facilitate detection and characterization of the full scope of Iranian nuclear weapons programs – not just the nuclear fuel cycle. The P5+1 should also begin to prepare the groundwork for a follow-on negotiation to constrain Iranian ballistic missile development.

The bomb in the basement: We cannot know for sure how far Iran may have advanced in weapons design. How much help, for example, might it have received from other governments or from illicit trafficking networks like A.Q. Khan's? The monitoring program needs to be aggressive enough to discover and investigate evidence of such developments. It is vital that the information exchanges capture past Iranian activities in sufficient detail that we have a baseline for understanding how far Iran may have gone along the path to nuclear weapons. If we find evidence that Iran is close to assembling a nuclear device, the monitoring and consultative mechanisms outlined in this paper will take on even more urgency. We will need to characterize the extent of Iranian development, to constrain next steps, and develop mechanisms for rolling back the program.

A Joint Consultative Body for the Iranian Agreements. The first step in preparing to deal with noncompliance should be the establishment of a consultative body, as often established for prior arms control agreements. The Joint Plan of Action provides for a Joint Commission that could be the basis for such a consultative body. According to the Plan, a Joint Commission of the P-5 + 1 and Iran will be established to monitor the implementation of the near-term measures and address issues that may arise, with the IAEA responsible for verification of nuclear-related measures. The Joint Commission will work with the IAEA to facilitate resolution of past and present issues of concern.

This body would be the initial forum for the discussion of anomalies and information suggesting noncompliance that had not already been resolved in the inspection process. The body should include technical experts that could delve into the details of an anomaly and ask appropriate questions. In essence, this is Iran and the P5+1 working the agreement day to day at an operator's level below national capitals and apart from the cumbersome bureaucracy of the UN. Prior arms control and confidence-building agreements offer ample testimony that there is merit in experts and specialists working below the highest level at which interested parties would normally associate politically.

There will no doubt be multiple instances of uncertainty and even noncompliance during the initial phases of the agreements with Iran. An active consultative body, working professionally and out of the glare of public view, can help resolve such issues early on and signal to the Iranians and others in the region that the P5+1 is serious about compliance.

What should such a group do?

- Resolve ambiguities before they rise to compliance issues at the political level.
- Keep Iran close to the source of pressure that will result from non-compliance. The hand that wields the blue pencil to data declarations also can summon the renewal of sanctions. Conversely, Iran has, in the consultative body, a channel to register its concerns that sanctions are appropriately eased, as the agreement specifies.
- Continue the education process for Iran by demonstrating ways in which openness has its own rewards. Although it might seem that such a group would be largely adversarial in the sense of zero-sum, lawyerly advocacy, experience has shown that cooperation and tested trust can develop in making an agreement work through a forum that is neither political theater at the level of capitals nor minutely managed formal negotiations.
- Provide a forum for each state party to have representatives of its various institutional interests observe and participate formally and informally.
- Provide a forum for all parties to float ideas for improving the agreement. The CFE process demonstrated that the consultative body not only can discover, discuss, and thoroughly vet such improvement, but is even fully capable of negotiating final implementing side agreements or amendments to the main document (subject, of course, to approval in capitals).

Over time, one can foresee adding additional monitoring and confidence building measures with Iran. Among these could be:

-INF-Like restrictions and monitoring of Iranian missiles,

-Inspection exercises and verification technology experiments with Iran,

-Measures, similar to those in the Cooperative Threat Reduction efforts in the former Soviet Union, to reduce the size of the Iranian nuclear complex and to redirect scientists to less threatening activities, and

-Technical exchanges on safety and environmental concerns related to nuclear materials.

The discussions within the consultative body, as well as the regular interactions of international inspectors with their Iranian counterparts, also provides a channel to signal displeasure with any sign that the Iranians are being less than forthcoming and to warn bluntly and quietly of further consequences. The United States and its allies will need to make clear that the tools of further action – for example, re-imposed or new sanctions and direct military action -- remain available in the event of militarily or strategically significant noncompliance.

One additional step that should be taken to signal United States seriousness about compliance would be the preparation of a semi-annual unclassified compliance report and classified annex for the Congress. Such reports have often been a feature of past agreements. They do require extra work in the Executive Branch and are often lead to political posturing and arguments. But such attention is another way to demonstrate to Iran and other countries that unresolved major concerns about compliance will find its way into policy debate and will not be overlooked.

Final Thoughts: One last comment on learning from the arms control monitoring experience. As the preceding discussion has sought to demonstrate, there is much in that prior experience that can help us shape effective measures for monitoring agreements with Iran and that can help us develop a play book for dealing with compliance issues. Still, the essence of a nuclear agreement with Iran will be different in key respects. There is a mutual interest in the successful operation of the agreement, to be sure. But in arms control, and confidence building measures more broadly, there is symmetry of these interests. I am open to you because you are open to me: if you shut me out, I can respond with perfect reciprocity by shutting you out, and neither of us wants to be shut out. The same goes for limits of weapons: I will meet my limits because I want you to meet yours, and vice versa. With Iran, there is no neat symmetry. We both want something, but we both want very different things, and there is no simple way to establish tit for tat. What specific sanction gets re-imposed for failure to provide

requested access? This asymmetry of mutual interest in the operation of the agreement is a strong argument for the joint consultative body.

Effective monitoring has implications beyond the Iran agreements themselves. Monitoring measures can help incentivize good international behavior and promote regional stability. They can and should involve US allies intimately in the process. Still, the challenges are substantial and the lead-times long for negotiating, implementing, and developing the monitoring approaches, modalities, organizations, and technologies that will be necessary. A comprehensive plan for implementation should be developed soon. Both the executive and legislative branches will need to demonstrate leadership to renew and expand monitoring capabilities and to implement effective measures. The stakes and challenges are great.

Chairman ROYCE. Thank you. Mr. Heinonen.

STATEMENT OF MR. OLLI HEINONEN, SENIOR FELLOW, BELFER CENTER FOR SCIENCE AND INTERNATIONAL AFFAIRS, JOHN F. KENNEDY SCHOOL OF GOVERNMENT, HARVARD UNIVERSITY (FORMER DEPUTY DIRECTOR GENERAL, INTERNATIONAL ATOMIC ENERGY AGENCY)

Mr. HEINONEN. Chairman Royce, Ranking Member Engel, distinguished members of the committee, thank you for inviting me to talk here today.

In my testimony today, I am focusing on the verification aspects of a comprehensive deal. I am basing my remarks on the implementation of safeguards agreement and available and relevant Security Council resolutions in Iran, and complementing them with experiences drawn, in particular from the IAEA verification activities and monitoring activities in South Africa after its dismantlement of its nuclear weapons program, and some experience drawn also from safeguards implementation in Syria and North Korea.

Timely detection and prevention of the development and acquisition of nuclear weapons or a state's capability to produce them is a complex task. Development of weapons of mass destruction is one of the closest kept secrets of a state. There are things, which we know, and there are aspects of such programs which we can perhaps to a certain degree deduce, but also features which we do not know.

Due to the fact that Iran has been running parts of its program first clandestinely and then without satisfactorily fulfilling its reporting obligations to the IAEA and disregarding Security Council resolutions. The onus of proof bears heavily on Iran to show that its nuclear program is entirely peaceful.

David Albright, Andrea Stricker and I have recently made an analysis on compromises which the negotiators crafting the comprehensive final agreement should avoid. I will now highlight some additional details which should be included in a final agreement.

The strength of the IAEA verification system is access to material, nuclear material, facilities, equipment, and people. However, the safeguards are not the magic pill that once taken, cures everything. No verification system can provide absolute assurances that a treaty partner fully complies with its undertakings. This is especially the case when applied to problematic states that are noncompliant like Iran.

Throughout the history of discussions on the nuclear program of Iran, Iran has always brought transparency, transparency to build the confidence of the international community to the peaceful nature of its nuclear program. President Rouhani has recently offered again transparency as one of the tools. Such transparency should be understood and implemented in a meaningful and systematic way. Even in the name of "transparency" where Iran decides to "show" a place previously off limits, such inspection visits can bear substance only if substantially new information and discussions take place, explanations are provided and those are verified. Hence, openness should be clearly defined and become a legally binding undertaking, and not treated as good will visits to be granted when problems arise.

Going further, according to the provisions of the safeguards agreement, a state has to declare all nuclear material in its territory. Thus, military sites do not form sanctuaries, but the IAEA has the right to conduct inspections under safeguards agreement and complementary access under additional protocol when appropriate.

The purpose of the verification is to reestablish Iran's nonproliferation records. In order to achieve that, Iran has to fully comply with its safeguards obligations. Under the safeguards agreement, IAEA statutes, IAEA protocol, and fully implement the verification and clarification requirements made by the IAEA Board of Governors and U.N. Security Council. But in addition to that, additional measures are needed. Iran has to provide complete declaration on all aspects of its past and current nuclear program including the military dimensions. Iran has to provide information on the production of source material, like yellowcake, including imports of those materials. It also goes beyond the requirements of the safeguards agreement.

In addition to that, Iran has to provide information on all imports and domestic production of single-use and dual-use nuclear items as specified in the guidelines of the Nuclear Suppliers Group. And in addition to that, Iran has to provide IAEA unconditional and unrestricted access, including short notice inspections to all areas, facilities, equipment, records, people, and material as required by the IAEA.

And then finally, a few words regarding the possible military dimension. Why does it matter? There are records that much of the material came to a halt in 2003. On the other hand, IAEA has assessed in its reports that some of this work has continued since then. It is important to understand the status of Iran's military-related efforts, noting that one of the last duties of people and organizations involved was the document work they have done. One plausible reason for such effort would have been to save the information for future use.

Unless properly addressed, it would be difficult to create a meaningful and robust verification regime for Iran. It would also render difficult for the IAEA to determine with confidence that any nuclear weapons activities are not ongoing. Without addressing those questions, the IAEA will not be able to come to a conclusion that all nuclear material in Iran is in peaceful use which is an essential element in building confidence of the international community over Iran's nuclear program.

Thank you.

[The prepared statement of Mr. Heinonen follows:]

Testimony of Olli Heinonen, Belfer Center for Science and International Affairs, John F. Kennedy School of Government, Harvard University, on 10 June 2010, before the Committee on Foreign Affairs

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Chairman Royce, Ranking Member Engel, distinguished members of the Committee, thank you for inviting me to address this hearing on "Verifying Iran's Nuclear Compliance".

In my testimony today, I will focus on the verification aspects of elements needed in a comprehensive nuclear deal with Iran, which is being negotiated as a next stage to the Joint Plan of Action concluded in Geneva on 24 November 2013[1]. I base my remarks on the implementation of the comprehensive safeguards agreement and relevant UN Security Council resolutions in Iran, and complemented with experiences drawn, in particular from the IAEA verification activities in South Africa after its dismantlement of its nuclear weapons program, Syria and North Korea.

Timely detection and prevention of the development and acquisition of nuclear weapons or a state's capability to produce them is a complex task. Development of weapons of mass destruction is one of the closest kept secrets of a state. There are things, which we know, and there are aspects of such programs which we can perhaps to certain degree deduce, but also features which we do not know.

[1] Communication dated 27 November 2013 received from the EU High Representative concerning the text of the Joint Plan of Action, IAEA, INFCIRC/855, 27 November 2013.

When we look at the nuclear proliferation cases of the last couple of decades, states have chosen to use undeclared nuclear materials at undeclared locations. In order to achieve their objectives, states often, in addition to secrecy, stalled, misled or obfuscated to buy time and delay the IAEA in its verification mission. We have experienced many of these adverse actions taken by Iran. Due to the fact that Iran has been running parts of its nuclear first clandestinely and then without satisfactorily fulfilling its reporting obligations to the IAEA and disregarding UN Security Council resolutions, the onus of proof bears heavily on Iran to show that its nuclear program is entirely peaceful.

I have recently published with David Albright and Andrea Stricker[2] a comprehensive analysis on compromises, which the negotiators crafting the comprehensive final agreement envisioned in the JPA should avoid. In the following I will highlight some verification details which should be included to a final agreement negotiated. I will note a need for possible additional UN Security Council resolutions, and I also touch on future reporting of the IAEA on safeguards implementation in Iran.

The strength of the IAEA verification system is access to nuclear material, facilities, equipment and people. To this end, the IAEA has, under its Comprehensive Safeguards Agreement (CSA) and Additional Protocol (AP), significant tools available when fully implemented and utilized. The vast majority of states comply with their safeguards undertaking in good faith. At the same time, the safeguards is not a miracle pill that once taken, cures everything. No verification system can provide absolute assurances that a treaty partner fully complies with its undertakings. This is especially the case when applied to problematic states that are non-compliant, such as Iran.

Throughout the long history of discussions on the scope and content of its nuclear program, Iran has often offered 'transparency' to build international confidence on its nuclear program. Recently President Rouhani has again publicly stated Iran's readiness for greater **transparency.** More importantly, such transparency should be understood and implemented in a meaningful and systematic way. Even in the name of 'transparency,' where Iran decides

[2] D. Albright, O. Heinonen, and A. Stricker, Five Compromises to Avoid in a Comprehensive Agreement with Iran, ISIS, 3 June, 2014.

to 'show' a place previously off limits (imposed by Iran), such inspection visits can have meaning only if substantially new information and discussions take place, and explanations are provided on the scope and content of the nuclear program. Hence openness should be clearly defined and become a legally binding undertaking, and not treated as good will visits to be granted when problems arise.

Going further, according to the provisions of the CSA a state has to declare all nuclear material in its territory. Thus military site do not form sanctuaries, but the IAEA has right to conduct inspections under a CSA and complementary access under an AP, when appropriate.

1. Verification undertakings by Iran

- Consistent with the obligations of all members of the Nuclear Nonproliferation Treaty (NPT), Iran will implement fully its obligations under the IAEA Statutes, Iran's Safeguards Agreement with the IAEA [INFCIRC/214], and adheres to the modified Code 3.1. of the Subsidiary Arrangements[3].

- Iran ratifies and implements expeditiously the Additional Protocol.

- Iran implements fully the verification and clarification requirements of the relevant resolutions of the IAEA Board of Governors and the UN Security Council.

- Iran will provide an expanded declaration on all aspects of its past and current nuclear program.

- Iran will provide information on the production source material, which has not yet reached the composition and purity suitable for fuel fabrication or for being isotopically enriched, including imports of such material.

[3] Code 3.1 is part of the Subsidiary Arrangements to the safeguards agreement, which specifies when an IAEA state must report a new facility to the Agency. In 2003, Iran agreed to implement the modified Code 3.1, which requires the submission of design information to the IAEA as soon as a new facility is planned. Iran unilaterally revoked its implementation of the modified code in February 2006. Iran is the only country with a substantial nuclear program that does not adhere to the modified code.

- Iran will provide information on imports and domestic production of single and dual-use items listed in the guidelines of the Nuclear Suppliers Group[4] [5].

- Iran will provide the IAEA with unconditional and unrestricted access to any and all areas, facilities, equipment, records, people, materials including source materials, which are deemed necessary by the IAEA to fulfill its requirements under the safeguards agreement, and to verify Iran's declarations made under the items above. These are needed both to understand the scope of the nuclear program as well as address the possible military dimensions (or PMD) aspects. The purpose of these measures would be to re-establish Iran's non-proliferation records, and not to lay the basis for further punitive measures.

- Iran will support proactively the initiative to establish a Middle Eastern Zone that is free of Weapons of Mass Destruction and their Delivery Vehicles.

2. Additional remarks on the verification measures

Over the last two decades, to take advantage of weaknesses at the front end of the nuclear fuel cycle, proliferating states have exploited the use of yellow cake for uranium conversion at undeclared facilities that in turn served as feed material for the R&D on uranium enrichment.

