

**Testimony of
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Senate Foreign Relations Committee
“The JCPOA Negotiations and United States’ Policy on Iran Moving Forward”
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Mr. Chairman, Ranking Member, Members of the Committee,

Thank you for this opportunity to talk about the Biden Administration’s strategy toward Iran.

Let me begin with some basic facts upon which I am sure we agree, and which are the predicate for everything we are doing. The Iranian government’s actions threaten the United States and our allies, including Israel. It has a long history of regional aggression. It continues to support terrorist groups. It directs attacks against our forces in the Middle East and against our partners. It has an appalling human rights record. It detains foreign and dual nationals for use as political pawns. It must never be allowed to acquire a nuclear weapon, because of the direct threat that would pose to us and to our allies, and because it would make it harder for us to confront all of its other menacing actions.

The Biden-Harris Administration has spent much of the past year seeking to restore strict limits on Iran’s nuclear program, including by reestablishing an unprecedented international monitoring regime. We have also been repairing vitally important ties with our European allies that are necessary to hold Iran accountable and to change its behavior.

This is the unfortunate result of the last administration’s decision to unilaterally end U.S. participation in the JCPOA. Absent that decision, our full focus – and our leverage – could have been applied entirely to working with allies and partners to deter and counter Iran’s array of dangerous non-nuclear activities – its threats to our citizens, allies, and partners, the violence it prompts and supports in its region, and of course the abuses it inflicts on its own people. The protests we are seeing now in Iran are a measure of the Government’s corruption and mismanagement, and the brutal response to those protests are a reminder of the Government’s moral bankruptcy.

Alas, while we remain intensely focused on those issues, in partnership with Congress, we do not have the luxury of addressing them exclusively, because, when President Biden came into office, he inherited an immediate crisis: an unbridled Iranian nuclear program that presents a real and serious threat in one of the most sensitive regions of the globe and thus required our immediate attention. Every other problem we have with Iran will be made worse, more dangerous, and more intractable, if we fail in this effort, and it is the greatest potential threat to the United States and our allies, which is why it must now be our most urgent priority.

This crisis, this urgent distraction from the other threats posed by Iran, was not inevitable. I know that the JCPOA is a deeply controversial issue among members of this Committee, and I respect the strongly held competing views. But the simple fact is this: as a means of

constraining Iran's nuclear program, the JCPOA was working. As the previous administration acknowledged when it left the deal, Iran was complying with its commitments. It was not enriching uranium over 3.67%, not accumulating a stockpile of enriched uranium over 300 kilograms, spinning only 5,060 of its first-generation centrifuges and a very limited number of research and development centrifuges, and of course it was allowing the most comprehensive and intrusive international inspection regime anywhere in the world. More than that, with Iran's nuclear program effectively contained, we were in a position to work with allies and partners to shape a powerful international response to the other threats posed by Iran.

To the extent that there is a disagreement in this room, it boils down to this: are we better off reviving the nuclear deal and, in parallel, using all other tools at our disposal – diplomatic, economic, and otherwise – to address Iran's destabilizing policies? Or are we better off getting rid of the deal and banking on a policy of pressure alone to get Iran to accept more onerous nuclear constraints and curb its aggressive policies?

When the deal was initially concluded and debated by the Congress, and again when the previous administration left the deal, this question prompted heated arguments based on hypotheticals and counterfactuals. But we do not need to rely on theory or thought experiments to answer it now.

For we have gone through several years of a real-life experiment in the very policy approach critics of the JCPOA advocated: a so-called maximum pressure policy, designed to strangle revenue for the Iranian regime, in hopes of getting Iran to accept far greater nuclear restrictions and engage in far less aggressive behavior. Many of us strongly disagreed with this policy at the time, but we could of course not prove that it would fail. That was then. This is now. Then we predicted. Now we know.

Under the JCPOA, Iran operated a tightly constrained and carefully monitored nuclear program; it would have taken Iran about a year to make enough fissile material for a single nuclear explosive device – what we call breakout time -- which in turn would have given us and our allies time to take action should Iran have made that fateful decision. Without those constraints, Iran has been able to advance its program by accumulating sufficient quantities of enriched uranium and making technological gains that have left the breakout time as short as roughly a few weeks, limiting the window to warn of and react to an Iranian breakout. And because Iran suspended JCPOA monitoring measures that go above and beyond standard safeguards, international inspectors at the International Atomic Energy Agency have less information and access, including that which is provided for by the IAEA Additional Protocol as a means to detect and deter any new Iranian attempt to pursue covert nuclear activities.

Rather than compelling them to make concessions, the prior administration's so-called maximum pressure campaign resulted in Iran's maximum non-nuclear provocations. These included increasing – and increasingly dramatic – attacks by Iran and the armed groups it supports on our partners in the Gulf, as well as on our own forces. As Secretary Blinken has pointed out, attacks by Iran-backed militia in Iraq increased by 400% between 2019 and 2020 – the years when maximum U.S. pressure was supposed to result in maximum Iranian restraint.

