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P5+1 NEGOTIATIONS OVER IRAN'S NUCLEAR PROGRAM AND ITS IMPLICATIONS FOR UNITED STATES DEFENSE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

HEARING HELD
JUNE 19, 2014

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P5+1 NEGOTIATIONS OVER IRAN'S NUCLEAR PROGRAM AND ITS IMPLICATIONS FOR UNITED STATES DEFENSE

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, Thursday, June 19, 2014.

The committee met, pursuant to call, at 10:05 a.m., in room 2118, Rayburn House Office Building, Hon. Howard P. "Buck" McKeon (chairman of the committee) presiding.

OPENING STATEMENT OF HON. HOWARD P. "BUCK" MCKEON, A REPRESENTATIVE FROM CALIFORNIA, CHAIRMAN, COMMITTEE ON ARMED SERVICES

The CHAIRMAN. The committee will come to order.

Good morning, ladies and gentlemen.

The House Armed Services Committee meets to receive testimony from outside experts on the P5+1† negotiations over Iran's nuclear program and its implications for United States defense. Today we have with us Mr. William Tobey, Mr. Michael Singh, and Ambassador Thomas Pickering. Our witnesses have an immense amount of experience working Iran issues, and we appreciate them sharing their perspectives with us today.

I am concerned that the scope of negotiations with Iran over its nuclear program was flawed from the outset. We know that Iran would be allowed to keep its nuclear capabilities, ability to enrich, and breakout capability. We know that Iran has had and may continue to have undeclared sites.

We know that there are military dimensions to Iran's nuclear program that it refuses to address. And we know that the nuclear program is but one facet of Iran's overall grand strategy, which includes its sponsorship of terrorism, the largest ballistic missile arsenal in the Middle East, and other conventional military capabilities that continue to threaten the region and beyond.

Yet none of these issues appear to be within the scope of the comprehensive deal. Our ally Israel has called this a bad deal. Our friends and allies in the region have both publicly and privately conveyed their deep reservations about this deal. I worry that the President wants to achieve a nuclear deal with Iran at almost any cost.

Some will argue that this deal is better than no deal and that it would slow down Iran's nuclear program. But how much time does it really buy us?

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† People's Republic of China, French Republic, Russian Federation, United States of America, United Kingdom of Great Britain and Northern Ireland, and the Federal Republic of Germany.

International sanctions, which took a decade to put into place, were finally starting to bite. Had the Administration maintained a strong regional presence, Congress' robust sanctions, and a clear resolve to use the military option if necessary, we could have set the conditions for Iran to change its strategic calculus.

Yet, through these negotiations, we have done the opposite. In fact, Iran already thinks that the P5+1 have legitimized its nuclear enrichment capability, thereby validating its nuclear calculus.

The American public is understandably war-weary. I do not desire to go to war with Iran either, and that is precisely why I am concerned about the Administration's approach in these negotiations. If the Administration signs on to a comprehensive deal that legitimizes Iran's capability to enrich and that does not dismantle the nuclear program as well as the arsenal surrounding Iran's nuclear program, I fear that a future President may have to seriously contemplate taking military action to enforce such a deal or to protect our allies in the region. This is the worst possible outcome.

This is a very serious and complicated issue. And, again, I thank our expert panel for being here today, and I look forward to their testimony and insights.

Mr. Smith.

[The prepared statement of Mr. McKeon can be found in the Appendix on page 37.]

STATEMENT OF HON. ADAM SMITH, A REPRESENTATIVE FROM WASHINGTON, RANKING MEMBER, COMMITTEE ON ARMED SERVICES

Mr. SMITH. Thank you, Mr. Chairman.

Well, let me just say, if, in fact, the United States agrees to the kind of deal that the chairman just described, then I think it would be a grave and terrible mistake. But what you just described, there is no resemblance whatsoever that I can see to what I have heard we are trying to accomplish.

And let me be clear on one point. Without question, Iran is a bad actor, you know, independent of the nuclear issue. Since 1979, they have been pretty much nothing but a bad actor on a lot of different issues. And we will have to confront that no matter what. Whether we get a nuclear deal or not, Iran is going to continue to be a challenge and continue to be a threat that we have to measure and contain.

But the question, the calculus that we have made is, are we better off with that Iranian threat if we can take the nuclear piece of it off the table? And I think there is no question about it. Iran is terrible; Iran with a nuclear weapon would be, you know, a much, much more difficult situation to deal with. So any steps that we can take to stop them from getting a nuclear weapon, I think, are important.

And the sanctions regime has, in fact, been working. It drove them to the table. It drove them to the table because of the impact that it has had on their economy, which has been devastating.

And I am well aware of what Iran wants. What Iran wants is they would love to be able to get a nuclear weapon without international condemnation. That is what they would love to figure out. But, unfortunately for them and fortunately for us, that is not

going to happen. If they pursue the nuclear path, there will be sanctions and there will be huge economic consequences, as there already have been.

Point number one, we did not lift those sanctions in the interim agreement. It was a very, very small piece that was given to them. All of the sanctions put in place are still there. It is still having its impact on the economy. It gives Iran an incentive to come to the table.

Now, if they come to the table and don't offer something that gives us confidence that they will not develop a nuclear weapon, then we shouldn't take the deal, absolutely. But pursuing these negotiations is the logical extension of sanctions. If we say to Iran, look, no matter what you do, no matter what you say, we are simply going to keep sanctioning you, then we give them incentive to just go ahead and build a nuclear weapon.

And I think one of the biggest mistakes that I have heard in this debate, and I would be interested in hearing your comments on it: Everybody says that Iran is hell-bent to get a nuclear weapon, that they have made that decision, they are working towards it. And that simply isn't true. And the reason I know that is not true is because, back in 2005, I was told that Iran was 6 months from having a bomb. And I believe that is true. I think they have been 6 months from having a bomb for 9 years. They have chosen not to build one. Why? Why? Because of the sanctions, because of what they are concerned about.

So there is absolutely an opportunity to stop them from going down that road. Now, it is not easy, and I will evaluate this agreement based on whether or not it truly does stop them, but we have to at least try. I am going to be very interested from our witnesses today, what is the minimum in a negotiated agreement that we need.

Now, I will tell you, you can't unring the bell. There is no agreement that is going to make us positive that, under no circumstances, never, ever, ever will Iran pursue a nuclear weapon again. But there are things that we can do that will significantly take down their enrichment, that will put in place a coercive inspections regime that will give us confidence that they are not building secret facilities. And if we can get that agreement that will tell us that we are going to know if Iran breaks it, then I think that is worth doing to stop Iran from getting a nuclear weapon.

It is a difficult thing, and I will close by—one thing, I am not optimistic. I am not optimistic that Iran will be willing to give up what they need to give up in order to get this deal. And if that comes to pass, we will have to continue with the sanctions regime. We will have to continue trying to discourage them in that way. But I think it is folly not to at least pursue it to see if we can take the nuclear weapon off the table and deal with Iran on these other issues, you know, as we have dealt with them before.

The choice here isn't, you know, we can force Iran to give up all of their bad behavior. I wish that option was on the table. The choice here is, can we take a realistic step that is going to stop them, continue to stop them, from getting a nuclear weapon? And that is what I want to hear our witnesses talk about. What are those specifics that we are going to need to have, in your esti-

mation, to give us that confidence? And then what your level of optimism is about, you know, whether or not we can reach this agreement and whether or not Iran is truly serious about it.

I yield back and look forward to the testimony.

[The prepared statement of Mr. Smith can be found in the Appendix on page 39.]

The CHAIRMAN. Thank you.

Mr. Tobey.

STATEMENT OF WILLIAM H. TOBEY, SENIOR FELLOW, BELFER CENTER FOR SCIENCE AND INTERNATIONAL AFFAIRS, HARVARD KENNEDY SCHOOL

Mr. TOBEY. Chairman McKeon, Ranking Member Smith, it is a privilege to testify on a matter of surpassing importance. Preventing Iran from attaining a nuclear weapon is a matter of vital national security interest to the United States.

Should we be satisfied with a deal that simply pushes Iran from 2 months to 6 months away from the nuclear threshold? Or should we expect more—that is, evidence of a fundamental decision not to pursue nuclear weapons?

Last April, Secretary of State Kerry noted that Iran had reached a point perhaps only 2 months away from being able to produce sufficient fissile material to fabricate a nuclear weapon and raised the possibility of pushing that timetable back 6 to 12 months.

Accepting a situation in which Iran insists on keeping a loaded weapon on the table but simply moves its finger farther from the trigger would not appear to offer sound prospects for long-term success. If Iran has not made a fundamental decision to foreswear nuclear weapons in return for better relations with other nations, Tehran will work to erode the firebreak by means overt and covert. And we have seen this situation in the past in North Korea.

How can we judge whether or not Tehran has made such a fundamental decision, and how might we ensure that it endures? Satisfaction on three points would provide such insight and, just as important, offer the means to verify compliance or to detect cheating. These three potential elements of an agreement focus on preventing covert activities. They are: resolving concerns regarding possible military dimensions of Iran's nuclear weapon program; comprehensive monitoring of nuclear-related procurement and manufacturing; and enhanced authorities for the International Atomic Energy Agency [IAEA].

The first and most important step to ensure that Iran's nuclear weapons activities have truly ceased and will not restart is to get to the bottom of what the International Atomic Energy Agency calls "possible military dimensions to Iran's nuclear program." Who did what, when, and where?

The declaration can be verified by personnel files, invoices, manifests, inventories, disposition records, equipment, and buildings. The IAEA will construct a mosaic of the Iranian program. Some tiles will be missing, others might be fake, but the best way to understand the program and to ensure that it has stopped is to have as complete a picture as possible to identify and resolve inconsistencies.

The November 2013 interim agreement calls for a joint commission to facilitate resolution of past and present issues of concern. The White House fact sheet on the deal contends that this includes possible military dimensions of the Iranian nuclear program, but such an outcome is by no means assured.

The second step to guard against resurgence of a covert Iranian nuclear weapons program would be to authorize the IAEA to monitor comprehensively all nuclear-related and dual-use procurements by Iran to ensure that they are used solely at declared facilities. Credible information on undeclared nuclear procurements could be considered prima facie evidence that Iran is violating the agreement. As a part of this process, the IAEA will also need to monitor related production within Iran.

A third step to guard against resurgence of a covert Iranian nuclear weapons program would be to enhance the powers of the IAEA beyond the Additional Protocol. Evidence of Nonproliferation Treaty cheating is often subtle, taking the form of inconsistencies and irregularities. The IAEA must have ongoing authorities to pursue these anomalies should they arise, including access to documents, people, and facilities.

These terms—getting to the bottom of possible military dimensions, comprehensive procurement monitoring, and enhanced authorities for the IAEA—cannot guarantee Iran's compliance with a deal to block its pursuit of nuclear weapons. They can, however, test Tehran's willingness to abide by a deal and, even as the negotiations proceed and if a deal is concluded, act as a deterrent to those who might seek to cheat on it.

Would insisting on these terms be worth risking the possibility of no deal? Mr. Chairman, given the stakes invoked in the Iranian nuclear issue, we cannot afford a situation in which Tehran pretends to comply and we pretend to believe it.

Thank you.

[The prepared statement of Mr. Tobey can be found in the Appendix on page 41.]

The CHAIRMAN. Thank you.

Mr. Singh.

STATEMENT OF MICHAEL SINGH, MANAGING DIRECTOR, THE WASHINGTON INSTITUTE FOR NEAR EAST POLICY

Mr. SINGH. Mr. Chairman, Ranking Member, members of the committee, it is an honor to be here today. Thank you for inviting me.

The Iran nuclear negotiations are often reduced to a set of technical issues, such as breakout time, inspection regimes, and so forth. Those are vitally important issues, and my colleague here on the panel covered them, I think, very well, some of them.

But I think it would be a mistake to view any agreement as primarily or merely technical, because any agreement is going to have profound strategic implications for the United States for good or for ill. And what makes a deal a good deal or a bad deal I think needs to be measured not just in terms of breakout time but in terms of how it advances or sets back American interests in the Middle East and beyond. And I am going to talk a little bit about what I think

needs to be in a deal beyond the technical issues to accomplish that.

We all know that the nuclear weapons program has three elements. There is fuel fabrication, weaponization, and a delivery vehicle. And let me just go through each one of these things briefly.

Fuel fabrication. Again, I am not going to cover in detail the centrifuges and so forth; my colleague has done that well. We need to recognize, though, that the technical compromises we make, however merited they may be or not, will also have strategic implications. They will send messages to folks in the region, especially if we are moving back from a position that we once held. And we need to make sure that we communicate what we are doing very clearly and that we take into account those strategic implications when we make compromises.

We also need to take into account that whatever we permit Iran to keep in terms of nuclear capabilities, others in the region and beyond will have an incentive to match. And so we have to also think about what we allow Iran in terms of the implication for the global nonproliferation regime and our global interests, therefore.

When it comes to weaponization research, here I would just identify myself with Mr. Tobey's comments on making sure that Iran comes clean on what it has done in the past. This will not only facilitate the work of the inspectors by giving them a roadmap to Iran's full nuclear ecosystem, it will give them a baseline for comparing future Iranian declarations and any intelligence information which we gather about Iran's activities, and it also helps us to determine exactly how much progress Iran did, in fact, make on weaponization and whether, in fact, they have stopped—issues where I don't think that we can say we are 100 percent certain at this moment.

I would also say that, just as a practical matter, we can't really expect much from this agreement going forward if it doesn't begin with transparency. If it begins with obfuscation or dishonesty, I think it starts on the wrong foot.

The third element is missiles, Iran's delivery vehicles. This is controversial, in a sense, because the Iranians have said it can't be included and P5+1 officials have been ambiguous on the matter.

But if you look at Iran's missile capability—Mr. Chairman, you said Iran has the largest missile arsenal in the Middle East. That is right, as far as I know. They are also the first country to develop 2,000-kilometer-range missiles without first having a nuclear weapon. We also see that Iran's missiles, because they have poor accuracy, are not suited for conventional payloads; they are part of a nuclear weapons program. Iran is working, as you know, on a space launch program and could have, according to the Defense Department, ICBMs [intercontinental ballistic missiles] by 2015 at the earliest.

So, in a sense, this is the leg of Iran's nuclear program which needs the most work. And I think that we need to be sure that Iran doesn't use the time and space provided by an agreement to perfect this last leg of their nuclear program so that in a couple years they come out having all three legs where they want them and ready for breakout.

One more thing on this. Addressing missiles and weaponization will also ensure that, because there are these competing power centers in Iran—civilian, military, and so forth—that those military power centers, and not just the civilian ones, are bound by any agreement we reach and that inspectors will have insight into what the military is doing on the nuclear front, as well, not just the civilian authorities.

One additional consideration for the agreement I think has to be the enforcement mechanism. It is one thing to have great inspections and robust inspections and to have strict limits, but what do we do if Iran cheats? We need to decide that up front. And I think that, as a condition of U.S. agreement, we need to ensure that the U.N. [United Nations] Security Council gets behind very vigorous enforcement mechanisms.

I think we also need to plan what happens if Iran bends those lines that we have set instead of breaking them. If they delay inspections or harass inspectors, we need to know what we will do in response and what our allies are prepared to do in response as a condition of our agreement.

Finally, this issue of regional issues and whether they should be part of an agreement. For me, I think this is a very difficult issue, because on the one hand we are concerned about far more than just Iran's nuclear program. And many of our allies in the region, especially our Arab allies, are more concerned about Iran's regional activities in places like Syria and elsewhere than they are about even Iran's nuclear program, and they don't like the prospect of our relieving pressure before those issues are addressed. At the same time, though, I think that they worry about the optic of our dealing bilaterally with Iran on these regional issues over their heads and right now don't necessarily trust us to come to the right conclusions on those regional issues.

So I think, in balance, what we need to see is we need to leave those regional issues out of the nuclear negotiations but deal with them very firmly separately, ensure that we leave pressure in place and sanctions in place to put pressure on Iran on those issues and, frankly, also improve and make firmer our commitment to the Middle East security in places like Syria, Iraq, and elsewhere as part of the context, the broader context, for this agreement.

I also worry when it comes to regional issues that, as we saw from Iranians yesterday, from President Rouhani's chief of staff, that they view the regional issues as leverage to get us to dilute our positions on the nuclear front.