[4] INFCIRC/254/Rev.12/ Part 1, Communication Received from the Permanent Mission of the Czech Republic to the International Atomic Energy Agency Regarding Certain Member States' Guidelines for the Export of Nuclear Material, Equipment and Technology, IAEA, 13 November 2013.

[5] INFCIRC/254/Rev.9/Part 2, Communication Received from the Permanent Mission of the Czech Republic to the International Atomic Energy Agency Regarding Certain Member States' Guidelines for Transfers of Nuclear-Related Dual-use, Equipment, Material, Software and Related Technology, IAEA, 13 November 2013.

For a complex case like Iran, much more needs to be tightened along the entire process of verification work. Iran's declarations and the IAEA access and verification rights need to be extended beyond those under the CSA and the AP.

The IAEA has a well-established safeguards approach at Iran's uranium conversion and enrichment plants provided for under the CSA. To further effectiveness and improve timeliness of detection, **remote monitoring** should be established at Natanz, Fordow and Isfahan. For the same reasons, uranium stockpiles - natural and low enriched uranium hexafluoride and oxides – should also be subject to remote monitoring. This approach should also be extended to cover yellow cake and its production facilities. It is necessary to add these measures as they do not fall under the AP.

Iran should permit the IAEA to verify **the production or import of key centrifuge components and materials** in addition to routine access provisions of the Additional Protocol. During the period of confidence-building until the IAEA has reached the conclusion that all nuclear material in Iran is in peaceful use, Iran will declare at agreed intervals the numbers and locations of centrifuges and key components and materials that it has and those newly produced. The IAEA will have the right to short-notice visits to centrifuge component and key material production sites to verify the number of centrifuges and major components and materials produced and that they are being shipped only to declared sites.

Under the AP, the IAEA has the right to ask for information about imports of single use items. An arrangement should be made to seek automatic reporting to the IAEA. The reporting should follow the guidelines established by the Nuclear Suppliers Group mentioned above. As indicated in my paper with Mr. Albright and Ms. Stricker, it is important also to monitor **imports of dual use items and technologies,** noting at the same time that Iran has been building its own indigenous equipment production capabilities. To limit the supply of sensitive nuclear and nuclear-related exports to Iran, a list of goods than includes additional items not found on typical dual-use lists but critical to Iran's nuclear program, would also be necessary for duration of time.

A comprehensive agreement should also take the opportunity to assess the usefulness of strengthening certain linkages. For instance, the Sanctions Committee on Iran that was established under UNSC's resolution 1737[6] is a separately run mechanism from the IAEA verification process. At a minimum, these two bodies could be allowed to share information. It might also be reasonable to consider whether monitoring the implementation of sanctions should be assigned to a special unit to be established within the IAEA.

To minimize further the effects of the unknowns, it is important to understand the historical production and acquisition of uranium and its compounds by Iran. As part of the information obtained from the Iranian mines and milling facilities under the Framework for Cooperation[7], Iran has provided information on uranium production of mines in Gechine and Ardakan. It is important that the IAEA shares those actual numbers, and whereabouts of those materials with its member states, which may have additional information to complement the statements made by Iran. This would also provide the Member States indications on Iran's compliance with its undertakings. Releasing of such information by the IAEA will not jeopardize its independent assessment of Iran's declarations, but will complement information available.

From a practical point of view, the quarterly reporting on progress and findings by the IAEA should be sufficient. However, the IAEA should release factual information as it becomes available without waiting the final conclusion by the IAEA conclusions. Timeliness of conclusions depends on several parameters. This would entail the detection of the event, asking the clarification, additional sampling. Much of that depends on the cooperation of the inspected party, but also on the event itself. While diversion of declared material is easily detectable, some more sophisticated events may take longer to detect. The IAEA's practice is to review each finding and claim meticulously, spending a fair amount of time and resources to refute or

[6] Resolution 1737 (2006), Adopted by the Security Council at its 5612th meeting, on 23 December 2006. S/RES/1737(2006).

[7] Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council Resolutions in the Islamic Republic Iran, GOV/2014/28, paras 7-8, IAEA, 23 May 2014.

confirm any claim. Revised explanations provided by the inspected state also slow down the IAEA. This process needs to be re-thought. The IAEA work process needs to be factored into an overall understanding of timeliness of response.

One of the tools the IAEA uses is environmental sampling, which has resulted in long in-between lead times. The latest IAEA report to its Board of Governors indicated that the environmental sample analysis results for Natanz FPEP, FEP, and Fordow were 28 January, 2014, 5 February 2014, and 28 January, 2014, respectively[8] . If additional samples and clarifications are required, the results will in practice take 6 months.

3.Possible military dimension (PMD)

Why are questions raised by the IAEA related to the military dimension of Iran's nuclear program matter pertinent and should be considered a requirement for a comprehensive deal. There are reports that much of this military related s came to halt in 2003. On the other hand, the IAEA has assessed in its reports that some of this work has continued since. It is important to understand the status of Iran's PMD efforts, noting that one of the last duties of people and organizations involved was to document work done. One plausible reason for such effort could have been to save information for further use. Unless properly addressed, it would be difficult to create a meaningful and robust verifications regime for Iran. It would also render difficult for the IAEA to determine with confidence that any nuclear weapons activities are not ongoing – a necessary ingredient for a long term deal.

Under the CSA, the Agency is required to provide assurances regarding the absence of undeclared nuclear material and activities in Iran. In other words: to certify that all nuclear material in Iran is in peaceful use.

In order for the IAEA to be able to do so, Iran needs to, *inter alia*, cooperate with the Agency to resolve questions related to the design of:

[8] IAEA, "Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council Resolutions in the Islamic Republic of Iran," GOV/2014/28, 22 May 2014.

- the Shahab-3 missile re-entry vehicle to accommodate a new spherical payload;
- design of the new payload;
- high-explosive studies;
- hydrodynamic studies including experiments at test chamber at Parchin;
- nuclear material acquisition plans including Iran's alleged green salt projectand a foreign offer for uranium reconversion and casting equipment;
- acquisition of the uranium metal document describing production of high enriched uranium components for a nuclear explosive device;
- procurement and R&D activities of military related institutes and companies that could be nuclear related; and
- manufacture of nuclear equipment and components by companies belonging to defense industries.

Without addressing those questions, the IAEA Secretariat will not be able to come to a conclusion that all nuclear material in Iran is in peaceful use, which is essential in building confidence of the international community over Iran's nuclear program. The preamble of the JPA concluded in Geneva on November 24 between Iran and P5+1 refers to additional steps to be undertaken between initial measures in the JPA and the final step. A comprehensive deal – that would include uranium enrichment -- can only be reached if uncertainties over Iran's military nuclear capability are credibly addressed.

The list of IAEA questions is long. Questions such as those related to the Exploding Bridge Wires (EBWs) only constitute one sub-item. While the recent Framework for Cooperation agreements between Iran and the IAEA are welcome, the process is far from over. Many of the issues on the list above are interconnected, and they cannot be solved in isolation and not through the step-by-step process. In other words, there should be an understanding and actions provided by Iran that allows the IAEA to address the whole picture of the military dimension concerns. That should be an unambiguous condition to achieving a final accord that is meaningful in safeguards terms.

The agreement should also have provisions to ensure that Iran will decommission, dismantle or convert to non-nuclear or peaceful use in a

verifiable and irreversible manner nuclear related equipment, materials, facilities and sites that contradict the provisions of the safeguards agreement or the spirit of Article III of the NPT. Such installations will be subject to a long-term monitoring by the IAEA.

In summary

The actual verification process will be time consuming and will stretch over many years, especially more so for a nuclear program in Iran that had been largely clandestine in nature, broad and complex. Forthcoming and proper cooperation from Iran could set the tone for the country to have in place a limited nuclear program. A meaningful and robust verification system is needed to support a long term deal.

1.

Chairman ROYCE. Thank you. Ambassador.

STATEMENT OF THE HONORABLE JOSEPH R. DETRANI, PRESIDENT, INTELLIGENCE AND NATIONAL SECURITY ALLIANCE (FORMER DIRECTOR, NATIONAL COUNTER PROLIFERATION CENTER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE)

Ambassador DETRANI. Thank you, Chairman Royce, Ranking Member Engel, distinguished members of the committee. Thank you for inviting me and having this important hearing.

Let me just say that effective monitoring of an agreement with Iran will be exceptionally challenging. Iran has a demonstrated record of violating its safeguards agreements with the IAEA. The lack of transparency into Iran's nuclear program was cited and documented by the IAEA in numerous reports from the Director General to the Board of Directors. Iran was negligent certainly in declaring the Fuel Enrichment Plant at Natanz in 2002 and the Fordow Fuel Enrichment Plant in 2009. In fact, Iran acknowledged both facilities only after they were exposed by an opposition group and reported in the press. So I mean there is a record here that one has to be very, very cognizant of as was indicated by the chairman and others this morning.

The IAEA Director General report of 8 November 2011, I think a very important report, provided disturbing details regarding Iran's nuclear warhead development efforts that would allow Iran to acquire the expertise necessary to produce nuclear weapons. Although there was previous IAEA reporting on "weaponization," this report was stark in its concern about the military dimension of Iran's nuclear program. This is a very, very central part of the issue here. Indeed, it is a covert—having covert facilities, but the militarization of their nuclear program.

Director General Amano on 2 June 2014, just a few days ago, said the IAEA needed time before they could provide credible assurance of the absence of undeclared nuclear material in Iran.

A robust monitoring and verification protocol will be necessary to deal with Iran's nuclear program. This will be very difficult, a difficult program to implement effectively. At a minimum, it will require unfettered and I emphasize unfettered access to people and places. Indeed, if Iran were in compliance with the six U.N. Security Council resolutions, all forbidding Iran from enriching uranium, the monitoring and verification process would be easier. And indeed, if Iran, as they say, was interested in a peaceful nuclear program, it is not only through enrichment of uranium that one could achieve and acquire a peaceful nuclear program.

Since Iran reportedly will now be permitted to enrich uranium at some level, the IAEA's task will be considerably more difficult. Some of the monitoring issues are an accurate baseline of Iran's nuclear program is necessary for any meaningful monitoring program that will attempt to verify compliance with a safeguards agreement. Iran has declared 15 nuclear facilities at 9 locations. Is this the totality of their program? As stated above, the IAEA cannot provide credible assurance of the absence of undeclared nuclear material in Iran. Assurances that there are no covert nuclear facilities in Iran capable of enriching uranium are necessary. Tech-

nically, locating covert uranium enrichment facilities is difficult, since spinning centrifuges are silent, with no signature or signal. Our experience with North Korea strongly reinforces this point.

Iran announced its intent to construct 10 additional uranium enrichment facilities and to build a greater number, approximately 60,000 additional sophisticated centrifuges. Again, monitoring the declared facilities deploying sophisticated centrifuges with greater capacity and confirming the non-existence of additional covert facilities will be a real challenge.

A comprehensive declaration from Iran on their nuclear program is a necessary first step for any monitoring and verification program. In addition to all related facilities, a list of the scientists and technicians who are working at these facilities is necessary. IAEA monitors will require unfettered access to these individuals and to their relevant records and notes.

The right to take samples at every facility is necessary, with said sample undergoing testing at

U.S. or IAEA labs.

The issue of weaponization must be pursued, with access to known and suspected high explosive test sites, and all relevant records. Information dealing with miniaturization and the mating of a nuclear warhead to an Iranian missile must be pursued, for obvious reasons.

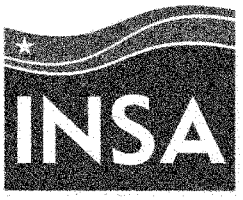
Access to all related nuclear R&D work and sites will be necessary, with and I emphasize this "any time, any place" access to the facilities that manufacture, assemble and test centrifuges.

Technical coverage of Natanz and Fordow, with cameras, sensors and inspections, will be necessary, 24/7.

Technical monitoring of Arak, Iran's plutonium facility approaching completion, will be required since this facility has one purpose, one purpose, using plutonium for nuclear weapons. If Iran is committed to a peaceful nuclear program, Arak should be dismantled, not monitored.

Those are some of the issues that a monitoring and verification protocol will have to address. The task will be massive, especially if Iran is permitted to construct additional fuel enrichment plans, similar to Natanz and Fordow, deploying improved centrifuges with greater capacity. Determining that permitted enrichment does not exceed the 5 percent, this is so critical, a low enriched uranium level will also be a challenge, if Iran is permitted to enrich uranium at numerous facilities. Indeed, determining that there are no covert uranium enrichment facilities will be a principal challenge for any monitoring and verification protocol. Thank you.

[The prepared statement of Ambassador DeTrani follows:]



INTELLIGENCE AND
NATIONAL SECURITY
ALLIANCE

Ambassador Joseph R. DeTrani
President, Intelligence and National Security Alliance
House Committee on Foreign Affairs
June 10, 2014
Verifying Iran's Nuclear Compliance

Ambassador Joseph R. DeTrani

Verifying any potential agreement to prevent Iran from clandestinely developing a nuclear weapons capability and to limit its ability to use its permitted nuclear infrastructure to quickly build an operational nuclear weapon will be exceptionally challenging.

Iran has a demonstrated record of violating safeguard agreements with the IAEA. The lack of transparency into their nuclear program was cited and documented by the IAEA in numerous reports from the Director General to the Board of Directors. Iran was negligent in declaring the Fuel Enrichment Plant at Natanz in 2002 and the Fordow Fuel Enrichment Plant in 2009. In fact, Iran acknowledged both facilities only after they were exposed by an opposition group and reported in the press.

The IAEA Director General report of 8 November 2011 provided disturbing details regarding Iran's nuclear warhead development efforts that would allow Iran to acquire the expertise necessary to produce nuclear weapons. Although there was previous IAEA reporting on "weaponization", this report was stark in its concern about the military dimension of Iran's nuclear program.

Recent IAEA reports have noted that ongoing negotiations with Iran produced a "framework for cooperation" that, inter alia, resulted in an agreement between the IAEA and Iran on cooperative measures for the IAEA to conduct verification activities in line with resolving past and present issues. While previous arrangement and promises by Iran to come clean on its nuclear activities have not been implemented, there does appear to be at least the appearance of cooperation. For example, these reports also confirmed that Iran down-blended and converted to uranium oxide their inventory of 20% purity uranium.

Director General Amano on 2 June 2014 said the IAEA needed time before they could provide credible assurance of the absence of undeclared nuclear material in Iran.

A robust monitoring and verification protocol will be necessary to deal with Iran's nuclear program. This will be a very difficult program to implement effectively. At a minimum it will require unfettered access to people and places. Indeed, if Iran were in compliance with the six UN Security Council resolutions, all forbidding Iran from enriching uranium, the monitoring and verification process would be easier.

