

Stenographic Transcript
Before the

COMMITTEE ON
ARMED SERVICES

UNITED STATES SENATE

HEARING TO RECEIVE TESTIMONY ON THE
JOINT COMPREHENSIVE PLAN OF ACTION (JCPOA)
AND THE MILITARY BALANCE IN THE MIDDLE EAST

Tuesday, August 4, 2015

Washington, D.C.

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HEARING TO RECEIVE TESTIMONY ON THE
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Tuesday, August 4, 2015

U.S. Senate
Committee on Armed Services
Washington, D.C.

The committee met, pursuant to notice, at 9:35 a.m. in
Room SD-G50, Dirksen Senate Office Building, Hon. John
McCain, chairman of the committee, presiding.

Committee Members Present: Senators McCain
[presiding], Inhofe, Sessions, Wicker, Ayotte, Fischer,
Cotton, Rounds, Ernst, Tillis, Sullivan, Reed, Nelson,
McCaskill, Manchin, Shaheen, Gillibrand, Blumenthal,
Donnelly, Hirono, Kaine, King, and Heinrich.

1 OPENING STATEMENT OF HON. JOHN McCAIN, U.S. SENATOR
2 FROM ARIZONA

3 Chairman McCain: Before we commence the hearing, I
4 would like to say, since a quorum is now present, I ask the
5 committee to consider two civilian nominations and a list of
6 1,476 pending military nominations.

7 First, I ask the committee to consider the nomination
8 of Ms. Joyce Louise Connery to be a member of the Defense
9 Nuclear Facility Safety Board, and Mr. Joseph Bruce Hamilton
10 to be a member of the Defense Nuclear Facilities Board. Is
11 there a motion to favorably report these two civilian
12 nominations to the Senate?

13 Senator Reed: So moved.

14 Senator Inhofe: Second.

15 Chairman McCain: Is there a second?

16 Senator Inhofe: It's me.

17 Chairman McCain: All in favor?

18 [A chorus of ayes.]

19 Chairman McCain: All those opposed?

20 [No response.]

21 Chairman McCain: The ayes have it.

22 Second, I ask the committee to consider a list of 1,476
23 pending military nominations, including General Mark A.
24 Milley to be Chief of Staff of the Army, Admiral John R. --
25 John M. Richardson to be Chief of Naval Operations, and

1 Lieutenant General Robert B. Neller to be General and
2 Commandant of the Marine Corps.

3 Of these nominations, 298 nominations are 1 day short
4 of the committee's requirement that nominations be in
5 committee for 7 days before we report them out. No
6 objection has been raised, these nominations. I recommend
7 the committee waive the 7-day rule in order to permit the
8 confirmation of the nominations of these officers before the
9 Senate goes out for the August recess.

10 Is there a motion to favorably report these 1,476
11 military nominations to the Senate?

12 Senator Reed: So moved.

13 Chairman McCain: Is there a second?

14 Senator Reed: Second.

15 Chairman McCain: All in favor, say aye.

16 [A chorus of ayes.]

17 Chairman McCain: The motion carries. This -- a
18 significant turnover in the -- on the leadership -- top
19 leadership of the United States military.

20 The committee meets today for our second oversight
21 hearing on the Joint Comprehensive Plan of Action, which the
22 United States and other major powers have signed with Iran.

23 We welcome our distinguished witnesses and thank them
24 for joining us today: General Michael Hayden, Principal at
25 the Chertoff Group and former Director of the Central

1 Intelligence Agency; Ambassador Nicholas Burns, Goodman
2 Professor of Diplomacy and International Relations at the
3 Harvard Kennedy School and former Under Secretary of State
4 for Political Affairs; Ambassador Eric Edelman,
5 Distinguished Fellow at the Center for Strategic and
6 Budgetary Assessments and former Under Secretary of Defense
7 for Policy; and Dr. Richard Haass, President of the Council
8 on Foreign Relations and former Director of Policy Planning
9 at the State Department. A very distinguished panel, and I
10 thank all of them for coming to testify before us today.

11 The committee's oversight is primarily focused on the
12 strategic and military implications of the agreement, which
13 is the responsibilities of the Armed Services Committee.
14 Among other things, we want to know how this agreement will
15 affect regional security, proliferation, and the balance of
16 power in the Middle East; what impact it may have on Iran's
17 malign activities and hegemonic --

18 Senator Reed: Dominating-the-region stuff.

19 [Laughter.]

20 Chairman McCain: -- ambitions in the region --
21 hegemonic ambitions in the region; what it means for
22 perceptions of American credibility and resolve among our
23 allies and partners; and what the consequences are for U.S.
24 defense policy, military planning, and force posture.

25 From this broader strategic perspective, this bad deal

1 only looks that much worse. The committee is eager to hear
2 our witnesses' assessments of the vital details of this
3 agreement, especially the verification and monitoring
4 mechanisms, which include two side agreements between the
5 IAEA and Iran, neither of which the administration or the
6 Congress have seen. At the same time, what is even more
7 troubling are the military implications of this agreement.

8 Iran is not just an arms-control challenge, it is a
9 geopolitical challenge. For years, many of us have urged
10 the administration to adopt a regional strategy to counter
11 Iran's malign activities in the Middle East. Unfortunately,
12 if such a strategy exists, there is no evidence of it.
13 Instead, we have watched with alarm as Iran's military and
14 intelligence operatives have stepped up their destabilizing
15 activities in Iraq, Syria, Lebanon, Yemen, Bahrain, Gaza,
16 and elsewhere. Iran did all of this under the full pressure
17 of sanctions. Now Iran will receive a windfall of sanctions
18 relief estimated at roughly \$60 billion, or possibly much
19 more. It is only fair to assume that billions of additional
20 dollars will soon flow to the Iran's Revolutionary Guards
21 Force, or Quds Force, money that will be used to boost arms
22 supplies to Iran's terrorist proxies, to sow chaos and
23 instability across the region, and double down on Bashar
24 Assad right when he needs it most. This will present a host
25 of new challenges for the Department of Defense.

1 This agreement will not only strengthen Iran's malign
2 activities in the region, it will also further Iran's
3 emergence as a dominant military power in the Middle East.
4 Despite repeated assurances that negotiations were strictly
5 limited to the nuclear program, the administration made
6 major concessions related to conventional weapons and
7 ballistic missiles, concessions that the Chairman of the
8 Joint Chiefs of Staff warned, before the agreement, should
9 occur under, quote, "no circumstances."

10 In 8 years, this agreement would lift restrictions on
11 ballistic missiles whose only conceivable military purpose
12 would be to deliver nuclear weapons against the United
13 States and its allies. In 5 years, this agreement would
14 lift the international arms embargo against Iran, freeing up
15 the regime to acquire advanced conventional military
16 capabilities. With billions of dollars in sanctions relief,
17 Iran is sure to find plenty of states that are eager to sell
18 those weapons, especially Russia and China.

19 These concessions have direct and dangerous
20 implications for the U.S. military. The administration says
21 that the military option will remain on the table if Iran
22 violates the agreement. And that is true. Yet, the
23 agreement itself would enable Iran to construct the very
24 kind of advanced military arsenal, the anti-access and area
25 denial capabilities, that could raise the cost of employing

1 our military option. In short, if this agreement fails,
2 U.S. servicemembers are called upon to take action against
3 Iran, their lives would be at greater risk because of this
4 agreement.

5 And that is perhaps most troubling of all about this
6 agreement, what it means for America's credibility in the
7 Middle East. For decades, the United States has sought to
8 suppress security competition in the region between states
9 with long histories of hostility toward one another and to
10 prevent war. I fear this agreement could further undermine
11 our ability and willingness to play that vital stabilizing
12 role.

13 Our allies and partners in the Middle East have
14 increasingly come to believe that America is withdrawing
15 from the region, and doing so at a time when Iran is
16 aggressively seeking to advance its ambitions. Now we have
17 reached an agreement that will only legitimize the Islamic
18 Republic as a threshold nuclear state with an industrial
19 enrichment capability, but will also unshackle this regime
20 and its long-held pursuit of conventional military power,
21 and may actually consolidate the current regime's control in
22 Iran for years to come.

23 The President and his advisors are fond of saying that
24 the only alternative to this deal is war. This kind of
25 false choice is all too familiar from this administration.

1 And these cheap scare tactics have no place in a national
2 security debate of this magnitude. And our military leaders
3 know better. The Chairman of the Joint Chiefs, General
4 Dempsey, told this committee last week, quote, "We have a
5 range of options." Likewise, the President's nominee to be
6 the next Chief of Naval Operation testified that, quote,
7 "There are other options besides going to war."

8 In addition to your analysis of the agreement and its
9 consequences, all of us are eager to hear from each of you
10 today what realistic alternatives there is to this agreement
11 and what role the Congress should now play.

12 Senator Reed.

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1 STATEMENT OF HON. JACK REED, U.S. SENATOR FROM RHODE
2 ISLAND

3 Senator Reed: Well, thank you very much, Mr. Chairman.

4 And we are, indeed, fortunate to have before us today
5 witnesses that have served time in the military and our
6 diplomatic service, intelligence entities of our government.
7 They have a wide range of knowledge and experience in issues
8 relating to the Middle East, nonproliferation, asymmetric
9 warfare, and matters of war and peace in general.

10 This is our second hearing relating to the Joint
11 Comprehensive Plan of Action, or the JCPOA. And I want to
12 thank Chairman McCain for his effort to make sure the
13 committee is presented with a range of views and opinions on
14 the JCPOA.

15 In the weeks ahead, Congress has an obligation to
16 review carefully the details of this agreement and to
17 validate that the agreement will meet our common goal of
18 stopping Iran from acquiring a nuclear weapon. This week's
19 hearings are part of that effort.

20 Last week, the committee held a hearing with the
21 Secretaries of Treasury, State, Defense, and Energy, and the
22 Chairman of the Joint Chiefs of Staff. That hearing was
23 important, as it provided the committee with the
24 administration's views on the agreement, plans for regional
25 engagement in the months and years ahead, and an opportunity

1 to better understand the details of the agreement, from
2 Iran's enrichment capabilities under the JCPOA to how snap-
3 back provisions and sanctions would be imposed if the terms
4 of the agreement were violated.

5 I hope our witnesses today will provide their
6 assessment of whether the deal is in -- the best available
7 option to prevent the Iranians from obtaining a nuclear
8 weapon, both in the near and long term. I specifically hope
9 they will address a number of areas: the terms of the
10 agreement itself, particularly with respect to cutting off a
11 path to a nuclear device, past military dimensions of the
12 program, duration, and the breakout time necessary for Iran
13 to acquire a nuclear weapon; the alternatives, if any, to
14 the JCPOA -- and I think these alternatives are something
15 that we must consider; three, the inspection regime under
16 the deal, including lessons learned from past international
17 inspections that have been incorporated into this deal;
18 four, the role and capacity of the International Agency --
19 the Atomic Energy Agency to implement this deal; and
20 finally, the sanctions regime under the JCPOA, and
21 availability of those tools to be used against Iran in
22 situations of terrorism, regional destabilization
23 activities, and human rights abuses.

24 While the implementation of this agreement will not be
25 performed by the Department of Defense, the Department will

1 have a critical role in implementing the regional engagement
2 policies and programs laid out at Camp David with our Gulf
3 Cooperation Council partners. Secretary Kerry is in the
4 region this week and is working with our GCC partners for
5 the next steps of this policy: to enhance the ballistic
6 missile defense capability of the GCC and to improve their
7 interoperability and collective defense against asymmetric
8 threats. These are important efforts that I look forward to
9 hearing about today.