Mr. Chairman, let me just end by saying that, whether we like it or not, many people, including in the region, see this as the most important issue in the region, with everything else that is going on. And we are going to be judged, in terms of our commitment to the Middle East, in terms of our commitment to our own interests, by how this agreement comes out and how firm and strong an agreement it is.

Thank you.

[The prepared statement of Mr. Singh can be found in the Appendix on page 56.]

The CHAIRMAN. Thank you.

Ambassador Pickering.

STATEMENT OF AMBASSADOR THOMAS R. PICKERING, DISTINGUISHED FELLOW, BROOKINGS INSTITUTION

Ambassador PICKERING. Thank you, Mr. Chairman and Ranking Member Smith. It is a pleasure and honor to join you and all the members of the committee, and I thank you very much for the invitation.

Since 2013, we have seen a shift in the U.S.-Iran relationship. Official bilateral talks held confidentially, the important election for the President of Iran, won by Hassan Rouhani, and the successful completion of the first step of negotiations with the November 24th, 2013, Joint Plan of Action have opened the door to progress. Today this committee wishes to discuss how this progress and a possible comprehensive agreement can impact U.S. strategy in the region and beyond.

The U.S. strategic objective in the Middle East should be a stable and secure region, open to commerce, to ideas, and to interchange. States in the region should have the opportunity to cooperate, enjoy peaceful relations and trade among themselves. It should be a region without nuclear, chemical, or biological weapons and, I would certainly add, without a strong offensive missile capability, particularly at longer ranges.

I want to be clear that I strongly oppose Iran acquiring nuclear weapons and am deeply concerned about its support for terrorism and Hezbollah, its violations of human rights of its citizens, and its threats against Israel.

I recently led a delegation for the Iran Project to Israel and exchanged points of view with the highest levels of the Israeli government, military, and intelligence leadership, as well as respected foreign policy experts. We were well-received, and we had engaged discussions of key issues pertaining to Iran and its nuclear program, which lead to a greater understanding of Israeli assessments and outlook on this issue. We plan to continue these informal exchanges.

The U.S. strategy should be to develop policies in support of its long-term goal of a more stable and secure Middle East through peaceful processes, with the use of force reserved only to address the most extreme and unmanageable threats to U.S. security. At the same time, we must recognize that this part of the world is likely to pass through many years, perhaps decades, of turmoil, violence, and problems that only the leaders and the people of the region can resolve finally for themselves. What role the U.S. can play and what goals we have laid out are important.

An important variable in looking at the strategic outcome is whether the comprehensive nuclear agreement with Iran can be reached and on what time scale. Here, as we assess the strategic implications of that, there are two cases, obviously: an agreement or no agreement.

Before we assess these two scenarios, however, there are important implications for the U.S. policy in terms of what has already been agreed. And it is instructive to acknowledge that Iran has, in fact, complied with its commitments taken last November in the Joint Program of Action. The IAEA, the International Atomic Energy Agency, which has long been skeptical of Iran's seriousness,

has provided monthly reports verifying the scale and timeliness of its actions.

And, under the Joint Plan of Action, Iran agreed to take several major steps to limit its nuclear capacity. In my testimony, I list these, but the most important is to get out of the 20-percent enrichment business and to convert that stockpile to something that cannot be rapidly enriched to higher levels.

But there also have been a number of other important steps, including capping the number of centrifuges, limiting centrifuge production, capping enrichment at 3 to 5 percent, keeping the enrichment stockpile at the size and level it was when the agreement went into effect on the 20th of January, and preventing the startup of new centrifuge types and their use in the Iranian program, all of which the IAEA says Iran has been complying with.

And, for the first time, the expanded safeguards have covered verification, something along the lines that Mr. Tobey and Mr. Singh have talked about. And I believe these represent a serious and important start.

The consequences for U.S. strategic and defense issues and interests in the Middle East without an agreement are important. We are left there with two really unpalatable options: containing a nuclear-armed Iran or going to war. It is possible that Iran will decide not to pursue a nuclear weapon—and Mr. Smith referred to their attitudes on this up until now—even if an agreement is not reached. But understanding the consequences of alternative strategies to diplomacy is also important.

And let me be clear about that. There are limits on the use of force in preventing a nuclear-armed Iran. The use of military force by Israel or the United States, at best, according to the best experts' estimations, could set the Iran program back only 2 to 4 years. It would not eliminate it. Iran's nuclear capability is unfortunately in the minds of its scientists at the moment, which can't be taken out by the use of force alone. In fact, military intervention, short of a decision by Iran to go for a nuclear weapon, might actually stimulate that kind of a decision, and that is important to consider.

The failure to reach a diplomatic solution would have profound political implications inside Iran, as well. It will certainly weaken the moderates and embolden the hardliners, which would most certainly impact questions of human rights, political openness and freedoms, and all of the other related issues that concern us worldwide.

Moreover, if an agreement is not reached, the U.S. and its allies in Western Europe will have no alternative but to fall back on adding more sanctions, which presents, in itself, new problems. We have learned from the past year that sanctions have worked to get the Iranians to the table to negotiate seriously about issues of great importance to our national security. Yet the imposition now of more sanctions to achieve a better deal will not, in my opinion, having looked at the Iranians for a long period of time, lead to Iranian capitulation on this issue.

Sanctions are not in themselves alone the objective but are clearly the means to reach a specific goal—in this case, preventing Iran from acquiring a nuclear weapon. Sanctions work best, if at all,

only when the diplomacy around them can work. And additional sanctions during the diplomatic process could very well upend the entire course of the discussions, losing the transparency that we have gained in the Joint Program of Action and rolling back the important progress we have already made.

If the U.S. were to walk away from a deal that most of the other P5+1 partners believe fulfills our main objective, those countries are no longer likely to see value in abiding by the strict sanctions regime that has been set in place under American leadership. This would leave us alone to enforce largely unilateral sanctions, which we know are unfortunately less effective.

The consequences of reaching a comprehensive agreement are the opposite. The impact of an agreement that meets U.S. security needs would enhance our security as well as that of the other nations in the region. It would include a significant reduction in the Iranian program, the institution of the kind of intensive monitoring system that has been recommended by the other witnesses and with which I agree, the prevention of Iran from achieving a nuclear weapons capability.

And my testimony assumes that neither the U.S. nor Iran would accept an agreement which was not in their long-term interest. Such an agreement, if it holds, could mark the beginning of a longer process of further efforts, including resolution of many of the problems between the two countries.

Early efforts could take many different forms, including confidence-building measures; attempts, as Mr. Singh has outlined, to discuss and agree on regional questions as well as longstanding questions between the U.S. and Iran stemming back to the fall of the Shah.

The process would be long, tenuous, and demanding. No early establishment of full diplomatic relations or normalization of those would be likely. Thirty-five years of mistrust and misunderstanding won't disappear overnight despite the emergence of areas of mutual interest, such as the possibility for cooperation on Afghanistan and now, quite possibly, on Iraq.

Even if the U.S. were to expand its relations with Iran over coming years, we are unlikely to ever want to accept Iran as a hegemonic force in the region nor withdraw U.S. military presence from the region. We have simply too much at stake with our friends and allies in the GCC [Gulf Cooperation Council] states, in Iraq, and with Israel to shift our strategic focus on the Gulf. Despite recent signs of instability and uncertainty in Syria and Iraq, the U.S. is unlikely to engage in seismic shifts in its policies.

Regional strategic implications are harder to read and predict. The sharpening of sectarian conflict between Sunni and Shia, which we are reading about in the papers this morning, has impeded a rapprochement between Arabs and Persians across the Gulf. Yet both sides, at least on the surface, still profess to be committed against war and open for high-level visits and even seeming agreement, if not full cooperation.

Saudi Arabia and its Arab neighbors will need to be satisfied and assured that the U.S. stands with them even as they seek some regional accord with the parties in the region, including Iran. More importantly, the U.S. support of Israel's security must and will re-

main the cornerstone of American interest in the region, and U.S. relations with Iran will not change this commitment.

Rather than being taxed with building new relations with nations at odds with each other, whether it is Israel or across the Gulf, the U.S. needs to act carefully to achieve better balances on both sides without upsetting its own relationships. And this is a major challenge for our diplomacy.

Without a comprehensive agreement, we can expect even more strategic challenges. Could the absence of an agreement encourage Iran to push for nuclear weapons? The answer to this is not clear, but, certainly, all contingencies have to be considered.

The U.S. seeks a reduction in breakout time for Iran in any dash to a nuclear weapon, which is outlined in the comprehensive agreement. Without an agreement, the U.S. and others could still use sanctions, negotiations, and other measures short of force to prevent a potential breakout. Should that fail, in the event Iran were to decide to break out, the implication is clear that the U.S. would keep open its option to use force.

My testimony then summarizes those points. It talks about the comprehensive negotiations and where they are. Just a brief set of statements on where I believe those negotiations are today and how we envisage things for the future.

Both parties seem committed to finish the current process by July 20th, 2014. The early stages went quite smoothly. Serious differences, however, remain. And they are reported to cover enrichment, the numbers and other characteristics of centrifuges and the amount of low-enriched uranium which would be allowed to be produced under the deal; the Arak reactor and plutonium output; possible military dimensions concerns, now being handled by the IAEA, which, also, my colleagues here at the table focused upon; the extent of inspection, which I believe is extremely important; sanctions relief; and the duration of an agreement. There are possible paths through each of these issues, and an agreement will have to require very tough compromises.

Iran is focused on creating a peaceful civil program, it says, protecting what it has already achieved, in part to address domestic political opposition in Iran, which remains strong. The U.S. seeks a minimal Iran civilian program capable of meeting its current needs without significant increases in breakout time. The scope of subjects to be resolved is reportedly agreed, and some progress has already been made on a number of these issues.

My humble opinion is that it will be a real stretch and a hard push to get all of this in place by the 20th of July, much as it represents important advantages for the parties on both sides.

Thank you very much, Mr. Chairman.

[The prepared statement of Ambassador Pickering can be found in the Appendix on page 67.]

The CHAIRMAN. Thank you.

Mr. Tobey, Mr. Singh, in your testimony, you describe what should be included in any comprehensive deal with Iran.

As I said in my statement, I am pessimistic that the Administration will push the P5+1 to sufficiently address in a comprehensive deal Iran's state sponsorship of terrorism, its ballistic missile pro-

gram, any covert activities, and the conventional military programs that support the military dimensions of Iran's nuclear program.

If the Administration does not address these facets that support Iran's nuclear program and its ability to project power, what would be the implications for security in the region and beyond?

Mr. SINGH. Well, Mr. Chairman, if I could just start on that, I think that if we do not address especially the other elements of Iran's nuclear weapons program, its nuclear weapons capabilities, besides fuel fabrication—and let me be clear, I think it is very important that we extend Iran's breakout time as much as possible. I don't think it was wise to abandon our position arguing for no enrichment in Iran and no plutonium activities in Iran, but we are well beyond that point now, obviously.

If we don't, however, address those other two legs of the nuclear stool, as it were, then we really haven't fully addressed even the nuclear weapons program. And I think that we will leave Iran in a position where it can continue to work towards a nuclear weapons capability and perfect a nuclear weapons capability, even if it has paused certain elements of its fuel fabrication program.

We also, I think, put at greater risk the chance that Iran could covertly develop a nuclear weapon, because it would be openly and permissibly working on those other elements of a program, which means it would only covertly have to address the fuel fabrication side of things.

I think, also, for our image in the region, our prestige in the region, an agreement which is very minimalist will result in some, as I mentioned in my testimony, negative reverberations within the region, because people will see it, in a sense, as a triumph for Iran and as a sign, again, that the United States has a weakening commitment to the region.

Ambassador PICKERING. Mr. Chairman, may I make a remark or two on your question, which I think is extremely important.

Since the beginning of the negotiation effort, beginning with the Bush administration and now the Obama administration, there has been a very strong reluctance to add to the nuclear negotiations other issues, however important they are. And that reluctance was based in, I think, a well-founded concern, which Mr. Singh mentioned in his discussion related to his testimony, and that was that the more things we add to the present deal, the more likely it is we are going to have to pay in the coin, if I could put it this way, of nuclear concessions to get the kind of additional objectives we want.

And that it is very clear, as Mr. Singh said, that a missile without a nuclear capability is much less dangerous than one with. And, therefore, focusing our time and attention and putting every effort behind putting the nuclear business in a situation where we believe we have now high confidence that they will not develop a nuclear weapon, which is the objective of the comprehensive agreement, in my view, is probably worth the priority we have assigned to it, rather than to attempt to create a kind of grand bargain, including both the missiles and the nuclear weapons issue at the same time.

I have thought a great deal about this because, seemingly, on the surface, dealing with missiles is persuasive. But missiles without

a warhead puts us in a lot stronger position to deal with missiles as a second issue, and I would certainly recommend very strongly that missiles not be left behind.

But I think it is important to consider the thinking of both Administrations in this.

Mr. TOBEY. Mr. Chairman, my fellow panelists have dealt with other aspects of your question. I would like to focus on the covert problem, as I did, really, in my testimony.

I think a failure to deal with the covert issue and focusing on—you know, there are really three ways in which Iran could attain a nuclear weapon. They could break out of the treaty using declared facilities, they could sneak out of the treaty using undeclared facilities, or they could buy a weapon or materials from some other state. Those are the theoretical possibilities.

A lot of the focus of the negotiations has been on the overt facilities, putting in place a firebreak that would make it a longer period during which they would need to break out of the treaty. I am concerned that the most likely path that Iran would take would be use of covert facilities. And that is why I recommended the three elements of a deal that I did.

The CHAIRMAN. I might be very naive, but it seems to me, if they were just wanting to have nuclear capability to provide energy for their nation, they wouldn't have to have their facility under a mountain. It could be open. They could have inspectors. I mean, it could be totally transparent.

And it just seems to me that it is so obvious what their real goal is that anything else that we think about is just kind of superfluous to the situation. I just think we just play right into their hands. The longer we talk, the more they are able to do. And it just seems that we just play right into their hands on this whole subject.

Is Mr. Smith gone?

Ms. Sanchez.

Ms. SANCHEZ. Thank you, Mr. Chairman.

I appreciate the fact that we are holding this hearing today. As you know, the 18 years I have been here in the Congress, I think I have been on the subcommittee that deals with this for 16 of those 18 years. So I am incredibly interested in this topic.

And I think that there is real doubt by many of us here that there is going to be a deal by July 20th on the P5+1. And I think when we hear the chairman and, you know, his understanding of the situation, our understanding, the negotiations that are going on with respect to the number of centrifuges and giving that up, the Arak heavy water reactor, all of these issues, I think, give us an inability to trust that even if we made a deal that the deal would be followed through.

When I look back, I look at the fact that Iran has defied six U.N. Security Council resolutions that have called for it to suspend uranium enrichment and reprocessing activities and that it has consistently pursued, I believe, a very covert action of enrichment in its capabilities. And it is, of course, very evident that it has ignored or not allowed IAEA inspectors full access to nuclear-related sites.

So my questions—I have several. The first would be, how can the P5+1 more effectively pursue better monitoring and verification

processes during these ongoing negotiations? That would be my first question.

And how can we ensure that the IAEA inspectors can have better access to Iran's facilities? Because a lot of this negotiation deals with ability to verify and actually go in and seek out these issues.

So that would be my first set of questions to whomever.

Yes, Doctor?

Ambassador PICKERING. Perhaps I could begin.

I think that your point is very important, and, indeed, full inspection and monitoring is a critical question in dealing with a lot of potential issues.

The Joint Plan of Action itself has unprecedented new monitoring arrangements in the current 6-month period for the International Atomic Energy Agency, including for the first time ever inspection of centrifuge parts, production, and centrifuge assembly plants, including daily access to Iran's nuclear facilities, something that has been, I think, speeded up and is unusual, and including, instead of providing the world with quarterly reports of what is happening in Iran, the IAEA is now providing monthly reports on Iranian compliance with all of the aspects of the Joint Plan of Action.

The IAEA is clearly, in my view, at an absolute minimum, going to have to apply something called the Additional Protocol, something the Iranians agreed to for a period of 2 years. They signed but did not ratify. And at the end of the 2-year period, because of their objections to continued Western insistence that they go to zero centrifuges and zero enrichment, they resumed a regular inspection cycle rather than the Additional Protocol.

The Additional Protocol provides a great deal more access, including at the choice of the IAEA, rather than on the basis of prior agreement. I, myself, have believed for a long period of time we also ought to draw lessons from the Iraq inspections that were under a separate negotiated arrangement with Iraq stemming out of Iraq's invasion of Kuwait in 1990 and indeed the period after that and a series of U.N. resolutions. That, at a minimum, in my view, should give the IAEA anytime, anywhere access, which was the standard in Iraq.

