



FROM: RSC Staff

TO: RSC Members & Staff

RE: President Biden's Bailout of the Terrorist Regime in Iran

Topline Summary:

Biden's diplomats are trying to unlawfully implement a secret deal with the Iranian terrorist regime to give them tens of billions of dollars. They do not want Congress or the American people to know what's in the Biden Iran deal or how much money they will send the Ayatollah.

Last week the administration, using sanctions waivers, reportedly authorized the release of [nearly \\$3 billion](#) held in escrow in Iraq to allow Iran to pay off its debts. Reports suggest Iran has [up to \\$10 billion more](#) trapped in Baghdad that may be released in the weeks and months ahead. According to [Israeli Prime Minister Benjamin Netanyahu](#), President Biden has already begun reaching an “understanding” with Iran whereby the U.S. will lift some sanctions (along with selectively enforcing others) while authorizing billions in ransom payments to the terrorist regime. In exchange the U.S. would seek the release of U.S. prisoners, a pause on Iranian-backed militia attacks on U.S. forces in Iraq and Syria, cooperation with the International Atomic Energy Agency, a moratorium on ballistic missile sales to Russia, and a freeze on additional uranium enrichment at 60% purity. This new Iran deal is being discussed despite laws on the books which require any deal with Iran to be submitted to Congress.

The “understanding” is the result of proximity talks in Oman which the Biden White House has engaged in with Iran, with indirect discussions happening through Omani mediators. The Wall Street Journal [reported](#) discussions started between senior U.S. and Iranian officials in New York in December, with White House officials traveling to Oman at least three times for further indirect contacts. White House Coordinator for the Middle East and North Africa, Brett McGurk, the same man who hand-delivered [pallets](#) of cash to Iran during the original Obama Iran deal, has spearheaded these discussions in Oman.

Biden's Iran Deal will gift tens of billions in sanctions relief to Iran—the world's leading state sponsor of terrorism— and lead to even weaker restrictions on Iran's nuclear program. It will also fund both sides of the war in Ukraine even as Iran is providing Russia with hundreds of drones to use in Ukraine and helping Russia build a drone factory. In addition, it seems clear that the Biden administration does not plan to submit the agreement for a vote in Congress, despite being required to do so by law.

Conservatives in Congress must work to ensure the administration follows the law and that any Biden Iran Deal is subject to Congressional input and approval before taking effect.

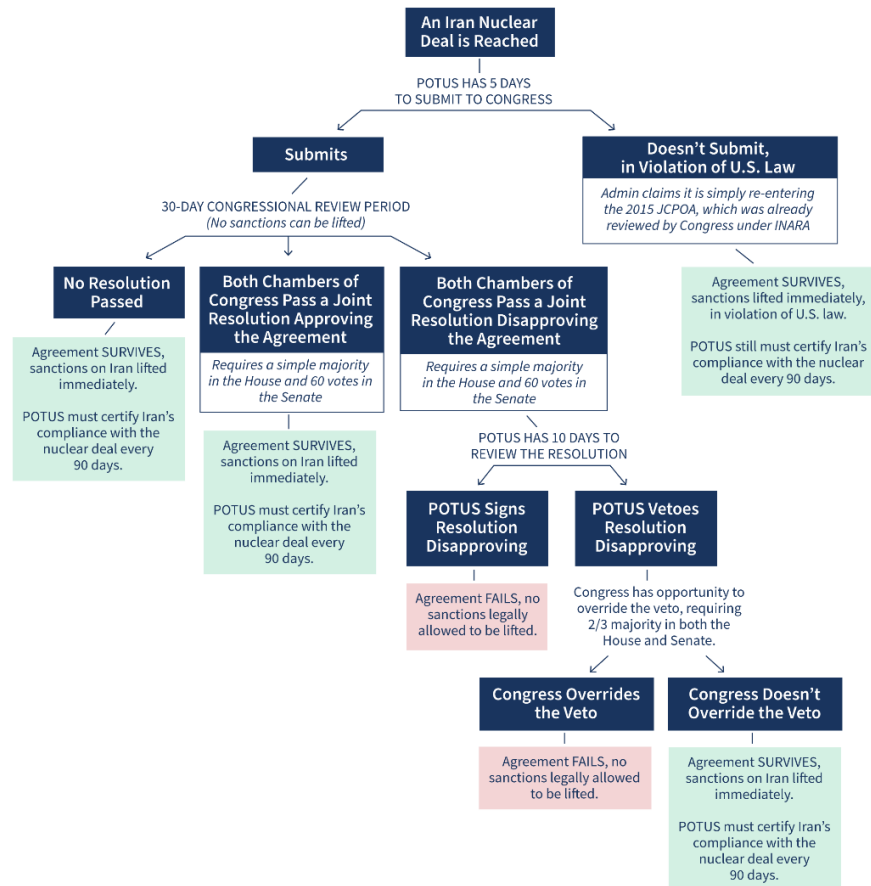
Conservative Policy Considerations:

- 1. If Biden’s Iran Deal is not ratified by the Senate as a treaty and approved by Congress pursuant to the Iran Nuclear Agreement Review Act (INARA), it is illegitimate. Biden is abusing legal loopholes to suspend sanctions required by Congress.**
 - ***President Biden cannot stop Congress from reimposing sanctions on Iran as part of this deal.*** The U.S. Constitution states the President “shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur” (Article II, section 2). President Biden has refused to commit to submitting a new Iran nuclear deal to the Senate for ratification as a treaty. Yet parts of the original Joint Comprehensive Plan of Action (JCPOA) (such as Clause 26) claimed to prohibit the Congress from reintroducing or reimposing sanctions on a number of Iranian entities. Any agreement made with Iran which is not a treaty is simply a political commitment which can be reversed by any future President and does not bind the Congress. The Republican Study Committee (RSC) released an official position in the 117th Congress that we will work to reverse and reimpose any sanctions relief provided to Iran, and Congress has historically required the President to impose sanctions via legislation in a number of different legislative vehicles such as the annual National Defense Authorization Act (NDAA).
 - ***Lifting congressionally mandated sanctions on Iran will require President Biden to abuse legal loopholes.*** Many of the sanctions imposed on Iran are required by statutes passed by Congress, including the Comprehensive Iran Sanctions and Divestment Act (CISADA) (22 U.S.C. 8501 et seq.), section 1245 of the NDAA for Fiscal Year 2012 (22 U.S.C. 8513a), the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.), and the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8801 et seq.). Even though a number of these laws require sanctions on Iran until it ceases its support of terrorism, and verifiably ends its nuclear program, President Obama got around such conditions when entering into the JCPOA by abusing waiver and license authorities. For example, Iran-related General License H had authorized foreign subsidiaries of U.S. parents to engage in many Iran-related transactions.¹ Congress can prevent the future abuse of such waiver and license authority, especially regarding terrorism-related sanctions. For example, RSC’s [Maximum Pressure Act](#) would put sunsets on waiver authority provided to the President and prohibit licenses or waivers to any entities tied to terrorism as long as the entities were engaged in terrorist activities.
 - ***The law requires President Biden to submit this deal to Congress, and conservatives should continue to push for a vote.*** As Chairman Michael McCaul of the House Foreign Affairs Committee has made [clear](#) in a letter to President Biden on June 15th, “any arrangement or understanding with Iran, even informal, requires submission to Congress.” The Biden administration may try to circumvent Congress by construing the arrangement with the Islamic Republic as an “understanding” rather than an “agreement,” which would trigger review under the Iran Nuclear Agreement Review Act (INARA P.L. 114-17). However, INARA’s definition of “agreement” is quite broad including any agreement “regardless of the form” it takes. Secretary

¹ [United States and European Union Lift Sanctions to Implement Iran Nuclear Deal | Insights | Sidley Austin LLP](#)

of State Antony Blinken pledged to work with Congress "at the takeoff, not just the landing". Instead, he's working to circumvent Congress and hoist an illegal deal on the American public. In a leaked video from a J Street conference featuring Biden's Special Envoy for Iran Rob Malley, and President Obama's former legal adviser on the previous Iran deal Tess Bridgeman [stated](#) that "With elections coming up, we are not going to see the administration do anything that requires voting in Congress, so I think it's really important to keep in mind... that [agreements] be in that realm of discretionary, unilateral gestures," she said. "Something that's written down on a piece of paper for all sides to try to implement is a recipe for Congress making it impossible." This makes it clear why the administration is denying entering into any agreement or deal with Iran and news reports are focusing on "mutual understandings." If President Biden does not submit the agreement to a vote, INARA still guarantees a vote on the floor of the House and the Senate to prevent sanctions relief for the Iranian regime, if the majority or minority leaders exercise this right. The vote can occur only during a 60-day window that re-opens every 90 days due to the administration's continued inability to certify that the Iranians are meeting their nuclear commitments under the JCPOA. The [graphic](#) by the Jewish Institute for National Security of America may be helpful in describing the process required by INARA.