10 Israel rightly views Iran as a significant ongoing
11 threat to their national security interest. And, while
12 Prime Minister Netanyahu is unlikely to ever endorse this
13 agreement, the United States should make every effort to
14 deepen further our cooperation on military and intelligence
15 matters with Israel. I would be interested in hearing the
16 assessment of the witnesses on how the United States might
17 successfully move forward with the Netanyahu government if
18 this agreement is ultimately adopted.

19 I want to make one final point. These negotiations
20 focused on denying Iran a pathway to a nuclear weapon. A
21 nuclear weapon would be a more critical factor in the
22 region. In fact, Iran would be a more formidable force in
23 the region if it had a nuclear weapon, and, as it is
24 repeatedly demonstrated, not a force for peace and
25 stability, but one that supports terror and seeks to impose

1 its will throughout the Middle East. Moreover, a nuclear
2 Iran would likely prompt a regional nuclear arms race that,
3 through accident or design, could lead to catastrophe. None
4 of us would condone or ignore Iran's support of terror or
5 other destabilizing activities in the region, but these
6 negotiations were properly focused on nuclear weapon.

7 I look forward to the panel's responses as we continue
8 to deepen our understanding of this agreement.

9 Thank you, Mr. Chairman.

10 Chairman McCain: Welcome the witnesses.

11 General Hayden, we'll begin with you.

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1 STATEMENT OF GENERAL MICHAEL V. HAYDEN, USAF (RET.),
2 PRINCIPAL, THE CHERTOFF GROUP AND FORMER DIRECTOR, CENTRAL
3 INTELLIGENCE AGENCY

4 General Hayden: Thank you, Mr. Chairman, Mr. Vice
5 Chairman, for the invitation and including me in such a
6 distinguished panel.

7 I actually will be very brief in my opening remarks,
8 because I know we've got an awful lot of questions with
9 which we have to deal.

10 I do appreciate, however, in my conversation with the
11 committee staff, that the committee seems to be organizing
12 its inquiry along a pattern of what I will call -- the staff
13 doesn't -- what I will call three bubbles:

14 One bubble is the nature of the agreement itself. And
15 that's the part that the President has asked us to focus on.
16 He actually has said, "Judge this agreement on whether or
17 not it prevents Iran from getting a nuclear weapon in the
18 next 10 years." I actually think that's a fairly narrow
19 focus, and that is not the only consideration that we must
20 bring to mind in considering this agreement. Now, we can
21 argue within that bubble as to whether or not it's actually
22 sufficient for that more narrowly defined task with regard
23 to possible military dimensions, the inspection regime, the
24 realism of snap-back inspections, and so on. And I'm sure
25 we will discuss that, going forward. But, frankly, of the

1 three bubbles I'm going to describe, it's probably, in my
2 eye, the most favorable, despite its weaknesses.

3 A second bubble has to do with time. Where are we in
4 10 years? And where we will be in 10 years, if the
5 agreement is honored, we will be, within Iran, with an
6 industrial strength nuclear complex and permanent nuclear
7 weapons threshold status. That's what we have negotiated.
8 And so, I think that's also a second very important
9 consideration, not just what it does from zero to 10.

10 And then, finally and perhaps most immediately, it's
11 what the agreement does now to all the other aspects of
12 Iranian behavior that are so troubling to us: what they do
13 with regard to support to terrorism, Hamas, Hezbollah, their
14 activity in Iraq, in Lebanon, shoring up the Bashar al-Assad
15 government in Syria, and, of course, their contribution to
16 the civil war in Yemen. Iran is doing that now, and is
17 doing that as an isolated, impoverished, considered,
18 renegade nation-state in the region. What might Iran be
19 doing in those regards if Iran is no longer isolated, no
20 longer considered renegade, brought back into the family of
21 nations, and considerably richer than it is today?

22 Mr. Chairman, the night before you arrived at Aspen, a
23 few weeks ago, General Clapper was out in the big tent
24 answering some questions, and he was asked about the
25 agreement. And his bottom line was, "A terrorist-supporting

1 state without a nuclear weapon, a terrorist-supporting state
2 with a nuclear weapon, I think the choice is clear." Jim's
3 a good friend, and that is an incredibly important
4 consideration. But, I don't think we can isolate ourselves
5 to that consideration. As soon as he said it, I kind of
6 perked up and said, "Let me give" -- I didn't say it out
7 loud, but to myself -- "Let me give you a contrary
8 calculus." Okay? "A terrorist-supporting state, isolated,
9 renegade, impoverished, and not able to have normal dialogue
10 or intercourse with the community of nations, and a
11 terrorist-supporting state rich, engaged, accepted, and
12 legitimated." Those are the kinds of problems I think the
13 immediate and predictable -- not only -- beyond that,
14 inevitable -- byproducts, even if bubble one were
15 acceptable, that we would have to deal with before we
16 consider the entire agreement acceptable.

17 Thank you very much, Mr. Chairman. I know we'll have
18 lots of questions, going forward.

19 Chairman McCain: Thank you.

20 Dr. Haass.

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1 STATEMENT OF RICHARD N. HAASS, PRESIDENT, COUNCIL ON
2 FOREIGN RELATIONS AND FORMER DIRECTOR OF POLICY PLANNING,
3 U.S. DEPARTMENT OF STATE

4 Dr. Haass: Thank you, Mr. Chairman. Thank you for
5 this opportunity.

6 Look, this agreement with Iran, like any agreement, is
7 filled with compromise. And I would say the -- what we can
8 simply do is summarize it as a tradeoff. Inconsistent, I
9 think, with what General Hayden said, the agreement places
10 significant limits on what Iran is permitted to do in the
11 nuclear sphere for 10 to 15 years. But, these limits, even
12 if respected in full, come at a steep price. And there's
13 essentially two principal prices. One is that it certainly
14 facilitates Iran's efforts to carry out what I would call an
15 imperial foreign policy in the Middle East and Persian Gulf,
16 starting now. And secondly, the agreement does not in any
17 way resolve the problems posed by Iran's actual or potential
18 nuclear capabilities. And indeed, many of these problems
19 grow significantly worse as we come out to 10 or 15 years.

20 My own view is that a better agreement could and should
21 have been materialized, but I also understand this is
22 unprovable, and this is why historians can make a living.
23 So, I will simply address the agreement that we have before
24 us. But, I do think it needs to be judged on its merits
25 rather than on the hopes it might lead to some type of a

1 political transformation of Iran. We simply cannot know
2 what, if any, effect it will have on Iran. And I think this
3 is one we can argue round or flat. It could just as easily
4 encourage radicalism in Iran as it could encourage
5 moderation.

6 I also have three baskets, not bubbles:

7 One is the question of compliance. Given Iran's
8 history, there's ample reason for concern. My own
9 prediction, and it's just that, is, Iran may well be tempted
10 to cut corners and engage in what you might describe as
11 retail noncompliance, but probably not wholesale
12 noncompliance, lest it risk the reintroduction of sanctions
13 or even military attack. I also come to this conclusion
14 because I think, from Iran's point of view, this is a good
15 agreement, and it would be undisciplined on their part if
16 they were to engage in wholesale noncompliance. Still,
17 we've to guard against it, and I think we ought to be
18 explicit as to what the penalties would be if they were to
19 do that.

20 On the regional side, as I said, Iran is an imperial
21 power, and sanctions relief will be an enabler for them to
22 do all the things they have been doing, but on a larger
23 scale, and it could well extend, among other things, to
24 Syrian civil war. This comes against the backdrop, I would
25 simply add, of a Middle East which is already the least

1 successful part of the world. I've used the analogy that
2 the Middle East is a latter-day 30-years war of political
3 and religious strife within and across boundaries. I see
4 nothing in this agreement that will make that situation
5 better, and, quite possibly, it will make it worse.

6 And I'm happy to discuss, if people want, what I think,
7 therefore, we need to think about doing in places like Iraq,
8 in Syria and other places in the region. I would simply
9 say, more broadly, is that we need to discourage the Saudis
10 and others from developing a nuclear option to hedge against
11 what Iran might do down the road. I mean, as bad as the
12 Middle East now, a Middle East with one or more additional
13 nuclear threshold states or actual states would be a
14 nightmare, particularly since several of these regimes are
15 brittle. So, it's not just simply the question of nuclear
16 use that we have to think about, it's the loss of
17 custodianship over nuclear weapons and materials.

18 Establishing strategic trust -- or reestablishing
19 strategic trust with Israel, I would also put high on the
20 list. And, for the Israelis and others, including Jordan
21 and other countries, we have got to have real, strategic
22 dialogues to make sure they can contend with the very real
23 threats, either stemming from Iran, ISIS, or what have you.

24 My third area of concern deals with the long-term
25 nuclear. And, in some areas, I think that's the most

1 serious. It's necessary, but not sufficient, that Iran not
2 be able to assemble one or more nuclear weapons down the
3 road. And one thing I would recommend immediately is
4 consultations with European and regional governments to deal
5 with the question of a follow-on agreement to this one.
6 What -- again, if I'm right in my analysis that this
7 agreement buys us 10 or 15 years, then we need to begin
8 immediately on what is the aftermath. Because 10 or 15
9 years is not all that much. And we, ourselves, need to do
10 serious planning, not simply diplomatically, but about
11 sanctions, covert action, and military force.

12 Now, I'm aware that you all, unlike me, have the
13 responsibility to vote on this agreement. And I -- as I've
14 said, I believe it is a flawed agreement. But, I also think
15 the framing is important here. And the issue before the
16 Congress is not whether the agreement is good or bad, but
17 whether, from this point on, the United States would be
18 better or worse off with or without it. And I simply think
19 there are several drawbacks to passing a resolution of
20 disapproval, presumably overriding a presidential veto. And
21 the two most serious ones are obviously what Iran could do
22 in the nuclear realm in the short run, and secondly, the
23 questions and doubts this would raise, not simply in the
24 region, but around the world, about American reliability and
25 predictability.

1 At the other end of the scale or spectrum is the option
2 of voting for the agreement. But, that would do nothing to
3 address the flaws and the drawbacks and shortcomings of the
4 agreement that exists.

5 So, let me just put on the table a third option that I
6 think is worth exploring, which is the idea to associate or
7 link or somehow accompany any vote on this agreement with
8 either legislation or some type of a formal communication
9 between the White House and the Congress about American
10 policies that would deal with each one of these three
11 baskets. What would be American policy in the case of
12 noncompliance? What would be certain principles that would
13 guide American policy towards regional challenges? And what
14 would be the principles and policies that would guide U.S.
15 -- the United States over the 10- and 15-year period and
16 beyond when it came to Iranian policies in the nuclear
17 realm. And what this -- what the statements or these --
18 this accompanying legislation would lay out is what would be
19 intolerable and what the United States is prepared to do in
20 the event of certain types of Iranian behavior. And I think
21 such a statement would both have elements of reassurance to
22 our friends and allies to help manage their behavior, but
23 also send clear warnings to Iran about what would be the
24 consequences of certain actions on their part.

25 Thank you very much.

1 [The prepared statement of Dr. Haass follows:]
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1 Chairman McCain: Thank you, Dr. Haass.
2 Ambassador Edelman.
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1 STATEMENT OF HON. ERIC S. EDELMAN, DISTINGUISHED
2 FELLOW, CENTER FOR STRATEGIC AND BUDGETARY ASSESSMENTS AND
3 FORMER UNDER SECRETARY OF DEFENSE FOR POLICY

4 Ambassador Edelman: Chairman McCain, Senator Reed,
5 thank you very much for inviting me to join this panel
6 today. I'm delighted to be here with them and before you.