And it turned out, in fact, that that standard was a lot better, despite the fact that the Iraqis had on occasion tried to resist those inspections. Nevertheless, it was the mobilization, put it this way, of international strength and support, our military presence in the area, the no-fly zone, and, indeed, other capabilities which, in the end, I think helped a great deal to get the kind of level of assurance that we had. Those kinds of approaches are important.

Finally, since Iraq and, indeed, since the Additional Protocol, new technical techniques for examining and following the kinds of activities that should constitute part of the inspection mechanism should themselves be incorporated in any new ramified inspection arrangement with regard to Iran.

That obviously has to be based on access, but with the access of the Additional Protocol and what I would suggest beyond that, I think we have gotten close to the kind of inspection that can give us not absolute certainty but at least a high confidence that our

system can not only monitor what is already going on but have a reasonable chance of finding covert activities.

The reasonable news is that, up until now, when Iran started hidden activities, we had a very good indication through our national intelligence mechanism several years ahead of the actual declaration of those facilities, about which the Iranians disputed with the U.N., but, nevertheless, we knew.

I think, finally, we have a huge envelope of ambiguity against the Iranians in attempting covert activity, particularly if we make our capacity to respond to that, up to and including the use of force if necessary, as clear and on the table as a part of the agreement; the ambiguity being that the uncertainty on their side and the consequences of failing to comply with the agreement become a great deal more punishing than the uncertainty on our side.

And that is helpful in deterring the Iranians from moving in that direction, but I would be the first to say we will never achieve 100 percent. We can achieve very high confidence, as you know. On a regular basis, General Clapper is able to tell us in his annual report that the Iranians have not made a decision to make a nuclear weapon, and he continues to say this with what he calls high confidence, which, as I read the intelligence in this particular issue and the judgments about intelligence, is a pretty solid basis for making that kind of conclusion.

Ms. SANCHEZ. Mr. Chairman, I would just like to put on the record that if we are to continue down this particular path of this negotiation, this "anytime, anywhere" issue for me is really a make-or-break. Because, you know, the problem is not what they are going to let us take a look at; the problem is what they don't show us in what they have. And that is where all of these issues have occurred.

And thank you for your indulgence on the time, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Wilson.

Mr. WILSON. Thank you, Mr. Chairman.

And I join with you that I am very concerned about superfluous, to me, almost wishful thinking, as world peace is at risk with the potential of Iran developing a nuclear capability. And I appreciate, too, that the concerns we have really are bipartisan. There is just such a concern.

We need to, I think, refresh our memories. And that is that, in considering these negotiations with Iran, a state sponsor of terrorism, I believe that the President is putting American families at risk by ignoring the clear threats of Iran's rulers. In fact, I believe that weakness will lead to conflict and more attacks worldwide.

In 1983, we should not forget, but somehow people have, that the bombing of the Marine barracks in Beirut was by Iran. It was the largest explosive device since Hiroshima; 305 personnel were killed. We should remember that, of course, it was Iran that produced the IEDs [improvised explosive devices] to kill American troops in Iraq and Afghanistan, killing civilians too. And it is horrific that these IEDs were used, vehicle-borne, to purposely kill Iraqi children. This was not an accident.

The President has failed to encourage the Green Revolution, where the young people of Iran wanted change, regime change.

And the people seeking regime change actually were shot and killed in the streets and were not given the encouragement they should. And we know Iran is the culture of ancient Persia, and there is a great history that should be reestablished but not through an authoritarian regime.

And, just this spring, we know that Iran was transshipping missiles to terrorists. But, fortunately, Israel has stopped this transfer.

The message that we should understand—at rallies in Tehran, the signs that are carried are in English for our benefit, and they are very clear. They say, "Death to America. Death to Israel." That is what they mean.

In light of that, Mr. Singh, as Iran refuses to reveal the extent of its nuclear program now while talks are ongoing, what would make anyone believe that they would reveal the extent of these programs accurately once a comprehensive agreement is reached?

In your view, should the P5+1 sign a comprehensive deal with Iran if Iran has not fully satisfied all the IAEA concerns regarding possible military dimensions?

Mr. SINGH. Thank you, Congressman.

I think it is an excellent question. I think the answer is "no," that this has to be a key element of what we do.

Right now, this is being pursued by the IAEA, this question of possible military dimensions. And let's face it, that word, "possible," is a bit generous. These are military dimensions to a program. That is what the weaponization research is for.

And these clearly need to be resolved, and we need to see Iran come clean. Because it is important, I think, that this start from, as Mr. Tobey said, a clear strategic decision by Iran to leave the military elements of its program behind. And unless they are willing to do that, then I don't think we should sign an agreement.

I think it is also very important for the inspectors. And the Congresswoman's question about how do we strengthen inspections, I think that having these issues resolved, having Iran come clean on its past activities is absolutely key to that so the inspectors have a roadmap, have a baseline.

But there are other elements to that, Congressman. I think we need to make sure that we keep our own intelligence resources in place, that we don't start drawing them down because we think this issue is finished after an agreement is signed. We have to keep our eye on Iran.

I think it is important that we keep military forces in the region, that we don't draw those down, thinking that the problem is solved after an agreement is signed, because, again, we need a credible enforcement mechanism and a credible military threat if necessary, which hopefully we will never have to use. So I do think that that is an incredibly important part of the program.

Look, I think that what we really want to see is a strategic decision by Iran to forego any hope of having nuclear weapons in the future. We would like to see a broader shift by Iran such that we could have a better relationship with them. But I don't see yet evidence of that shift, nor am I necessarily confident that if we sign a nuclear agreement you will start to see that kind of broader easing of tensions. We could hope for that, but I think we need to be clear-eyed, we need to be realistic.

And we are going to need to continue to push back, I would say, far harder than we are now on Iranian shipment of arms, Iranian support for terrorism, and other activities like that, in part to show our allies that we are not stepping back from the region in the wake of an agreement.

Mr. WILSON. And I appreciate that very much. And I share your concern. And, hey, the thought that we would be considering military dimensions—as we know, they are developing a ballistic missile capability that could attack southeastern Europe all the way back over to India. So our allies are at risk.

Thank you.

The CHAIRMAN. Thank you.

Ms. Davis.

Ambassador PICKERING. Mr. Wilson, could I just make a comment on what Mr. Singh——

The CHAIRMAN. The gentleman's time has expired, so we need to move on.

Ambassador PICKERING. Okay.

The CHAIRMAN. Ms. Davis.

Mrs. DAVIS. Thank you, Mr. Chairman.

And thank you to all of you.

It seems to me that we are looking at a number of continuums here, I mean, from what I guess we might see as ideal to absolutely horrible, in addition to the time factors that we are looking at. And I wonder if you could talk a little bit about that and where time itself fits into this and who it is serving.

The sanctions seem to have had an impact in terms of bringing Iran to the table, but how much longer and how more aggressive if we were to move in that direction in a different way? Where do you see that? I mean, is there a breaking point here, in some ways, in terms of Iran and the impact of those sanctions and, certainly, the public reaction as well? Some people have talked about face-saving measures, things that are needed. Could you help out with that?

Ambassador PICKERING. Perhaps I could take a shot at that.

I think that up until November it was, I think, quite clear to all of us, as Iran made larger amounts of 20-percent material and increased the number of centrifuges it had in operation on a regular basis, that time was not on our side.

At least momentarily, through the 20th of July, the Joint Plan of Action gets rid of the 20-percent material, keeps the level of low-enriched uranium stockpile the way it was at the beginning, allows the introduction of no more centrifuges, and, indeed, does a great number of things, not everything, but does a great number of things that I think are helpful.

And various estimates have been made of the amount of break-out time that particular agreement allows us, perhaps going from as low as 2 weeks to something on the order of 2 or 3 months. These are just estimates. I don't know that anybody can, you know, prove this on a stack of Bibles, but I think it is a more comfortable position.

It also set a standard for the comprehensive agreement. The comprehensive agreement must be based on our agreement about an ongoing Iranian civil nuclear program as the basis. It says "joint

agreement," but that means our agreement has to be there. That is an extremely important standard that has to be met.

If time does not allow us until the 20th of July, we have another opportunity, because the Joint Plan of Action allows another 6 months——

Mrs. DAVIS. It includes another step, right.

Ambassador PICKERING. It includes that. And presumably, but I don't know, it would have to be decided whether, in fact, all of those limitations will apply, will there be any more sanctions relief or no more sanctions relief.

My own view would be the status quo, as it exists now, should be extended for additional negotiations if it looks like we have made real progress. If we don't, then we have to face the hard decision as to whether we walk away from the table. And the consequences of that——

Mrs. DAVIS. Right.

Ambassador PICKERING [continuing]. I have laid out in my testimony. I think it is very important.

I would like just to add one more point. Mr. Singh seems to put a lot of faith—he and I don't agree on a lot of things, but I agree on most of what he and Mr. Tobey have said here today, particularly on inspection.

But Mr. Singh seems to put a lot of faith in the notion that the Iranians would somehow tell us that they have been involved in a weapons program and they now no longer are, and I would not. The history with Iran and perhaps with North Korea, I would put a lot of faith in the ideas that they and I have put forward, that it is through inspection and intelligence collection and the best job we can do in squeezing that program down that will give us the faith that they aren't going to go.

And even if they say, in fact, well, we made these steps and we are not serious and we are not going to do it again, thank you very much, I would not at that point be convinced. I would want very much to see an ongoing program of monitored, verified action on their part.

Mrs. DAVIS. Yeah. And I guess there is an expectation there. I would think that they anticipate also that that is part of the deal.

Do you—we are going to go past July 20th, likely.

Mr. SINGH. I think so.

And to be clear, I would say that both are necessary, not just one or the other. I think we have to have an accounting of past work as well as ongoing, very intrusive inspections, where I agree with Ambassador Pickering, for whom I have great respect, that we need to have Iraq-style on-demand inspections.

I have a hard time believing that the current differences that we have between the United States side and our P5+1 partners and Iran on the issues of centrifuges, sanctions relief, the timeline of an agreement can be bridged before July 20th, especially the centrifuge issue, because there we are very far apart.

And it is hard, in a sense, to understand the Iranian position. Because Iran, if it really just wants nuclear power—remember, most states in the world that have nuclear power import their nuclear fuel. We here in the United States import a good portion of

our nuclear fuel. Iran itself, for its one working nuclear reactor, imports its nuclear fuel.

Mrs. DAVIS. Right.

Mr. SINGH. And so it is hard to make sense of that position absent a desire for nuclear weapons.

The CHAIRMAN. The gentlelady's time has expired.

Mr. Franks.

Mr. FRANKS. Well, thank you, Mr. Chairman.

Mr. Chairman, I guess the first thing I should do is to ask for diplomatic immunity here today, because I have heard some things that leave me bewildered or even astonished.

I have heard statements that the goal of Iran is to gain nuclear weapons without international condemnation. And I think, if Iran could gain nuclear weapons, with or without international condemnation, if that was the only thing that they had to worry about, that they would proceed tomorrow.

I have heard it said that there is evidence that they don't intend to do it because they have chosen not to build, when every piece of evidence we have says that they have been pursuing this for a long time.

I have heard it said, you know, that we need to just cap the enrichment to 3 to 5 percent, when most people who are familiar with that process know that, from the time we find uranium in the ground until the time that we can take it to 4½ percent, we are 80 percent or more the way there to a fissile material, to a weapons-grade material.

I have heard it said that we could possibly, only possibly, set them back 2 to 4 years, that somehow we would suggest that the United States of America could not prevent Iran from gaining nuclear weapons if the commitment was there. And I find that just, again, hard to express here.

I have heard it said that there are conclusions that there is a high confidence that they have not made the decision to pursue a nuclear weapons capability, and I would suggest to you that that involves having to have clairvoyance and, especially in the face of any available evidence, points exactly to the opposite.

Mr. Chairman, I believe that this Administration is placing us all on a trajectory where Iran gains a nuclear weapons capability and sets the entire world walking in the shadow of nuclear terrorism. And I find it just astonishing that there is such a casual cognitive dissonance here that somehow that we don't seem to understand how significant the issue really is. To see the world's leading sponsor of terrorism gaining a nuclear weapons capability will cause us to need a new calendar. It will change everything. Our children will never walk in peace again if that happens. The American people understand that, and I am astonished that some of the most erudite leaders in this country don't seem to grasp that.

Mr. Chairman, under the interim agreement, Iran is essentially protected in a protocol for enrichment up to 3 to 5 percent, and Mr. Chairman, I would suggest to you, sir, that that is the whole ball game; that if Iran can enrich uranium or produce plutonium that it is within their power to proceed to a nuclear weapons capability at will. The breakout is just a matter of a few months at most.

And Mr. Chairman, I guess I need to calm down here a little bit and just ask one basic question: You know, we have seen the United Nations Security Council adopt multiple resolutions since 2006 demanding Iran's full and sustained suspension of all uranium enrichment-related and reprocessing activities and Iran's full cooperation with the IAEA on all outstanding issues related to its nuclear activities. And to date, Iran has violated almost all of those resolutions. And if Iran's nuclear aspirations are only for peaceful purposes, why would they continually violate these resolutions and hide their nuclear facilities, as, Mr. Chairman, you said, under a mountain, a very appropriate question in my mind, for decades in these secretive compounds?

So my question, and I am going to send it to Mr. Singh if I could, and incidentally, sir, I think your analysis has been excellent here today. The interim agreement did not fulfill the demands of the United Nations Security Council resolutions and the question is: Do you have confidence that any final deal will satisfy those resolutions?

Mr. SINGH. Thank you, Mr. Congressman.

It does not look like a final deal will satisfy those requirements. What the resolution said was that—and these were often unanimous resolutions—said that Iran had to suspend its enrichment reprocessing and heavy-water-related work. Right now, the heavy water reactor at Arak is continuing, although they have suspended some elements of that under the interim agreement, but it looks like as part of a final deal, they will be permitted to continue with that work. Enrichment we have conceded also on enrichment, as you have indicated, and so, no, I can't say that a final agreement would——

Mr. FRANKS. So, Mr. Chairman, ultimately, the centrifuges are going to continue to spin and this Administration is going to continue to fiddle.

I yield back.

The CHAIRMAN. Ms. Gabbard.

Ms. GABBARD. Thank you, Mr. Chairman.

Good morning, gentlemen. Thanks for being here. First question really goes to transparency in this process, and I am wondering, Ambassador, is it possible or realistic, and if so, how, to create an environment where the IAEA has full access to the entirety of the Iranian nuclear program to include the military sites, and if they are refusing to reveal the extent of their research and development [R&D] now, what would give us any assurance or confidence that once an agreement is reached, that we would have access both to the sites and to the extent of their R&D? And how can we reach an agreement unless we have this?

Ambassador PICKERING. The purpose of the present agreement is to satisfy your second point; that is, that the IAEA will be satisfied that all of the actions taken by Iran under the rubric of possible military developments, that is, actions they took between 1998 and 2003, which we have good reason to suspect were involved in the militarization of their nuclear program, have to be explained and revealed, if I can put it that way, for the reasons that Mr. Singh made clear, and with which I agree, that we can't inspect future

programs if we don't know how they misbehaved in the past. And so that is very important.

That work is apparently going ahead. Will it be done by the 20th of July? I very much doubt it. And that will be an important factor in the consideration. But I don't think we should have a comprehensive deal until we are satisfied on that point. With respect to the first question, is it possible for us to put into place a regime under which we could expect any time, anywhere, and the answer to that is yes. The difficulty is, is it possible to put into a place where we know exactly what is going on in the head of the Iranian leadership at any particular time and at any particular moment? At the moment, we have not yet, with all respect, solved that problem. That is a traditional problem of intelligence where, in fact, we can know a great deal. We may know a lot. Congressman Franks was rather disparaging of General Clapper a moment ago, the Director of National Intelligence, who continues to say, year after year, he believes with high confidence, and if Mr. Franks doesn't really know, he should ask General Clapper because it is important that he understand why General Clapper agrees with high confidence that Iran has not made a decision to go for a nuclear weapon.

But the principal problem is going anywhere and looking at everything gives us a leg up. But it doesn't give us total, absolute, 100 percent, you know, vacuum-proof confidence that we can do it.