Since Iran reportedly will now be permitted to enrich uranium at some level, the IAEA's task will be considerably more difficult. Some of the monitoring issues are:

a. An accurate baseline of Iran's nuclear program is necessary for any meaningful monitoring program that will attempt to verify compliance with a safeguard agreement. Iran has declared 17 nuclear facilities at 9 locations. Is this the totality of their program? As stated above, the IAEA cannot provide credible assurance of the absence of undeclared nuclear material in Iran. Assurances that there are no covert nuclear facilities in Iran capable of enriching uranium are necessary. Technically, locating covert uranium enrichment facilities is difficult, since spinning centrifuges are silent, with no signal or signature. Our experience with North Korea strongly reinforces this point.

b. Iran announced its intent to construct 10 additional uranium enrichment facilities and to build a greater number (ca 60,000) of sophisticated centrifuges. Again, monitoring the declared facilities deploying sophisticated centrifuges with greater capacity and confirming the non-existence of additional covert facilities will be a real challenge.

c. A comprehensive declaration from Iran on their nuclear program is a necessary first step for any monitoring and verification program. In addition to the facilities, a list of the scientists and technicians who are working at these facilities is necessary. IAEA monitors will require access to these individuals and to their relevant records and notes.

d. The right to take samples at every facility is necessary, with said sample undergoing testing at U.S. or IAEA labs.

e. The issue of weaponization must be pursued, with access to known and suspected high explosive test sites, and all relevant records. Information dealing with miniaturization and the mating of a nuclear warhead to an Iranian missile must be pursued, for obvious reasons.

f. Access to all related nuclear R&D work and sites will be necessary, with "any time, any place" s access to the facilities that manufacture, assemble and test centrifuges.

g. Technical coverage of Natanz and Fordow, with cameras, sensors and inspections, will be necessary, on a 24/7 basis.

h. Technical monitoring of Arak, Iran's plutonium facility approaching completion, will be required since this facility has one purpose: using plutonium for nuclear weapons. If Iran is committed to a peaceful nuclear program, Arak should be dismantled, not monitored.

These are some of the issues that a monitoring and verification protocol will have to address. The task will be massive, especially if Iran is permitted to construct additional fuel enrichment plans, similar to Natanz and Fordow, deploying improved centrifuges with greater capacity. Determining that permitted enrichment does not exceed the 5% low enriched uranium level will also be a challenge, if Iran is permitted to enrich uranium at numerous facilities. Indeed, determining that there are no covert uranium enrichment facilities will be a principal challenge.

Chairman ROYCE. Thank you, Ambassador. So you say the issue of weaponization must be pursued.

Ambassador DETRANI. Absolutely.

Chairman ROYCE. And we have all said Iran has to sit down and come clean for all of the reasons enumerated.

Chairman ROYCE. Yet, the head of the IAEA says we are not getting any cooperation from Iran on this.

Ambassador DETRANI. That is a fair point, Mr. Chairman, absolutely. And you mentioned in your opening statement Parchin and the high explosive test sites. There is no question, they have to come clean on all these issues, no question.

Chairman ROYCE. But what if they are not forced to come clean? What are the implications of that?

Ambassador DETRANI. I think there are sanctions in place. I think there are consequences if you are not coming clean. I think that is what the monitoring and verification protocols are all about, coming clean.

Chairman ROYCE. This is a signed agreement we are trying to come to agreement on in terms of these issues to satisfy this issue of a weaponization. Of course, anyway, let us go back one point though to Mr. Rademaker's key focus on his testimony. The last line of the Interim Agreement notes that after implementing the final step of the Comprehensive Solution for the agreed amount of time, then Iran is treated "the same," the same as any non-nuclear weapons state that is a party to the NPT.

Mr. Rademaker, I think in your written testimony you said this is a giant get out of jail free card for Iran because it means at that point in time no more sanctions, no more restrictions on procuring nuclear items, no more restrictions on the number of centrifuges it can spin or the level to which it may enrich uranium, at that point in time, under the Interim Agreement, we have already conceded that whatever the time frame after that. You treat Iran like you treat Japan or Germany, completely legitimate. And what does that mean then for verification? What is the consequence? Because it's really just a question of trust, isn't it? We began with the argument referring to trust but verify, but it is completely a question of trust if at the end of the agreement everything is lifted and there is no more verification.

Mr. Rademaker?

Mr. RADEMAKER. Mr. Chairman, I think you put your finger on what I see as the biggest single verification challenge before us. And that is—it is really a conceptual challenge. The concept of the Joint Plan of Action is that there is this work out period where Iran is to behave. It is to fulfill its obligations and if they are not caught cheating during that time, then all the limitations come off and they are treated like any other country. Given Iran's track record, the clear evidence for decades, the current government has shown a concerted effort to—has pursued a concerted effort to develop a nuclear weapon. If they behave for 5 or 10 or 15 years, are we prepared at that point to say, okay, we will let bygones be bygones and going forward you will be treated like any other country? That is the promise.

Now what I suggest in my testimony is logically for the Iranians an incredibly good deal. This is a get out of jail free card. All they

have to do is behave and then—so if what they want is a nuclear weapon, they have been struggling. They have been under international sanctions. They have been under restrictions on their ability to import components. It has been a slog for them to get to where they are and they have been very persistent and they have stood up this program really only with help from the A.Q. Khan Network, otherwise, they procure things, but it has been covert.

If they behave for the period of the Comprehensive Solution, they will be able to move forward with a civilian nuclear program with international cooperation. I mean that is promised to them in the JPA. And the logical thing for them would be to take that deal, behave, then once the Comprehensive Solution expires, then very aggressively stand up a far more robust civilian infrastructure than they have been able to stand up now. Go to tens of thousands of centrifuges, much larger quantities of enriched material. And then if they choose to break out, do so with a much larger infrastructure in place with a much larger stockpile of 3.5 percent enriched material or even 20 percent enriched material because once the Comprehensive Solution ends, they can go back to producing as much 20 percent material as they want.

Chairman ROYCE. One of the arguments made to me by one of the ambassadors of one of the Arab states was if this comes to pass and Iran, of course, is continuing its effort to destabilize other countries in the region and he listed country by country where they were—from Yemen, where they are trying to topple a government and are very close to doing so, to their efforts throughout the region. When he exhausted all of the examples, he said a regime with that intent and also having the intent to obtain nuclear programs capability, you are in danger of leaving them with a hegemon in the region. And with their ambitions intact, both in terms of their capability of this weapon and knowing right now that they can destabilize other regimes and knowing that when you lift sanctions on them, that is going to be more hard currency that they will use to destabilize their neighbors. The argument he was making I think was the veiled threat that other states would then do the same thing, attempt to rush to a nuclear weapon in order to try to offset the aggressive nature of this regime.

What do you think this portends for proliferation concerns?

Mr. RADEMAKER. Are you directing that question to me, Mr. Chairman?

Chairman ROYCE. Yes, Mr. Rademaker.

Mr. RADEMAKER. I think we already have some history here that is instructive. In 1995, Iran announced that they wanted to build a civilian nuclear power reactor at Bushehr and Russia signed a contract with them to help. And for about 10 years it was the policy of the United States under both the Clinton administration and probably the first half of the Bush administration to oppose that and say Iran, this oil-rich country, ample energy resources, what do they need a nuclear power reactor for? We need to stop this. And it was a high priority for the U.S. diplomatically to turn off the Bushehr reactor.

One of the reasons we wanted to turn it off was because we were afraid it would provide a justification for setting up an enrichment capability to fuel the reactor and in fact, that is exactly what the

Iranians did covertly initially and then when they were caught, then the Natanz facility was revealed. And they justified it because they said they needed the fuel for their reactor.

And so then the focus of our diplomatic activity shifted to their enrichment program and by about 2005, the Bush administration decided to give up in the losing effort to prevent completion of the Bushehr civil power reactor. And I was in the Bush administration at the time. Our talking points changed. We stopped talking about how they shouldn't have a nuclear power plant. We started focusing on just the enrichment facility. The moment we did that, what happened? Suddenly, it turned out a lot of Middle Eastern countries were interested in having civil nuclear plants, too.

Chairman ROYCE. Yes.

Mr. RADEMAKER. And the 123 agreement was negotiated with UAE and Saudi Arabia, Jordan, other countries started talking about how they wanted civil nuclear power. Now I think the Obama administration is proceeding on the assumption that we can change policy again and we can sign off on enrichment in Iran. And so okay, we are prepared to accept an enrichment capability in Iran.

Chairman ROYCE. We should learn from past mistakes.

Mr. RADEMAKER. And that the other countries in the region aren't going to immediately, when that happens, say well, guess what, we need enrichment too.

Chairman ROYCE. Right.

Mr. RADEMAKER. And then how do we say, how does the United States say to Saudi Arabia well, you know, actually, we only trust Iran to have enrichment. We don't trust you, Saudi Arabia, our ally. We only trust Iran.

Chairman ROYCE. My time has expired.

Mr. RADEMAKER. I think it becomes untenable.

Chairman ROYCE. I am going to go to Mr. Engel. Thank you.

Mr. ENGEL. Thank you, Mr. Chairman. Let us continue that. I am troubled, I said in my opening statement, that while we are talking with Iran, they continue to enrich. I still don't understand how that happened. I just don't understand it.

And you mentioned, Mr. Rademaker, the 123 Agreement with the UAE. I had the UAE Ambassador in my office and he mentioned that agreement, which does not allow the UAE to enrich for peaceful purposes on their soil. Canada has nuclear weapons for peaceful purposes. They are not allowed to enrich on their soil.

If we sign an agreement with Iran that ostensibly says well, they can enrich on their soil, but only for peaceful purposes, how do we ever get any of the other countries to not enrich on their soil? Aren't we then opening the door to you name it, Saudi Arabia, Turkey, Egypt. Why should any of those countries negotiate a deal where they will not be allowed to enrich on their soil for peaceful purposes when clearly we are giving it away to Iran?

Mr. RADEMAKER. I agree entirely with your question. In fact, it was the point I was just making. I think once the United States says we are prepared to accept enrichment in Iran, this whole effort over the past decade to stem the spread of that technology to other countries it becomes untenable because how do we explain to any country that, especially allies, friends of the United States?

You are our friend, so we are not going to let you have this technology.

Now Iran, we are prepared to let them have it. I couldn't write the talking points for our diplomat to explain to our allies why we don't trust them to have something that we trust Iran to have.

So I think what happens when we permanently accept enrichment in Iran is by default, we have to accept it anywhere else that wants it. I don't know how—you can try and make it financially attractive for them to not go in that direction, but for a country that is determined to have it, to tell them as a matter of policy it is the policy of the United States that only Iran gets to have it and not you, I think it is not a case that you can persuasively make.

Mr. ENGEL. Rouhani has said to CNN that Iran won't dismantle a single centrifuge. The Joint Plan of Action calls for a Comprehensive Solution that says that "would ensure Iran's nuclear program would be exclusively peaceful."

Is there a way to ensure that Iran's nuclear program would be exclusively peaceful without dismantling some centrifuges? Anybody care?

Ambassador DETRANI. There is no question the number of centrifuges is extremely important, certainly for the monitors. When you have a number, and especially if they are even more sophisticated and they are spinning and they are putting out that much more capability, absolutely, there is no question about the numbers are important.

Mr. ENGEL. Let me talk about an editorial that was in the Washington Post a few weeks ago, 3 weeks ago, perhaps. The editorial argued, and I said this in my opening statement, that we can afford to wait, that perhaps time is on our side if the date comes up in July and we don't have a comprehensive agreement, that it might be in the best interest of the United States to put it back another month or 2 or 3 or 4, that Iran is still undergoing a lot of economic difficulty as a result of the sanctions and that we might have more leverage if we let the date lapse beyond the July 20th date. That was essentially a Washington Post editorial. Anybody have any thoughts on that?

Mr. Heinonen?

Mr. HEINONEN. First of all, we should not forget that this whole Plan of Action is very limited. Today, we don't know how many centrifuges Iran has. IAEA has got some declaration about the manufacturing of the replacements of the centrifuges, but it has not got the total number of centrifuges produced. So what is happening now in the next few months Iran is still likely building additional centrifuges. It is manufacturing components for the Arak reactor and it maintains the skills of the labor, in addition producing additional enriched uranium. So in my view, one should put a cap to this and not to wait. The problem doesn't become easier by waiting.

Mr. ENGEL. So you disagree essentially with what the Washington Post editorial was saying about the fact that Iran is still being hurt with sanctions and they will continue to be hurt and time will not be on their side. You essentially disagree with that?

Mr. HEINONEN. I think it is a little bit wishful thinking.

Mr. ENGEL. Thank you. Thank you, Mr. Chairman.

Chairman ROYCE. Mr. Engel, we will now go to Ileana Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. I have been on the record disapproving the Interim Agreement and any subsequent agreement that does not require Iran to cease all enrichment activities and dismantle its nuclear infrastructure. We know that Iran can't be trusted. We have decades of covert activities related to its nuclear program to back that up. Yet, we are now relying on two things, number one, that Iran is honest with us on disclosing all of its nuclear activities; and two, that the verification, monitoring, and transparency programs that we have in place are strong enough to detect when Iran is cheating. But all of the verification and monitoring system operate under the framework that is presented to us by Iran, only what Iran has declared as part of the program.

In last month's IAEA Board of Directors report on Iran's nuclear program, the Director General stated that the IAEA cannot provide credible assurances about the absence of undeclared nuclear material and activities in Iran unless and until Iran provides the necessary cooperation with the agency. And we are all familiar with the Pentagon report that stated that the United States does not have the capability to locate undeclared or covert nuclear facilities or programs. So it is still very possible that Iran could be continuing its covert activity and neither the IAEA nor the U.S. would have any idea. And this Joint Plan of Action did nothing to strengthen verification and monitoring programs or force Iran to abide the additional protocols.

Mr. Heinonen, thank you. You testified to our Middle East and North Africa Subcommittee in January and you stated that the JPOA provide IAEA inspectors access only to surveillance records, not anywhere else at the facilities, that the surveillance measures are designed to cover only certain activities. How comprehensive are these surveillance records? Is it possible that we are only getting access to what Iran wants us to see, not getting the full picture that the cameras perhaps only focus on the door and not what is going on in the room? And also, bad state actors that seek to acquire nuclear weapons—and I am thinking of North Korea, Iran, obviously, Libya, Syria—do so surreptitiously. So what we now have is the administration and the P5+1 negotiating on a basis of only what has been declared.

Doesn't the success of any IAEA verification and monitoring program depend on access to all sites, all programs, all of the information, and people and equipment in order to get the full picture?

One other major area of concern that we should all have and which goes largely unaddressed many times is the possible military dimensions of Iran's nuclear program. The 2010 U.N. Security Council resolutions on Iran ordered the regime to fully cooperate with the IAEA on all outstanding issues, particularly regarding the possible military dimensions of the program. That is not happening and the latest Board of Governors report states that not only is Iran not complying, but there have been extensive activities that may have taken place at Parchin, especially seriously undermine the IAEA's ability to conduct effective verification.

So my last question is, we are nearing the end of the 6-month time frame. There has been no access to Parchin. Does this undermine the credibility of the deal and the so-called monitoring and verification measures that we have in place? So that question and Mr. Heinonen, are we only seeing what Iran wants us to see? How comprehensive are the surveillance records?

Mr. HEINONEN. IAEA has several measures in place and surveillance is only one. IAEA measures the nuclear material that flows in Natanz. IAEA has short notice inspections at intervals between 1 or 2 weeks. So there are additional measures which complement each other, so we are not relying entirely on the surveillance. But it is important that this surveillance is modified so that it actually covers all the centrifuges and not just exit and entrance routes. I think more important that it calls for remote monitoring more so that we don't use this valuable IAEA inspection resources sitting at the side and reviewing computer screens.

Ms. ROS-LEHTINEN. We should modify it to include all of those?

Mr. HEINONEN. Yes. All this and this is what I say in my written testimony. And then one small remark still, whenever we verify the correctness and completeness of declarations and look at items which may have been declared, we need to remember that this is a very consuming process. This doesn't come in 1 month or even ½ year. And I give an example of South Africa. So we started this verification in 1993 and task force, the only thing—because South Africa nuclear program ran many, many years without any IAEA surveillance. So it took until 2010 when the IAEA was finally able to say that all nuclear material in South Africa is in peaceful use. So it took that long time to come to this conclusion, based on the practices and procedures of the Iran. So Iran will face something very similar.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

Chairman ROYCE. Let us go Mr. Brad Sherman of California.