7 I submitted to the committee staff yesterday a lengthy
8 statement, and I would ask that it be included in the --

9 Chairman McCain: Without objection.

10 Ambassador Edelman: -- on the record.

11 First, let me say that I agree with much of what
12 General Hayden and Richard Haass have said, but not all.
13 The most important point I want to make this morning is, I
14 think that you all are to be commended for the deliberation
15 that you are engaging in on this agreement. I believe that
16 major arms-control agreements that bind the Nation in
17 matters vital to the national interest ought to rest on a
18 strong public consensus. And that's the reason why the
19 Founders vested the power to ratify treaties with the
20 Senate. And, although this is not a treaty -- I recognize
21 it's not a treaty -- I think the general proposition still
22 remains very sound, so I appreciate the due diligence with
23 which you're approaching this.

24 As Richard's colleague, Ray Takeyh, and I wrote in the
25 Washington Post last month, I believe that the Joint

1 Comprehensive Plan of Agreement is deeply flawed because it
2 concedes an enrichment capability that's too large to Iran,
3 a sunset clause that's too short, a verification regime
4 that's too leaky, and enforcement mechanisms that are too
5 suspect. The Institute for Science and International
6 Security, which is one of the premier nonpartisan
7 authorities on nonproliferation in general, has assessed
8 that, on the agreement, after year 10, and particularly
9 after year 15, as limits on its nuclear program end, Iran
10 could reemerge as a major nuclear threat. Even if the deal
11 succeeds during the first 10 years, it's unknowable whether
12 the agreement will continue to accomplish its fundamental
13 goal of preventing Iran from getting nuclear weapons in the
14 long term.

15 As Leon Wieseltier wrote earlier this week in The
16 Atlantic, 10 years is a young person's idea of a long time.
17 And I'm -- unfortunately, now reached the age where I'm
18 allowed to say things like that.

19 I need to say that I've come to this judgment with some
20 difficulty, because I've spent 30 years in the Foreign
21 Service as a colleague of Ambassador Burns, and I have a
22 strong belief in deference to executive authority in the
23 conduct of foreign relations. And a multilateral agreement
24 negotiated over many years should not be rejected for light
25 or transient causes, for the reasons that Dr. Haass just

1 mentioned in his statement. The only legitimate grounds for
2 doing so, I believe, are when you believe that the agreement
3 is so manifestly deleterious to the national interest that
4 it warrants rejection and renegotiation. And I believe this
5 agreement meets that standard because it will put the
6 imprimatur of the international community and the United
7 States on an industrial-scale enrichment program that will
8 leave Iran, even if the negotiated limits are adhered to, as
9 a threshold nuclear state when the various provisions
10 expire, as General Hayden said just a minute ago. This, in
11 effect, reverses 50 years of U.S. nonproliferation policy.

12 As my SAIS colleague, Michael Mandelbaum, wrote last
13 week, "We are abandoning the policy of prohibiting the
14 spread of enrichment technology even to friendly democratic
15 governments. And, as a result, it will henceforth be
16 extremely difficult to prevent other countries, at first in
17 the Middle East, but ultimately elsewhere, particularly in
18 East Asia, from equipping themselves with the capacity for
19 enrichment. In my view, this prospect of Iranian nuclear
20 latency will, in turn, put the Middle East on the path to a
21 catastrophic arms race."

22 The sanctions regime, with its snap-back provisions,
23 I'm afraid will not be easily reconstituted once we have the
24 entry into force of this agreement. And I would say,
25 tellingly, that Foreign Minister Zarif noted, a few days

1 ago, that sanctions would only be reimposed on Iran in case
2 of serious violations of its obligations, and not in the
3 case of small-scale violations -- to Dr. Haass's point. So,
4 the Iranians are already telling us that they're not worried
5 about being held to account for incremental violation of the
6 agreement. And, given Iran's history of serial violation of
7 its earlier obligations under the NPT, I think there's a
8 heavy burden on advocates of the agreement to show that the
9 verification provisions will be adequate.

10 We were told during the course of the negotiation that
11 we would have anytime/anywhere verification for nondeclared
12 sites. We now know that we're going to have a much more
13 complicated set of provisions that will leave potentially 24
14 days for Iran to deny and -- engage in denial and deception
15 about its nuclear activities if it, in fact, is violating
16 the agreement.

17 The President has said that there's -- you know, this
18 is not really a long time, it doesn't really matter, you
19 can't really hide this activity. But, again, the Institute
20 for Science and International Security has said that, in
21 fact, these cumbersome procedures for requesting access to
22 undeclared sites would allow Iran to disguise many small-
23 scale nuclear and nuclear-weapons-related activities,
24 including high-explosive testing related to nuclear weapons,
25 small centrifuge manufacturing, and small centrifuge plants

1 using advanced centrifuges.

2 The termination of the U.S.-led sanctions against
3 Iran's energy, financial, and industrial sectors would
4 repatriate as much as \$150 billion, if all the frozen funds
5 that Iran has accumulated are released, to rebuild its
6 straightened economy and to modernize its military. As,
7 again, Foreign Minister Zarif recently told the Majlis, once
8 the structure of sanctions collapses, it will be impossible
9 to reconstruct it.

10 The deal, itself, will legitimize years of illegitimate
11 conduct and enhance Iran's drive for hegemony -- that's easy
12 for me to say --

13 [Laughter.]

14 Ambassador Edelman: -- and, through sanctions relief
15 that will provide for the modernization of Iranian military
16 capabilities across the board and increasing its support for
17 proxies and for terror.

18 One example of what might happen is an effort by Iran
19 to shift the strategic balance back in Syria against the
20 Assad regime once and for all. Tehran's military assistance
21 to Baghdad and its extension of control through Shi'a
22 militias can be expected to continue. It may feel empowered
23 to take a -- undertake a counteroffensive to the gains that
24 have been made by the progovernment forces in Yemen in the
25 last few days. And the larger strategic problem I think we

1 face is that Iranian hegemony in Yemen could be matched by
2 additional Iranian moves in Saudi Arabia's eastern province
3 as well as in Bahrain, and thus, put Riyadh in the
4 equivalent of an East-West strategic vice. Even an Iranian
5 policy in Yemen that was not able to achieve its maximal
6 gains would deepen the security vacuum, which has been a
7 boon to the growth of al-Qaeda in the Arabian Peninsula.

8 With our allies dismayed and increasingly concerned
9 about the value of U.S. guarantees, they will become more
10 inclined to pursue policies of self-help. For Israel, this
11 means trying to manage an intrinsically unstable virtual
12 nuclear balance with Iran. Both Iran and Israel will face a
13 high potential penalty for not shooting first in a crisis.
14 Both countries will necessarily adopt extremely high alert
15 postures and be certain to pursue preemptive strategies that
16 will lead to chronic -- what we used to call, in the Cold
17 War days, chronic crisis instability.

18 For Saudi Arabia and other Sunni Arab allies, the
19 result will be further efforts to seek new security
20 partners, perhaps bringing China into the Gulf arena as a
21 major security player -- we've already seen some indications
22 of that -- and increased pursuit of conventional arms, as
23 well as seeking their own latent nuclear capability to
24 offset Iran's relatively short breakout timeline.
25 Unfortunately, it seems that the interaction between three

1 or more nuclear-armed powers in the region would be much
2 more prone to miscalculation and escalation than in the
3 bipolar competition that characterized the Cold War. As
4 Henry Kissinger and George Shultz wrote in the Wall Street
5 Journal recently, "Traditional theories of deterrence
6 assumed a series of bilateral equations. Do we now envision
7 an interlocking series of rivalries, with each nuclear
8 program counterbalancing others in the region?"

9 There will be other knock-on effects, as Chairman
10 McCain indicated in his opening statement, in the region
11 across the Middle East as a result of this agreement. U.S.
12 conventional deterrence in the traditional forms -- carrier
13 strike groups, expeditionary strike capability, long-range
14 strategic airpower, and, when needed, boots on the ground --
15 will become increasingly difficult to maintain in the region
16 as Iran's own military power grows and improves. In fact,
17 we're already under stress due to budgetary and other
18 constraints, as Admiral Richardson admitted last week in his
19 confirmation hearing.

20 Because it -- Tehran knows it cannot compete head to
21 head with U.S. conventional capabilities, it has long
22 pursued an asymmetric anti-access area-denial strategy,
23 including mobile missile launchers, the development of anti-
24 ship cruise missiles, advanced air defenses, burying and
25 hardening its nuclear facilities, increasingly effective

1 torpedoes, smart mines, and possibly, in the future, anti-
2 ship ballistic missiles akin to those that are being
3 deployed by China in the Pacific to hold U.S. carriers at
4 greater risk, albeit on a smaller scale.

5 The problems -- one of the major problems I find with
6 the agreement is the fact that, in 5 and 8 years
7 respectively, and possibly shorter, depending on the
8 agreement of the powers, the U.N. embargos on conventional
9 arms and ballistic missiles to Iran will come off. And
10 Foreign Minister Zarif, again, recently underscored to the
11 Majlis that Iran's pursuit of its ballistic missile and
12 other defense capabilities while violating existing U.N.
13 Security Council Resolutions will not violate the Joint
14 Comprehensive Plan of Agreement.

15 As a result, I don't think, in the future, you and your
16 colleagues, nor my former colleagues in the Department of
17 Defense, will be able to maintain the assumption of
18 unimpeded access and control in all domains of warfare in
19 the Persian Gulf that we have had in the past. I think
20 we're going to have to expand our regional military presence
21 to reassure Israel and the Gulf states and to deter Iran.
22 And, as Iran's A2AD capabilities mature, the U.S. must take
23 concerted efforts to maintain or achieve superiority in a
24 range of areas, including long-range strike, advanced
25 bunker-buster munitions like the massive ordnance

1 penetrator, sustainable unmanned ISR and strike platforms,
2 advanced integrated and layered air and missile defenses for
3 our in-theater forces and for our allies, and greater
4 capability for undersea precision strike, and perhaps
5 relying on close-in weapon system and directed energy to
6 defend our fielded forces against cruise missile and
7 swarming boat attacks. This is going to be extremely
8 difficult, particularly in an environment where defense
9 spending is constrained under the caps of the Budget Control
10 Act and sequestration, a subject about which I've had the
11 privilege of testifying before this committee in the past.

12 The administration's constant refrain has been that no
13 other agreement would have been possible, and this is the
14 best deal achievable, and the only alternative is war. I
15 reject all of those propositions. As the historian E.H.
16 Carr once suggested, "In politics, the belief that certain
17 facts are unalterable or certain trends are irresistible
18 commonly reflects a lack of desire or a lack of interest to
19 change or resist them." I believe the U.S. still has
20 options, short of war, that it could exercise to try and
21 secure a more acceptable agreement. Iran is in violation of
22 multiple legally binding U.N. Security Council Resolutions,
23 some of them negotiated by my colleague to the left. Its
24 regime relies heavily on energy export revenues and remains
25 vulnerable both to sanctions and the persistently low price

1 of oil, which is likely to remain low for the next several
2 years. It is footing the bill and providing the manpower to
3 keep its proxies on the front lines in Syria and Iraq. And
4 those proxies are facing rising pressure at home to keep
5 morale high and continue the fight in the wake of extremely
6 high casualties. And I see that the Washington Institute
7 has just released a study this morning about the IRGC
8 casualties in Syria.

9 In short, Iran needs an agreement more than the United
10 States. And, while I recognize that rejecting the current
11 deal will create a great deal of discomfort for the
12 administration, and will be very messy and a very vexing
13 task to renegotiate, I still believe that the U.S. has
14 powerful tools, in the form of sanctions, to discourage
15 others from making a headlong embrace of Iran, a fact which
16 a number of our P5+1 partners have recently acknowledged,
17 even though it's been a bit of a discomfoting
18 acknowledgment for them.