Ms. GABBARD. Thank you. Thank you. And the second question for Mr. Tobey: With your involvement and experience with North Korea, I am wondering what lessons learned should we be cognizant of now to make sure that this deal does not end up with the situation where we are today where we continue to deal with a nuclear threat from North Korea?

Mr. TOBEY. There is a very direct lesson. At the time of the agreed framework, there was a dispute between the IAEA and North Korea about whether or not they would have access to certain of the material in North Korea that would give them definitive knowledge of what North Korea had done in the past. The United States actually undermined the IAEA by saying it wasn't worth blocking a deal to go back and understand what had happened before. And unfortunately, that—I think it was done in good faith, and in—with some reasonably credible view that in a time when communist regimes were falling all over the world, the North Korea problem would solve itself within 5 years, and it wasn't worth risking no deal to understand history.

My point about understanding the possible military dimensions in Iran, is that it is worth and it is necessary to have a good deal. And one thing I would clarify with respect to the possible military dimensions, the point has been made that they halted in 2003. Actually, what the IAEA has reported is that there are indications that some activities relevant to the development of nuclear explosive device continued after 2003, and that some may still be ongoing. So this isn't all about history. This is about the future.

Ms. GABBARD. Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. Mr. Lamborn.

Mr. LAMBORN. Thank you, Mr. Chairman.

Last month, I offered an amendment to the National Defense Authorization Act, which stated that the United States should only agree to a comprehensive agreement with Iran if three conditions are met: One, Iran must cease enriching uranium; two, Iran must cease pursuing or developing nuclear, biological, or chemical weapons and ballistic missile technology; and three, Iran must stop supporting terrorism.

These are positions taken by the House in the past. This language was adopted by this committee, and the bill passed unanimously out of this committee and passed the House by a strong bipartisan vote. So let the record reflect that this now is the position of the U.S. House of Representatives.

For Mr. Tobey or Mr. Singh, can you describe the difference between the Israel and the U.S. definitions of what the red line is that should not be crossed, must not be crossed by Iran?

Mr. TOBEY. Well, I am actually a little unclear as to what, if any, red lines the United States has drawn with respect to Iran. I think it was pretty clear from Prime Minister Netanyahu's speech at the United Nations, where he had the graphic that production of 20 percent enriched uranium beyond a certain level was unacceptable to Israel. So I guess that would describe the difference as I understand it.

Mr. LAMBORN. And, Mr. Singh, how would you answer that?

Mr. SINGH. I think that Mr. Tobey is right. I think that the Israelis—but also not just the Israelis. I mean, the Israelis are very vocal on these points, but I think their basic view is shared by quite a few of our allies in the region, that some of the concessions that we have already made in the negotiations go too far for their comfort level. And so there is a lot of nervousness about what we are prepared to concede in this agreement, what we have already conceded in the negotiations, and what sort of stance we will have after an agreement is reached if in fact an agreement is reached.

And so I would say that we—there are significant gaps between the U.S. and our allies, both Israel and the Arab allies, and it is very important that as part of our Iran policy, broadly, we address these differences; that we address these concerns that our allies have, lest we find ourselves again in a strategically much worse position after an agreement is signed.

Mr. LAMBORN. Well, when I look at—my personal opinion is that when you look at those differences, I am inclined to agree with them more than the Administration's position on which is the better approach.

Changing subjects here, Secretary Kerry indicated that we are open to cooperate with Iran on the ISIS [Islamic State in Iraq and Syria] crisis in Iraq. Do you think that if such cooperation with Iran were to take place, that that would give them license to be more aggressive in the region, thus impacting the nuclear negotiations? Mr. Tobey.

Mr. TOBEY. Well, I think, actually, what Iran has—some Iranian officials already have said is that the crisis in Iraq should give them greater leverage on the nuclear matter. In other words, if the United States expects Iranian help in Iraq, the United States should show greater flexibility in the nuclear talks. I think, of

course, that were we to pursue such flexibility, it would be a disaster.

Mr. LAMBORN. Another question, changing subjects. There has been some discussion in the Senate and it has been squelched, but I know Senators Menendez and, from Illinois, Kirk, want to have a—pass a bill, have sanctions in place in case the negotiations break through, do not go forward, as an incentive to the Iranians to keep negotiating. Would either of you two agree with that being a good bill to pass at this time?

Mr. TOBEY. I think the notion of contingent sanctions being real to the Iranian Government is a constructive one for the—a good outcome.

Mr. SINGH. I would just add to that, look, I think in any negotiation like this there has to be an "or else" that is out there for the Iranians. And I think that "or else" can take multiple forms, a credible military threat, which I think right now isn't very credible, or contingent sanctions.

Mr. LAMBORN. And I agree with both of you. I am glad to hear you say that.

And Mr. Pickering, my last question, if Iran were somehow to develop a nuclear weapon, what would be—can you list some of the other countries in the region that would want to have their own nuclear program and/or weapon, just so the public can be aware?

Ambassador PICKERING. Well, I can. I think that we have always been concerned that countries like Saudi Arabia, Turkey, Egypt less so because of the turmoil in Egypt at the present time, although Egypt still a formidable potential power for moving in this direction, and in the past, we saw indications over the last three or four decades of Egyptian interest in this area.

Mr. LAMBORN. Any others? Any others?

Ambassador PICKERING. I think the United Arab Emirates, although we have a very tight 123 agreement with them that rules out enrichment and reprocessing, and so that is important. Could I just mention on contingency sanctions? My sanctions—we have contingency sanctions in place at the present time.

The CHAIRMAN. The gentleman's time is expired.

Ambassador PICKERING. But the Iranians believe, in fact, that sanctions will happen immediately when the President wants it. Thank you.

The CHAIRMAN. Thank you. I—we need to stay within the timelines or we won't be able to get all of the questions in. Ms. Duckworth.

Ms. DUCKWORTH. Thank you, Mr. Chairman.

Mr. Ambassador, it is good to see you. I want to return to the inspection regime, and you know, what we are talking with Iran right now, is that—or all the things we are asking them to do are all reversible, right, not enriching the uranium beyond the 20 percent and the like. But going back to the inspection regime, how confident are you, given U.S. intelligence and IAEA's verification capabilities, that a 6-month breakout window would be a sufficient period of time for us to actually even detect and counter them doing so? I mean, do we have the intelligence capabilities right now to even detect? I am afraid that we are going to—they are going

to be further down in that 6-month window, and we won't even detect it, and we won't be able to react in time.

Ambassador PICKERING. I think it is a very good question. My own sense is that there are some people who would like to have the breakout window as long as 5 years. There are some who might agree on 3 years. The U.S. Government is purported to have said 6 months to 12 months, maybe more if they could get it, would be very useful.

I think breakout is just one measure. The important questions that my two colleagues and I have put before you on inspection and monitoring, are really a key. In effect, if you don't know what is going on, no amount of breakout time is of any value. So we have to look at this as a whole nexus of factors and elements that we have to take into account. And so it is very important.

I think that breakout time, as my testimony makes clear, is designed to provide us an opportunity before using force, which the President has kept on the table and says it is on the table, to see if we can stop a breakout short of the use of force. But the use of force is not taken off the table by an extension of breakout time. It shouldn't be, in my view. It is still there. A use of force might stop a breakout. It might not stop a breakout, but it appears to be one of the better factors that we have going for us in that particular set of issues.

I am not sure if I have addressed your question well, but I think that it is that combination of doing our best to know what is going on. I think our intelligence has been pretty good. But anybody who believes their intelligence is perfect is in trouble.

Ms. DUCKWORTH. Well, thank you. I want to follow up on that, you know, and sort of go back to what you said earlier about the need for inspections and that we can't come from a position where we trust that Iranians will tell us that they are doing things in secret, and you know, if an agreement is reached which involves sanctions relief, I mean, how do we assure that the relief is not abused to advance a secret program beyond the inspection regime? And also you know, are there additional steps that the U.S. needs to take to combat the illicit procurement activities? And I am thinking specifically, they are going to have, if we reduce some of these sanctions, greater access to other markets. They are going to have more participation with other potential providers, and they are not going to tell us, Hey, we are secretly buying this stuff on the side because we now have access. What other things can we do beyond the inspection regime to ensure that we safeguard——

Ambassador PICKERING. I think we have heavily relied on our intelligence in the past to look at procurement activities. The IAEA does not have an intelligence system. It relies, in effect, on tip-offs from the intelligence systems of the big powers and other countries that have good intelligence. And in the past, intelligence has sometimes erred. But in my view, it is better to make a mistake and go look at it than it is to make the mistake of not taking into account what you think you are seeing and not look at it. And that is very, very important.

I do agree that as we have gotten down into procurement, particularly into centrifuge construction, and the making of the rotors for the centrifuges, which are a very important element, and some

of the specific materials that are not available to the Iranians or the Iranians have trouble making and are heavily dependent on the import is significant, it is very significant to look at that kind of material and take a look at whether, in fact, there may be covert operations using that material because the material balance between what we know and the material balance between what they import will show differences which will give us that kind of telltale.

So there are useful ways of looking at these particular problems that can give us confidence, even high confidence. I keep telling you, however, I think there is nothing perfect. But I would rather go with the deal, with all of the monitoring and access that we have been talking about here at this table, and on which I think we have an agreement, than not go with a deal and have no monitoring and access at all.

Ms. DUCKWORTH. Thank you, Mr. Chairman.

Mr. THORNBERRY [presiding]. Thank you, Ms. Duckworth.

Mr. Nugent.

Mr. NUGENT. Thank you, Mr. Chairman.

And you know, the testimony we heard today ranges across the board to—from being very optimistic to being pessimistic, talking about inspections. Do we truly believe that the IAEA is going to have the power to do the inspections necessary, because I do believe that we need to be more than just hopeful that we are getting the right information, and we hear that, well, we are never going to be certain. Well, I would rather err on the side of certainty, over-inspect than under-inspect.

Do we have any confidence that we can have that occur on inspections?

Mr. TOBEY. The IAEA has very important, significant verification capabilities, great technical expertise. But ultimately, their power to sort of use those authorities is a political one. It depends on the board of governors in the first instance and, after that, the United Nations Security Council. So if it comes to a point where there is a dispute as to what they should be looking at and what they shouldn't, it will be resolved politically in the Security Council.

Mr. SINGH. And if I could just say, Congressman, that I think this may sound obvious, but the bigger the program you leave Iran with, the harder the inspections are. And so I would encourage us not to see the size of the program and the rigor of the inspections as somehow a tradeoff that, well, if you have got good inspections, you can give them a lot more residual capacity. I think you would want to help the inspectors by ensuring that program is as constrained as possible and that it has that political backing via a very strong enforcement mechanism to which we have a credible commitment.

Ambassador PICKERING. And Mr. Nugent, I think it is extremely important that we get a Security Council resolution supporting the agreement and hopefully one that says that if it is necessary to use force, sanctions, and pressure, we have the right to do so.

Mr. NUGENT. Well, I appreciate that succinct answer. There was a comment made about their covert activities, and I guess that really is the crux of it. You know, you have heard the chairman talk about, well, you know, if you are doing this for peaceful means, why would you have the facility under a mountain? Well,

you wouldn't. I mean, you just wouldn't. But what are the chances, I guess, and this is the hard question, because intelligence is great. But we know that the intelligence community has missed the mark on so many issues. But once you miss it, it is almost impossible to go back and correct the issue, talk about covert opportunities that they have, or even the opportunities to purchase a weapon.

Mr. TOBEY. Verification is the process of presenting a complete picture of the entire fabric of activities. And if there are inconsistencies, loose threads, pulling at those loose threads until you understand exactly what happened. And if you actually have access to people and documents and places, it becomes very difficult to hide those things, especially when the inspection process interacts with intelligence means.

Mr. NUGENT. But do we have that today?

Mr. TOBEY. It is not in place today. It is my hope that any agreement would have that as a key component.

Mr. SINGH. Congressman, if I could just add, you asked, what confidence do we have? A former Deputy Director General of the IAEA, Olli Heinonen, has pointed out that if Iran doesn't have a covert element to its program now, it would be the first time in decades that they don't have that. Remember that all of these facilities we are talking about, Arak, Natanz, Fordow, were once clandestine facilities, which were exposed, which were not declared by Iran, but exposed, and they are all still in place and all still functioning.

Mr. NUGENT. And lastly, we talked about ballistic missiles. Why would we have a ballistic missile or in development of a ballistic missile for conventional versus the need, obviously, to have a delivery vehicle if you are going to go down the weaponization of nuclear? Why would you be spending time and money on development of ballistic missiles if your intention was just to use it as a conventional delivery system?

Mr. TOBEY. It makes no military sense. There could be some argument that it could be useful as a terror weapon, not particularly appealing either.

Ambassador PICKERING. I would just have to add that, of course, Iran and Iraq fought an 8-year war. They all had ballistic missiles at that time. They had no nuclear weapons. We were worried about nuclear weapons, but the nuclear weapon program came along in Iran after that war.

Mr. NUGENT. And I guess the last thing is, I just have a hard time trusting Iran just from the mere fact when I was in Iraq in 2011, an Iranian warhead was use to kill five of our soldiers. And they didn't get that off the shelf at Walmart.

And I yield back. Thank you.

Mr. THORNBERRY. Thank you, Mr. Nugent.

Mr. Barber.

Mr. BARBER. Thank you, Mr. Chairman.

And gentlemen, thank you for being here today and for your testimony. As a cosponsor of H.R. 850, the Nuclear Iran Prevention Act, I am very concerned, as many of my colleagues are, about a nuclear Iran and what that would mean for our ally in Israel. I was in Israel last August and I saw firsthand the threats on every border. But every official I met with, whether they were military or

political, from all across the spectrum, said one thing consistently, and that is: We have to stop Iran from getting a nuclear weapon. And I agree with that. We cannot be talking about containment. We have to talk about prevention. And I understand the importance of attempting a diplomatic solution. And I hope that there is some success here. But I remain skeptical about Iran and how trustworthy they could be on any agreement. In fact, when I was meeting, along with other Members, with representatives from the Administration we asked them, Have you identified, has intelligence identified all of the Iranian nuclear facilities? And they said, No, we haven't because some are hard to find. And entering into the negotiations or an agreement on that basis is very worrisome to me. And I think we need to be very careful about it.

So I would like you, if you could, to comment on that issue of whether or not we can, in fact, reach an agreement that would identify the facilities so they can be inspected.

Secondly, I am concerned about the removal of sanctions. I think it is going to be extraordinarily difficult to rebuild sanctions if an agreement does not get concluded. And I would like you, if you could, to comment on that.

And then, finally, I want to go to the issue that was raised earlier by my colleague about the recent advice we have been getting across the board that we should perhaps have some discussions with Iran about joining together to secure Iraq from ISIS. It seems to me that this is a peculiar step for us to take with Iran, given our position on Syria and historically on Iran, so I would like you to explain in a little bit more detail if you could, to how the negotiations, if they occur, with Iran and ISIS in Iraq, how will they affect in any specific way the P5+1 negotiations? And conversely, can the P5+1 negotiations further complicate and potentially worsen an already delicate situation with Iraq, and how would these negotiations potentially affect our relationship with Israel?

I know I have given you a lot, but I wanted to get all of the questions in so we could conserve on time and perhaps you could respond as quickly as possible. Thank you.

Ambassador PICKERING. Perhaps I could take a shot at a couple of the points that you make. I think that Iran has said they want to use the Iraq issue to see if they can effect a nuclear negotiation. The U.S. has said very clearly, it is not going to do that. And I think that that is important. I don't see the President at the moment rushing into Iraq again. I think, if anything, he is consulting up here and being very cautious about it, but we can all have our own ideas about that particular issue.

I think on the question of inspections, you have gotten us into Don Rumsfeld's unknown unknowns. Of course, by definitions, unknown unknowns are not knowable, and there is no way to get around that. What we do, I think, see is that Iran's nuclear capacities are understood and known. We know where the pieces are, and I don't believe there are pieces that we don't know about in terms of the chain of facilities required to do enrichment, the chain of facilities required to produce heavy water. They have no capacity to produce plutonium in a reprocessing plant at the present time. So we see most of that. The really interesting question is, could there be an entirely black covert program going on? And Olli

Heinonen, whose views I respect, may not have been referring to anything that large. He may have been referring to individual experiments about pieces of activity that we saw back before 2003. We don't know.

But it is important to believe at least that we have a pretty good chance, and I think there is agreement here at the table, of finding bigger pieces that would be important in producing the nuclear fuel or conforming and configuring the warhead that we are worried about, and there I have some confidence that we are in better shape.