Mr. SHERMAN. Thank you. Mr. Lauder, I am interested in your analysis that we have got to look at break out possibility and sneak out possibility. I am not sure I understand what you mean by culture of compliance. Let us face it, Nelson Mandela was not taking over in Tehran. I think the culture will always be to try to maximize their nuclear capacity.

Mr. Rademaker, you brought to our attention what we knew and that is after some period of time, Iran will be, at least according to this agreement just like any other non-nuclear state, except they will have signed and presumably ratified the additional protocol. Let us say that is the situation. Let us say that everything they have now is frozen and de-thawed 10, 15 years from now. And they are subject to the additional protocol and that is about it. And they want to sneak, not break out. How long before they have a bomb? How long before they have a dozen?

Mr. RADEMAKER. I think my personal concern is that will be up to them because——

Mr. SHERMAN. Assume that they make an all-out sneak out effort, subject only to the additional protocol, how difficult is it to sneak out if you are subject to the additional protocol?

Mr. RADEMAKER. I think there are two dimensions to break out and usually we talk about how quickly can they do it and that is an important thing to——

Mr. SHERMAN. I am talking about how quickly they can do it without being detected.

Mr. RADEMAKER. Right, but let me say I think for a country like Iran, the notion that they are going to race, they are going to violate an international law, they are going to race to produce one nuclear weapon——

Mr. SHERMAN. Mr. Rademaker, you don't seem to be understanding my question. I am not talking about break out. I am talking about sneak out. That is to say undetected efforts to develop a nuclear weapon, assuming they don't want to be detected, but they are diligent, hard working, and well financed. What can they put together in a few years of being subject only to the additional protocol?

Mr. RADEMAKER. Basically, they will be able to put together everything they want. They will be able to stand up a vastly more robust infrastructure with tens of thousands, hundreds of thousands of centrifuges, tons of——

Mr. SHERMAN. And under the additional protocol, can they then divert the low-enriched uranium to a secret facility and put it up to weapons grade? Again, assuming they don't want to be caught.

Mr. RADEMAKER. The more robust their infrastructure, the more quantity of nuclear material they have, the easier it will be.

Mr. SHERMAN. Why don't I shift to one of the other witnesses?

Mr. Lauder, can you answer the same question? If they are subject only to the additional protocol and they don't want to get caught, what can they do?

Mr. LAUDER. One of the reasons that I use the phrase sneak out in my oral remarks is the international community has focused a lot about the rapid break out from known facilities. One of our concerns has to be just as you indicated in your question, Mr. Sherman, that if Iran moves at a slower pace, but behind the scenes at facilities that we don't know about, it can continue down that path to nuclear weapons in ways that normal IAEA procedures would not necessarily be able to detect. That is one of the reasons——

Mr. SHERMAN. Would they be able to put together without being detected, subject only to the additional protocol five bombs in the 5 years after this agreement is eclipsed?

Mr. LAUDER. I go back to testimony that the Director of National Intelligence Clapper gave before the Hill where he said that the fundamental constraining element or the fundamental point is what decision that Iran will make. If Iran——

Mr. SHERMAN. They already told you the decision. The decision would be develop a nuclear capacity and don't get caught. Work hard. Assuming that is the decision, does anybody have an answer to the question?

Mr. LAUDER. In terms of time frame?

Mr. SHERMAN. Yes. I said could they do five bombs in 5 years subject only to the additional protocol?

Mr. LAUDER. Yes.

Mr. SHERMAN. I just picked that number out. Does anyone on the panel have a better estimate of what they can do subject only to the additional protocol assuming they don't want to get caught?

Mr. Heinonen?

Mr. HEINONEN. Certainly that is important for the IAEA in terms of verification, but we should not forget here that actually Iran can do a plan how to do it. They see which are the strengths of the IAEA, which are the weaknesses, and they actually can do high product routes, do something at particular facilities, do something in undeclared and in a combination you have this what you are afraid of. So I think this needs quite a—a kind of analysis, a rethinking of how the verification system is set up, and its capabilities.

And I also want to bring to your attention that actually this whole thing will be a step-wise process. Once the——

Mr. SHERMAN. I want an answer to this question. Does anybody disagree five bombs in the 5 years after they are subject only to the additional protocol?

Ambassador DETRANI. I don't disagree. And that is why we need more than the additional protocol.

Mr. SHERMAN. You say you don't agree or you disagree with five bombs in 5 years?

Ambassador DETRANI. With the additional protocol, that is a possibility, because it is still managed access. You need unfettered access to everything.

Mr. RADEMAKER. I agree with that, but let me just say I have a slightly different concern and that is not how quickly could they break out or how effectively could they sneak out. But if they choose at some point in the future to become a nuclear weapons state, not sneaking, but they just say okay, circumstances have changed, we need to have nuclear weapons, if they do that today, they can make a mad dash and in some period of months they will have maybe two or three nuclear weapons. If they have a vastly more robust civil nuclear infrastructure after the expiration of the Comprehensive Solution and at that point decide okay, now we're abandoning the NPT in a nuclear weapons state, what will they have? It won't be two or three nuclear weapons. It will be dozens. So what they will have upon breaking out with the much larger infrastructure that they will be admitting to have——

Mr. SHERMAN. Knowing my time has expired, I think they will sneak out and then break out because if they have five nuclear weapons, our response to their announcement of break out and our response to their test will be considerably more similar to how we treated North Korea than how we treated Gaddafi or Saddam Hussein. I yield back.

Chairman ROYCE. We go now to Mr. Chris Smith of New Jersey.

Mr. SMITH. Thank you very much, Mr. Chairman, especially thank you for calling this extraordinarily timely hearing and for the insights provided by our distinguished witnesses.

As you know, Mr. Chairman, last week on June 4th we recognized the 25th anniversary of the Tiananmen Square massacre and I raise this because Bill Clinton, on May 26, 1994, delinked human rights with trade. Beijing knew that human rights were a superfluous, an adjunct, a talking point. It was not nuclear. They had

no real consequence if they violated them with impunity and I am very concerned fast forward to the Joint Plan of Action that when Iran looked us in the eyes, they knew that they could get major concessions and they already have achieved that with the sanctions regime. How are we ever going to put that back together? And this could be analogous to "Peace in our time," the infamous Neville Chamberlain quote he said after meeting with the Germans.

These are game-changing days. And I am very concerned—Secretary Rademaker, your testimony and your service has been extraordinary over the decades—you have reminded us that Iran has a deplorable history of deception, covert procurement, and construction of clandestine facilities which are acknowledged only when revealed or exposed, a catch me if you can mentality. It reminds me of Hans Blix traveling around Iraq looking for weapons of mass destruction. Iran, as we know, defied six binding resolutions, demanding that they suspend uranium enrichment. That now has changed. That is no longer what we have demanded through the JPA. And as you pointed out, in the signing of the JPA, Iran persuaded the United States and others to set aside its policy of no right to enrichment.

You also called the biggest concession the idea of the ill-defined time period, wait out a certain period of time, it is not defined, and at that point you elaborated that a few times in your statement just a moment ago.

My questions would be one, human rights are very often the canary in the coal mine. In meetings and in conversations with the Foreign Minister of Iran have said you can do a grand stroke, release the political prisoners, release Saeed Abedini and then we will say hey, they may be meaning business here. There may be a sense of sincerity. I find it almost laughable in the preamble when it says on November 24th Joint Plan of Action, "Iran reaffirms that under no circumstances will Iran ever seek or develop any nuclear weapons." If you believe that, I will sell you the Brooklyn Bridge.

So of course, trust and verify, on-site verification are all absolutely required, but I think we are setting up ourselves to fail. And now with Russia—what kind of friend or colleague or partner are they going to be, given everything that has happened in Kiev and certainly in the Ukraine?

So a couple of questions. The whole idea of the duration, Mr. Secretary. If you could really elaborate that even further. Twenty years, 25 years, it ought to be forever and as you said, to think that Iran might be construed to be Japan, and I think in your testimony you made some very, very good points about the whole idea that Argentina and they matriculated from a dictatorship to democracy, South Africa. So the examples were very well taken and you also said something if you can elaborate quickly on your need to anticipate that the executive branch officials are going to become deeply invested in the success of the JPA. Almost like a mission accomplished mentality when the threats to the region and the world are so high that that kind of political chicanery should be nowhere on the map. So if you could respond?

Mr. RADEMAKER. Yes, sir, Mr. Chairman, I am happy to respond. It is certainly a conceptual thing. The concept of the JPA is we are

not going to insist on a change in government. We are not going to insist on a change in your guiding philosophy. We are just going to look at your behavior for a set period of time. And if you behave as you promised, then it is your get out of jail free card. You will be able to go forward as a fully accepted, legitimate member of the nuclear club.

And that is being promised to them up front with no—all they have to do is comply with whatever is in that agreement and nothing more.

To me, the Congress, the American people are being asked to buy a pig in a poke because we don't know who is going to be the leader of Iran in 5 or 10 or 15 years when this thing expires. We don't know what they are going to be doing with respect to promoting terrorism around the world. We don't know how much they are going to be meddling in Syria or Iraq. We just don't know. And yet we are making this commitment up front that you behave and here are all the benefits you get. And I guess I would suggest that the judgment whether they are to be considered rehabilitated and treated like a normal nation is one that is really premature to make today. The judgment may be to be made much closer to the event and I don't see that in this framework. I mean we are making the judgment today that if they behave for 10 years or whatever the agreed period is, they will be deemed rehabilitated.

And Congress will have an important role here, because I believe the administration is going to need you to enact legislation permitting them to waive some of the sanctions that are currently in place and so legislatively you will address this and I think in that context you ought to be thinking about to what extent are we prepared to accept this concept that all verification, all extraordinary verification ends and they become treated like—they become subject only to the verification that other countries are subject to.

The trust, but verify, that is the wrong concept for a country with a track record like Iran. For Iran, it can't be trust. It has to be verify, but verify. You know, I don't know how trust can be part of the equation given their track record.

Chairman ROYCE. We go now to Mr. Gregory Meeks of New York.

Mr. MEEKS. Thank you, Mr. Chairman, and thank you for this important hearing. I for a long time have been worried about Iran getting a nuclear weapon. I think that one thing that everybody on this committee says and I heard the President say it also that it is unacceptable, that that is a no starter for Iran to have a nuclear weapon.

And I was just thinking, listening to you, Mr. Rademaker, at the beginning of your statement, which really concerned me, was that on your return here, we are still talking 20 years later or 25 years later, we said that the threat was in 1992 about Iran getting a nuclear weapon. And unfortunately, here we are today in 2014 with the same concerns which I would believe that various administrations, Democratic and Republican, have had different strategies in trying to make sure that we can assure ourselves of Iran not having a nuclear weapon.

And here we are still at this juncture and this President has proposed trying to see what we can do talking with Iran, not only by

ourselves, but an unprecedented level with some of our allies and some folks who may not because I think you have to have everybody there with the P5+1.

And as I hear the dialogue going back and forth, the question that I ask myself sometimes, and I guess the first question that I would ask you because it just seems as though when we were successful with sanctions, it was when it became multilateral and not just unilateral. And if we want to make sure that we contain Iran and make sure they don't have a nuclear weapon and if they violate any of the—don't allow the IAEA to get in or anything of that nature, then I would think that if we have to ramp up sanctions, we would want to be able to do that with other nations because that seems as though when it has been successful.

And so given Iran's history that—and what I have heard thus far which makes sense to me if they don't follow through and they are not going to follow through, then we are going to need to make sure that we still have unity among ourselves so that we can make sure that those sanctions that we have to put on or implement are not sanctions that is just done by the United States, but are sanctions that are also done by P5+1 countries, so they become very important to us I think.

I am going back and forth and I am thinking so the effort, at least the initial effort that is being made to have negotiations under the P5+1 and to make sure that the IAEA has access to whatever they are doing there, it seems to me tremendously important because we have not been there before. We want to verify what they are doing and what they are not doing extremely. I guess I am trying to get a sense from you, do you think that the effort that is at least being made thus far so in regards to the conversations that are taking place, we don't know what the end results are going to be because if they are a failure, then we have got to make sure that we ramp up these sanctions, etcetera. Do you think that we should make the effort that is made currently by the administration? To anyone.

Ambassador DETRANI. I certainly believe we should make the effort, no question. And that is why the monitoring and verification protocol is so, so important. All the points you made, Congressman Meeks, exactly right. Unfettered access, we are concerned on the weaponization. We are concerned on the covert facilities there. They have not been forthcoming, absolutely.

And the U.N. Security Council Resolution 1929 speaks to this issue. Iran should cooperate fully with the IAEA on all outstanding issues, particularly those which give rise to concerns about military dimensions of their nuclear program. So even if you have the U.N. Security Council coming forth with a resolution saying this, so we go forth. So the key would be a very robust, meaningful, monitoring and verification regime.

Mr. MEEKS. Anybody else?

Mr. RADEMAKER. I guess I have said some critical things about the JPA, but you shouldn't infer from that I oppose the idea of trying to negotiate with Iran an end to their nuclear weapons program and an end to the risk of nuclear proliferation to Iran. I think a negotiated solution is by far the best outcome as opposed to continuing with sanctions. We continue with sanctions and they con-

tinue with their nuclear development. That is not a good solution. Military attack is a temporary solution, but not a permanent solution. So negotiated solution is ideal if you can get it, but it has always been possible to negotiate an agreement with Iran. All we have to do is agree to their demands and we have got a deal. That is obviously not acceptable. So you want to negotiate and you want to get a deal that actually addresses——

Mr. MEEKS. We know it is not easy. If it was easy, it would have been done. We know it is hard. This is hard stuff. And that is why this hearing is good. That is why listening to you and having this dialogue is good and hearing sides and hearing from folks and hearing from other countries is good because this is not easy. If it was easy, we would be done. This is hard stuff. And thank you for your testimony. I am out of time.

Chairman ROYCE. We go now to Mr. Rohrabacher from California.

Mr. ROHRABACHER. Yes, thank you, Mr. Chairman, and thank you, Chairman Royce for calling today's hearing. And all of us should agree that one of the great foreign policy challenges we face and challenges we face are preventing a nuclear armed mullah dictatorship in Iran. I think that one of the things that has been lacking in this discussion so far today is the fact that we wouldn't care—there is a fundamental difference here is that we wouldn't care if this was Brazil. We wouldn't care if this was Ireland wanting to have this nuclear facility that could result in a nuclear bomb. What we have is one of the world's worst human rights abusers, China being the worst and this mullah dictator has jails filled with people that want to get along with the rest of the world.

So perhaps the only way that we are going to succeed in not permitting the mullah dictatorship from having a nuclear weapon from what I am gleaning from what you are saying, frankly, the only way we are going to succeed is we get rid of the new mullah dictatorship in Iran. The bottom line is if we can't convince them and I am taking it from what I heard today that we are not going to be able to—not to take their word for it that they are not going to utilize this new capability. I don't believe that we are going to convince them that through a culture of compliance that they are going to change their ways because they want to fit into the culture. We either have to get rid of them or they are going to have the bomb. And when they have the bomb they may well, as we know they are fanatics.

So the question is, shouldn't we be supporting—instead of relying on negotiations with the mullahs, shouldn't we be supporting those elements in Iran that would like to overthrow the mullahs and establish a real democracy? Does anyone want to go on record as saying that? I guess not.

Mr. LAUDER. If I could, I used that phrase culture of compliance as an aspirational goal in the sense that what we are ultimately trying to do through negotiated measures, through sanctions, through all the steps that the international community has taken is to bring about a more open and moderate Iran and this is one set of tools. There is obviously a variety of tools. And the inspection process itself, as we found in the Soviet Union——

Mr. ROHRABACHER. Let me just say, I don't believe that the mullahs want to be cool and go along with what the culture is all about, when we establish this new culture. I want to—I have got 2 minutes left or 1½ minutes. Are the Russians still engaged in the engineering and the development of the technologies that are going on, the centrifuges that will make the weapons possible? Are the Russian engineers engaged in this?