19 Finally, let me make one observation about something
20 Dr. Haass said which I think was important, which is, if
21 this agreement is rejected, the administration has argued
22 that it's possible -- and others have suggested -- it's
23 possible Iran might make a sprint to a bomb. Now, on the
24 one hand, that contradicts some of the argumentation that
25 the administration has made about the fatwah that's been

1 issued by the Supreme Leader against nuclear weapons, and
2 also against a longstanding conclusion of the intelligence
3 community -- and I'd defer to General Hayden here -- that
4 the Iranians have tried to put in place the means to have a
5 nuclear weapon, but have not made the decision to actually
6 weaponize. But, we do need to recognize that that is a
7 possibility and that Iran might do that. And so, I would
8 encourage the Congress, whether you approve or disapprove of
9 the agreement in the end, to add to it a -- an authorization
10 for the use of force to prevent Iran from acquiring a
11 nuclear weapons capability under either eventuality -- that
12 is to say either the approval or disapproval of the
13 agreement -- in order send a very strong signal to Iran that
14 the objective for which we were negotiating, preventing them
15 from getting a nuclear weapon, will be realized.

16 Thank you very much for your time and attention. I
17 look forward to questions.

18 [The prepared statement of Ambassador Edelman follows:]

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1 Chairman McCain: Thank you.

2 Ambassador Burns.

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1 STATEMENT OF HON. R. NICHOLAS BURNS, GOODMAN PROFESSOR
2 OF DIPLOMACY AND INTERNATIONAL RELATIONS, HARVARD KENNEDY
3 SCHOOL

4 Ambassador Burns: Mr. Chairman, thank you -- Senator
5 Reed, members of the committee. It's an honor to testify.
6 I appreciate it. It's an honor to testify with three great
7 public servants and friends of mine, to my right.

8 Mr. Chairman, I've submitted my written testimony.
9 I'll just cite a few quick points to summarize my views.

10 I support this agreement that the Obama administration
11 has negotiated. I think it will help to prevent Iran from
12 becoming a nuclear weapons power. I think the agreement
13 also has many advantages that are specific to us. It's
14 going to arrest Iran's forward movement of the last 10 years
15 since Ahmadinejad took over, in 2005. And it's going to
16 freeze their program for the next decade or more. It will
17 effectively prevent Iran from producing fissile material for
18 a weapon through uranium enrichment or plutonium processing.
19 Its current breakout time -- and this, I think, is the most
20 significant advantage we have -- the administration says now
21 it's 2 to 3 months; under this agreement, for 10 to 15
22 years, Iran's breakout time would be extended to a year.
23 So, we have line of sight. We have the opportunity to act,
24 should Iran subvert the agreement. There will also be
25 significantly strengthened inspections of the nuclear supply

1 chain to the Iranian plants for the next 25 years, and the
2 additional protocol.

3 The sanctions are important. They're not going to be
4 lifted until Iran implements the agreement in every respect.
5 That could be 3 to 4 to 5 to 6 months. I don't anticipate
6 it any sooner. And the administration has to maintain
7 sanctions on Iran for terrorism violations and human rights
8 violations.

9 A final advantage. This is an opportunity for us to
10 deter Iran from becoming a nuclear weapon state through
11 diplomacy and negotiations rather than by war. I certainly
12 support the President's right -- obligation to use force, if
13 necessary, but, if we can take this step first, our country
14 is far stronger.

15 My second point, Mr. Chairman, Senator Reed, while the
16 benefits are substantial, there are risks. And my
17 colleagues have pointed out the risks. I don't want to
18 minimize those risks. The most significant, for me, is that
19 the superstructure of Iran's enrichment and plutonium
20 programs will remain intact. They'll be frozen, they'll be
21 in mothballs, they can be taken out of mothballs. Ten to 15
22 years from now, Iran could reconstitute -- I think, will --
23 a civil nuclear program. It could possibly use that civil
24 nuclear program as a base to construct a covert program.

25 So, the first 10 to 15 years of this agreement are a

1 decided advantage for the United States. It's the follow-on
2 10 or 15 years that represent a major challenge for us.
3 And, should Iran seek a nuclear weapon during that time, the
4 United States would need to do something that's going to be
5 difficult: reconstitute a global sanctions regime and also
6 have the will and the capacity to use force to prevent Iran
7 from becoming a nuclear-weapons power. I don't think it's
8 impossible, but it would depend on a strong and assertive
9 and self-confident American President at the time, either
10 President Obama's successor or the person after that.

11 A final risk, Mr. Chairman. The conventional arms
12 sales and ballistic missiles, the compromise that they'll
13 end in 5 and 8 years, respectively, I remain opposed to this
14 compromise. I don't think it's in our interest. I'm sorry
15 that it was made. What it will mean is that we'll have to
16 reconstitute a coalition of sanctions countries against Iran
17 5 years from now on conventional weapons, 8 years from now
18 on ballistic missiles.

19 Third point. I see the nuclear deal much in the way
20 that I think Dr. Haass does, as a combination of benefits
21 and of risks. And I, thus, fully understand why this is a
22 difficult vote for many members, and why you're deliberating
23 in the way that you are. I would suggest that all of us --
24 and I certainly include myself in this -- need to go beyond
25 the conventional wisdoms as we think about Iran. For

1 example, I don't believe that congressional defeat of the
2 President's proposal would lead inevitably to war, as some
3 in the administration are saying. But, neither do I believe
4 that the nuclear deal leads inevitably to an Iranian nuclear
5 weapon, as some of the critics are suggesting. I think a
6 lot's going to depend on the United States. Can we create
7 strategic deterrence against the Iranians? Can we coerce
8 and intimidate them from becoming a nuclear-weapons power,
9 not in the next 10 years, because we'll freeze them, but in
10 the follow-on 10 to 15 years? In that respect, the no-deal
11 solution that many critics believe is preferable -- and that
12 would be walking away, ending the talks, continuing to
13 sanction Iran, and negotiating a better deal -- it's an
14 option that deserves to be looked at. I mean, I think we
15 have a responsibility to look at it.

16 I've tried to think about this. Ultimately, I think it
17 probable that such a course would leave us weaker rather
18 than stronger. It's not at all certain to me -- and I spent
19 the years 2005 to 2008 working with the P5 as a member of
20 it, sanctioning Iran -- not at all certain that our partners
21 would follow us out the door if we walked out unilaterally.
22 Global unity that we've created, both President Bush and
23 President Obama, against Iran, the sanctions regime, I think
24 it would -- not automatically, probably not even quickly --
25 but, over time, it would begin to fray, and it would weaken.

1 And, most importantly, the restrictions that have frozen
2 Iran's nuclear program since January 2004, and that would
3 freeze them for the next 10 to 15 years, they'd be lifted,
4 because I think the Iranian response, the likely response,
5 would be to walk away from -- itself, from the deal if we
6 chose to do so. So, instead of Iran being a year away from
7 a nuclear weapon, it would go back to being a nuclear
8 threshold state in this no-deal scenario.

9 So, on balance, I believe the benefits outweigh the
10 risks. In fact, I think there are greater risks in
11 rejecting this agreement, because it would free Iran from
12 the considerable restrictions that they will have to live
13 under for a very long time.

14 Just two more points, Mr. Chairman. Thank you for your
15 patience.

16 My fourth point. To implement the deal successfully,
17 however, the administration, I think, has to do more to
18 strengthen our strategic deterrence and to coerce the
19 Iranians over the short and long term. So, specifically, I
20 hope, maybe as early as tomorrow, when the President makes
21 his speech, that the President will threaten publicly and
22 unambiguously that the United States would and should use
23 force against Iran, should it break the agreement and race
24 towards a nuclear weapon. The U.S. should certainly
25 reaffirm what Secretary Kerry's been trying to do this week

1 with the Gulf Cooperation Council -- reaffirm our support
2 for the Gulf Cooperation countries -- and, as the Pentagon
3 is trying to do -- strengthen their missile defense and
4 strengthen their ability to defend themselves.

5 The President also needs to close ranks with Israel.
6 It's a glaring problem for American policy in the Middle
7 East when we are openly feuding with our strongest partner.

8 That's a two-way street. And so, both leaders need to do
9 this. But, certainly, especially for this committee, as the
10 U.S. negotiates its next 10-year military assistance
11 agreement with Israel -- the current one expires in 2017 --
12 assuring Israel's qualitative military edge should be a
13 priority for the United States. So, in effect -- and this
14 gets to the point of your hearing today on the regional
15 implications -- as we going forward with a nuclear deal, we
16 will simultaneously need to go forward to contain Iran in
17 the Middle East. And we'll have a greater success, as
18 Senator Reed has suggested in his opening remarks, of
19 containing Iran if it's a non-nuclear state over the next 10
20 to 15 years than it would have been as a nuclear-weapon
21 state.

22 Finally, I recommend that Congress support the
23 agreement. I fear a vote of disapproval will weaken the
24 United States and our credibility in the region. It would
25 let Iran off the hook. It would leave Iran closer to a

1 nuclear weapon. I think what Dr. Haass has suggested at the
2 end of his remarks is instructive. Could the Congress also
3 pass accompanying legislation that might seek to strengthen
4 our ability to be the strongest power in the Middle East and
5 to coerce Iran in the future?

6 Thank you very much.

7 [The prepared statement of Ambassador Burns follows:]

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1 Chairman McCain: Well, thank you.

2 I want to thank the witnesses for very important
3 testimony. And I note that all -- a large number of my
4 colleagues paid close attention.

5 Is there any agreement among -- disagreement among the
6 witnesses that Iran is the largest state sponsor of terror
7 in the world? Is there anyone who disagrees with that?

8 [No audible response.]

9 Chairman McCain: Is there any disagreement that the
10 Iranian are now spending billions of dollars on those
11 adventures, whether it be in Iraq or Syria or Yemen, or even
12 now, we -- I understand they are providing weapons to the
13 Taliban -- is there anyone who disagrees with their
14 activities throughout the region?

15 [No audible response.]

16 Chairman McCain: Is there any doubt that they're
17 spending quite a bit of money on these efforts to
18 destabilize and exert their influence in these nations?

19 [No audible response.]

20 Chairman McCain: Well, if that's true, then obviously
21 verification is a key issue. And we understand now that,
22 quote, "side agreements" have been made between the IAEA and
23 Iran on the vital issue of verification. Is there anyone
24 that thinks -- that doesn't think that Congress should be
25 informed as to this vital part of the enforcement of any

1 agreement?

2 [No audible response.]

3 Chairman McCain: Well, then I guess my question is
4 that -- oh, and, in case we missed it, I'd like to have the
5 witnesses' comment on the top advisor to Supreme Leader Ali
6 Khamenei, who appeared on al-Jazeera on July 31st and was
7 asked about U.N. inspection of Iran's military sites.
8 Here's how he replied, according to the translation, quote,
9 "Regardless of how the P5+1 countries interpret the nuclear
10 agreement, their entry into our military sites is absolutely
11 forbidden. The entry of any foreigner, including IAEA
12 inspectors or any other inspector, to the sensitive military
13 sites of the Islamic Republican -- Republic is forbidden, no
14 matter what."

15 What do -- first of all, if all those facts are true
16 that you agreed to, and verification is a key item, here we
17 are faced with these statements -- and it's not the first
18 one that's made a statement about entry into military sites
19 -- but also, shouldn't the Congress know, shouldn't the
20 American people -- more importantly, shouldn't the American
21 people know that there is verification the -- on a -- about
22 inspections, and they should not be some secret side
23 agreement that no one knows about? Isn't this a critical
24 item in ensuring that the nation that has been the constant
25 violator, the constant cheater of international law

1 concerning nuclear weapons -- isn't -- doesn't this give
2 reason to some very deep concern on the part of those of us
3 who are responsible and the American people?

4 I'll begin with -- well, I'll begin with you,
5 Ambassador Burns, and we'll work the other way.

6 Ambassador Burns: Thank you, Mr. Chairman.

7 I do agree with you. You know, the protocol here with
8 the IAEA is that, when it has an agreement with any member
9 state, they're confidential. But, it --

10 Chairman McCain: Yes. But, you know that this is not
11 with any other state, Ambassador. I've heard that line.
12 This is a country that has consistently cheated. It's not
13 Brazil. So, to just dismiss it in that way, I think, is,
14 frankly, pure sophistry.