Mr. BARBER. Okay, I know we have very little time.

Quickly, Mr. Tobey, Mr. Singh?

Mr. SINGH. Let me just say on sanctions relief that I think we should, that if there is an agreement, sanctions relief should be backloaded, that anything that is irreversible, and I agree that sanctions would be very hard to put back together, should come at the end of the process once we have seen what Iran's track record is. And even then, I think there are a number of sanctions that are going to have to stay in place because they address issues like terrorists.

Mr. BARBER. Thank you, Mr. Chairman.

Mr. THORNBERRY. Thank you, Mr. Barber.

Mr. Byrne.

Mr. BYRNE. Thank you, Mr. Chairman.

Gentlemen, thank you for being here today. Like many of my colleagues, I am a skeptic about the reality of what these talks can produce for us. But I am even further concerned by some of the testimony we have already heard about what might be the threat to the talks by introducing as a sidebar issue, this issue of the potential of some help or some cooperation between the United States and Iran in the Iraq ISIL [Islamic State in Iraq and the Levant] issue.

I heard, Mr. Tobey, you made some pretty strong comments about that. From my experience in negotiating, if I introduce a new issue in negotiations, the person with whom I am negotiating is going to want something back in return for that.

Are we, in fact, endangering our position in the negotiations over this agreement by introducing, even as a sidebar issue, this whole issue of some communication or cooperation between the United States and Iran with regard to the ISIL issue in Iraq?

Ambassador PICKERING. I think, sir, that Iran will be moved to do what they think they need to do to save Prime Minister Maliki and his regime. In my view, that fundamentally means changing Mr. Maliki's view on how he deals with the minorities in his own country. The ISIS people have scooped up lots of people who have been antagonized by Mr. Maliki among the Sunni population. And you remember back when we moved into Anbar and changed our policies and worked with the Sunnis. He has done exactly the opposite. He hasn't helped them. He hasn't supported them. He has put them in jail. He has treated them very badly. ISIS has made a lot of progress because, in fact, it has captured Sunni villages in northern Iraq.

We now have to trust to see whether Maliki can do two things at once: can change his policies with respect to his minorities and

begin to bring them back on his side; and at the same time, provide a significant defense so he doesn't lose his capital at the same time.

Mr. BYRNE. But my concern is is that we are introducing into the negotiations with regard to this agreement a new issue.

Ambassador PICKERING. I am not introducing the issue, and I don't think the U.S. is going to introduce the issue.

Mr. BYRNE. Well, we have some reports that they are. If that is true, does that change our position?

Ambassador PICKERING. Well, you know, I have reason to believe that those reports are at this point very tentative kinds of things. I think people are thinking better of this now. I hope they are. My own view is that Iran has to look out for its own interests in Iraq; that it is not up to the U.S. to teleguide them, to make deals with them. I think it is very important, particularly not at the expense of the issue we are here to discuss today, the nuclear deal.

Mr. BYRNE. Let me ask Mr. Singh and Mr. Tobey to respond to that.

Mr. SINGH. What I would say is I think that U.S. officials have tried to clarify that we don't want to see these two issues linked, and I think that is right. I think one of the dangers we have, though, is, again, the sort of perception in the region, and I think that when we are sitting there, sort of talking with the Iranians about these issues, it does raise those kind of worries in the region about, are we sort of sitting here and deciding regional issues on a bilateral basis with Iran, which our allies absolutely don't want to see us do and, frankly, isn't a wise thing for us to do from a policy perspective.

And I agree with Ambassador Pickering. The Iranians see these things as leverage over us, and we don't want to see them linked at all. I think, more importantly though, what we really don't want to see, we don't want to see any increased Iranian involvement in Iraq. We want to see Iran out of regional conflicts, not further in regional conflicts.

Mr. BYRNE. Mr. Tobey.

Mr. TOBEY. I think greater Iranian involvement in Iraq would be against U.S. interests for its own sake, and I think it would be against U.S. interests in the P5+1 talks. I don't know what the Administration is doing with respect to talking to Iran about this.

Mr. BYRNE. Okay, thank you.

I yield back.

Mr. THORNBERRY. Thank you, Mr. Byrne.

Mr. Kilmer.

Mr. KILMER. Thank you, Mr. Chairman.

And thank you for being here.

I had a couple of questions for the panel. What I want to get a better understanding of is what the barriers are to Iran actually developing a nuclear weapon. Is it knowledge about how to do it? Is it a resource issue? Is it a capability issue? And in the event that a deal is actually reached, is there something that the P5+1 can do to ensure that we keep those barriers up and you don't see an erosion of those barriers?

Mr. SINGH. Well, I guess what I would say is, as I mentioned, there are three elements to a nuclear weapons program. You have got the fuel fabrication, where there is no great challenge before

Iran on that side, except just doing it. They could produce highly enriched uranium to weapons grade with the technology they have now and with the knowledge they have now, as far as I know. The danger would be detection. The danger would be if they chose to do that, what reaction would that prompt from Israel or from the United States in terms of a military response?

On the weaponization research side, it is difficult to say, but what I have seen from the IAEA, what I have sort of seen in news reports, leads me to suggest that they have done a lot of weaponization research and perhaps at least on a theoretical basis, they have gone far along on that.

On the missiles, on the question of delivery vehicle, which is third leg, I think there, what I have seen is a lot spottier. It is not clear to me that they have, that they are close yet to an ICBM to be able to deliver a missile against a faraway foe or being able to put a nuclear warhead onto even a shorter range missile. And again, that is one of the reasons I am concerned that an interim agreement—I am sorry, a comprehensive agreement might allow them to continue that work and to perfect that leg of the program even while it pauses some of the other areas where it is further along. But on that question, I would say that what you would really need to get is an update from the Defense Department about exactly where do they stand on that particular leg.

Mr. KILMER. Anything either of you want to add?

The other thing I want to get an understanding of, you know, it seems to me one that of the greatest dangers when a nation becomes a nuclear nation is their ability to transfer that knowledge to non-state actors or to non-nuclear nations. You know, as part of this conversation, is there anything that can be done to limit Iran's ability to transfer whatever knowledge they have to non-nuclear states or to non-state actors?

Mr. TOBEY. I think returning to understanding these possible military dimensions to the program is also key to that because it would allow the IAEA to understand who was involved in these programs and what they are doing, what they continue to do even today, and, therefore, could provide the basis for both the IAEA and perhaps even other nations to keep watch to make sure that those contacts are diminished.

Ambassador PICKERING. I think there is some good news here that every country that has developed a nuclear weapon, with the exception of Mr. A. Q. Khan in Pakistan, has had two imperatives on its plate: One is to make sure no other country or organization ever gets another—a nuclear weapon. And putting nuclear weapons in the hands of terrorists, particularly when should those be exploded, there are pretty good telltales as to where that particular weapon came from, is a very dangerous enterprise. And so the deterrence goes to the fabricator in some ways, and that is something that at least we have some hope there.

The second thing they always have a problem with when they get a nuclear weapon is what they are going to use it for. But we don't want to see that. And here, I think it is extremely important that the major effort now being made is to prevent them from getting a weapon, and if that should fail through not getting an agreement, which I think is a very important part of this, then we do face, as

I said earlier in my testimony, the question of whether we have a war or an Iranian nuclear weapon. I think that those two outcomes, with the failure of a negotiated effort or the failure of a combination of sanctions and a negotiated effort, are things we ought to keep crystal clear in our mind.

Mr. SINGH. If I could just add to that, Congressman, I would say that I think I would be more concerned than Ambassador Pickering on this score because we have seen Iran share technology with its non-state proxies, like Hezbollah, on the missile front in a way that has really destabilized the region. Most of the technology that Hezbollah has that it has actually deployed in the field in combat, as far as I know, is obtained from Iran, based on earlier Iranian advances. And I think it is actually more common than Ambassador Pickering suggested that nuclear states do end up sharing nuclear technology with others.

Mr. KILMER. Thank you.

Thank you, Mr. Chairman. I yield back.

Mr. THORNBERRY. Thank you, Mr. Kilmer.

Gentlemen, thank you so much for joining us today. We appreciate you spending your time with us. If there are any further questions from the committee, they will submit them to you in writing. We would ask that you respond back.

Hearing no further business before the House Armed Services Committee, we are adjourned.

[Whereupon, at 11:42 a.m., the committee was adjourned.]

A P P E N D I X

June 19, 2014

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

JUNE 19, 2014

Opening Statement of Chairman Howard P. "Buck" McKeon

HEARING ON

P5+1 Negotiations Over Iran's Nuclear Program and Its Implications for United States Defense

June 19, 2014

Good morning ladies and gentlemen. The House Armed Services Committee meets to receive testimony from outside experts on the P5+1 negotiations over Iran's nuclear program and its implications for United States defense. Today, we have with us Mr. William Tobey, Mr. Michael Singh and Ambassador Thomas Pickering. Our witnesses have an immense amount of experience working Iran issues and we appreciate them sharing their perspectives with us today.

I am concerned that the scope of the negotiations with Iran over its nuclear program was flawed from the outset. We know that Iran would be allowed to keep its nuclear capabilities, ability to enrich, and break-out capability. We know that Iran has had and may continue to have undeclared sites. We know that there are military dimensions to Iran's nuclear program that it refuses to address. And, we know that the nuclear program is but one facet of Iran's overall grand strategy, which includes its sponsorship of terrorism, the largest ballistic missile arsenal in the Middle East, and other conventional military capabilities that continue to threaten the region and beyond. Yet, none of these issues appear to be within scope of a comprehensive deal.

Our ally, Israel, has called this a "bad deal." Other friends and allies in the region have both publicly and privately conveyed their deep reservations about this deal. I worry that the President wants to achieve a nuclear deal with Iran – at almost any cost.

Some will argue that this deal is better than no deal and that it would slow down Iran's nuclear program. But how much time does it really buy us? International sanctions, which took a decade to put into place, were finally starting to bite. Had the Administration maintained a strong regional presence, Congress' robust sanctions, and a clear resolve to use the military option if necessary; we could have set the conditions for Iran to change its strategic calculus. Yet, through these negotiations, we have done the opposite. In fact, Iran already thinks that the P5+1 have legitimized its nuclear enrichment capability – thereby validating its

strategic calculus.

The American public is understandably war weary. I do not desire to go to war with Iran either – and that is precisely why I am concerned about the President's approach in these negotiations. If the Administration signs onto a comprehensive deal that legitimizes Iran's capability to enrich and that does not dismantle the nuclear program as well as the arsenal surrounding Iran's nuclear program, I fear that a future President may have to seriously contemplate taking military action to enforce such a deal or to protect our allies in the region. This is the worst possible outcome.

This is a very serious and complicated issue. Again, I thank our expert panel for being here today, and I look forward to your testimony and insights.

Statement of Ranking Member Adam Smith

HEARING ON

P5+1 Negotiations Over Iran's Nuclear Program and Its Implications for United States Defense

June 19, 2014

Thank you, Mr. Chairman, and I would like to join you in thanking our witnesses for appearing here today.

Since 1979, with very few exceptions, Iran has played a negative role in the Middle East and the world. That much is clear. We can all agree on the nature of the Iranian regime. But as bad as Iran has been, an Iran with a nuclear weapon would be far worse.

I applaud the Administration for helping to build an international coalition to address Iran's nuclear program. UN resolutions and European Union sanctions, coupled with sanctions imposed by this and prior Congresses, have finally brought Iran to the table. We should all be proud of this progress and support the negotiations that these sanctions and years of Congressional, presidential, and internationals efforts have finally brought about.

At the same time, we should not be naïve. The interim deal with Iran, the Joint Plan of Action, has delayed some aspects of the Iranian nuclear program while negotiations on a long-term deal continue. Like many others, I believe it will be extremely hard to reach an acceptable long-term deal, but we have to try. A negotiated settlement, even if it is not perfect, is much better than the options if talks fail.

We should remember that an honest, unimpeded effort to reach a negotiated settlement to constrain the Iranian nuclear program is the best way to maintain international support. If the United States is perceived to have negotiated in bad faith or undermined attempts to find a peaceful solution to the Iranian nuclear issue, we will lose the support of allies and friends and the international community in the event that we have to more aggressive steps.

Negotiations are clearly the preferable way to address our concerns with Iran and the nuclear program. We need to try to reach a negotiated settlement that resolves our concerns and those of our regional and international partners and allies. I hope our panel can help us think through what those concerns are and what we need to look for in any agreement.

There is also the, unfortunately strong, possibility that we will not be able to reach an agreement with the Iranians in the 6-month period of the Joint Plan of Action. In that case, should the United States agree to an extension? If so, should we impose additional conditions on the negotiations or just continue the JPOA as written? Are congressional resolutions helpful or harmful in this?

Finally, how should we think about next steps if negotiations fail altogether? How much time do we have before Iran could have a bomb? What should we be doing and what courses of actions should we consider? I think our panel is very qualified to help us think through these issues.

Again, I would like to thank the witnesses for appearing here today.

STATEMENT OF

WILLIAM H. TOBEY

BEFORE THE HOUSE ARMED SERVICES COMMITTEE

ON THE IRAN NUCLEAR NEGOTIATIONS

JUNE 19, 2014

Chairman McKeon, Ranking Member Smith, it is a privilege to testify on a matter of surpassing importance. Preventing Iran from attaining nuclear weapons is a vital U.S. national security interest.

I will offer a perspective on what the United States should be seeking in the negotiations with Iran and how an agreement, if reached, should be evaluated.

As President Obama has said, "We cannot allow Iran to get a nuclear weapon. It would be a game-changer in the region. Not only would it threaten Israel, our strongest ally in the region and one of our strongest allies in the world, but it would also create a possibility of nuclear weapons falling into the hands of terrorists. And so it's unacceptable."

That threat is not hypothetical. The partially declassified 2007 National Intelligence Estimate on Iran's nuclear capabilities and intentions stated, "We assess with high confidence that until fall 2003, Iranian military entities were working under government direction to develop nuclear weapons." More famously, the Estimate assessed with moderate confidence that, as of mid-2007, the program had not been restarted. In 2011, the International Atomic Energy Agency also reported on information regarding a structured Iranian nuclear weapons program through 2003, but noted, "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." Just last month, the Agency reported that it has obtained more information that has further corroborated its November 2011 analysis. So the threat of an Iranian nuclear weapons program is one that must be taken seriously.

In theory, there are three ways in which Tehran might gain access to nuclear weapons. Iran could:

- break out of the Nonproliferation Treaty, using declared facilities;
- sneak out of the Treaty, using covert facilities; or
- buy a weapon from another nation or rogue faction.

We have heard much in public discourse about efforts within the negotiations to prevent the first possibility—a breakout using declared facilities. Last April, Secretary of State Kerry noted that Iran had reached a point perhaps only 2 months away from being able to produce sufficient fissile material to fabricate a nuclear weapon, and raised the possibility of pushing that timeline back to 6-12 months. Even Tehran has joined this debate, with a recent publication claiming to be years, not months, from a nuclear weapons capability.

Hence, there has been much discussion of the number of centrifuges Iran should be permitted to operate and quantities and enrichment levels of nuclear material it should be allowed to retain. Also discussed, have been measures to be taken at the Arak heavy water reactor, the design of which is similar to plutonium production reactors operating elsewhere.

All of these proposed steps are necessary to create a firebreak that would prevent Iran from rapidly breaking its central Nonproliferation Treaty obligations. Yet while necessary, these measures are insufficient for a successful agreement with Iran.

Should we be satisfied with a deal that simply pushes Iran from 2 months to 6 months away from the nuclear threshold? Or should we expect more, i.e. evidence of a fundamental decision not to pursue nuclear weapons?

Accepting a situation in which Iran insists on keeping a loaded weapon on the table, but simply moves its finger farther from the trigger would not appear to offer sound prospects for long-term success. If Iran has not made a fundamental decision foreswear nuclear weapons in return for better relations with other nations, Tehran will work to erode the firebreak by means both overt and covert, and we have seen such a situation before—in North Korea.

How can we judge whether or not Tehran has made such a fundamental decision? And how might we ensure that it endures? Satisfaction on three points would provide such insight and, just as important, offer a means to verify compliance or to detect cheating. These three potential elements of an agreement focus on preventing covert activities. They are:

- resolving concerns regarding "possible military dimensions of Iran's nuclear program;
- comprehensive monitoring of nuclear-related procurement and manufacturing; and,
- enhanced authorities for the International Atomic Energy Agency.