Mr. HEINONEN. Sir, actually the IAEA knows very little about the involvement of other countries in Iran's nuclear power program because of the limitations of the inspections. Therefore, the IAEA has not been able to fully investigate, for example——

Mr. ROHRABACHER. I am asking—I have got 1 minute left. Are the Russian engineers still engaged in this project?

Mr. HEINONEN. I think that for the enrichment program, there has not been direct Russian engineers directly involved. There are some assumptions on the weaponization part of the individual, but it appears that no Russians were part of the enrichment program.

Mr. ROHRABACHER. So right now, in terms of the actual building of this facility was a Russian project, was it not?

Mr. HEINONEN. No.

Mr. ROHRABACHER. It wasn't?

Mr. HEINONEN. It was a Bushehr power plant which nuclear power plant——

Mr. ROHRABACHER. That is what I am talking about, the nuclear power plant. Was the nuclear power plant built by the Russians?

Mr. HEINONEN. Yes, that is true.

Mr. ROHRABACHER. And the centrifuges wouldn't make any difference if they didn't have the nuclear power plant, right?

Mr. HEINONEN. I don't think they need the centrifuges for their nuclear power plant.

Mr. ROHRABACHER. No, no. I understand that. The point is when the Russians came on board, I remember going to the Ambassador in 1999, our American Ambassador, suggesting we give the Russians an alternative place to build several nuclear power plants because this would lead to this moment. And nothing happened. I said the same thing to Condoleezza Rice about a year later and nothing happened.

When the Russians first started building this nuclear power plant, we were leading up to this day and I would hope that—I am sorry that it looks like our cooperation level with the Russians has actually gone down since this moment and perhaps this is something that would show a sign of good faith on their part if they would start cooperating with us in dealing specifically with the Iranians.

Will you indulge me for one more question? Was there an offer, do any of you know of an offer by the Russian Government to refrain and to withdraw from this project early on before the nuclear power plant was done, before that part of the project was done? Do you know of any offer made by the Russians to withdraw from this project any time which could have prevented us from coming to this point? I have been told there was an offer and that we didn't pay any attention to it and that was under George W. Bush's administration. Thank you very much.

Chairman ROYCE. Thank you, Mr. Rohrabacher. We go now to Mr. Ted Deutch of Florida.

Mr. DEUTCH. Thank you very much, Mr. Chairman. Mr. Rademaker, you said you referred back to two decades ago when we were concerned about Iran's nuclear program. And I am trying to get a sense from the panel going forward, we are talking about verifying a comprehensive agreement. And yet, for as long as we have worried about the nuclear program in Iran, how confident were we that there wasn't a facility—I don't recall when Natanz was discovered, you can speak to that. But certainly Fordow, how confident were we that there weren't other facilities, nuclear facilities beyond Natanz? Let us start with that, Mr. Rademaker.

Mr. RADEMAKER. The answer to your question is, we were never confident that there is no secret facility. Natanz was a secret facility until it was revealed in 2002. And then for a long period of time that was the only enrichment facility that we knew of in Iran. And then the Fordow facility was revealed and it was again, an even more secretive, underground facility.

So today, is there yet a third underground enrichment facility somewhere in Iran under construction, in operation? I don't think anybody, given that record, that history, I don't think anybody can come to you and say we are confident that there is not. That is why the question regarding our patience is critically important, both in the near term through the JPA and the Comprehensive Solution, but also as I suggested in my testimony, even afterwards, because afterwards, when the Comprehensive Solution expires, the level of verification is going to go way, way down.

Mr. DEUTCH. Is there anyone else on the panel that is confident that these are the only enrichment facilities in Iran?

Mr. LAUDER. I think as Mr. Rademaker has said, one of the reasons why I think all of us have been strong proponents of additional monitoring measures that are comprehensive and go beyond just certain facilities is to try to reduce the uncertainty about what is going on elsewhere in Iran that maybe we don't fully understand. And that is also why it is very important to get that precise and detailed, comprehensive, and complete accounting from Iran about its past activities. That needs to be part of the agreement.

Mr. DEUTCH. And that is what troubles me the most. We are now a little more than a month away from the expiration of the 6-month period and we have been talking for how long have we been talking about the military, possible military dimensions, Mr. Heinonen? When was the first IAEA report that talked about the military dimensions program?

Mr. HEINONEN. Actually, the first time it was mentioned indirectly was in spring 2004, if I remember correctly.

Mr. DEUTCH. So we are negotiating during this interim period to get to a comprehensive agreement for a decade, for a decade. We have worried about possible military dimensions of the program. That is what has been driving the congressional action. That is why we have been engaged in these deliberations for now some several decades. But for 10 years, we have worried about this. We have known about this. And yet, what access have we been given thus far during this initial period when the goal is to negotiate a comprehensive agreement, what access have we been given to the

other areas that we might be interested in to ensure that Iran has come clean on the military dimensions of its program?

Mr. Ambassador?

Ambassador DETRANI. Sir, that is why we want a robust monitoring and verification regime as we go forward, knowing what you just said.

Mr. DEUTCH. I appreciate that. The question is, it is a chicken and egg situation, right? I mean how do we agree to any sort of comprehensive agreement with an adequate level of verification if to date on the most concerning issue about Iran's nuclear program, the Iranians haven't been willing to provide any access at all.

Ambassador DETRANI. That is a fair point, sir. That is why persistent and continuous access to all the facilities, the ability to take samples, the ability to question people, to see documents and everything is very basic to a robust monitoring and verification program.

Mr. DEUTCH. And certainly before we would ever entertain the possibility of extending this interim agreement for another 6-month period, certainly we should expect that the Iranians would at least be willing to grant us that access in the areas that for more than a decade we had these concerns.

Mr. Rademaker?

Mr. RADEMAKER. I just wanted to interject the point that regrettably, this is another area where the JPA is deficient. The JPA, I can read you the sentence. There is one sentence in the JPA that talks about the history. It doesn't use the word military dimension, but that is what they are talking about.

Let me just read you the sentence. This is how this question, this critically important question is addressed in the JPA. It says they are to create a joint commission of the two sides, the P5+1 and the Iranians. There will be this joint commission. And "it will work with the IAEA to facilitate resolution of past and present issues of concern." That is all it says. So there is a mechanism that is going to work with the IAEA to try and figure this out. Nothing in the JPA depends on it actually being worked out.

In other words, if this mechanism utterly fails to achieve satisfaction for the IAEA, that is unfortunate, but it doesn't stand in the way of the rest of the JPA. So what is going on here? I have to say I think regrettably what happened was our negotiators found this to be a very hard issue because I think the Iranians have a lot to hide. There is a lot of history here they don't want to talk about. So this became a sticking point in the initial discussions and the answer, the negotiators, the P5+1 ultimately settled on was we are going to ship this issue to the IAEA. It is going to become the IAEA's problem to get to the bottom. We will have a joint commission that will try to work with them, but if we don't get to the bottom, well, that is just too bad.

Mr. DEUTCH. I am out of time, but Mr. Chairman, I appreciate that and I just hope that given that it is now more than a decade that we have worried about military dimensions of the Iranian nuclear program per the IAEA, longer for a lot of the rest of us, that at a bare minimum Congress should be informed of the very detailed nature of whatever talks have taken place surrounding that

issue before we should be asked to budge an inch on any sanctions and in fact, whether to respond beyond 6 months. I yield back.

Chairman ROYCE. Mr. Deutch, I think you and I should talk after this hearing on that very subject.

Let us go now to Mr. Steve Chabot of Ohio.

Mr. CHABOT. Thank you, Mr. Chairman. Last year, the Asia Subcommittee which I chair and the Middle East Subcommittee chaired by Ileana Ros-Lehtinen, held a joint hearing to discuss the linkages between covert and illicit activities in Iran, North Korea, and Syria. It has been reported for some time that North Korea has been assisting and supplying Iran's missile program.

Given the history of North Korea and the failure of the U.S. and international community to stop Pyongyang from acquiring nuclear weapons, what lessons should be applied to the situation with Iran moving forward? And what provisions, if any, in the agreement prevent Iran from outsourcing their nuclear program to another country as was the case with North Korea.

I see you nodding, Mr. Lauder, so I will go to you first, if you like.

Mr. LAUDER. Well, I will start, but I am sure Ambassador DeTrani will have something to add to this point as well.

One of the reasons why I argued in my statement that it is very important to have an effective means of monitoring Iranian procurement particularly if they are going to be allowed to have a peaceful nuclear program as part of whatever agreement emerges is to make sure that in the noise of those procurement efforts that Iran is not able to outsource significant parts of its nuclear weapons development program to other states or to non-state actors, the A.Q. Khans in the world, to states like Korea. And also, to get a good handle on what procurement that they are obtaining, because there has been this long track record of Iran looking for various sources throughout the world that could aid in its nuclear developments.

Mr. CHABOT. Ambassador DeTrani?

Ambassador DETRANI. Sir, let me just note for North Korea, we have a real example here of how important verification and monitoring is. In 2008, when we were proceeding with the dismantlement programs to dismantle Yongbyon, there was a verification and monitoring protocol that they agreed to orally. When we asked for them to put it in writing because that was a very robust monitoring and verification protocol, it required, if you will, unfettered access, anywhere, any time, samples taken out of the country, they refused to put it in writing and that was the end. And since then they have not come back to the table.

So to show how important that verification piece of the equation is with North Korea, I would think the same with Iran, with a very robust meaningful monitoring and verification protocols that insist on the unfettered access and samples and so forth. I think that will be very, very critical as we move forward. And that is exactly what we offered North Korea.

Mr. CHABOT. Let me just shift gears for just a moment. Where does Israel fit in all of this and their views on Iran-compliant issues and just what attention is being paid in that area? Mr. Rademaker?

Mr. RADEMAKER. Israel is obviously very concerned about the Iranian nuclear program and with good reason. Iran—Iranian leaders have on multiple occasions made comments about how Israel should be wiped from the face of the earth and wiped off the map of the Earth. So for a country like Israel, that is obviously alarming that we have those kinds of statements of intention, coupled with technological activity that seems aimed at producing a nuclear weapon which would actually enable them to do precisely what they are saying they would like to see happen.

So the United States has a lot to be worried about and I think Iran's other neighbors in the Persian Gulf region have a lot to be worried about. And Israel has a lot to be worried about. Israel is paying a lot of attention to this problem. My understanding is there is a great deal of apprehension in Israel about the current course of diplomacy.

As I said earlier, it is always a possibility to negotiate a deal with Iran, just agree to what they are asking for, and you have a deal. And I think the Israelis are concerned that the deal that was struck last year leans too far in the direction of Iran's negotiating objectives, that they are allowed to continue enriching, that they get sanctions relief, the momentum in the direction of tightening sanctions has all been reversed.

And then they are promised this get out of jail free card that they can continue to enrich at a level that is being negotiated right now and then when that period expires, they can do all the enrichment they want. They can do all the reprocessing they want. None of that will be limited. So the Israelis, I think, are deeply concerned about that and my sense is it has given rise to some tension in the bilateral relationship between the United States and Israel.

Mr. CHABOT. I think my time has expired, Mr. Chairman.

Chairman ROYCE. We will go to Karen Bass of California.

Ms. BASS. Thank you, Mr. Chair. The Obama administration has intimated that a final agreement that leaves Iran with a nuclear weapons break out time is 6 months to a year may be acceptable. I wanted to know from the panelists, whoever chooses to answer, what you think of the idea of if a 6-month break out window would be a sufficient period of time to detect and counteract an Iranian break out? Sure, go ahead.

Mr. HEINONEN. Well, certainly 6 months is a very short period of time in international diplomacy. And it depends how Iran will deviate from the agreement or how it may renegade. There are several options available there. And if it goes, for example, in such a way that the only evidence that the IAEA has are the environmental sample results which normally take about 3 months to deliver, 6 months is much too short time because you need to take evidence, additional samples, you can perhaps analyze them first, but it has a lot of vulnerabilities and it is also difficult to estimate the unknowns, what kind of parameter you have there, how long will it take to find out. You need to prove it, etcetera, so 6 months for me is the very, very short end.

Ms. BASS. Yes, Mr. Lauder.

Mr. LAUDER. If I could just add, I think some of us feel that there may be too much emphasis on a time line because it is very hard to say for sure well, Iran is 6 months away from a weapon or it

is 5½ months away from a weapon or even react in that time. And I think that is why several of us have been advocating that the really important thing to get right in this agreement is to layer on sufficient monitoring measures so you really have a sense of what is that attack status of Iran's program to the extent that you can get it. Because everything else falls from that.

Ms. BASS. Yes

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Mr. RADEMAKER. Forgive me if I sound like a broken record, but the 6-month break out time, that is fine. But bear in mind that 6-month period will only apply during the period of the Comprehensive Solution. When the Comprehensive Solution ends and that is going to be 5 years, 10 years, 15 years.

Ms. BASS. Right.

Mr. RADEMAKER. Then all of the things that give us that 6-month window go away. They will no longer be limited to the number of centrifuges, the amount of the enriched material and so at that moment that solution expires, it won't be 6 months anymore it will be 6 weeks or 6 days.

Ms. BASS. Right. And I heard you say that earlier, so what do you think it should be? So it shouldn't be 5 years. It should be 10 years, 15 years, forever? What are your thoughts about that?

Mr. RADEMAKER. On the Comprehensive Solution?

Ms. BASS. Right.

Mr. RADEMAKER. I think the enhanced verification requirements, the restrictions—well, I don't think given their history I don't think Iran should be ready to enrich at all. I think it should remain the U.S. policy that they are not ready to enrich, but the restrictions on what they can do and the enhancement verifications that applies to that, I believe, should extend indefinitely until the international community can reach a judgment that it is satisfied that Iran is now like South Africa. They turned the corner. They are no longer a nuclear proliferation threat. I think it is going to take more than just good behavior for a finite period of time. Then I will feel comfortable that there is been a genuine change of heart.

Ms. BASS. You and several of the other panelists mentioned several countries, South Africa, I think was one. Are there any other examples internationally where it has been without a specific time line?

Ambassador DETRANI. Libya also declared their program and gave that program up.

Ms. BASS. I am sorry, sir.

Ambassador DETRANI. Libya also gave up their program.

Ms. BASS. Thank you. I yield back the balance of my time.

Chairman ROYCE. Thank you, Karen Bass. Now we go to Adam Kinzinger of Illinois.

Mr. KINZINGER. Thank you, Mr. Chairman and thank you all for being here and helping educate us and talking about some of these important issues. I mean as I look around the world and I look around especially the Middle East, I guess I am excited that the administration is so giddy about the prospect of negotiations with Iran. I think a lot of the pending negotiations we heard yesterday from the administration about how they are hopeful that the situation going on with the release of five Taliban will help lead to a

reinvigorated Taliban to come negotiate with the United States. I reminded some folks of the administration that, in fact, Pakistan is in negotiations with the Taliban right now and about a day or two ago, 18 people were killed in an airport in a fight with the Taliban.

Look at the situation in Israel, the Israel-Palestine negotiations and all the effort that the administration is putting into that which while we would all love that to be solved, it is probably questionably a regional conflict, a smaller conflict on the basis of conflicts that surround and envelope the entire Middle East.

Look at the negotiations with Russia, how well some of those have gone and Syria and the situation we find ourselves in there. So I don't have a lot of hope in the future of negotiations from this administration.