15 Go right ahead.

16 [Laughter.]

17 Ambassador Burns: I was actually just going to make --
18 say exactly what you said.

19 [Laughter.]

20 Ambassador Burns: However, I think, in this case --

21 Chairman McCain: I have factitized.

22 [Laughter.]

23 Ambassador Burns: It's okay. I'm in violent agreement
24 with you on this question.

25 [Laughter.]

1 Ambassador Burns: I think, in the -- they lied about
2 the existence of Natanz. They lied about the existence of
3 Fordow. We have to assume they're going to cheat, on the
4 margins or grossly, in the future. They're in the dock of
5 international public opinion. A way should be found for the
6 IAEA Secretary General to brief in full the United States
7 Government about what's in the agreement. And I think the
8 administration should find a way, perhaps in classified
9 session, to brief the Congress. I agree with that.

10 Chairman McCain: Thank you.

11 Ambassador Edelman.

12 Ambassador Edelman: Mr. Chairman, there are two issues
13 here, I think.

14 Chairman McCain: I apologize for interrupting a --
15 what I wanted to hear, Ambassador.

16 [Laughter.]

17 Ambassador Edelman: There are two issues, I think,
18 with the verification provisions. One, I talked about in my
19 statement, which is the 24 days between a challenge to see a
20 suspect, undeclared site, and the potential of actually
21 getting access to it.

22 The side agreements with the IAEA have to do with the
23 issue of past military dimensions to Iran's activity and
24 Iran being held to account for all that and cooperating with
25 the IAEA to resolve those issues.

1 The problem here is that, until that is accomplished, I
2 don't understand, for the life of me, how you can even begin
3 to assess the verification provisions, because we won't know
4 exactly the full scale of what their activity encompassed.
5 So, that part is extremely important. And I agree with you,
6 Mr. Chairman, there is no reason why the IAEA should not be
7 able to explain to members of the Senate how they are going
8 to go about working through with Iran the account --
9 accounting for what Iran did in the past. That seems to me
10 to be just a basic that one couldn't even begin to go
11 forward without having.

12 Chairman McCain: Dr. Haass.

13 Dr. Haass: Senator, we have a structural problem here,
14 which is -- because the IAEA is essentially a gentlemen's
15 regime. It's a cooperative arrangement, where countries
16 essentially declare what is meant to be inspected, and the
17 IAEA is meant not to discover so much as confirm. The IAEA
18 essentially doesn't have hunting licenses, it has very
19 restricted licenses to go look at certain places, under
20 certain conditions, at certain times. That is clearly not
21 adequate, given Iran's histories. We've got a problem
22 there.

23 I would think the United States would want to have very
24 candid conversations with the IAEA. We would want to
25 establish a regime for intelligence-sharing that might be

1 unique to the Iran situation.

2 And, coming back to something I had in my statement,
3 this is exactly the sort of area where I think Congress and
4 the administration ought to spell out, in terms of what are
5 the -- what are our expectations about what Iran and the --
6 would allow the IAEA to do? And what would be the
7 consequences if Iran were not prepared to do that? And,
8 very early on, I think we should test this. We've had all
9 these statements by the Iranians about certain things are
10 off limits, including military bases. Let's test that.
11 Let's very quickly see what they're prepared to -- if this
12 thing unravels -- if this agreement unravels after a month
13 or 2 months, so be it. But, I think it's important that, if
14 it were to unravel, that it is because the Iranians are
15 unprepared to meet their obligations. So, very quickly on,
16 we ought to test them, and we ought to hold them to a very
17 high standard.

18 Chairman McCain: General Hayden.

19 General Hayden: I agree with everything that's been
20 said so far. And, Senator, I would add that, in my view,
21 that Iranian statement is an accurate reflection of what it
22 is that the Iranians believe they have and have not agreed
23 to. We claim that we will have access to the sites. And
24 there are a lot of meanings tucked under the word "access."
25 I would press our administration to define precisely whether

1 or not "access" includes physical presence in the site, to
2 enter and go about the facility, not whether you allow
3 technical equipment, Geiger counters, or cameras to be
4 entered into the facility by the Iranians.

5 And then I guess I'd offer one additional caution. We
6 should not allow our executive branch to tell you that
7 access will be sufficient based upon the definitions
8 provided by the IAEA, because, as Richard just pointed out,
9 that's not the kind of organization that they are. I think,
10 absent your forcing that issue, access will not include
11 physical entry into any facility the Iranians do not want to
12 permit physical entry.

13 Chairman McCain: Senator Reed.

14 Senator Reed: Well, thank you very much, Mr. Chairman.

15 Ambassador Burns, one of the arguments against the
16 arrangement is that there's a better arrangement out there.
17 Do you think that there is an arrangement out there, short
18 of a military confrontation, that would be supported by the
19 international community if we stepped back and essentially
20 either try to increase sanctions or just step back and wait
21 for the Iranians to come back to the table?

22 Ambassador Burns: Senator, I think this is the best
23 alternative available to us right now. We could go back 10
24 years, 5 years, and perhaps design a different framework to
25 these negotiations. Many of us would. But, this is the

1 agreement that's been negotiated. And, as I said in my oral
2 remarks, I fear that if the U.S. is the one that walks away,
3 the Iranians will have agreed to this, they'll have accepted
4 -- they'll have made major concessions, their program frozen
5 for 10 to 15 years. It would give them the upper hand.

6 It would be complicating in two respects. Beyond our
7 agreement with the Europeans -- the European oil and gas
8 embargo, the European financial sanctions -- we've been able
9 to get the Indians, the Japanese, the South Koreans, the
10 Indonesians onboard. I think it's that global coalition
11 that would fray and weaken first.

12 And second, I think we'd also have problems with the
13 Europeans. The Germans, the French, and the British all
14 support this agreement. Their Parliaments are very likely
15 -- I think almost certainly -- to support these agreements,
16 given the nature of their systems. And so, we -- they would
17 be in a tough spot. I think their inclination would be to
18 try to help us figure out a way forward. But,
19 extraterritorial sanctions, which some Members of Congress
20 have said would be our key instrument, would be very
21 controversial in allied countries in Europe, unfortunately.
22 And I think it would be difficult to carry that.

23 The EU also has to reauthorize sanctions, and they vote
24 by consensus. And so, of the 28 EU members, I can think of
25 three to four who would be sorely tempted to withhold

1 consensus, meaning the sanctions would end. So, keeping
2 this coalition together is critical.

3 What we've had, over 10 years now in the Bush and Obama
4 administrations, is leverage over the Iranians -- through
5 the global coalition, through the financial and --
6 sanctions, and through the Security Council Resolutions.
7 That's what we would give up. And so, I don't see walking
8 away, waiting for a better deal, as a credible alternative.

9 Senator Reed: And if we did walk away, would there be
10 an internal dynamic in Iran, because of their institutional
11 and political structures, to sort of show us that they're
12 going to go forward now, because they've given their best?
13 They're going to start accelerating their development of
14 fissile material, they're going to essentially get back on
15 the path they were, which would bring forward very quickly
16 options that we might have to contemplate -- either
17 intelligence options or military options?

18 Ambassador Burns: I suspect that the -- if we walked
19 out and abrogated, effectively, the agreement by failing to
20 implement it, the Iranians would feel compelled not to abide
21 by the agreement. And, I think, for domestic reasons, but
22 also for reasons of trying to position themselves perhaps
23 for the next round of this drama, they would lift the
24 restrictions that they've agreed to. They'd go back to
25 being a threshold nuclear state.

1 And, you know, we've had the upper hand over the last
2 10 years because most of the rest of the world feared the
3 Iranians were heading towards a nuclear weapon. If we walk
4 out first, I think that reduces our credibility to keep it
5 together.

6 Senator Reed: And just very quickly, Secretary Kerry
7 was with the GCC yesterday. It appears that they've
8 endorsed it, maybe with not enthusiasm, but -- is that your
9 impression?

10 Ambassador Burns: You know, I -- it is. I mean, the
11 statement by the Qatari Foreign Minister said that they
12 would support this agreement, and they would it implemented.
13 They also want their defenses strengthened. And there is
14 also announcement by several dozen Israeli officials --
15 former officials -- Shin Bet Mossad military yesterday -- I
16 don't think they embraced the deal, but they said that the
17 -- Israel should go along with it and work on strengthening
18 Israeli-U.S. relations.

19 Senator Reed: Dr. Haass, I thought your statement was
20 -- no surprise -- very insightful. And one of the lines is
21 critical, "But, the issue before the Congress is not whether
22 the agreement is good or bad, but whether, from the point of
23 it on -- this point on, the United States is better or worse
24 off with it." I know you've proposed a third track, but I
25 think, essentially, we're on one track of a motion to

1 disapprove, and then whether it's veto, and the veto
2 sustained. So, basically, the track is, either this
3 agreement's going to be eventually sustained or it's
4 rejected. And my presumption from your comments is that,
5 with all the shortcomings, that you would feel that, on that
6 track, sustaining the agreement makes more sense.

7 Dr. Haass: It's always odd to push back against
8 someone who gave you a compliment.

9 [Laughter.]

10 Senator Reed: I respect you. That's why I asked the
11 question.

12 Dr. Haass: Thank you, sir. And it's mutual.

13 I would, at this point, urge you and your colleagues to
14 think, though, about some version of what I would call the
15 third track. I mean, for example, Ambassador Edelman talked
16 about the authorization for the use of military force.
17 General Hayden talked about the conditions of access.
18 Ambassador Burns talked about certain things we do with our
19 allies. I could imagine a comprehensive statement -- and
20 I'm not a legal or political expert on what form it would
21 take -- presidential communication, legislation, resolution,
22 what have you -- but, something that would address the
23 shortcomings, and, in some ways, fill out. This is a narrow
24 agreement. It's not just a flawed agreement, in some ways,
25 but it's a narrow agreement. And even if it were flawless,

1 there would be lots of issues. And I would think it's very
2 much in our interest to do that, because one of our jobs
3 here is to reassure friends in the region, so they don't
4 follow suit, and it's to signal Iran so -- in particular, on
5 the longer-term nuclear question. I -- that, to me, is the
6 biggest single set of concerns. And I would, very early on,
7 sit down with the -- ourselves and then the Europeans to
8 think about what a follow-on framework would look like.

9 Let me just make one other point. I think it's --
10 Senator McCain and I were talking about this a little bit
11 beforehand -- I find it frustrating and, in some ways, sad
12 and problematic, we are where we are today, having this
13 hearing. And I wish, earlier on, the administration and the
14 Congress had worked more in tandem. And I think that would
15 have strengthened our hand, vis-a-vis the Europeans, the
16 Chinese, the Russians, and also the Iranians, so we could
17 have come up with a sense of minimal collective requirements
18 or standards. So, now we're in a after-the-fact situation
19 trying to do that. It is imperfect. But, I still think
20 it's -- some version of that still makes the most sense at
21 this point.

22 General Hayden: May I add just one comment to what Dr.
23 Haass just said, Senator?

24 There are global implications to the nonproliferation
25 regime, as well as regional implications. And I am -- and

1 so, Dr. Haass suggests a second regime after the 10-year
2 period. Because there is such a danger to the global
3 nonproliferation regime that this agreement actually
4 explicitly says, (a) Iran gets all the benefits of an NPT
5 party, but no other NPT party should believe that anything
6 in this agreement sets a precedent for them. And so, what
7 you've got if you don't go to a second agreement is a regime
8 with the Iranians that then threatens to undercut global
9 nonproliferation.