The International Atomic Energy Agency has reported on what it calls "possible military dimensions" of Iran's nuclear program. The Agency's November 2011 report details information on a dozen broad indications of nuclear weapons activity by Iran, including military direction of nuclear-related activities, detonator development, hydrodynamic experiments, work on warhead integration into a missile delivery vehicle, and fuzing, arming, and firing system efforts. As noted earlier, the Agency reports indications that this work persisted after 2003, and that some may continue today.

The first and most important step to ensure that Iran's nuclear weapons activities have truly ceased, and will not restart, is to get to the bottom of the "possible military dimensions" to Iran's nuclear program—who did what, when, and where? Personnel files, invoices, manifests, inventories, disposition records, equipment, and buildings can corroborate the statement. The IAEA will construct a mosaic depicting the Iranian program. Some tiles will be missing, and others might be fake, but the best way to understand the program, and to ensure that it has stopped, is to have as complete a picture as possible, and to identify and resolve inconsistencies.

The November 2013 interim agreement calls for a Joint Commission to "facilitate resolution of past and present issues of concern." The White House fact sheet on the deal contends that this includes the "possible military dimensions of the Iranian nuclear program," but such an outcome is by no means assured.

Especially if the matter is left to the end of the negotiations, some will argue that we will learn nothing, or that Iran will never agree to such terms, and we should not sacrifice the future to learn about the past.

I would offer three responses. First, this is about the future. We cannot be certain that Iran's nuclear weapons activities have and will remain stopped until we understand their full scope, methods, and achievements.

Second, unwillingness by Iran to explain its past activities offers insight into the likelihood of Tehran's future compliance. This is a test of Iranian intentions. Third, to ignore this issue would gravely wound the IAEA in its dealings with both Iran and other nations.

The second step to guard against resurgence of a covert Iranian nuclear weapons program would be to authorize the IAEA to monitor comprehensively all nuclear-related and dual use procurements by Iran, to ensure that they are used solely at declared facilities. Credible information on undeclared nuclear procurements should be considered prima facie evidence that Iran is violating the agreement. As a part of this process, the IAEA will also need to monitor related production within Iran.

The third step to guard against resurgence of a covert Iranian nuclear weapons program would be to enhance the powers of the IAEA beyond the Additional Protocol. Evidence of Nonproliferation Treaty cheating is often subtle, taking the form of inconsistencies and irregularities. The IAEA must have ongoing authorities to pursue these anomalies, should they arise, including access to documents, people, and facilities. For example, to protect against the possibility of covert enrichment facilities (something Iran has tried at least twice in the past), the Agency must have a comprehensive understanding of centrifuge manufacturing in Iran, including the sources of

raw materials, the location of production equipment, and inventories of finished goods.

These terms—getting to the bottom of the "possible military dimensions," comprehensive procurement monitoring, and enhanced authorities for the IAEA—cannot guarantee Iran's compliance with a deal to block its pursuit of nuclear weapons. They can, however, test Tehran's willingness to abide by a deal, even as the negotiations proceed, and if a deal is concluded, act as a deterrent to those who might seek to cheat on it.

Would insisting on these terms be worth risking the possibility of no deal?

Mr. Chairman, given the stakes invoked by the Iranian nuclear issue, we cannot afford an agreement in which Tehran pretends to comply and we pretend to believe them. We must expect more.

William H. Tobey

Professional Experience

2009-Present **Senior Fellow and Lecturer, Harvard Kennedy School, Belfer Center for Science and International Affairs.** Writing and teaching about the threats of nuclear terrorism and proliferation, and efforts to defeat them.

2006-2009 **Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration, Washington, DC.** Senate-confirmed position managing a $2 billion program to prevent nuclear proliferation and terrorism by detecting, securing, and disposing of dangerous nuclear materials. Led 400 employees, working with over 100 countries, building three major construction projects, including the #1 construction project in the Southeast United States. Significant achievements included:

- Completing the Bratislava Initiative nuclear weapons material security upgrades in Russia agreed by Presidents Bush and Putin, which greatly increased the scope and pace of such work;
- Converting 13 research reactors from highly enriched uranium fuel to low enriched uranium, vs. 1 such conversion in the previous period;
- Closing two of the last three Russian plutonium production reactors ahead of schedule and on budget;
- Overcoming Congressional opposition and beginning construction of a $4.8 billion project to convert weapons grade plutonium to civil reactor fuel sufficient to power 1 million households for 50 years;
- Supervising the purchase of 90 metric tons of Russian weapons-grade highly enriched uranium, sufficient to fuel 10 percent of American electricity generation;
- Launching the Next Generation Safeguards Initiative to strengthen the International Atomic Energy Agency's inspection capabilities, the World Institute of Nuclear Security to improve industry security standards, and the International Atomic Energy Agency's fuel bank, to avoid the spread of dangerous nuclear technology.

2002-2006 **Director of Counterproliferation Strategy, National Security Council Staff, the White House, Washington, DC.** Significant work included:

- Oversight of the development and implementation of U.S. policy on nuclear programs in Iran and North Korea;
- Representing the White House as a delegate to the Six Party Talks with North Korea;
- Authoring, and overseeing interagency deliberations on United Nations Security Council Resolution 1540 requiring nations to criminalize proliferation of weapons of mass destruction;
- Managing U.S. efforts to dismantle Libya's weapons of mass destruction programs.

2000-2002 **Head of Institutional Convertible Securities Sales, Wachovia Securities, Old Greenwich, CT.** Managed the institutional sales force for a top ten firm in trading volume for convertible bonds and preferred stock. Significant achievements included:

- Overseeing successful merger of a boutique securities firm's convertible securities sales operations into the then fourth largest bank in the United States;
- Leading or co-leading convertible securities underwritings raising billions of dollars for growth companies;
- Growing sales trading revenues for convertible securities to the top tier of U.S. financial institutions.

1997-2000 **Senior Vice President/Partner, Forum Capital Markets** (acquired by Wachovia Securities)**, Old Greenwich, CT.** Traded convertible securities with institutional customers, including mutual and hedge funds, insurance companies, and banks.

1996 **General Partner, Ebryon Venture Capital, Bethesda, MD.** Co-led successful investment in an Internet start-up firm, sold to AOL in 2000.

- Raised money and invested in a web-based directory company at a $3 million total enterprise value, sold at $15 million total enterprise value.

1993-1996 **Vice President, Institutional Convertible Securities Sales, Smith Barney, New York, NY.** Traded convertible securities with institutional customers at leading financial institutions.

1986-1993 **Director of Defense Programs and Arms Control, National Security Council Staff, the White House, Washington, DC.** Oversaw development and implementation of U.S. policy on ballistic missile defense and related arms control, verification of and compliance with arms control agreements, and national security aspects of space policy.

1985-1986 **Advisor, U.S. Delegation to the Nuclear and Space Talks with the Soviet Union, Geneva, Switzerland.** Participated in the first four rounds of negotiation of the Strategic Arms Reduction Treaty (START) and Defense and Space Talks.

1984-1986 **Presidential Management Intern, Office of the Secretary of Defense, Washington, DC.**

Selected Committee and Board Work

2012-Present Chairman of the Board of Directors, World Institute for Nuclear Security, Vienna, Austria (member of the board since 2010).

2012-2013	Member of the National Academies Committee on Improving the Assessment of Proliferation Risk in Nuclear Fuel Cycles.
2011-Present	Member of the Secretary of State's International Security Advisory Board.
2011	Member of the Brookhaven National Laboratory Global and Regional Solutions Visiting Committee.
2010-2011	Member of the National Academies Committee on Homeland Security and Export Controls, Washington, DC.

Recent Awards

2012	**Distinguished Alumnus, Glenbrook South High School.**
2009	**The Secretary of Energy's Exceptional Service Award.**
2009	**The National Nuclear Security Administration Gold Medal for Distinguished Service.**
2009	**National Nuclear Security Administration Defense Programs Award of Excellence.**
2006-2009	**4 National Nuclear Security Administration Administrator's Achievement Awards.**
2006	**National Security Council Staff Distinguished Service Medallion.**

Education

1984	**Master of Public Policy Degree, Harvard University, John F. Kennedy School of Government, Cambridge, MA**.
1981	**Bachelor of Science Degree, Northwestern University, Evanston, IL**.

Additional Training

2007	**Nuclear Executive Leadership Training, U.S. Department of Energy**, comprehensive course on safety, security, regulation, and environmental management of nuclear construction and operations.
2000	**National Association of Securities Dealers Series 9 and 10,** General Securities Supervisor.
1993	**National Association of Securities Dealers Series 7,** General Securities Representative.

1985	**Nuclear Weapons Course,** Los Alamos National Laboratory.
1984	**Summer Course on International Security,** University of Kiel, Federal Republic of Germany.
Publications	Articles in the *Boston Globe, New York Times, International Herald Tribune, Bulletin of Atomic Scientists, Korea Review, Wall Street Journal, Foreign Policy, City Journal,* and elsewhere on issues related to nuclear nonproliferation, North Korea, Iran, Afghanistan.
Personal	Married to Elizabeth Ness Tobey, with daughters Emma and Beatrix.

June 2014

DISCLOSURE FORM FOR WITNESSES
CONCERNING FEDERAL CONTRACT AND GRANT INFORMATION

INSTRUCTION TO WITNESSES: Rule 11, clause 2(g)(5), of the Rules of the U.S. House of Representatives for the 113th Congress requires nongovernmental witnesses appearing before House committees to include in their written statements a curriculum vitae and a disclosure of the amount and source of any federal contracts or grants (including subcontracts and subgrants) received during the current and two previous fiscal years either by the witness or by an entity represented by the witness. This form is intended to assist witnesses appearing before the House Committee on Armed Services in complying with the House rule. Please note that a copy of these statements, with appropriate redactions to protect the witness's personal privacy (including home address and phone number) will be made publicly available in electronic form not later than one day after the witness's appearance before the committee.

Witness name: William H. Tobey

Capacity in which appearing: (check one)

__x_Individual

___Representative

If appearing in a representative capacity, name of the company, association or other entity being represented:

FISCAL YEAR 2014

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
NA			

FISCAL YEAR 2013

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
NA			

FISCAL YEAR 2012

Federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
NA			

Federal Contract Information: If you or the entity you represent before the Committee on Armed Services has contracts (including subcontracts) with the federal government, please provide the following information:

Number of contracts (including subcontracts) with the federal government:

Current fiscal year (2014):_____0_____;
Fiscal year 2013:_____0_____;
Fiscal year 2012:_____0_____.

Federal agencies with which federal contracts are held:

Current fiscal year (2014):_____0_____;
Fiscal year 2013:_____0_____;
Fiscal year 2012:_____0_____.

List of subjects of federal contract(s) (for example, ship construction, aircraft parts manufacturing, software design, force structure consultant, architecture & engineering services, etc.):

Current fiscal year (2014):_____0_____;
Fiscal year 2013:_____0_____;
Fiscal year 2012:_____0_____.

Aggregate dollar value of federal contracts held:

Current fiscal year (2014):_____0_____;
Fiscal year 2013:_____0_____;
Fiscal year 2012:_____0_____.

Federal Grant Information: If you or the entity you represent before the Committee on Armed Services has grants (including subgrants) with the federal government, please provide the following information:

Number of grants (including subgrants) with the federal government:

Current fiscal year (2014):_____0_____;
Fiscal year 2013:_____0_____;
Fiscal year 2012:_____0_____.

Federal agencies with which federal grants are held:

Current fiscal year (2014):_____0_____;
Fiscal year 2013:_____0_____;
Fiscal year 2012:_____0_____.

List of subjects of federal grants(s) (for example, materials research, sociological study, software design, etc.):

Current fiscal year (2014):_____0_____;
Fiscal year 2013:_____0_____;
Fiscal year 2012:_____0_____.

Aggregate dollar value of federal grants held:

Current fiscal year (2014):_____0_____;
Fiscal year 2013:_____0_____;
Fiscal year 2012:_____0_____.

Note: I wish to clarify my disclosure in the following ways:

1. I am employed by Harvard University, which receives federal contracts and grants, but in testifying, I am not representing Harvard and my work at Harvard is not supported by federal contracts or grants.
2. I am a member of the Secretary of State's International Security Advisory Board and as such a Special Government Employee, however, I am testifying as an individual.
3. I have held consulting contracts with the LLCs operating Lawrence Livermore and Los Alamos National Laboratories in fiscal years 2012, 2013, and 2014. Again, I am not representing the Laboratories in my testimony.
4. I am Chairman of the Board of the World Institute for Nuclear Security (WINS), which received federal contracts in fiscal years 2012, 2013, and 2014. I am testifying as an individual, not as a representative of WINS.

P5+1 Nuclear Negotiations with Iran and Their Implications for United States Defense

Michael Singh
Managing Director and Senior Fellow,
The Washington Institute for Near East Policy

Testimony submitted to the House Armed Services Committee
June 19, 2014

The nuclear negotiations between the United States, our partners in the P5+1, and Iran involve a large number of technical issues, ranging from the number and sophistication of Iran's gas centrifuges to the configuration of its heavy-water research reactor. It would be a mistake, however, to view any agreement between Iran and the P5+1 as merely technical, even if the United States would prefer to do so. If such an agreement is concluded, it will have profound strategic implications for the United States and our allies in the Middle East and beyond.

In this testimony, I will outline how issues other than nuclear fuel fabrication—an issue addressed in detail elsewhere—should be addressed in any nuclear agreement, as well as the implications an agreement is likely to have on regional dynamics in the Middle East and the United States' standing there. As I will argue, an accord between the P5+1 and Iran should encompass Iran's nuclear program in its entirety—that is, not only nuclear fuel fabrication activities but also "weaponization" and delivery vehicles—but should not address regional issues such as Iraq and Syria. In addition, US policymakers should consider steps outside the nuclear negotiations to reassure American allies and reassert the US commitment to the region, in order to mitigate adverse reactions by those allies or destabilizing actions by an emboldened Iran.

Discerning Iran's Objectives

Over the course of the negotiations between Iran and the P5+1—and before that, with the EU3—Iranian negotiators have largely held firm to their core demands: that their purported "right" to enrich uranium be recognized, that no long-term limits be placed on their nuclear activities, and that Western sanctions be lifted. These demands were long incompatible with those of American, European, and allied officials, who were prepared to accept a civilian nuclear power program in Iran as long as Tehran imported the necessary fuel and largely forsook fuel cycle activities altogether.

The P5+1 position was based firstly on concerns about what Iran might do with nuclear technology, which is inherently dual-use in nature. But more importantly, it was based on Iran's violations of its obligations as a signatory of the Nonproliferation Treaty—the clandestine construction of nuclear facilities at Natanz and Arak (and later Fordow), and research into the "weaponization" of nuclear fuel. In other words, the American position was neither punitive nor "maximalist," but designed to address well-founded concerns about the strategic implications of Iran's nuclear activities.

At the same time, the P5+1 made clear—including by offering Iran at least two "incentives packages"—that it was willing to extend numerous economic, scientific, and diplomatic benefits to Tehran in exchange for its agreement to forgo the nuclear activities in question. In other words, the P5+1 offered Iran something which it desperately needed—relief from economic and diplomatic isolation—in exchange for something—nuclear fuel cycle activities—it did not, if Iran's claims not to seek nuclear weapons were to be believed. Tehran refused such offers outright and expanded its nuclear program steadily from 2005-2013, unmoved either by the US decision to engage directly in the nuclear negotiations in Fall 2008 or the passage of multiple broadly-supported UN Security Council resolutions from 2006-2010 condemning Iranian nuclear non-compliance and imposing international sanctions.

This pattern of behavior by Iran makes little sense if its goals were primarily economic—as Tehran incurred tremendous economic costs in taking this approach, especially in comparison to the cost of simply importing nuclear fuel as most countries which utilize nuclear power do—or scientific—as Iran's technical nuclear achievements have been modest by international standards and its scientists' scope for international collaboration have been hampered by the dispute. Rather, Iranian policy has only been sensible if Tehran's goals are to maintain at least the option of developing nuclear weapons, which requires that it preserve fuel cycle and other capabilities, and/or to demonstrate its ability to withstand and overcome international pressure.

It is frequently asserted that economic sanctions—especially restrictions on Iran's oil exports and its access to the international financial system—are to be credited for recent advances in the nuclear talks. While these sanctions very likely played a role in Tehran's calculus and in Iran's 2013 presidential campaign, they were not the only factor in play. As the United States and the European Union ratcheted up sanctions pressure, the P5+1 also made key nuclear concessions. Whether economic and military pressure alone would have persuaded Iran to change course absent these concessions is unknowable.