And I would ask if anybody, and I am going to ask this rhetorically, and you can feel free to comment later, if you can think of any success we have actually had with negotiations with an enemy of the United States under this administration.

We had our boot on the throat of the Iranians at a time when we really could have, I think, ended the question of nuclear arms in Iran, but we backed away. And it is always interesting to me how the Iranians feel like they can be in any position at all to have any bargaining power at the table and have any demands from the very beginning. We have determined that they should not have the right to a nuclear weapons program and I think that pretty much says it.

But that said, I want to go on to an issue that hasn't been touched on yet very briefly. I can ask for your comment to the level of your expertise. Can you talk about the Iranian ballistic missile program? They are developing the ability to deliver nuclear weapons through a ballistic missile program, yet of course, they claim that they have no desire for the weaponization of their nuclear program. So I am curious, whoever wants to go first, if you can talk about the situation where Iran finds itself right now with ballistic missiles.

Mr. Lauder?

Mr. LAUDER. The Iranian ballistic missile program is a capability that is of concern, ought to be a concern. And in fact, it would be difficult to negotiate at this stage given what has transpired already. But I would think that it would be very important to begin to find a way to add additional constrains on that program and to add additional monitoring against the program.

You can recall in the heyday of arms control agreements between the United States and the Soviet Union, for example, we chose to focus on delivery vehicles because they were easier to monitor in some ways that the nuclear weapons themselves and the nuclear programs themselves.

And I think constraints and monitoring on the Iranian ballistic missile program would be a very useful complement to the types of things that we have been talking about so far in this hearing.

Mr. KINZINGER. But do we have the ability to do that in the law? I mean, look, when you are negotiating with the Russians and you have arms limitation agreements, you have two super powers, both

with a vested interest in trying to calm a situation. This is an asymmetric situation. I mean Iran is no Soviet Union.

Do we really believe that we can put in place a way just to monitor, and this is what I am going to ask, are there ways to put in place to monitor what they are doing and to do it with assurances that they are not hiding anything in the mountains or underground?

Mr. LAUDER. I think one of the challenges that we face, as you quite rightly point out, is this is very much an asymmetric relationship. This is not where the United States is concerning some of its capability compared to something that we are asking Iran to do. We are asking Iran to stop doing what it has been doing illicitly against the international norms and international agreement and we are trying to trade off sanctions relief against that. We know how to monitor missiles. We certainly have a track record of things that we could put in place if we could bring Iran to that position.

Ambassador DETRANI. But your point is right on though that is so central. Because if we are talking about weaponization and miniaturization that is a delivery system. You have to look at the ballistic missile program. And that is one program that they have worked with North Korea on and so forth and they continue to develop. So it is a very central piece to any meaningful monitoring and verification protocol. The missiles have to be very, very much a part of that.

Mr. KINZINGER. Mr. Chairman, I have a million other things, but I will yield back.

Chairman ROYCE. We go now to Mr. William Keating of Massachusetts.

Mr. KEATING. Thank you, Mr. Chairman. I would like to thank the panel for their very important discussion this morning. I think it underscores to me and many of our members the need for Congress to be informed fully before the agreement is to go forward. And many of the issues you brought up are critical ones.

My role at the committee also is the ranking member on Europe Eurasia emerging threats there. So I would like to shift more into European perspective of things.

How do you assess the role of our European partners in the PF+1 negotiations, especially with Catherine Ashton, stepping down as the EU High Representative. Is that going to have an effect at all and would you comment on that, our partners and how they are viewing the situation and give us your expertise in that area as well.

Ambassador DETRANI. So my only comment on that would be the Europeans have to be extremely concerned. The last question about the ballistic missiles because if North Korea has the capability and they are working on it to touch Europe with their ballistic missile system, if there is a nuclear program and—they are needing it. So I think the European nations have to be extremely concerned about the nuclear program, no question.

Mr. KEATING. Could any of you comment on the effect of the U.S. dealing with our European partners as well, what things could raise as potential conflicts, what things could we do to ameliorate things going forward?

Mr. RADEMAKER. Sir, on your question about Cathy Ashton, obviously she has been a central player. I think her departure will make a difference although we don't know exactly what difference it will be because we don't know who her replacement will be. And everything will depend on personality of her successor.

More broadly speaking, the observation was made earlier that for our sanctions policy to work we need cooperation of our economic partners and there have been plenty of hiccups along the way but by and large in recent years the cooperation has been pretty good. I think Congress has provided incredible leadership in the sanctions area, the short hand that applies to this is the Menendez-Kirk amendments to the Defense Authorization Bill. There have been two of them. But the way, they impose financial sanctions in a creative way designed to discourage the importation of Iranian oil, but it was done very cleverly and in a calibrated way that has actually worked. And there is a lot of conversation about frozen Iranian assets in foreign banks. These are not funds that are actually frozen, but they are funds that are being held in those banks and they can't be repatriated in cash form to Iran because of the U.S. sanctions policy that Congress mandated and that other countries are cooperating on.

So the partnership has worked pretty well. I think in terms of the actual diplomacy, it is interesting. I was involved to some extent when I served in the Bush administration and I mean there are times that some of our European partners take a harder line on Iran than the United States does. I think, for example, the current French Government has been pretty firm in its demands of the Iranians. So it is gratifying to see, sometimes sobering to see, some of our allies take a harder line on the Iranian nuclear program than the U.S. Government.

Mr. KEATING. If the PF+1 moves forward though and there is some kind of long-term agreement and some of the ambiguity or the lack of robust verification that you talked about this morning isn't in place, what are the concerns as a group? What, for instance, would happen if the EU would move more ahead or some of the countries and lifting those sanctions unilaterally or as a group? Do you see that as a real concern going forward, a kind of disengagement?

Ambassador DETRANI. Sanctions is a key. Lifting sanctions like that would be, I think, a terrible move and it would move us in the wrong direction. I think we have to be united on something like this.

Mr. KEATING. And then lastly, I just want to touch base a little bit on Russia. The U.S. and the EU imposed on Russia's oil and gas sectors at any point, what implication if any will increase European demand for gas having our ability to sustain international consensus regarding sanctions on Iran?

Mr. RADEMAKER. That is a pretty complex question having to do with the functioning of global energy markets. But Iran and Russia are major energy exporters and so I guess they both benefit from higher prices and they both benefit from the emergence of shortages. So it is one of the challenges that I believe the United States faces in dealing with Russia, the fact that I think something like 30 percent of European gas consumption is Russian gas.

There is an effort now to build a pipeline across Turkey and into southern Europe, ideally to be filled with Azeri gas. The Iranians I think would be happy to put their gas in the pipeline if they were allowed to do that. I think it is sort of a central tenet of U.S. policy we don't want that to happen. But the energy equation is a complex one and Iran as a government is guilty of gross financial mismanagement and so their energy resources are relatively undeveloped compared to what they could be with better management.

Chairman ROYCE. We go now to Mr. Randy Weber of Texas.

Mr. WEBER. Thank you, Mr. Chairman. Our colleague down on the left, Mr. Meeks, said that negotiating with Iran is not easy. And I think—is it Rademaker, is that how you say that?—said that negotiating would be easy, my words, if we roll them and play dead. You said if we give them everything they want. Was it you that said that?

You know, my opinion is if we are not careful in these negotiations, we are going to get what we got in the Guantanamo trade. We get to keep one conventional weapon. They get five nuclear weapons. So it turns out Adam Kinzinger was exactly correct, negotiations have not been kind to us during this administration if I can put it rather glibly. If we don't realize that there is a danger in negotiating with Iran, we are fooling ourselves. Anyone here on the panel remember when the first time that Iran referred to the United States as the Great Satan? Anybody?

Ambassador DETRANI. Was it when Khomenei came in '79?

Mr. WEBER. November 5, 1979 when Ayatollah Ruholla Khomeini called us the Great Satan. So for 35 years they have been exporting terrorism, calling us the Great Satan. Soon after that, I don't know what time, it was Israel was the small Satan. So should we be saying, when we talk about negotiating with Iran, the terrorists, here we are negotiating with a group of people who will—radical, Islamic, fundamentalist, jihadist terrorist, Khomeini—who the jihadist believe in exporting terrorism to the extent that they will strap explosives on young boys and girls to kill other boys and girls and innocent men and women and we think we can negotiate with them?

I believe it was you, Mr. Lauder, who said that we need a list of all of their scientists who are working on their program. And I don't know if you saw the Wall Street Journal article on May 27th where there is a group of opposition leaders who have identified Mohsen Fakhizadeh, I think is his name, as probably the father of their nuclear weapon. Would you agree with that?

And Mr. Chairman, by the way, Mr. Chairman, if I may, I would like to get this letter into the record.

Chairman ROYCE. Mr. Weber, without objection, we will include that.

Mr. WEBER. Okay. Would you agree with that?

Mr. LAUDER. I think it is very important that we have access as part of the monitoring machine the key personnel who are part of Iran's nuclear program.

Mr. WEBER. But do you agree that he is the father of their nuclear program?

Mr. LAUDER. I don't know. Most nuclear programs probably have multiple fathers.

Mr. WEBER. But do you know this gentleman?

Mr. LAUDER. I know the name and know the individual, yes, sir.

Mr. WEBER. Mr. Ambassador, you are shaking your head.

Ambassador DETRANI. I have heard the name before, sir, yes, absolutely.

Mr. WEBER. Turn you mike on, please, sir.

Ambassador DETRANI. Sorry?

Mr. WEBER. Turn your mike on?

Ambassador DETRANI. Yes, I have heard the name before, sir.

Mr. WEBER. You have heard the name.

Ambassador DETRANI. And affiliated with the nuclear program.

Mr. WEBER. Would you give this credence then or is it just something you heard in passing?

Ambassador DETRANI. No, I think there is probably something to it.

Mr. WEBER. Okay. You mentioned also, Mr. Lauder, that the facility, first of all, that once we should get that list of those involved, those scientists, we should have any time, any place, access for 24/7. I think that was you that said that in today's hearing which I can't agree more of. And we keep in context that we have got terrorists who will kill innocent children, men and women, and who have been lying and doing such for over 35 years. How long do you think we ought to give them a chance to prove themselves? Trust, but verify, 24/7, any time, any place access, should it be 35 years? Should they stop their exporting of terrorism to Syria or I should say supporting in Syria and you can go right down the list, Afghanistan, Iraq, all the terrorism they are supporting. Should it be 35 years or is 35 months long enough or not long enough?

We will start with you, Mr. Rademaker.

Mr. RADEMAKER. The question is——

Mr. WEBER. How long should we expect them to be compliant before we can trust them?

Mr. RADEMAKER. I have a hard time answering that. It is sort of the Supreme Court on what is obscenity. I will know it when I see it. I don't think you can measure this by a time line. I think the measure of whether you can trust Iran will be the totality——

Mr. WEBER. Okay, I got you. I got you.

Mr. RADEMAKER. The atmosphere, who is in power there, what policies are they pursuing.

Mr. WEBER. I got you. What do we catch them with, if we are diligent? I am almost out of time. Let us go to Mr. Lauder real quick.

Mr. LAUDER. And I agree with some of the comments Mr. Rademaker made earlier that we have to be about this monitoring and verification regime for the long term. There may be aspects of it——

Mr. WEBER. But 6 months. Karen Bass asked the questions, 6 months to break out. Six months is not long enough, agreed?

Mr. LAUDER. Oh, for monitoring, oh, it has to be longer, yes.

Mr. WEBER. Mr. Heinonen, what do you think the length of time ought to be?

Mr. HEINONEN. More than 6 months, but it depends on the compliance, how the compliance is dealt with, what kind of a process will we have in place when something comes up when we see that

Iran has not complied. The track record is pretty poor there. We have had a number of red lines which have been——

Mr. WEBER. Forgive me.

Ambassador DETRANI. Sir, I would say this is going to be indefinite. I am going to say the part of the NPT, the IAEA is there. You are going to have to have those monitors. The extra protocol and the unfettered access is going to have to be there indefinitely.

Mr. WEBER. Thank you, Mr. Chairman. I yield back.

Chairman ROYCE. We will go to Mr. David Cicilline from Rhode Island.

Mr. CICILLINE. Thank you, Mr. Chairman. And thank you to the witnesses for this very useful testimony on a very serious issue. I think the hearing underscores the principal challenge we face as a country and that is how do we reach agreement with a party with very serious consequences that has been deeply untrustworthy and deceptive. And I think in part our success depends on our ability to monitor effectively and to respond effectively to any failings in the agreement.

So I want to first ask the witnesses, the Joint Plan of Action calls for a Comprehensive Solution that, and I quote, "would ensure Iran's nuclear program would be exclusively peaceful." We have also heard President Rouhani say that Iran will not dismantle a single centrifuge.

So my first question is, is there a way to ensure that Iran's nuclear program will be exclusively peaceful without dismantling some centrifuges?

Ambassador DETRANI. Let me just start off by saying they are talking about building additional centrifuges, even more sophisticated centrifuges. That flies in the face of where we are going here. It should be going the other way around. They need fewer centrifuges. They should not be enhancing and that is where it should be going.

Mr. CICILLINE. Is it even possible to develop or sustain a program which is exclusively peaceful that does not require some diminution of the production of centrifuges?

Ambassador DETRANI. Certainly with the number they have now and the figure is about 19,000 that people are putting out. We saw recently, just a year ago they had enough uranium at the 20 percent purity level which would have given them maybe enough to get one nuclear weapon. So yes, what they have now is sufficient to get them in the nuclear business. No question about it.

Mr. CICILLINE. Mr. Rademaker, you were about to say something?

Mr. RADEMAKER. Yes, Iran is, of course, telling you today their nuclear program is exclusively peaceful. And they will say actually we don't have to do anything because it is an exclusively peaceful program. We, of course, don't accept that. If your question is, how many centrifuges can they be operating and we can be confident that it is exclusively peaceful? My personal answer is that with the current government, with its history, with everything we know about where they have been, the answer is they should have for me to say I am confident that their program is exclusively peaceful, the answer is zero centrifuges.

Unfortunately, we are in a situation where under the JPA, they are going to have some number of operating centrifuges and that troubles me because I don't understand why they need any. And I think it is something of a logical conundrum because their argument is this is, we are developing infrastructure to produce fuel for our civil nuclear program. Well, if you buy that, then they actually do need a lot more centrifuges than they have now.

And so this idea that you are going to negotiate some number and it is going to be lower than what they have now and that is evidence of a peaceful program, well, some minimal number of centrifuges makes no economic sense in commercial terms. It makes a lot of sense in military terms, but that is sort of where we are. We are sort of negotiating them down to a centrifuge program that the size will only make sense in the context of a military program. I think it would have been more logical to go with the requirement that they have zero operating centrifuges.

Mr. CICILLINE. Which actually gets to my next question. I think many of us think if there were not sufficient constraints in the Joint Plan of Action with respect to research and development and sort of the view that the current state of technology, as if it is frozen in time. I am wondering what your thoughts are about what should be in the final agreement that would impose responsible constraints on research and development such as—I mean to ensure kind of the security of our country and the limitation of any final agreement.

Ambassador DETRANI. Well, certainly access to facilities, access to the scientists, the technicians, access to the notes, the data, access to past records. I think it is important to really go way back with Iran on this to confirm where they are, to determine what is the state of capability. I think that is all necessary.

Mr. CICILLINE. But in addition to the knowledge of that are there any limitations that we should attempt to secure in a final agreement to actually limit research and development in their nuclear capability?