10 Senator Reed: My time expired.

11 Thank you, Mr. Chairman.

12 Thank you, gentlemen.

13 Chairman McCain: Senator Inhofe.

14 Senator Inhofe: Thank you, Mr. Chairman.

15 I'm going to make this real quick since we have a full
16 panel up here and everyone has to have access to their time.

17 You know, prior to the time the first reports came out,
18 I have to tell you -- and I'll address this to General
19 Hayden and to Ambassador Edelman, because I know you guys
20 better than the other two -- prior to that time, I just
21 thought the mere concept of negotiating with terrorists
22 seems not a good idea. But, then there are two things that
23 came out that I've realized that, when I go back to Oklahoma
24 and talk to real people, that are problems with this. One
25 is the lack of verification, the other is the billions of

1 dollars going to terrorists. And I -- I've -- the last
2 person I would expect to say what she said were the words
3 that came from Susan Rice. She's the one that said things
4 that were not true about Benghazi, on the Sunni programs.
5 And when she came out and said -- I think this is with Wolf
6 Blitzer, and this is a quote -- she said, "We should expect
7 that some portion of that money would go to the Iranian
8 military and could potentially be used for the kinds of bad
9 behavior that we have seen in the region up until now."

10 Now, I really believe, building on that, that this
11 could fund the terrorism efforts through Hamas in Palestine,
12 Bashar al-Assad in Syria, Yemen, and the rest of the places.
13 The Pentagon currently estimates that Iran provides
14 approximately \$200 million a year to Hezbollah, alone. Now,
15 on that thing, I asked the two of them, "What am I
16 overlooking?" I mean, isn't that pretty obvious, just on
17 its face, that this would expand the use of money going to
18 terrorists?

19 General Hayden?

20 General Hayden: Very quickly, Senator. Of course it
21 will. Now, the intelligence community put out an estimate
22 that was, I think, intentionally leaked, that most of the
23 money would not go. But, you know, "most" is like 51 cents
24 on the dollar, so that leaves an awful lot of headroom for
25 that estimate --

1 Senator Inhofe: Sure.

2 General Hayden: -- beyond that. Right? Let's just
3 imagine a world in which none of it goes. You realize that
4 you've created a situation for the Iranian regime, where
5 they can do guns and butter, that there is no pressure,
6 internally on the regime, for continuing their current
7 behavior, which is not the case today before the sanctions
8 are lifted. But, I agree, it's even worse than guns and
9 butter. It's more guns and butter.

10 Senator Inhofe: Okay, I thought --

11 Ambassador?

12 Ambassador Edelman: I agree, Senator Inhofe, with what
13 General Hayden just said, and I would add one -- you know,
14 one other factor here, which is the fact that the Iranians,
15 at the last minute in the negotiations, suggested that the
16 price for getting the deal was to lift the conventional arms
17 embargo and the embargo on ballistic missiles in the U.N.
18 Security Council, which my colleague earlier talked about,
19 and that it was supported vigorously by Russia, I don't
20 think, as I might have said in my earlier career as a
21 Sovietologist, was "by accident, comrade." This happened
22 because the Iranians intend to use with this windfall -- to
23 use it to purchase advanced conventional systems with anti-
24 access area denial elements to it, and the people who are
25 going to sell it to them are going to be Russia and China.

1 Senator Inhofe: Okay. Very good answers.

2 The second thing that I looked at was, you know, if
3 you're talking about 5 days, 10 days, 24 days, or whatever
4 length of time, if you have to give a site warning that an
5 inspection is going to take place, which that immediately
6 sent up a red flag to me, then we had the statements by the
7 Deputy Director Heinonen, who said that a 24-day adjudicated
8 timeline reduces detection possibilities. He goes on to
9 talk about what all can be done.

10 Now, during the last hearing, Senator Fischer pursued
11 it a little bit with Secretary Moniz and talked about the
12 timeline. And I got a little confused there, because, first
13 of all, you start off with the 24 days. We know how that's
14 broken out. However, if Iran believes that any or all of
15 the -- you know, are not meeting their equipment -- their
16 commitments, it could refer the issue to the Joint
17 Commission for 15 days, then the Ministers of Foreign
18 Affairs for another 15 days. Now, that's a total of 54
19 days. Now, I don't know how much further it could go out.
20 Is -- do you agree that that could happen, in terms of
21 something that would have to be verified?

22 Ambassador Edelman: I'm aware of the provisions that
23 you've talked about with regard to referring issues to the
24 Joint Commission. You know, like any agreement, you know,
25 we're going to find out, once it's actually in place, how it

1 actually will work. But, I think it is possible that you
2 could get a longer-than-24-day period from the --

3 Senator Inhofe: Yeah.

4 Ambassador Edelman: -- request to an inspection.

5 Senator Inhofe: Yeah, okay.

6 Ambassador Edelman: I think that's --

7 Senator Inhofe: Okay, that adds up to --

8 Ambassador Edelman: -- perfectly plausible.

9 Senator Inhofe: -- some 56 days.

10 General Hayden, do you think that they would be able to
11 cover up a lot of stuff in 24 days, leave alone 56 days?

12 General Hayden: Well, more time is better. And again,
13 I think we all agree --

14 Senator Inhofe: Okay.

15 General Hayden: -- that there's not going to be a
16 sprint out to a new Natanz somewhere. It will be -- there
17 will be cheating, but it will be incremental. And that'll
18 be the kind that will be very, very difficult.

19 And, Senator, one additional thing. In addition to
20 your adding onto the back end, there's some fuzziness at the
21 front end before the 24-day clock starts, because there's a
22 dialogue between the IAEA and the Iranians about what it is
23 -- to identify what really the issues are, about which
24 facilities.

25 Senator Inhofe: Thank you.

1 Chairman McCain: Senator Nelson.

2 Senator Nelson: I want to thank all of you for very
3 reasoned statements. And this is -- I consider it one of
4 the most important decisions that I will make. And I'm sure
5 all of us in the Senate feel that same responsibility.

6 General Hayden, in your opening comments, and later
7 amplified, you think it will be more guns and butter if the
8 agreement goes through, and you characterized it earlier,
9 versus if the deal is rejected, it would be a more
10 impoverished Iran.

11 And so, I want to take that and ask Ambassador Burns --
12 given the fact that, when you subtract out all of what Iran
13 owes under contracts, it's my understanding it's a net of
14 about \$56 billion that would flow to Iran, most of which are
15 in the banks of five countries: China, India, Taiwan,
16 Japan, and South Korea. So, if the deal is rejected, my
17 question is, What's the incentive for those banks in those
18 foreign countries that hold those dollars for Iran's oil if
19 those countries want additional Iranian oil -- is there any
20 incentive for them to keep them and, therefore, keep Iran
21 impoverished?

22 Ambassador Burns: I think one of the problems is --
23 and I've been in a couple of hearings now, and Senators and
24 congresspeople are focusing on this issue, is -- there's
25 really no Plan B. The expectation by all the adherents to

1 this agreement is that it's going to go forward. But, if it
2 does fall apart, for whatever reason -- or if the United
3 States Congress decides to disapprove, and the President
4 can't sustain a veto -- I think there's going to be a
5 dynamic that develops that's not going to be in our favor.

6 I've paid attention, of course, to Secretary Lew's
7 testimony about the amount of money he thinks would be
8 available to the Iranians. I'm not competent to answer the
9 question specifically. I would think some of that money
10 will go to long-term contracts, some will have to go to the
11 Iranian economy, because it's been so impoverished. They'll
12 have to spend on social welfare, infrastructure projects.
13 No question, some of it will go to the IRGC, given the
14 relationship of Qassem Soleimani, the head of the IRGC Quds
15 Force, to the Supreme Leader, Ali Khamenei. That's to our
16 disadvantage. And that's what we're going to have to
17 compensate for.

18 But, I look at this from a very practical viewpoint. I
19 think if we get into this realm where the deal falls apart,
20 the Iranians have more of the advantage than we do. And I
21 think we will lose the grip on the international sanctions
22 regime. And some of those banks around the world that have
23 been -- that had funded the Iranians, some of the long-term
24 contracts will come back. It will be difficult, in that
25 scenario, to impose extraterritorial sanctions, even in

1 Europe, because the consensus would have broken down. So, I
2 really don't see the logic of that no-deal scenario. And
3 that's why I prefer and support the President's initiative.

4 Senator Nelson: I've been reading some of these
5 annexes. And the one on access, which is Annex Q, it goes
6 through this process on undeclared sites, that so many days,
7 and so many days, and a vote of this Council, five of the
8 eight members, another 7 days and 3 days, which is the
9 maximum of 24 days. If Iran still balks at giving us
10 access, giving the IAEA access, to an undeclared site after
11 that process, and, with the overlay of our intelligence,
12 isn't it pretty well that we're going to be able to
13 understand that that is covert activity, and we could
14 operate accordingly?

15 Anyone.

16 General Hayden: I guess I'll take that, Senator,
17 because I've -- in my previous life, I would be the one
18 going into the Oval with the case.

19 There's actually a phenomenon in intelligence that
20 describes that dilemma. It's called the Phenomenon of the
21 Unpleasant Fact. And you're going in to your senior
22 leadership with something that cuts across their policy
23 goals, their policy preferences, and maybe even their
24 politics. And there, the burden of proof is incredibly
25 high. So, I actually think it's going to take a long time

1 to convince any President who would believe in the deal to
2 go ahead and put the deal at risk by responding to what
3 still is ambiguous behavior. And then, even after you've
4 convinced our government, it's going to be even more
5 difficult to convince other governments that further action
6 has to be taken if your evidence remains ambiguous. There
7 will always be arguments for alternative explanations.

8 Senator Nelson: You can't -- I don't think you can
9 hide traces of enriched uranium. And that's why I think the
10 IAEA plus our intelligence apparatus is going to be able to
11 find it.

12 General Hayden: No, I -- number one, there would --
13 there can be cheating that actually could approach being
14 substantial without enrichment activity. But, I assumed in
15 your scenario, Senator Nelson, that the IAEA would not get
16 physical access in order to go ahead and do the swipes for
17 the detection of isotopes. And that's what I meant by "and
18 it will remain ambiguous."

19 Chairman McCain: Senator Sessions.

20 Senator Sessions: Thank you all for your wise insight
21 and help us make some tough decisions here.

22 I asked Secretary Carter, last week, and Secretary
23 Kerry testified before the House last week that Iran is the
24 number-one world sponsor of terrorism. So, we're
25 negotiating with a very problematic country whose religion

1 transcends, sometimes, normal political discourse, I think,
2 creates an ideological extremism that's dangerous there.

3 Dr. Haass, you mentioned the historical perspective. I
4 remember Mr. O'Hanlon, from Brookings, testifying. I
5 followed up on something he said about the fact that this
6 may be 30, 40-plus years of dealing with this spasm of
7 Islamic extremism that we're seeing. And he just said,
8 "Yes." That was his answer.

9 So, what we do with Iran, would you agree, should be
10 consistent with an overall historic strategy, over decades
11 perhaps, to help subside this extremism that we're seeing?

12 Dr. Haass: In principle, yes. But, in practice, it's
13 going to be extraordinarily hard, simply because, even
14 though Iran would say, from their point of view, the
15 principal threat to stability in the region is the Islamic
16 State, much of what Iran is doing is actually encouraging
17 people to go join that organization by, for example, using
18 Shi'a militias inside of Iraq or supporting the Assad
19 government. So, Iran's own policy, I would argue, is
20 against their own professed self-interest. And that's why
21 this is going to be so difficult.

22 It's one of the reasons, Senator, I'll be honest with
23 you, I am so pessimistic about the trajectory of this part
24 of this world. We haven't even discussed Turkey, we haven't
25 discussed Egypt, we haven't discussed Yemen. We could --

1 Saudi Arabia's own internal dynamics. I think there's more
2 fault lines in this part of the world than we have fingers
3 on our hands. And Iran is a significant, but not the sole,
4 contributor to the pathologies of this part of the world.