The most important of these concessions was that Iran would be permitted to enrich uranium indefinitely (although initially subject to agreed limits) under any long-term nuclear accord, which was widely seen as a de facto recognition of Iran's "right to enrich," which former Senator John Kerry had in any event acknowledged prior to being named Secretary of State. In addition, the November 24, 2013, "Joint Plan of Action" interim agreement excluded any requirement that Iran dismantle any of its covertly constructed nuclear facilities, despite Washington's earlier insistence that Tehran do so.

The JPOA thus represented the realization of many of Iran's long-held aims and the reappraisal of our own, or at least the promise of this outcome pending the conclusion of a long-term accord. US officials did not only walk back from previous US demands, most notably the requirement that Iran halt uranium enrichment, but dismissed those positions as unrealistic or "maximalist," despite the fact that they were enshrined in multiple UN Security Council resolutions that drew broad international support. This contributed to the sense that the US had made a sharp shift, and opened a gap between the US position and that of allies in the region and beyond.

What Should—and Shouldn't—Be in a Nuclear Agreement

As a result of this shift, the P5+1 talks are now dominated by negotiations aimed at circumscribing rather than halting Iran's nuclear activities, and mechanisms to verify that Iran is abiding by those limits. The purpose of this testimony is not to assess the technical merits of the compromises under discussion, which other witnesses will address. Rather, it is to examine their strategic implications, bearing in mind that a nuclear deal is only worthwhile if it advances US interests.

Fuel Cycle Activities

With regard to Iran's fuel cycle activities, P5+1 negotiators' focus is restricting them in order to lengthen to the greatest extent possible Iran's "breakout time," and putting in place stringent verification and monitoring measures to ensure Iranian compliance. However, an additional challenge the United States will face in the wake of a nuclear agreement in Iran is preventing the further spread of enrichment and reprocessing technology.

Many states in the region consider Iranian nuclear capabilities to pose a grave threat, and have an incentive to match those capabilities. Persuading allies to refrain from doing so will pose a challenge—it is one thing to ask them to forgo capabilities that Iran has developed in defiance of international obligations, and quite another to persuade them to refrain from acquiring technology which has explicitly been permitted to Iran. In crafting nuclear compromises with Iran, P5+1 negotiators should assume that other states in the region– in the long run if not immediately—will pursue whatever capabilities Tehran possesses, and likely without the special limitations and verification measures to which it will be subject.

Weaponization Research

Because Iran is likely to be permitted extensive nuclear activities under a long-term nuclear agreement, the task of verifying the non-diversion of nuclear materials from declared Iranian facilities to a parallel covert nuclear program will be made more difficult, especially as inspectors are unlikely to be granted the sort of intrusive, on-demand access granted to international nuclear inspectors in Iraq in the 1990s.

For this reason, it is vital that Iran is required as part of any nuclear deal to come clean on its past nuclear work and provide inspectors with a listing of and access to any and all nuclear-related facilities, personnel, and research, especially into nuclear weapons. This will give inspectors a baseline against which to compare Iranian declarations and any intelligence provided by IAEA member states, and will make it harder for Iran to set up a covert weapons-oriented program out of inspectors' sight. It would also, crucially, help inspectors determine what Iran's past weaponization research achieved, and verify that it has in fact ended.

Ballistic Missiles

One of the most controversial questions regarding the nuclear talks is whether they should cover Iran's ballistic missile program. Iran's Supreme Leader has insisted adamantly that Iran's missile program is off-limits in the negotiations; P5+1 officials have been ambiguous. There should be no question, however, that Iran should be required to cease elements of its ballistic-missile and space-launch programs as part of a nuclear accord. Development of a delivery vehicle is one of three elements of a nuclear weapons program, along with fuel fabrication and weaponization.

According to the US Institute of Peace, Iran is the only country to develop a 2,000 km-range ballistic missile without first developing a nuclear weapons capability, and Iran's ballistic missiles are ill-suited to conventional payloads due to their poor accuracy. Insisting that Iran halt the development of missiles capable of carrying nuclear payloads, especially intercontinental ballistic missiles (ICBMs), would ensure that it cannot use the time and space afforded by a nuclear agreement to perfect this element of its nuclear work., Given that the Defense Department assesses Iran could have an ICBM by 2015 at the earliest, it is apparently the furthest of the three elements from completion.

Another benefit of addressing Iranian ballistic missile activities in a nuclear agreement would be to ensure that Iranian military authorities, not only its civilian nuclear agency, are bound by the accord and subject to the scrutiny of inspectors. Competing power centers are a feature of nearly all governments, but in Iran the problem appears particularly acute; many Iranian military entities report not to the Iranian president, with whom the P5+1 is negotiating, but to the Supreme Leader, who has expressed qualified support for the negotiations but otherwise remained aloof from them. An agreement will only be worthwhile if all Iranian entities involved in Iran's nuclear program perceive themselves to be subject to it.

Regional Issues

The question of whether regional issues such as Iranian involvement in Syria and Iraq should be included in the P5+1 talks and any long-term nuclear accord has come to the fore again as a result of US-Iran bilateral talks on Iraq. This is a difficult question—US allies in the region are on the one hand uncomfortable with the idea of the US and Iran holding bilateral talks on regional security questions, as they worry that this will deprive them of a say in the outcomes and play into Iranian pretensions of regional dominance. On the other hand, they are alarmed that at the prospect of US pressure on Iran being relieved without these issues first being addressed.

At this stage, the best approach—and the one seemingly preferred by both P5+1 and Iranian negotiators—is to leave regional issues out of the nuclear negotiations. Sanctions applicable to Iran's support for terrorism and other non-nuclear activities should continue to be enforced even if a nuclear agreement is reached, unless and until Iran demonstrates a readiness to reconsider its regional activities.

Enforcement Mechanism

Neither the most stringent nuclear restrictions nor the most extensive verification and monitoring mechanisms can be effective without a credible enforcement mechanism. Whether as part of a nuclear agreement or as a corollary to it, the US should seek to obtain—as a condition of our acceptance of the deal– advance agreement from the other P5+1 states that Iranian violations of the agreement will be punishable by the reimposition of sanctions or even the use of force, if necessary.

Washington should also make it clear that should Moscow or others block an effective Security Council response to Iranian cheating, we will be prepared to act outside this framework in concert with allies. Because Iran has proven adept at bending rather than crossing US red lines, such planning should cover not only extreme scenarios which might call for military action—such as the expulsion of inspectors or the discovery of additional covert facilities—but for less provocative forms of non-cooperation, such as delaying access to or harassing inspectors.

Managing the Consequences of a Nuclear Agreement

Whether we like it or not, allies not only in the region but around the world will judge our commitment to the Middle East and to leadership abroad more generally by both the content of an accord with Iran and the policy context in which it is grounded. Thus far, the shifting US positions in the Iran nuclear negotiations have contributed to a perception of US disengagement. This perception has been fed by many other factors—our failure to enforce the President's "red line" on Syria, the total withdrawal of US forces from Iraq, the reduction of our aircraft carrier presence in the Gulf, and talk of energy independence and a "pivot" to Asia, for example.

It has been further compounded by the crises in Ukraine and the South China Sea, which have illustrated the challenges we face in defending vulnerable non-treaty allies from external aggression.

For its part, Iran is likely to portray any nuclear agreement as a victory against the United States and our allies regardless of its content. While officials from P5+1 states may hope that an accord leads to a broader easing of tensions with Iran, Tehran's regional policies such as its support for terrorism and involvement in Syria are not apparently under the control of Iranian President Hassan Rouhani, a relative pragmatist, but of the more hardline Islamic Revolutionary Guard Corps (IRGC). Unless this balance of power shifts in the wake of a nuclear agreement, it seems more likely that Iran's regional strategy will remain unchanged, even as it enjoys greater resources with which to pursue it as sanctions are eased.

Thus, a dangerous regional dynamic could thus arise in the wake of a nuclear accord—even one that is otherwise deemed a success by US officials—as our allies take autonomous steps to defend their interests (which could include simultaneously confronting and accommodating Iran), and an emboldened Iran pursues its regional agenda with renewed vigor. The result could be a deepening of the conflict already gripping the Middle East, which would threaten our extensive interests in the region.

Preventing such an outcome will require the United States to find ways to reassure allies and deter Iran, and demonstrate an enduring commitment to the Middle East. Preparations to do so should begin now, and should be pursued as vigorously as the nuclear negotiations. Such steps could include:

- *Responding purposefully to crises in Syria and Iraq.* Given that the so-called "Islamic State in Iraq and al-Sham" (ISIS) operates in both countries, the crises in Syria and Iraq are inextricably linked. They are also linked, in the eyes of our allies, by American inattention. While each requires its own strategy—in Syria, countering jihadists and compelling Assad to step aside, and in Iraq, supporting efforts to combat ISIS while pushing the Maliki government to settle disputes with the Kurdish and Sunni Arab communities—both would benefit from an American effort to organize a regional and international response, which we have thus far proven reluctant to do.

- *Reinvigorating our regional security dialogue.* For several years, distrust and lack of confidence have undermined US relations with key allies in the region. The US should make a concerted effort to resume a regular security dialogue with our allies in the region to promote multilateral coordination on matters of mutual concern, including Iranian activities. The Gulf Security Dialogue and "GCC+2" mechanisms could serve as models for doing this.

- *Step up efforts to interdict Iranian arms.* If a nuclear agreement is reached, we can demonstrate that we do not intend to overlook Iran's other destabilizing activities by placing a greater emphasis on detecting and intercepting Iranian arms shipments to Syria, Hezbollah, and other proxies, and on countering those proxies' activities more broadly.

- *Maintaining a credible military presence.* The possible need to respond militarily to developments in Iraq may have put on hold any hopes of reducing the US military presence in the Middle East. Nevertheless, even absent the Iraq crisis, maintaining a robust American military presence in the region will be vital for ensuring the credibility of any enforcement mechanism accompanying a nuclear agreement, as well as for reassuring allies.

- *Back-load the lifting of sanctions.* Rather than asking Congress to lift sanctions as part of the initial phases of any nuclear deal, any permanent sanctions relief—as opposed to sanctions waivers or the unfreezing of assets—should come at the end of the implementation period for the agreement. This would allow both Congress and US allies in the region time to judge Tehran's commitment to the deal.

- *Clarify the US narrative about the Middle East.* Talk by US officials of energy independence and a rebalance to Asia reflects important strategic developments in American foreign policy, but is often poorly framed and misunderstood by overseas audiences, including our allies in the Middle East. American policymakers should make it clear that the Middle East—given, among other things, its critical role in our Asian allies' energy security—will remain a priority even as our focus on Asia increases, and that our increasing self-sufficiency in regard to energy supply will not reduce our commitment to the Middle East.

Achieving a nuclear agreement that adequately secures our interests and those of our allies will be difficult and require patience, and taking steps to reassert our commitment to the Middle East, reassure allies, and deter Iran will require effort and resources when other crises around the world are competing for both. But these two broad lines of action can be mutually reinforcing—Iran is more likely to accept and adhere to a stringent nuclear accord if it perceives that the US is willing to hold out at the negotiating table and is not looking for a quick exit from the region, and any adverse regional consequences of an agreement may be less if it is perceived to reflect American resolve rather than diffidence. To state that "no deal is better than a bad deal" is only meaningful given some yardstick for what makes a deal "good" or "bad;" for the United States, that yardstick must be the extent to which a deal advances our—and our allies'—strategic interests in the Middle East and beyond.

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BIOGRAPHY

Michael Singh is managing director of The Washington Institute and a former senior director for Middle East affairs at the National Security Council.

During his tenure at the White House from 2005 to 2008, Mr. Singh was responsible for devising and coordinating U.S. national security policy toward the region stretching from Morocco to Iran, with a particular emphasis on Iran's nuclear and regional activities, the Israeli-Palestinian conflict, Syria, and security cooperation in the broader Middle East. Previously, Mr. Singh served as special assistant to secretaries of state Condoleezza Rice and Colin Powell and at the U.S. embassy in Tel Aviv.

Mr. Singh served as a Middle East advisor to the Romney presidential campaign from 2011-2012, and cochaired Mr. Romney's State Department transition team in 2012. He served as an adjunct fellow at the Belfer Center for Science and International Security at Harvard's Kennedy School of Government and as an economics instructor at Harvard College. Mr. Singh serves on the advisory board of the *Harvard International Review*, and is a former term member of the Council on Foreign Relations. He is also an advisor to Callaway Capital Management, an investment firm specializing in frontier markets.

Mr. Singh has written extensively on the Middle East, broader US national security strategy, and the organization and management of the US national security apparatus. His writings have appeared in the *Washington Post*, *New York Times*, *Wall Street Journal*, *Foreign Affairs*, *International Security*, and elsewhere, and he has appeared as a commentator on CNN, Fox News, MSNBC, and other outlets.

As the Institute's managing director, Mr. Singh conducts policy research and participates in the public debate over the direction and content of U.S. Middle East policy. In addition, he works closely with Institute executive director Robert Satloff to strengthen the Institute's policy impact, develop new initiatives, and oversee its broader work.

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EDUCATION

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Witness name: Michael Singh

Capacity in which appearing: (check one)

_X__Individual

___Representative

If appearing in a representative capacity, name of the company, association or other entity being represented:

FISCAL YEAR 2014

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant

FISCAL YEAR 2013

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The Washington Institute for Near East Policy has an Intergovernmental Personnel Act (IPA) Agreement with the Department of State enabling an employee to work in the Department of State's Office of the Special Envoy for Israeli-Palestinian Negotiations. The initial contract was from 11/17/2013 until 5/16/2014 for $142,334 and was extended from 5/17/2014 – 11/16/2014 for $145,661.

Testimony for the House Armed Services Committee
June 19, 2014
Ambassador Thomas R. Pickering
"P5 + 1 Negotiations over Iran's Nuclear Program and its Implications for United States Defense."

Mr. Chairman: It is a pleasure and honor to join you and all the members of the committee. I thank you for the invitation.

Since my retirement from the State Department at the end of 2000, I have followed events in Iran closely. My principal association has been through The Iran Project, which was set up more than a dozen years ago to support closer contacts between The Islamic Republic of Iran and the United States. I have participated in dialogues with Iranian government officials, and written on the subject. The Iran Project has kept the US Government fully informed on its contacts and activities.

Introduction
Since 2013, we have seen a shift in the US-Iran relationship. Official bilateral talks held confidentially, the important election for the President of Iran won by Hassan Rouhani, and the successful completion of the first step of negotiations with the November 24, 2013 Joint Plan of Action (JPOA) have opened the door to progress. Today, this committee wishes to discuss how this progress, and a possible comprehensive agreement can impact US strategy in the region and beyond.

Strategic Assessment
The US strategic objective in the Middle East should be a stable and secure region, open to commerce and interchange. The states in the region should have the opportunity to cooperate, enjoy peaceful relations and trade among themselves. It should be a region without nuclear, chemical or biological weapons.

I want to be clear that I am strongly opposed to Iran acquiring a nuclear weapon and am deeply concerned about its support for terrorism and Hezbollah, its violations of the human rights of its citizens, and its threats against Israel. I recently led a delegation for The Iran Project to Israel, and exchanged points of view with the highest levels of Israeli government, military and intelligence leadership, as well as respected foreign policy experts. We were well received and had engaged discussions of key issues pertaining to Iran and its nuclear program, which lead to a greater understanding of Israeli assessments and outlook on this issue. We plan to continue these informal exchanges.

The US strategy should be to develop policies in support of its long-term goal of a more stable and secure Middle East, through peaceful processes, with the use of force reserved only to address the most extreme and unmanageable threats to US security. At the same time, we must recognize that this part of the world is likely to pass through many years perhaps decades

of turmoil and violence – problems that only the leaders and people of the region can resolve for themselves.

What role can the United States play now to achieve the goals we have laid out? An important variable in looking at this strategic outcome is whether a comprehensive nuclear agreement with Iran can be reached and on what time scale.

There are three major possibilities: agreement by July 20, 2014; agreement within the next six-month period before January 20, 2015; and failure to reach an agreement altogether. For assessment purposes only two are significant at this point — agreement or no agreement.