Mr. HEINONEN. First of all, we need keep in our mind that these are dual-use technologies. Once you have a centrifuge, you can produce uranium for peaceful purposes or nonpeaceful purposes. So this is actually the measurement of the intentions. And it is not a technical topic. It is the behavior of a state, also economic rationales, as Mr. Rademaker has said. I personally see it is very hard to argue that Iran needs enrichment for Bushehr power plant. And their concern is that nobody sells to them enriched uranium. But Iran doesn't have uranium in its soil. So if you are not able to buy uranium, you are well dressed, but nowhere to go with your enrichment plant. So you need to think about the rationale I suggest is the case, and then base your argument to that.

Mr. CICILLINE. Thank you. I yield back, Mr. Chairman.

Chairman ROYCE. We are going to go to Mr. Ron DeSantis of Florida.

Mr. DESANTIS. Thank you, Mr. Chairman. I have been struck by watching the Ayatollah's reaction to how things have unfolded. And he spoke the other day in front of a banner that said, "America cannot do a damn thing," I believe. And he basically said that they have renounced the idea of any military actions. And so I think I

am trying to understand from their perspective how he sees sanctions being eased, force being ruled out. So what incentive does he have to want to change his course of conduct? To me, he is absolutely incentivized to want to continue to enrich and to have a nuclear capability. Does anybody want to quibble with me about from the Ayatollah's perspective, haven't we provided him, as he sees it, a roadmap to continue on?

Mr. RADEMAKER. I think your points are well of concern. What brought Iran to the negotiating in the first place? It is pressure, economic pressure, political pressure. That pressure has been relieved to some extent and certainly on the military side I think they probably are a lot less concerned about the threat to a U.S. military strike today than they would have been a year or 2 ago.

We have negotiators who are meeting with the Iranians right now. They are meeting today in Geneva. Maybe they are making progress. I don't know, but I guess I am certainly concerned that Iran right now, I think they know what they need to agree to get a deal. They are refusing to make that deal. They are holding out for better terms. Is that because they are under less pressure and did they calculate the pressure is going to diminish over time? In other words, with the current trajectory is in their favor? Yes, I worry a lot. Maybe that our diplomats are, too, because I think they are probably frustrated, they can't get the Iranians to say yes to whatever proposal they are making.

Mr. DESANTIS. We sometimes, I think, my frustration with seeing as how some of this unfolding particularly looking at people in the State Department as they will deal with Iran and treat them in a way that I think imputes too much of a Western sensibility into how Iran conducts themselves. I don't think they recognize enough the extent to which they are motivated by their virulent form of the Islamic jihad, the ability to continue to wage war against infidels, the United States being the Great Satan. And so I just look at it and I think from their perspective, I think they see them playing us like a fiddle.

I understand we have negotiations. I am absolutely not optimistic that that is going to be done and that Iran is going to willingly disarm itself. I hope I am wrong, but I think that is just where we are and I will yield back the balance of my time.

Chairman ROYCE. Mr. Brad Schneider of Illinois.

Mr. SCHNEIDER. Thank you, Mr. Chairman. Again, echoing what has been said today. Thank you for calling this hearing and for allowing us to conduct it in a bipartisan way on an issue of grave importance.

Mr. Rademaker, let me start with you. You touched on in your testimony and in subsequent conversations the fact that Iran, the concern that the deal being negotiated is a time based agreement, that Iran just sits tight for a period of time and then it is free to proceed however the country wants to under a term that we treat Iran like Japan. I think the sense that we all need to understand that Iran is not Japan. Iran is a revolutionary regime. It has got hegemonic ambitions and clearly demonstrated nefarious intent and deeds. And the idea that such a state can be treated like Japan, I would argue it would be the exact opposite. Such a state can never be treated like Japan, or treated in the same manner as

the JPOA says, as that of any non-nuclear weapon state party to the NPT. Iran is different.

And as we sit here, today is exactly 40 days away from July 20th deadline set by the agreement. Again, as was previously mentioned, there was talk about moving Iran back on the pathway to a nuclear weapons capability. I think many of us have stated here before and again today that moving Iran backwards is not sufficient. The goal should be to move Iran off the path to a nuclear weapon.

By that long way of an introduction, Mr. Rademaker, for the whole panel, is there any reason why we should be giving, as you stated, the goal of holding Iran to zero enrichment, holding Iran to not having an Arak plutonium reactor, holding Iran from fully disclosing their previous potential military dimensions of their nuclear program?

Mr. RADEMAKER. First of all, congressman, I think you and I are in violent agreement about our perspectives on this. In answer to your question, the rationale for allowing them to enrich, I am really the wrong person to ask to provide such a rationale because where I come down is the correct answer is they should not be allowed to enrich given their history. So I think if you want someone to give you a reason to permit that——

Mr. SCHNEIDER. Does anyone have any case that would justify allowing Iran to enrich? I think the sense is that we are all in agreement that that shouldn't be. I know before November 24th last with the announcement of the agreement was made, the conversation was, my terms, permanently closing any and all pathways for Iran to acquire a nuclear weapon. It seems the concern is that this is not closing those pathways at all.

Mr. Lauder, in your written testimony, you talked about the sense of—well, how to deal with noncompliance. How do we deal with noncompliance before we even have an agreement? What should we be doing now to make sure Iran has the incentive to go forward?

Mr. LAUDER. Well, I think it is an excellent question and I think it comes back again to this theme of to begin to have any confidence that this agreement will be complied with, we have to go back to Iran's past and have to press them to make a full disclosure of what they have done in the past on their nuclear program.

We still have the leverage of sanctions. We still have the leverage of nothing is agreed to everything is agreed. But that understanding of what Iran has done in the past becomes the foundation, then, for the monitoring regime. And we do have to remember that.

Mr. SCHNEIDER. Ambassador—I am sorry, Mr. Heinonen.

Mr. HEINONEN. In 2003 when EU reached an agreement with Iran, actually there was a paragraph there which required Iran to come with the complete past history of its nuclear program and it failed to do so. And I think that we need to look at what was the reason for the failure? Were there some other mechanisms which we should apply when faced with this? And I think it is the most important element of this new agreement to be concluded.

Mr. SCHNEIDER. Ambassador DeTrani?

Ambassador DETRANI. If I could just comment, sir. Sanctions, they are biting. We know why the Iranians are back at the table.

They made it very clear. They need relief. Sanctions and sanctions, going after the financial system, the institutions and so forth, there are a list of activities. This is so key. And that is the pressure. That is the pressure to keep them on a path. And once we keep that pressure on, my personal views, my personal view, you keep that pressure on, if they want relief, they are going to have to perform and that is where the verification monitoring comes in and so forth. When they are not performing, that pressure continues.

Mr. SCHNEIDER. Ambassador, I agree with you. Sanctions are what brought Iran brought to the table. My personal belief is that we need to make sure Iran understands that the no deal is better—no deal is better than a bad deal. No deal is not the sanctions we had in November 2013, but orders of magnitude greater bite in those sanctions if there is not a deal to our terms and thus close those gaps. With that, I yield back. Thank you very much.

Chairman ROYCE. Thank you. We go now to Mr. Ted Yoho of Florida.

Mr. YOHO. Thank you, Mr. Chairman, and gentlemen, I appreciate you being here. We have sat here several times over the past 1½ years and I think some of you have been here and I remember Ambassador Bolton was here and everybody was pretty much in agreement that Iran was going to have fissionable nuclear materials to construct a bomb, five to six bombs by January or February of this year. Has Iran accomplished that mission? Do they have enough material to do that?

Ambassador DETRANI. I don't think we see that. Sir, the sense is no, they do not. The concern was when they had 20 percent purity and enough kilograms to have maybe one.

Mr. YOHO. Yet, we don't have all the information. So we can't say with certainty they don't have that, correct?

Ambassador DETRANI. Because we are just looking at the declared facilities and there may be un-declared as the IAEA is indicating.

Mr. YOHO. Mr. Lauder and Ambassador DeTrani, you were saying that it is very difficult to monitor and verify Iran's compliance to the Iranian-U.S. JPA agreement. Do you believe these details should have been worked out prior to any agreement starting and releasing sanctions? I mean if you are going into a negotiation, you should have everything on the table. I want to know everything you have before you move forward. Would you agree with that?

Ambassador DETRANI. Sir, I don't have all the modalities of the negotiators and what they were using. I believe they gave them relief on a certain number of sanctions, so they could move forward.

Mr. YOHO. If we can't verify now or monitor it, we should have had a way to monitor that stuff all those parameters before we move forward. I would hope so.

How about you, Mr. Lauder?

Mr. LAUDER. I think it is very important before there is further loosening of the sanctions which have brought Iran to the table that we do get this complete and full accounting of Iranian activities and have the declarations that we need as the basis of our monitoring regime.

Mr. YOHO. In your opinion, does the current situation in Iran's nuclear program or whatever they are doing in our agreement, does

it allow Iran to get closer to having a bomb if we stay on the current track, Mr. Rademaker?

Mr. RADEMAKER. I think the Obama administration would argue that the current arrangement diminishes the risk of nuclear break out, because it limits the number of new centrifuges that Iran can employ. Actually, it prevents them from continuing to enrich to 20 percent, at the 20 percent level which they were doing in the past. But on the other hand, there has been some recent analysis done by the Bipartisan Policy Center. It is on the Web site. They are not only producing 20 percent enriched material, but their production of lower enriched, 3.5 percent has gone up by about 25 percent.

Mr. YOHO. And what I have heard on this panel——

Mr. RADEMAKER. The advantages of progress is substantially less than the Obama administration advertised.

Mr. YOHO. Right, but what I have heard on this panel today is they have got way more centrifuges than they need to have for nuclear power production. And so I think we are all in agreement that they are moving in that direction. They have been moving in that direction in the last 25 to 30 years, playing the cat and mouse game.

Do you believe that the U.S.-Iranian Interim Agreement was detrimental to the U.S. security or Israel's security or the regional security the way it was negotiate and released the sanctions at the time they did? Do you think it was detrimental to do that, just kind of real quickly because I am running out of time.

Mr. RADEMAKER. I think it was detrimental on the sanctions side. I also think it was highly detrimental by basically legitimizing centrifuge enrichment in Arak which, up until the time of the agreement, was something we said was not permitted.

Mr. YOHO. Ambassador DeTrani, what do you think?

Ambassador DETRANI. Sir, the reporting is that Iran has down blended and converted to uranium oxide their inventory. This is coming out of the IAEA. They are talking about framework for cooperation——

Mr. YOHO. Your microphone, please.

Ambassador DETRANI. I am sorry. The reporting from the IAEA indicates that Iran has down blended and converted to uranium oxide their inventory, all of their inventory of 20 percent purity enriched uranium. The IAEA report speaks about the framework for cooperation. So I think what we have just recently seen from the IAEA is that there has been some movement on the part of Iran in response to the relief on some of those sanctions. But that is just a very interim type of approach to it.

Certainly, if you are sitting in Israel and you are looking at the existential threat, you are looking at something different, so that is——

Mr. YOHO. That brings me up to my last question. Since Iran—do you feel like they have abided by the terms of the agreement?

Ambassador DETRANI. Sir, I don't have any particulars on that, but according to the IAEA, the IAEA's most recent report is a much more positive report than I have seen in the past with the exception of the weaponization and the militarization.

Mr. YOHO. And if they don't abide by that, what should we as a nation do? More sanctions, preemptive strike, prepare for the day that they do get a nuclear bomb?

Ambassador DETRANI. Sanctions are biting. Sanctions are big. Sanctions have had impact.

Mr. YOHO. I am out of time. I appreciate your time. Thank you.

Chairman ROYCE. We go to Mr. Juan Vargas of California.

Mr. VARGAS. I, too, want to thank you, Mr. Chairman, for having this meeting and also to the ranking member. As many of you know, I have been very critical of the interim deal. I thought it was a mistake. I believe that we first should have gotten the final deal. Then we should have negotiated the interim deals. In other words, we first should have made sure that there was no path to getting a nuclear weapon. Then we could have negotiated these interim deals because I did think that the sanctions were working and I voted here to ratchet up the sanctions because I think you had to get that fundamental choice. Do you want your nuclear program and do you want to militarize it as you are tempted to do or do you want a functioning economy? We would continue to press the sanctions until you didn't have a functioning economy. I think that that would have been the right way to go.

Now we are here. And we are here and I think it is a very dangerous situation that we are in because I do think that if we are going to get to July 20th and for sure they are going to have one more time. That is what we feared at the beginning. I think that that is going to be the case. Then what do we do? Then do we say well, we are not going to negotiate and make ourselves look like the bad guys? Then it is harder to put the sanctions back on again.

So where do we go from here? And I do want to comment, Mr. Rademaker, I couldn't agree with you more wholeheartedly. If it is a 5-year deal, if it is 10-year deal, or it is even a 20-year deal, it is not a deal. I mean that is a bad deal. This is a situation where you have to make sure you can force them to comply all the way out because otherwise they will simply play cat and mouse and outlast us 10 years and then they will get on with their nuclear program. So where do we go from here? I mean as we are approaching this point, I don't think we are going to be able to——

Ambassador DETRANI. I agree on the monitoring and verification, congressman. There is no question about it and we have talked about unfettered access, any time, any place, access to all the facilities, concern about covert facilities, concern about weaponization. These are things that need to be drilled down and pursued with great vigor indefinitely.

Mr. VARGAS. Right. I believe we are going to get to the 6th month, assume for a second, we get to the 6th month and they want more time. What do we do? At that point, what do we do?

Mr. RADEMAKER. I think it is pretty clear that if we reach the 6-month point without having reached agreement on the Comprehensive Solution, I think there will be a 6-month extension. In fact, the JPA at one point says it will take up to a year to negotiate this, so even a draft of the JPA, they were anticipating potentially a 6-month extension. I did want to pick up on one thing you said. You said you think the right thing to have done here would have been to negotiate the final agreement and then come back and fill

in the details. It pains me to say this, but I think in fact that is what they did. I mean the JPA does specify the final agreement.

The final agreement is that—I read it earlier. The final agreement is that upon the expiration of the Comprehensive Solution, the Iranian nuclear program will be treated in the same manner as that of any non-nuclear weapon state to the NPT.

So the end state, the final state is no sanctions, no restrictions on their ability to do whatever they want in the nuclear area, subject to ordinary safeguards and——

Mr. VARGAS. If I could interrupt just for a second. I mean the issue of having any type of enrichment program, any type of way for them to be able to reach that ability to, in fact, create the nuclear weapon, having that facility——

Mr. RADEMAKER. But that is——

Mr. VARGAS. I know what you are saying and I actually am not disagreeing with you, but I think that in the final agreement, what I would say is that if you are going to allow any kind of nuclear power program it had to be one so tight there was no way around it that you had to have the fuel coming from somewhere else, monitored closely, that you would have to have unfettered access to their country where they could potentially be hiding things, that is the deal I mean because I agree with you. That is why I think personally and again it is very critical, I think that the people who are associated with this deal were very good hearted and attempted to negotiate with a Western type of nation and found out that that is not who they are negotiating with. I think it was very naive.

Mr. Lauder, could I have you comment on that?

Mr. LAUDER. I think to the extent to which the negotiations continue, the opportunity needs to be seized and I agree with Ambassador DeTrani in this respect, is to use that time to push even harder to expand the monitoring provisions that Iran will need to undertake. Iran is different. They have violating international norms over an extended period of time. They have not been compliant with the international agreement. It is reasonable then to expect that Iran should need to undertake additional monitoring provisions to build confidence in the international community that they are changing their path.

Mr. VARGAS. Thank you. My time has expired. I want to say though I think Iran is like North Korea. If they get a nuclear weapon, they will also threaten to bomb Los Angeles or else and I unfortunately think they might have the nerve to do it. Thank you.

Chairman ROYCE. Thank you, Mr. Vargas. We go now to Mr. George Holding of North Carolina.