“Maximum pressure” did not produce longer and stronger but rather shorter and weaker -- so short, indeed, that, in the absence of the JCPOA, many of the nuclear steps the deal’s critics worried Iran might take in the future are being taken by Iran right now; so weak in fact that Iran’s nuclear program today is operating essentially without any constraints at all on its size and technological advancement. At the time of our exit, then U.S. officials predicted that Iran would not restart its nuclear program and that Iran would come to negotiate on our other concerns. I wish they’d been right. Regrettably, they were proven wrong on all counts. The alternative theory JCPOA critics advanced was given a chance. It failed, and emphatically so.

That is why we have sought, without any illusions, a return to full implementation of the JCPOA. We will do so as long as we assess that the non-proliferation benefits of a return to the deal are worth the sanctions lifting we would need to provide. Right now, we are confident that is true, but we and the intelligence community continuously review the technical analysis underpinning our view.

To do this, and just as we did previously, we would of course need to lift those sanctions that were imposed in response to Iran’s nuclear threat to achieve a deal. That was the purpose of those sanctions in the first place -- to use them as leverage to address Iran’s nuclear threat. The bottom line is that we are convinced, as are all our European partners, that we can both provide limited sanctions relief in exchange for Iran taking important steps to roll back and constrain its nuclear program, and still use the vast reservoir of remaining sanctions and other tools at our disposal to pressure and target its other dangerous activities.

It is hardly surprising but striking nonetheless that a preponderance of former Israeli officials who have served in their country’s national security establishment have stated unequivocally that the U.S. decision to leave the deal was one of the recent decisions most damaging to Israel’s security. These are hardened security professionals from across the political spectrum – like former Prime Minister Ehud Barak or former Defense Minister Moshe Ya’alon -- all of whom would do whatever necessary to defend their country, none of whom can be described as overly focused on diplomacy. But they know what we should also know: The withdrawal from the deal has left them and us in a far worse position.

As I speak to you today, we do not have a deal with Iran and prospects for reaching one are, at best, tenuous. If Iran maintains demands that go beyond the scope of the JCPOA, we will continue to reject them, and there will be no deal. We are fully prepared to live with and confront that reality if that is Iran’s choice, ready to continue to enforce and further tighten our sanctions, albeit this time around with Europe firmly by our side, and to respond strongly to any Iranian escalation, working in concert with Israel and our regional partners. We will have demonstrated our firm commitment to resolving even the most difficult problems through diplomacy, and Iran’s government will need to explain to its people why it has chosen isolation and even greater economic hardship when a realistic deal was readily at hand.

We harbor no illusion. Nuclear deal or no nuclear deal, this Iranian government will remain a threat. Nuclear deal or no nuclear deal, it will continue to sponsor terrorism, threaten Israel, sow instability across the region, fund, train and equip an array of violent non-state actors, and oppress its people.

But the bottom line is that every single one of the problems we face with Iran would be vastly magnified, and our freedom of action to address them significantly reduced, if Iran's leaders acquired a nuclear weapon or if it remains as it is now, close to being able to obtaining the material for one. Conversely, we will be in a much stronger position to confront them if we restore the constraints on Iran's nuclear program that today are on the verge of disappearing.

I would like to conclude with some thoughts about what we have learned from the experience of the previous two administrations and how we should integrate those lessons. From the Obama administration, we know that, while the JCPOA successfully addressed our nuclear concerns, we could and should have more deeply consulted and coordinated with our regional allies and partners, who stand at the front lines, whose interests are directly at stake, and with whose full support we are much stronger in confronting Iran's threats. We also learned that if we want a stable and sustainable deal, we are much better off with one that enjoys as much bipartisan support as possible. From the Trump administration, we learned that the U.S. has an immensely powerful tool in the reimposition of its sanctions. That option remains available to us today. And it will remain available if we return the deal and Iran does not meet its obligations. But we also learned that acting alone ensures that we – not Iran -- end up isolated. And we learned that a policy centered on pressure alone, unmoored from a realistic policy objective, produces not maximum results, but maximum escalation and maximum danger.

It is armed with the knowledge of these twin experiences that the Biden-Harris administration has devised its own strategy: committed to working with our European allies to fully revive the JCPOA if Iran is willing to do so; building on that deal to seek a broader, follow-on diplomatic outcome that enjoys strong congressional backing; and, throughout, coordinating closely with Europe and, crucially, with Israel and our regional partners, against the backdrop of the Abraham Accords, to deter, counter and respond to the full array of Iranian threats and to credibly demonstrate that we will never permit Iran to acquire a nuclear weapon.

Thank you. I ask that my full testimony be entered into the record, and I look forward to your questions.