Requirements of Iran Nuclear Agreement Review Act (INARA)



- ***Biden may try to illegally use the IMF to provide cash to terrorists in Iran.*** Iran's Finance Minister claimed this week the regime would soon be able to access funds previously disbursed to Iran despite Republican opposition from the [International Monetary Fund](#) (IMF). Press reports estimate the IMF bailout [at nearly \\$7 billion](#). The U.S. [blocked](#) such a bailout in 2020. [The International Financial Institutions Act](#) (P.L. 95-118) requires the U.S. executive director at the IMF to "use the voice and vote of the United States to oppose any loan or other use of the funds of the respective institution to or for a country" that is designated as a state sponsor of terrorism.
- ***A formal congressional investigation is warranted to determine whether the Biden administration conspired to violate the Iran Nuclear Agreement Review Act and International Financial Institutions Act.*** According to the letter sent by Chairman Michael McCaul, U.S.

Special Envoy for Iran Rob Malley has refused to testify before the House Foreign Affairs Committee despite being invited on April 11th. This is unacceptable. Malley, and White House Coordinator McGurk should testify before a public hearing regarding this deal, and the committees of jurisdiction – including the House Foreign Affairs Committee, House Oversight Committee, and House Financial Services Committee – should be prepared to use the subpoena power if necessary.

2. **Biden’s Iran Nuclear Giveaway will not make Americans any safer. It will fund the terrorist IRGC and will put American lives in danger by strengthening the regime and rewarding and encouraging terrorism and hostage-taking.**

- ***By providing waivers or licenses to the Central Bank of Iran or National Iranian Oil Company, the administration is essentially funding terrorism.*** Money trapped in bank accounts belonging to institutions like the Central Bank of Iran and the National Iranian Oil Company are subject to U.S. terrorism sanctions today. [Both the CBI and NIOC](#) were designated for their financing of the IRGC. No evidence suggests such financing has ceased. The Biden administration’s secret extortion agreement is providing *terrorism* sanctions relief to Iran. This is despite the fact that the IRGC continues to attack Americans through terrorist proxies in Iraq and Syria, and has even plotted attacks against American citizens like Masih Alinejad on American soil. Congressman Bryan Steil’s *No Sanctions Relief for Terrorists Act* would prevent the administration from abusing waivers and licenses to provide sanctions relief to terrorists.
- ***This deal is a betrayal of the Iranian protesters and Iranian women who risked their lives just months ago to fight for their freedom.*** The Iranian regime is at its weakest point in history with thousands of Iranians across the country protesting to support the “women, life, freedom” movement after the brutal murder of Mahsa Amini last fall, an Iranian woman who was arrested and killed for wearing improper hijab. Rather than supporting these protesters in their fight against the regime, the money from Biden’s Nuclear Giveaway Agreement would throw them under the bus, and bailout the regime making sure their iron grip on Iranian women, men, and children remains strong. Congressman Jim Banks’ *MAHSA Act* would stand with the protesters by keeping sanctions in place on Iran’s Supreme Leader and President as long as the regime was supporting terrorism and killing its own people.
- ***By paying ransom for hostages, this deal will encourage more hostage-taking.*** If you thought President Obama’s pallets of cash was bad, this is going to be worse. Obama paid \$1.7 billion for five hostages. Biden is preparing to pay Iran \$7 billion for just three hostages. This is an exorbitant sum and is going to make American citizens a target for kidnapping around the world. IRGC Commander Hassan Abbasi has even [stated](#) that Iran could balance its budget by just taking 10-20 hostages from the U.S., illustrating the folly of paying ransom to a terrorist regime.
- ***Biden's deal would not make Americans any safer, and will pave the way for Iran to obtain a nuclear weapon.*** The reported agreement will just kick the can down the road for a few months, and that can will become far more dangerous to deal with. The deal allows Iran to enrich uranium at 60% - which Iran only started doing once Biden was elected. We will give up all our leverage on Day 1 and all we have to do is trust Iran to keep their word. That's the worst deal imaginable.