5 Senator Sessions: Ambassador Edelman, it seems to me
6 that we've gotten into this negotiation improvidently. Bush
7 administration said we can't negotiate with this terrorist
8 state. And President Obama decided to commence those
9 negotiations. A wise Middle Eastern leader told us that
10 you've got to know how to get out of a talking trap;
11 otherwise, you can't -- you know, you lose all kind of
12 ability to act.

13 So, I guess what I'm asking, first and foremost -- it
14 seems to me that the -- that an agreement of any kind with
15 Iran should be founded on a -- as part of an overall
16 strategy to deal with the problems in the Middle East. And
17 it seems to me this has been an ad hoc agreement, this
18 situation that started talking that we couldn't get out of
19 it, and now we've ended up with an agreement that, I agree
20 with you, does not serve the national interest. Is that
21 incorrect, or you have any thoughts on that?

22 Ambassador Edelman: Senator Sessions, thank you.

23 First, I think, in fairness, although we were not
24 directly involved in the negotiations with Iran during the
25 Bush administration, my colleague to the left was constantly

1 working with the then-EU3. And I believe, at the very end
2 of the Bush administration, the other Ambassador, Burns,
3 actually participated in one round of negotiations. So --

4 Senator Sessions: Were those official negotiations?

5 Ambassador Edelman: They were official negotiations,
6 but -- and his participation was brief and fleeting, I would
7 say, but it was a part of the process.

8 You're right that -- and, first, one of the
9 occupational hazards of negotiating is, negotiators get the
10 bit in their teeth, understandably; they work on something,
11 and then they want to get a conclusion, they want to get a
12 deal. And there is always the danger that the objective --
13 in this case, preventing Iran from developing a nuclear
14 weapon -- gets lost, particularly in the final effort to
15 conclude a deal, which is difficult and arduous. And, in
16 this case, I think the negotiators got a lot of things. If
17 you read the entire document, there are a lot of things I
18 would have been -- you know, I would have predicted they
19 wouldn't have gotten. It's, you know, surprising in some of
20 the limits, et cetera. But, the overall result, I agree
21 with you, is not satisfactory.

22 The -- I think that, you know, my colleague, Ambassador
23 Burns, said there seems to be no Plan B. I don't quite
24 understand that. I mean, the administration said,
25 throughout the negotiation, it was prepared to walk away

1 from a bad deal. It said repeatedly that a bad deal was
2 worse than no deal. So, presumably, if they were prepared
3 to walk away, there had to be some Plan B somewhere, because
4 someone had to be thinking about what they were going to do
5 if they didn't actually get the deal. So, the idea that
6 there's no other deal out there that's available, I don't
7 think is credible.

8 I would add another thought experiment to this. Let's
9 say, for the sake of argument, that the Majlis actually act
10 before you all do. And let's say, for the sake of argument,
11 the Majlis were to reject the deal. I don't believe that
12 the administration's first response would be, "Oh, my God,
13 there's no deal. Now we have to go to war." I think they
14 would say, "We've got to figure out a way to get the
15 Iranians back to the table and start negotiating again and
16 get a -- you know, get something we can do." I don't
17 understand why that principle wouldn't apply to this body,
18 as well.

19 Senator Sessions: Do you think -- just to -- do you --
20 all right. My time is up. I'm sorry. He didn't answer the
21 question.

22 Chairman McCain: Senator Manchin.

23 Senator Manchin: Thank you, Mr. Chairman.

24 And thank you all of you. This is extremely
25 enlightening, and it's extremely important, and I think the

1 decision that we make is one of the toughest decisions any
2 of us have ever made since I've been here. And I'm sure the
3 rest of our committee here agrees. But, it's one that's
4 going to have world implications, not just to the United
5 States, and not just Iran.

6 With that being said, I look back in history. I grew
7 up at a period of time when Iran was a friendly nation or a
8 favored nation, with the Shah. And I remember, 1979, we had
9 52 hostages that were held for 444 days. The regime
10 changed. I don't know if any of -- look -- of you all look
11 back in history, thinking this regime would withstand 36
12 years. Did anybody predict they would be able to hang on
13 for that long? And if that's the situation or evaluation,
14 do we believe that they are on the brink of breaking, to
15 where the people will revolt and change because of the
16 hardship after 36 years? I would have thought -- this
17 hardship's been going on for quite some time. They didn't
18 progress like they did prior to this regime change in '79.
19 And if that would be the case, then what's the chance of
20 this regime changing if we do the deal or don't do the deal?

21 Which puts more pressure on them? Because I would think
22 the only way we're going to change that country, or even
23 that part of the world, is if some of these regimes and some
24 of these people who want a -- more of a peaceful life are
25 going to be able to take hold again. So, that's one

1 question.

2 And also, the other question I would have is, Is there
3 any possible way of stopping the flow of money if we walk
4 away from the deal? I think we've touched on it. I think
5 Senator Nelson asked the question. I know we all have been
6 thinking about that. But, we act like we're in control.
7 And if we walk away, the money -- we just put a grip on it,
8 and nothing moves.

9 The third thing I would ask you all is, If you were
10 going to meet with the P5+1 -- if you were sitting down with
11 all the representatives, whether they be ambassadors or
12 spokespeople for these countries, what question would you
13 ask?

14 So, we'll start with the third, if you -- first --
15 regime change. Can it be done if -- with or without the
16 deal? And then down to the three.

17 So, we can start either way you want to start. Do you
18 want to start?

19 General Hayden: Regime change has not been the
20 American objective, looking backward as far as my experience
21 allows me to see. That said, the Iranian leadership has
22 never wavered from the conviction that this was always all
23 about regime change. So, that's made our dialogue with them
24 even more complex.

25 I would say that one course of action gives a better

1 chance of coercing regime change. That's no deal. And
2 then, there are hopes that, if you do have this deal, you
3 might entice regime change because of integrating the state,
4 the people, into the larger community. I actually think
5 both chances are very low. I don't think it's going to
6 happen.

7 Senator Manchin: Money?

8 General Hayden: One more on regime change. That is
9 most -- actually, looking at it, it is most tightly tied to
10 demographics, and it's a nation's youth bulge that creates
11 disturbances that lead to regime change. It's very -- it's
12 actually a very predictive indicator. Egypt just went
13 through a youth bulge. Our youth bulge was --

14 Senator Manchin: I'm sorry, General, we're going to
15 have be very quickly, because I -- I'm running out of time.

16 General Hayden: Our youth bulge was '68 to '70. The
17 Iranians are now on the back end of their youth bulge.

18 Senator Manchin: Okay.

19 Money, Dr. Haass? Or which way -- do whatever, real
20 quick.

21 Dr. Haass: Regime change, I don't think it's in the
22 cards, unfortunately.

23 Senator Manchin: Either way.

24 Dr. Haass: Either way.

25 Senator Manchin: With or without.

1 Dr. Haass: It's the impact -- first of all, it's
2 likely to be slight, either way. Second of all, you can't
3 count on it.

4 Senator Manchin: Gotcha.

5 Dr. Haass: Regime change may happen --

6 Senator Manchin: Gotcha.

7 Dr. Haass: -- for reasons that we can't predict. If
8 it does, it could be for the better, it could be for the
9 worse. Took the Soviet Union over 70 years, happened rather
10 quickly at the end. But, it simply -- to me, it -- it's
11 more wishful thinking right now than it's --

12 Senator Manchin: Okay.

13 Dr. Haass: -- than a strategy.

14 P5+1. I would sit down, very quickly, and have the
15 conversation both about how to deal with noncompliance, and,
16 second of all, how to deal with the long-term nuclear
17 challenge. Because this agreement stores it up, if you
18 will, for years 10 and years 15.

19 Very quickly, I'm worried that too many think -- people
20 think this agreement solves the problem. It parks the
21 problem. And that's the conversation I would begin with the
22 P5+1.

23 Senator Manchin: Thank you.

24 Ambassador Edelman: Senator Manchin, excellent
25 questions. In the interest of time, I won't add anything on

1 the regime change --

2 Senator Manchin: Okay.

3 Ambassador Edelman: -- question, except to say I
4 think, on the margin, this agreement strengthens the regime
5 rather than weakens it.

6 On the flow of money, I think actually there are ways
7 to staunch it. I think a strong vote in the Congress
8 against this deal would help staunch it. And the reason I
9 say that is the comments that my former colleague, Jacques
10 Audibert, the French National Security Advisor to President
11 Hollande, made in denying the conversations he allegedly had
12 with some members of the House. He did say that he told
13 them that it would be a powerful disincentive, given the
14 kind of penalties BNP Paribas paid for violating U.S.
15 sanctions.

16 Senator Manchin: Could I have Mr. Burns just answer
17 the two --

18 Ambassador Edelman: Yeah.

19 Senator Manchin: -- because we just ran out of time.
20 Real quick.

21 Ambassador Burns: Very quickly. We should hope for
22 regime change, but we can't bank on it. And I would say
23 this is a tough regime which will likely survive,
24 unfortunately.

25 On the money, long line of European and Asian officials

1 and businesspeople in Tehran ministries over the last
2 weekend. So, I think it would be very difficult for us to
3 kind of reimpose and rejigger that whole sanctions regime if
4 we walked away.

5 And finally, on the last question, I was in the P5+1
6 for 3 years. They need to stick with us on sanctions
7 reimposition. I think the Europeans would. I don't think
8 the Russians and Chinese would.

9 Senator Manchin: And your question to P5 would be
10 what, right today?

11 Ambassador Burns: Excuse me?

12 Senator Manchin: Your --

13 Ambassador Burns: My question would be, we -- I think
14 it's inevitable the Iranians will test the restrictions and
15 try to cheat. And we're going to need P5 unity. And that's
16 one of the downsides. It's going to be difficult to have --

17 Senator Manchin: Commitment to do that. Thank you.
18 I'm sorry, Mr. Chairman.

19 Senator Inhofe [presiding]: Senator Ayotte.

20 Senator Ayotte: Thank you, Chairman.

21 I want to thank all of you for being here. This has
22 been very helpful.

23 One of the issues that General Hayden raised, and some
24 of you have raised on the inspection regime on undeclared
25 sites -- I think, if you look at the language in Annex 1,

1 Section Q, that lays out the procedure for undeclared sites,
2 it -- I don't see anywhere in that Annex -- in fact, what I
3 see in it, in paragraphs 75 and 76, is that, first, the IAEA
4 has to raise the concerns of undeclared sites to the
5 Iranians, then, at that point, they actually have to put in
6 writing their concerns. The Iranians have an opportunity to
7 respond, and they actually get to suggest alternatives to
8 what the IAEA would like, in terms of access to undeclared
9 sites.

10 So, in that language, to General Hayden's point, do you
11 remain concerned, if the IAEA is not given physical access
12 to undeclared sites, that that could undermine their
13 ability, even if you use the most advanced testing to know,
14 in fact, whether an undeclared site is being used for their
15 nuclear program? I mean, is this a real issue?

16 As I look at this -- by the way, I think this is a
17 lawyer's dream. I mean, as we look at the back-and-forth on
18 this, I mean, I can only imagine, my prior life as a
19 litigator, I could have a ball with this.

20 I'd just like your comment on physical access. Nothing
21 in this can I see guarantees us any -- or the IAEA,
22 obviously -- any physical access to their undeclared sites.