Mr. HOLDING. Thank you, Mr. Chairman. I think we can all agree that if the Obama administration is to craft the final agreement with Iran that it would be a huge foreign policy win at least in the eyes of the administration, a foreign policy win, a political win, truly in an environment of an administration that is somewhat bereft of foreign policy wins or accolades. My concern is that if they achieve what they consider a win, that they will lack the political will to risk tarnishing that win by calling out a violation that we find substantively.

So my question and I have got just to run down the line and have each of you all to respond to this is what internal controls are

there, red teams so to speak, that would ensure that the politics of trying to salvage this foreign policy win don't trump good sense in the White House as far as calling out a violation.

Mr. Rademaker? I have got 30 seconds, so let us go down and by the time everyone has done that, I will be out of time.

Mr. RADEMAKER. I honestly don't know what sort of checks there might be within the administration. Every President can structure decision making on foreign policy in his administration in the way he sees fit. I would like to think that there are people at the Defense Department that are vigilant. That there are people in the intelligence community drawing attention to problems, but I don't know. I think the ultimate red team is the United States Congress and this committee.

Mr. HOLDING. Perhaps that might have been helpful as the President was considering exchanging Bergdahl for five Taliban terrorists.

Mr. RADEMAKER. Well, the good news here I think for the Congress is I think one of the things the Iranians are demanding is to end all U.S. sanctions. In fact, they are promised that in the JPA. I don't think the President has the authority unilaterally to get rid of all of the sanctions. He has waivers. He has the ability not to enforce certain laws, but I think at the end of the day there are certain things that only the Congress is going to be able to do and so for them to fulfill their commitments to the Iranians in this negotiation, they are going to need this committee and this Congress to pass legislation. And that will afford you an opportunity to pass judgment on the entire arrangement and for that reason I would think it would behoove the administration to consult closely with you now to make sure that you are prepared to accept——

Mr. HOLDING. Indeed. Mr. Lauder.

Mr. RADEMAKER. I don't know if that is happening, but ultimately they need to persuade you that they struck a good deal and if there are details that you are unhappy about, it is probably better to let them know that now rather than after they promised things to the Iranians that they are not going to be able to deliver.

Mr. HOLDING. Mr. Lauder.

Mr. LAUDER. I agree that perhaps the most effective red team for this will be the U.S. Congress. You will have the opportunity and I am presuming to say this as an outsider, but this is not a treaty, but you will have the functional equivalent of a resolution to ratification when you deal with the sanctions question. And that is an opportunity to express the Congress' views about the types of capabilities that need to be—for monitoring that need to be nurtured in the U.S. Government, that need to be funded in the U.S. Government, and you can ask for a periodic compliance report to the extent to which Iran is compliant with the agreement, what types of anomalies are being detected, what has been done to resolve that, to ask for both a periodic unclassified and classified report. That certainly has been a feature of other agreements in the past.

I think you used to like them when I was in the Executive Branch because they were a lot of work and it led to a lot of internal debate, but I think it is something to make sure that the Iranians understand that their compliance is going to be very important to the United States across all the branches.

Mr. HOLDING. Thank you. Mr. Heinonen?

Mr. HEINONEN. Thank you. I agree with Mr. Lauder. And I think the red team is actually the public opinion that you make the deal open and open compliance reports. There is an automatic assessment. This is important. It is important not only to the security of the United States of America, but regional security and we set a benchmark of how we are going to deal, for example, in the future with North Korea. So this will have a lot of ramifications and they don't end up here.

Mr. HOLDING. Mr. Ambassador?

Ambassador DETRANI. I believe ground truth will be the monitors who are in the field, the IAEA and other countries when they deal with them. I believe it is those foreign governments that also have access and unique insights into what is going on there. I think a strong case can be made that they can speak to compliance issues and if Iran has gone on to their own way and if they are cheating and so forth I think that will come forth. I don't think anyone is going to be able to conceal that aspect to it.

Mr. HOLDING. Thank you. Thank you, Mr. Chairman.

Chairman ROYCE. Thank you, Mr. Holding. We thank all of our witnesses for their testimony and I think you have given us a lot to consider as the administration continues to negotiate.

I am particularly troubled that, as Mr. Rademaker put it, this agreement puts Iran on the path from nuclear pariah to nuclear partner and I don't think any member of the committee is comfortable with that given the Supreme Leader's comments in May in particular about expectations that we might try to limit their ballistic missile program. As I quoted earlier he said, "this is a stupid, idiotic expectation." But I didn't give you the rest of his quote which to me is very revealing. He said, "The Revolutionary Guards should definitely carry out their program and not be satisfied with the present level. They should mass produce ballistic missile." He said, "This is the main duty of all military officials." Now he is not referring to a space program here. And when you combine that with the call for the head of Iran's Atomic Energy Organization to add 30,000 centrifuges last month to Iran's existing 19,000, ignoring what the Iranian officials and what their leader is saying on this subject as they move forward with their program is very concerning to me and I especially wanted to thank Mr. Engel and the other members of this committee and our witnesses for the chance today to take a good, hard look at the on-going negotiations. Thank you all very much and we stand adjourned.

[Whereupon, at 12:50 p.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Record

FULL COMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Edward R. Royce (R-CA), Chairman

June 3, 2014

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at http://www.ForeignAffairs.house.gov):

DATE: Tuesday, June 10, 2014

TIME: 10:00 a.m.

SUBJECT: Verifying Iran's Nuclear Compliance

WITNESSES: The Honorable Stephen G. Rademaker
National Security Advisor
Bipartisan Policy Center
(*Former Assistant Secretary, Bureau of Arms Control & Bureau of International Security and Nonproliferation, U.S. Department of State*)

Mr. John A. Lauder
Senior Advisor
20twenty Strategic Consulting, Inc.
(*Former Director, Nonproliferation Center, Intelligence Community*)

Mr. Olli Heinonen
Senior Fellow
Belfer Center for Science and International Affairs
John F. Kennedy School of Government
Harvard University
(*Former Deputy Director General, International Atomic Energy Agency*)

The Honorable Joseph R. DeTrani
President
Intelligence and National Security Alliance
(*Former Director, National Counter Proliferation Center, Office of the Director of National Security*)

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE HEARING

Day *Tuesday* **Date** *06/10/14* **Room** *2172*

Starting Time *10:07 a.m.* **Ending Time** *12:50 p.m.*

Recesses *0* (____to ____) (____to ____) (____to ____) (____to ____) (____to ____) (____to ____)

Presiding Member(s)

Edward R. Royce, Chairman

Check all of the following that apply:

Open Session ☑
Executive (closed) Session ☐
Televised ☑

Electronically Recorded (taped) ☑
Stenographic Record ☑

TITLE OF HEARING:

Verifying Iran's Nuclear Compliance

COMMITTEE MEMBERS PRESENT:

See Attendance Sheet.

NON-COMMITTEE MEMBERS PRESENT:

None.

HEARING WITNESSES: Same as meeting notice attached? Yes ☑ **No** ☐
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Connolly

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *12:50 p.m.*

Edward Burrier, Deputy Staff Director

HOUSE COMMITTEE ON FOREIGN AFFAIRS

FULL COMMITTEE HEARING

PRESENT	*MEMBER*
X	Edward R. Royce, CA
X	Christopher H. Smith, NJ
X	Ileana Ros-Lehtinen, FL
X	Dana Rohrabacher, CA
X	Steve Chabot, OH
	Joe Wilson, SC
	Michael T. McCaul, TX
X	Ted Poe, TX
X	Matt Salmon, AZ
	Tom Marino, PA
	Jeff Duncan, SC
X	Adam Kinzinger, IL
X	Mo Brooks, AL
X	Tom Cotton, AR
	Paul Cook, CA
X	George Holding, NC
X	Randy K. Weber, Sr., TX
X	Scott Perry, PA
	Steve Stockman, TX
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	Doug Collins, GA
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X	Joaquin Castro, TX

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE RANDY K. WEBER SR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

THE WALL STREET JOURNAL

May 27, 2014

Iran's Nuclear Masters

Tehran has kept its core team of weaponization researchers intact.

Wall Street Journal Editorial Board

The International Atomic Energy Agency and Iran last week issued a joint statement in which Tehran pledged to apprise the Agency of "the initiation of high explosives, including the conduct of large scale high explosives experimentation in Iran." In a word: weaponization, the most secretive dimension of the Iranian nuclear program. Tehran's willingness to broach the topic will be hailed by supporters of the current talks as a sign that they're yielding results.

Yet Iran has thus far dismissed as "fabrications" evidence of its weaponization work compiled by the IAEA. We'll believe honest disclosures of prior weaponization activity when we see them. More to the point, we've obtained a plausible new report from the Mujahedeen-e Khalq, an Iranian opposition group, suggesting that Tehran has kept active and intact its core team of weaponization researchers.

The Islamic Republic's attempts to develop a nuclear explosive device date to the late 1980s, when the regime established a Defense Ministry-linked physics research center in Tehran, according to Western intelligence agencies. By the next decade, according to the IAEA, the regime would consolidate its weaponization researchers under an initiative called the "AMAD Plan," headed by Mohsen Fakhrizadeh, a Ph.D. nuclear engineer and senior member of the Islamic Revolutionary Guard Corps.

The AMAD Plan was charged with procuring dual-use technologies, developing nuclear detonators and conducting high-explosive experiments associated with compressing fissile material, according to Western intelligence agencies. The AMAD Plan's most intense period of activity was in 2002-03, according to the IAEA, when current President Hasan Rouhani headed Iran's Supreme National Security Council before becoming its chief nuclear negotiator. An Iranian opposition group says this is Mohsen Fakhrizadeh, the father of Iran's nuclear-weaponization program. National Council of Resistance of Iran

An Iranian opposition group says this is Mohsen Fakhrizadeh, the father of Iran's nuclear-weaponization program. National Council of Resistance of Iran

Feeling the heat from the MEK's disclosure of two nuclear facilities in 2002 and the 2003 U.S. invasion of Iraq, the mullahs apparently halted the AMAD Plan's activities in late

2003. But Mr. Fakhrizadeh and his scientists didn't stop their weaponization work. As former United Nations weapons inspector David Albright told us, "Fakhrizadeh continued to run the program in the military industry, where you could work on nuclear weapons." Much of the work, including theoretical explosive modeling, was shifted to Defense Ministry-linked universities, such as Malek Ashtar University of Technology in Tehran.

Mr. Fakhrizadeh has continued to oversee these disparate and highly compartmentalized activities, now under the auspices of Iran's new Organization of Defensive Innovation and Research, known by its Persian acronym, SPND. The MEK first disclosed the SPND's existence in 2011. Now the opposition group has obtained what it says are key new biographical details and the first photograph of the 56-year-old Mr. Fakhrizadeh, whom Iran has refused to make available to the IAEA for long-sought interviews.

The MEK has also compiled a list of what it says are 100 SPND researchers. Far from disbanding the SPND, the MEK alleges, the Tehran regime has kept its nucleus of researchers intact. Possibly to avoid detection by the IAEA, the MEK says, the regime recently relocated the SPND's headquarters from Mojdeh Avenue in Tehran to Pasdaran Avenue. "The new site," the MEK adds, "is located in between several centers and offices affiliated to the Defense Ministry . . . , the Union of IRGC, the sports organization of the Defense Ministry . . . and Chamran Hospital."

To further mask the illicit nature of the relocation from the IAEA, the MEK says, "parts of Malek Ashtar University's logistical activities were transferred to the former site of SPND. The objective was to avoid closing [the former] center, and in the event of inspections, to claim that the site has always had the current formation." Don't expect the regime to fess up to much of this by the August 25 deadline set in its joint communique with the IAEA.

The fact that the IAEA and the Western powers are now turning to the weaponization question is a sign of how far the Iranian nuclear-weapons program has progressed. As the Nonproliferation Policy Education Center's Henry Sokolski, a former nonproliferation director at the Pentagon, told us: "A concern about weaponization followed by testing and use is the moral hazard when you don't pay attention to fissile-material production."

In other words, having ceded a right to enrich and permitted the Islamic Republic to develop an advanced enrichment capability, the West is now left with preventing weaponization as the final barrier against a nuclear-capable Iran. The diplomacy of Mr. Rouhani and his Foreign Minister, Javad Zarif, is intended to soothe jittery Western nerves on weaponization.

That palliative effect will be reinforced by the IAEA's latest quarterly report, also released last week, in which the Agency reported that Iran has sharply reduced its stock of 20% uranium and hasn't enriched above 5% since the November interim agreement took effect. The report also highlights the Islamic Republic's new willingness to address at a technical level the "possible military dimensions to Iran's nuclear program," including Tehran's development of exploding bridge-wire detonators and high-explosives testing.

But if past is precedent and the MEK's new disclosures are to be believed, Mr. Fakhrizadeh will continue to do his work as he has to this day. The snake may shed its skin but not its temper, runs an old Persian proverb.

Statement for the Record

Submitted by the Honorable Gerald Connolly

Next week, the P5+1 and Tehran resume nuclear talks under the auspices of the "Joint Action Plan" finalized on November 24, 2013, and we are fast-approaching the deadline of July 20 set in the interim deal. I remain cautiously optimistic about a final deal and believe that the talks have provided the world with a productive venue in which to engage Iran on its nuclear program. A universal goal of this Congress is to prevent Iran from obtaining nuclear weapons and to ensure that Iran strictly adheres to the terms of nonproliferation agreements. While negotiators work diligently to reach a final agreement before July 20, or should they opt for a six-month extension to the talks, my colleagues and I want to be careful to not overly prescribe preconditions to a final deal that effectively cut off the legs of the negotiating table.

Let me be clear, it is Iran's own actions that have sent it down a dark path of world isolation and economic pain. Tehran's illicit nuclear program has drawn international condemnation, broad sanctions have been justly leveled against the country, and its affiliation with known terrorist organizations has been cause for more than just concern.

Iran cannot continue on its current trajectory, and the preferred path out of the wilderness is the diplomatic one. Iran's high inflation and unemployment rate have only worsened as more countries have found trade with Tehran untenable. The embargo that the European Union placed on Iranian oil in 2012 cut off a market that previously accounted for 600,000 barrels a day of demand. This was significant in a country that averaged two-and-a-half million barrels a day in total oil exports before the embargo, and relies on oil for 80%of its total export earnings and 50% of its government revenue.

As a result of its irresponsible and antagonizing actions, Iran has experienced significant distance between it and world powers. Most notably, the United States has not had meaningful engagement with Tehran for over three decades and has banned all Iranian imports. I predict that the process of achieving a comprehensive diplomatic resolution to the problem of the Iranian nuclear program will continue to be an arduous ordeal that requires the rebuilding of atrophied diplomatic channels. It is incumbent upon us to pursue this preferred alternative for the stability of the region and the security of our allies.

Of course, no final agreement will be complete without assurances from Tehran that it will not impede compliance efforts. Our allies should not be willing to accept a deal that preserves hidden aspects of Tehran's nuclear program and United States most certainly will not. Evasiveness on the part of Iranian nuclear authorities has hampered years of effective oversight and convinced the world that Iran aims to develop weapons grade nuclear material. To that end, the final agreement will require ironclad provisions for inspection and enforcement, as well as consideration of future alternative nuclear pathways.

Our negotiators have been given up to one year to define these terms. Today, we hear from witnesses who, along with my colleagues on this Committee, hope to inform the drafting of a final agreement and how it treats Iranian compliance. We should explore remote monitoring, access to research and development sites, consideration for secondary nuclear pathways, implementation of the International Atomic Energy Agency's Additional Protocol, among other difficult compliance and fluid compliance issues. Our role in this process should be constructive, and I look forward to a discussion that can be characterized as such.

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