Iran's Compliance so Far with its Commitments

Before we assess these two scenarios, and their important implications for US policy, it is instructive to acknowledge that Iran has, in fact, fully complied with its commitments taken last November. The IAEA, which has long been skeptical of Iran's seriousness, has provided monthly reports verifying the scale and timeliness of its actions. Under the JPOA, Iran agreed to take several major steps to limit its nuclear capacity:

- Iran ceased production of 20% enriched uranium, disabled the interconnections between the cascades being used to enrich 20%, and began dilution or conversion to oxide of the existing stockpile of 20%. These were significant concessions by Iran and the IAEA confirms they have been completed.
- Capped the number of centrifuges operating. The IAEA confirms this has been done.
- Limited its centrifuge production, which the IAEA confirms has been completed.
- Capped the total amount of 3-5% enriched uranium it maintains by July 20. The IAEA confirms that Iran has commissioned a conversion plant that is due to start operation in late June to convert the excess LEU to oxide by July 20.
- Prevented the start-up of so-called advanced centrifuges (IR-2Ms). Again, the IAEA confirms that advanced centrifuges are not operating.

Importantly, and frequently lost in this debate, the JPOA prevents shortening of breakout time. Without the Joint Agreement, Iran would have been free to run all of its centrifuges, including the advanced centrifuges, and would have had access to 20% enriched uranium.

And, for the first time, the JPOA expanded safeguards verification – including daily physical access to enrichment facilities, as well as broadened access (e.g., to centrifuge production facilities and uranium mines).

As a result of the JPOA, the IAEA has doubled its staff on the ground in Iran and has issued monthly, rather than quarterly, reports on Iran's status. These monthly reports so far confirm that Iran is complying with the JPOA – often ahead of schedule.

With this status of the JPOA clearly laid out, let us examine the two scenarios: a comprehensive agreement or no agreement.

The Consequences of No Agreement
Without a realization to reach a negotiated agreement, the US may be left with two unpalatable options: containing a nuclear armed Iran, or war. It is possible that Iran will not decide to pursue a nuclear weapon even if an agreement is not reached, but understanding the consequences of alternative strategies to diplomacy is important. Let me be clear about the limits of a use of force strategy in preventing a nuclear-armed Iran. The use of military force by Israel or the United States, at best, could only set back Iran's nuclear program 2-4 years; it would not eliminate it. Iran's nuclear capability is in the minds of Iranian scientists, which cannot be taken out by force alone. In fact, military intervention might actually stimulate an Iranian decision to acquire a nuclear weapon — a decision according to the US intelligence community — has not to date been made. A unilateral US or joint US-Israeli military strike against Iran would open up the potential for a wider conflict in the region and perhaps beyond. The recent violent actions in Iraq by the Islamic State in Iraq and Syria (ISIS) and the continued conflict in Afghanistan gives evidence of the high volatility of the region and the unpredictable escalation of conflict across borders.

The failure to reach a diplomatic solution would have profound political implications inside Iran as well. It will certainly weaken moderates and embolden hardliners – which would most certainly impact human rights, political openness and freedoms, and other issues that concern us worldwide.

Moreover, if an agreement is not reached, the US and its allies in Western Europe will have no alternative but to fall back on adding more sanctions which presents new problems. We have learned from the past year that sanctions have worked to get the Iranians to the table to negotiate seriously about issues of great import to US national security. Yet the imposition now of more sanctions to achieve "a better deal" will not lead to Iranian capitulation on this issue. Sanctions alone are not an objective, but a means to reach a specific goal: in this case, preventing Iran from acquiring nuclear weapons. Sanctions work best, or at all, only when diplomacy works. And additional sanctions during the diplomatic process could very well upend the entire course, losing the transparency gained and rolling back the important progress we have already made.

If the US were to walk away from a deal that most of the other P5+1 partners believe fulfills our main objectives, those countries are no longer likely to see value in abiding by the strict sanctions regime set in place under American leadership. This would leave the US alone to enforce largely unilateral sanctions, which we know are less effective.

The Consequences of Reaching a Comprehensive Agreement
The impact of an agreement that meets US security needs would enhance US security, as well as that of other nations in the region. It would include a significant reduction of Iran's nuclear

program, the institution of an intensive monitoring system, and prevention of Iran from achieving a nuclear weapons capacity. (My testimony assumes neither the US nor Iran would accept an agreement which was not in their long-term interest).

Such an agreement, if it holds, could mark the beginning of a longer process of further efforts by the US and Iran to resolve the many other problems between our two countries. Early efforts could take the form of confidence-building measures (CBM's): attempts to deal with important issues such as stabilizing Afghanistan, addressing the rapidly changing situation in Iraq, and even in Syria, as well as longstanding questions such as financial disputes stemming from the time of the Iranian revolution and the fall of the Shah. The process would be long, tenuous and demanding. No early establishment of full diplomatic recognition or normalization of relations would be likely. Thirty-five years of mistrust and misunderstanding will not disappear overnight despite the emergence of areas of mutual interest, such as cooperation in Afghanistan and now quite possibly Iraq.

Iran remains consumed by distrust over US objectives and interests, including an abiding concern over a feared US focus on regime change in Iran. And many in the US have a deep suspicion that Iran's key objective is regional hegemony fueled by the acquisition of nuclear weapons and missile delivery systems. Early agreements, potentially positive in their impact, will not set aside past history. That will take time and positive experiences with each other. It is important to note that the civil and serious relationship that has evolved over the past six months demonstrates that Americans and Iranians can achieve much through direct talks. It is not yet clear that good will can be replicated in addressing other issues in the near term, but it should be explored. We recall that normalizing relations after a long hostile relationship is not achieved quickly. The US and China took seven years from Nixon's visit in 1972 to normalized relations. This happened only after overcoming long periods of tensions and disagreements, including a number of visits at senior levels and the "Shanghai Communiqué." The US and the Soviet Union moved equally slowly in the implementation of new relations, beginning in 1933 and lasting until the Soviet Union was invaded by Nazi Germany, after which the US and the Soviet Union collaborated closely throughout the Second World War.

Even if the US were to expand its relations with Iran over the coming years, we are unlikely to accept Iran as a hegemonic force in the region, nor withdraw US military presence in the region. The US simply has too much at stake with the GCC States and Iraq to shift its strategic focus in the Gulf. Despite recent signs of serious instability and uncertainty in Syria and Iraq, the US is unlikely to engage in seismic shifts in its policies. Regional strategic implications are harder to read and predict. The sharpening sectarian conflict between the Sunni and Shia has impeded rapprochement between Arabs and Persians across the Gulf. Yet both sides, at least on the surface, seem committed against war and open for high-level visits, and even a seeming agreement if not full cooperation. Saudi Arabia and its Arab neighbors will need to be satisfied and assured that the US stands with them, even as they seek some regional accord with Iran.

More importantly, the US support of Israel's security must and will remain the keystone of American interests in the region and US relations with Iran will not change this commitment.

Rather than being taxed with building new relations with nations at odds with each other, whether it is Israel or across the Gulf, the US needs to act carefully to achieve better balances on both sides without upsetting its own relationships. This is a major challenge for US diplomacy.

Without a comprehensive agreement, we can expect even more strategic challenges. Could the absence of an agreement encourage Iran to push for nuclear weapons? The answer to this is not clear, but certainly all contingencies must be considered. The US seeks a reduction in the "breakout" time for Iran to dash to a nuclear weapon, which is outlined in the comprehensive agreement. Without an agreement, the US and others could still use sanctions, negotiations, and any other measure short of force, to prevent potential breakout. Should that fail, in the event Iran were to decide to breakout, the implication is clear that the US would keep open the option to use force. The US Director of National Intelligence James Clapper has since 2007 prepared an annual assessment, and has "with high confidence" repeatedly stated that Iran has made no such decision.

To Summarize

A successful agreement would:

- Improve the security of all regional players, including Iran, Israel and the GCC states as well as the US;
- Increase the opportunities for the US to play an enhanced diplomatic and political role in the region as is seeks to manage carefully its relationships among all of those states, avoiding the notion it was supporting Iran against the others, or vice versa;
- Reduce the chances for conflict;
- Improve the potential for more stable, longer-term relationship between the US and Iran;
- Benefit Israel as chances of a nuclear-armed Iran diminish and reduce a credible threat to its existence;
- Achieve another major milestone toward stopping nuclear proliferation;
- Increase the chances for a more stable, secure and prosperous region.

Failure to reach a comprehensive agreement could:

- Generate another major war in the region, led by the US;
- Lead to a nuclear-armed Iran;
- Generate further mistrust between Iran and major world players, making any future agreement on Iran's nuclear program more difficult;
- Embolden the hardliners in Iran, impacting human rights, political openness and freedoms;
- Generate more instability and uncertainty in the region—particularly for US allies.

The Comprehensive Agreement – Negotiations
A brief overview of where things stand may be helpful in reviewing and understanding the strategic assessment. I do so with the following points:

1. Both parties seem committed to finish the current process by July 20th, 2014;
2. The early stages were smooth;
3. Serious differences remain: they are reported to cover enrichment (numbers and other characteristics of centrifuges and amount of low enriched uranium to be produced); the Arak reactor and plutonium output; possible past military dimensions concerns (now being handled by the IAEA); extent of inspection; sanctions; and the duration of an agreement;
4. There are possible paths through each of these issues; and an agreement will require tough compromises;
5. Iran is focused on creating a peaceful civil program, protecting what it has already achieved – in part to address domestic political opposition;
6. The US seeks a minimal Iranian civil program capable of meeting current needs without significant increases in "breakout time";
7. The scope of subjects to be resolved is reportedly agreed, and some progress has already been made on a number of these issues.

In Conclusion
The opportunity with Iran represents one of the most significant for American diplomacy in this century. The complexities are great. The diplomacy is demanding. The potential strategic gains for the US and the region are real. The consequences of failure will impact our alliances in the region, especially with respect to Israel and our energy interests. And, importantly for all of us here today, questions of war and peace are not far from forefront of our minds. The prospect of the use of force – to deal with a feared Iranian weapon – is not matched by the potential benefits of first exhausting diplomacy. Force and sanctions will have to back diplomacy and its impact will be seminal. The US has no opt-out strategic possibilities without grave damage to itself, its friends and its allies.

Seldom do we see such opportunities before us as they present themselves now. It will take a major effort to pursue them, but the effort is worth the risk.

Ambassador Thomas R. Pickering holds the rank of Career Ambassador, the highest in the U.S. Foreign Service. In a diplomatic career spanning five decades, he was U.S. ambassador to Israel, the Russian Federation, India, El Salvador, Nigeria, and Jordan. From 1989 to 1992, he was Ambassador to the United Nations in New York, and he then served as Under Secretary of State for Political Affairs. Earlier in his career, he was Special Assistant to Secretaries of State William P. Rogers and Henry Kissinger. He also served in the U.S. Navy and Naval Reserves.

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Witness name: **Thomas R. Pickering**

Capacity in which appearing: (check one)

_X__Individual

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QUESTIONS SUBMITTED BY MEMBERS POST HEARING

JUNE 19, 2014

QUESTIONS SUBMITTED BY MRS. WALORSKI

Mrs. WALORSKI. President Rouhani announced to reporters on June 14 that "If we can't reach a final agreement in negotiations by July 20 ... conditions will never go back to the past. The sanctions regime has been broken." Do you agree with his assessment? What options to prevent Iran from obtaining a nuclear weapon exist if negotiations fail? Under what conditions do you think Congress should enact additional sanctions?

Mr. TOBEY. In the days before the July 20 deadline, Iran took aggressive stands seemingly to advance its bargaining position. In addition to the Rouhani statement, according to press reports, Ayatollah Ali Khamenei stood before a banner that read, "America cannot do a [expletive] thing" and taunted President Obama. Moreover, Iran announced that it would not agree to an extension of the interim agreement, unless Washington paid a substantial price, and Khamenei issued a demand for enrichment capacity that had no relation to reality.

I do not believe the sanctions regime has been broken, although it has been weakened. Sanctions cannot prevent the Iranian regime from building nuclear weapons, if Tehran is determined to do so at all costs. They can, however, impose penalties so severe that any decision to do so would entail significant risks. I would recommend that Congress enact additional sanctions if Iran refuses come to an agreement that would not only limit activities at declared facilities, but also signal a strategic decision to abandon any nuclear weapons ambitions. Two indicators of such a decision would be full disclosure of the so-called "possible military dimensions" of Iran's nuclear program, and a willingness to accept strict and verifiable controls on the import and domestic manufacture of nuclear-related equipment and materials.

Mrs. WALORSKI. President Rouhani announced to reporters on June 14 that "If we can't reach a final agreement in negotiations by July 20 ... conditions will never go back to the past. The sanctions regime has been broken." Do you agree with his assessment? What options to prevent Iran from obtaining a nuclear weapon exist if negotiations fail? Under what conditions do you think Congress should enact additional sanctions?

Mr. SINGH. Sanctions regimes tend to degrade over time due to declining enforcement and compliance, and/or efforts by the sanctioned state to develop workarounds. We already see both effects at work in the case of sanctions on Iran. China, for example, imported record levels of oil from Iran in the first six months of 2014, yet drew no response from the United States. This is possible in part because of Iranian efforts to exploit loopholes in sanctions, in part by exporting condensate products not covered by U.S. legislation, and by exporting oil to Syria, apparently without receiving payment. Due to the degradation of sanctions over time, it is important both to enforce them vigorously and to maintain their momentum by imposing new sanctions and blocking workarounds. For these reasons, the Joint Plan of Action (JPOA)-mandated "pause" in the imposition of new nuclear sanctions and to some extent the enforcement of existing sanctions is problematic. If the current round of nuclear negotiations ends without an agreement, it may be difficult to resuscitate sanctions, in accordance with Iranian President Rouhani's prediction, for two reasons. First, oil importers such as China and India—already reluctant to comply with unilateral U.S. sanctions—may accept the Iranian argument that sanctions are no longer merited, especially if Iran continues to honor some or all of the limitations on its nuclear work imposed by the JPOA. Second, having already significantly reduced (albeit temporarily, in the case of China) their oil imports from Iran, importers may determine that the cost of further reductions outweighs the benefit. Nevertheless, if negotiations fail, strengthening sanctions in hopes of persuading Iran to refrain from further advancing its nuclear efforts and to approach negotiations more realistically will remain the United States' best course of action. It will also be important to enhance the credibility of American military threats, to which end our willingness to intervene in Iraq is potentially beneficial. It is important to bear in mind that Iran—like all parties to a negotiation—will evaluate any potential deals not in isolation, but in comparison to the most likely alternative. If that alternative is even heavier economic pressure and the credible possibility of a military strike on Iranian nuclear facilities, Iran may be more likely to accept the sort of stringent

nuclear limitations we require, especially if those limitations are paired with various incentives. In that vein, I think it is important that Congress and the White House first ensure that existing sanctions not suspending by the JPOA continue to be vigorously enforced. In addition, they should send a clear and unified message that additional sanctions will be imposed on Iran and military action will be contemplated if the current round of negotiations does not produce a deal by the new deadline of November 24. Ideally that message should be echoed by allies internationally. This is a matter on which, whatever their tactical differences, the legislative and executive branches—and key U.S. allies in the Middle East, Europe, Asia, and elsewhere—share the same objectives and strategy.

Mrs. WALORSKI. President Rouhani announced to reporters on June 14 that "If we can't reach a final agreement in negotiations by July 20 … conditions will never go back to the past. The sanctions regime has been broken." Do you agree with his assessment? What options to prevent Iran from obtaining a nuclear weapon exist if negotiations fail? Under what conditions do you think Congress should enact additional sanctions?

Ambassador PICKERING. I do not agree with his assessment. The bulk of the sanctions continue in force. If negotiations fail because Iran does not agree with a reasonable approach, there will be continued world support for sanctions. If the responsibility is reversed, it will be harder to get cooperation, but sanctions on banking and financial transactions pose the question to citizens of other states—"Do you want to do business in Iran or the U.S.?" That is a powerful tool of influence.

To prevent Iran from obtaining a nuclear weapon (Iran says it does not wish to obtain such a weapon and the U.S. DNI reports on an annual basis that Iran has made no such decision with high confidence) there are additional sanctions which could lead to reopening negotiations, sanctions and threats of military force which might also lead to an agreement not to produce a weapon and, as the President has indicated, he will keep all options on the table including the use of military force in the case Iran should move toward building such a weapon.

Congress should consider additional sanctions if negotiations truly breakdown and cannot be restarted, should there be clear evidence of Iran moving its nuclear program in a military direction, and in any case should the President ask for further sanctions.

○