23 Dr. Haass: I'd say two things. It -- you're right, it
24 doesn't guarantee it. The question of access is not
25 explicitly defined. But, second of all, we shouldn't kid

1 ourselves. For certain activities, even physical access is
2 not a panacea. By definition, undeclared sites are just
3 that. You can't know something is going on if you don't
4 know what's going on. So, for example, if there's certain
5 weaponization activity going on at an undeclared site, by
6 definition we're not going to have access to it, because we
7 won't know it's going on. And certain types of activities
8 don't leave traces. So, even physical access is valuable,
9 as it would be in some cases, is not a solution. Inspection
10 is meant to be a cooperative enterprise. And I think we
11 have to accept the limits that we've got a noncooperative
12 party on the other end of this agreement.

13 Senator Ayotte: Ambassador?

14 Ambassador Burns: Thank you very much, Senator.

15 If we get into this realm of the managed inspections,
16 the 24 days, we're into, likely, a significant violation.
17 If the Iranians ultimately, in those 24 days, don't provide
18 access, that's a violation of the agreement. And I think we
19 would have the -- if we're serious and we would prosecute
20 this, we would have the upper hand in getting a lot of
21 international support -- not from everybody, but from key
22 countries.

23 Senator Ayotte: So, one other -- I have a number of
24 questions, but -- Dr. Haass, you mentioned that we need to
25 reassure our friends in the region so they don't follow

1 suit. One of the issues that many of us have heard an
2 earful about is from our allies in the region and their
3 potential desire to have threshold programs or programs,
4 themselves, to hedge against the Iranian program, and that
5 this is a real concern for us as a result of their ability
6 to keep their infrastructure in this agreement. Could you
7 all comment as to what the impact could be on our allies in
8 the region, in terms of their own nuclear programs or desire
9 for this capability?

10 Dr. Haass: What it's going to take is the combination
11 of things. One is going to be that they're going to have
12 confidence in how we pursue this, noncompliance as well as
13 follow-on -- there's clear ceilings, shall we say, on
14 Iranian capabilities. We're going to have to look at
15 defensive systems of all sorts for these countries.

16 I actually think the most interesting area may well be
17 security guarantees. If we don't want them to each go down
18 that path themselves, the question then is, What are we
19 prepared to do for them and with them in this area?
20 Because, despite our best efforts, Iran may still achieve,
21 you know, at a minimum, threshold status. So, I think if we
22 don't want -- and we don't want -- the UAE, the Saudis, and
23 others going down that path, then I think it's actually a
24 big debate for the United States, which is, To what extent
25 are we prepared to put, however conditional, various types

1 of nuclear umbrellas out there in the region?

2 Senator Ayotte: Do others want to comment on that?

3 Ambassador Edelman: Senator Ayotte, I would just add
4 one thing, which is, if you take a country like the UAE,
5 which has signed a 123 Agreement with the gold standard of
6 no enrichment, they have been very vocal about, you know,
7 what this means for them now that this very large
8 industrial-scale program is being okayed by the
9 international community. You see that in Saudi Arabia, as
10 well. So, I think the concern you've expressed is extremely
11 well placed and goes to General Hayden's comment about the
12 threat that this agreement, I think, represents to the
13 broader nonproliferation regime over time.

14 General Hayden: And, Senator, one solution is to
15 compensate with conventional weapons to our allies in the
16 region, which has its own second- and third-order effects
17 with regard to the balance between the Arabs and the
18 Israelis. And we may end up, as a byproduct of this
19 agreement, with a far more militarized Persian Gulf than
20 we've had in the past.

21 Ambassador Burns: One option for President Obama and
22 his successor is to reaffirm the doctrine that the Persian
23 Gulf is vital for the national security interests of our
24 country. I think all administrations, Republican and
25 Democrat, have essentially said that since Jimmy Carter's

1 administration, but we haven't heard it in those terms,
2 clear terms from the Obama administration. That would help
3 to reassure the Gulf allies.

4 Senator Ayotte: I thank all of you for being here.
5 Appreciate your insight.

6 Chairman McCain [presiding]: Senator Shaheen.

7 Senator Shaheen: Thank you.

8 And thank you all very much for being here this
9 morning.

10 You have all suggested, and I have heard this in
11 virtually every other hearing on this Iran deal, that the
12 likelihood of Iran breaching this agreement is more that
13 they would breach it incrementally rather than that they
14 would walk away or have a very flagrant breach. And so, one
15 of the things that we ought to be thinking about if it goes
16 forward is what other measures we could take with the other
17 signatories to the agreement that would show Iran that we
18 are strong and we're not going to tolerate those incremental
19 breaches.

20 So, I wonder if you could speak -- and maybe I'll start
21 with you, Dr. Haass -- about what other steps that we should
22 be thinking about as we're looking at the potential for
23 incremental breaches.

24 Dr. Haass: Well, again, I think your premise is
25 exactly right, and I think the Iranians -- getting back to

1 something General Hayden said -- hope that the inevitable
2 ambiguity gives them protection and that these issues get
3 talked to death and, at the end, there's no clarity. But, I
4 -- what I would think is -- the only response I can think of
5 is that we have -- how would I put it? -- lesser responses
6 to lesser breaches. If we only have all-or-nothing
7 responses, then I --

8 Senator Shaheen: Right.

9 Dr. Haass: -- I think we tie ourselves in knots. So,
10 we ought to have gradations of responses, if you will, in
11 some ways geared to the breaches. I think we have a much
12 better chance of getting something like that through the
13 P5+1, the -- something that seems, if you will,
14 proportionate.

15 Also, could I say one other thing? We have to think
16 about if there is something of a breach, what is our goal?
17 And our goal is not simply to penalize at that point, it's
18 also to get the Iranians back into compliance. And I think
19 that's got to be an important part of our policy, as well.

20 Senator Shaheen: And so, what are -- Ambassador
21 Edelman --

22 Ambassador Edelman: Yeah.

23 Senator Shaheen: -- what are other actions that we
24 might take?

25 Ambassador Edelman: You know, Senator Shaheen, you've

1 raised an important question, and it's one that I find
2 particularly troubling, because my own experience in
3 government is -- and I'm saying it in light of the comments
4 by Minister Zarif, that, "Basically, oh, we're only going to
5 get penalized for big violations, not for little
6 violations." Of course, you pile little violations up on
7 top of each other incrementally over time, and it can
8 actually amount to, you know, serious capability being
9 developed.

10 The problem is, as General Hayden said earlier in the
11 hearing, you're always going to be dealing with ambiguous
12 information. There will be an argument inside the
13 intelligence community first about whether this information
14 actually is a violation --

15 Senator Shaheen: And --

16 Ambassador Edelman: -- and how important the violation
17 is. Then we'll have an --

18 Senator Shaheen: I'm sorry to interrupt you, but --

19 Ambassador Edelman: -- then we'll have an interagency
20 debate about it.

21 Senator Shaheen: I appreciate that. But, what I'm
22 suggesting is that -- what I think everyone was saying is
23 that, if an agreement goes forward, we ought to be prepared
24 that we're going to respond to those incremental breaches.
25 And so, what -- what's the menu of options that we've got,

1 to do that?

2 Ambassador Burns?

3 Ambassador Burns: I think the administration is
4 prepared and should set a very high bar for the Iranians;
5 meaning, if you anticipate that they're going to begin to
6 cheat, you have to be very tough-minded and call them on
7 those early rounds, or else they're going to be emboldened,
8 the way that Foreign Minister Zarif predicted in his public
9 statement. And, at least from my own understanding of the
10 administration's position, they're determined to be very
11 tough-minded at the beginning. And I think that's what we
12 have to be. We'll have to have the Europeans with us. In a
13 strange sort of way, President Putin has stayed with
14 President Obama on this particular issue, despite our
15 sanctions on Russia over Ukraine. The Russians don't want
16 Iran to become a nuclear-weapons power. I'm not predicting
17 they're going to be a great partner, but you have to work on
18 the Russians, as well.

19 Senator Shaheen: Let me also ask -- I think it was you
20 again, Dr. Haass, and Ambassador Edelman, as well, who
21 suggested that there were other steps that Congress could
22 take, should an agreement go forward, that would help
23 strengthen the U.S. position with respect to any agreement.
24 And, Ambassador Edelman, you suggested an AUMF, which, you
25 know, I think many of us might be open to, except that we

1 haven't been able to get an AUMF done on the actions that
2 were taken against ISIS. But, what other kinds of measures
3 are you suggesting that Congress might take that would help
4 to strengthen our position?

5 Dr. Haass?

6 Dr. Haass: It's a longer conversation than your time
7 limit would have, but certainly we would spell out of some
8 of the parameters of the follow-on nuclear deal beyond the
9 10 and 15 years. I actually think that would be critical,
10 dealing with, for example, questions of levels of
11 arrangement. Just because the agreement ends at certain
12 points, and may not preclude Iran from doing certain things,
13 doesn't mean we couldn't put into place something that would
14 be a follow-on that would preclude those things, or say, "If
15 you are tempted to do it, here would be the results or the
16 consequences." So, I would think that is high on the list.

17 We would also talk about some of the help we would provide
18 for other countries in the region against certain kinds of
19 threats from Iran.

20 But, essentially, Senator, I would go through each of
21 the three baskets -- the noncompliance basket, the regional
22 basket, and the follow-on nuclear basket -- and say, each
23 one of those, what do we see as the problems or the
24 shortcomings or the issues likely to arise? What can we do
25 now, looking at them -- some would be immediate, some would

1 be towards the future -- to reinforce this agreement? And
2 that -- that's the conversation I think Congress should be
3 having with the executive branch, sooner rather than later.

4 Senator Shaheen: Thank you.

5 Thank you all very much.

6 Chairman McCain: Senator Fischer.

7 Senator Fischer: Thank you, Mr. Chairman.

8 Gentlemen, I would like to follow up on an answer that
9 General Hayden gave to Senator Reed on his questions dealing
10 with precedent and nonproliferation. As you all probably
11 know, in paragraph 11 of the preamble, it states that, "This
12 agreement should not be considered as setting precedents for
13 any other state." And, Ambassador Edelman, in your
14 beginning comments, in your opening comments, you said that
15 this agreement reverses 50 years of nonproliferation policy,
16 even to friendly governments. So, a couple of questions,
17 here.

18 First question. Does including a caveat like this in
19 the preamble, does that really accomplish anything? And my
20 second question would be, To what extent will this agreement
21 impact future nuclear cooperation agreements?

22 You know, if we're prepared to embrace the idea of a
23 serial violator building an enrichment program, and leave
24 open the possibility that they begin reprocessing activities
25 in 15 years, I don't see how we can object to extending

1 similar terms to other countries that actually have good
2 nonproliferation records.

3 So, I would like you to begin, in any order you'd like
4 to. Ambassador Edelman, would you like to start?

5 Ambassador Edelman: Senator Fischer, yeah, you've put
6 your finger on something that I found troubling in the
7 agreement, as well. And I think what you're seeing there is
8 that the administration has gotten that inserted into the
9 agreement so that it can say, in principle, we have denied
10 Iran the right to enrich; we've just recognized it, in
11 practice, because we're allowing them to have an industrial-
12 scale enrichment capability. So, that's why I think you see
13 it there. And I think, notwithstanding the fact that people
14 say it's not a precedent, other people will say that it's a
15 precedent, just as, for instance, we asserted that the
16 recognition of Kosovo's independence unilaterally was not a
17 precedent; Russia used that precedent against us in 2008, in
18 Georgia.

19 Dr. Haass: Two things. Whenever you say something is
20 not a precedent, it's the equivalent of saying, "With all
21 due respect."

22 [Laughter.]

23 Dr. Haass: And you inevitably run into it.

24 That said, Iran is sui generis. And a lot of the
25 countries we're going to have to deal with nuclear programs

1 are not Iran, thank God. Iran is an outlier. Whether it's
2 the UAE or potentially Saudi Arabia. I mean, they are
3 qualitatively different sorts of challenges.

4 So, I think we ought to, to the best we can, deal with
5 this as a one-off. Yes, it's going to be pushed in our face
6 sometimes with people that are saying, "Well, you agreed to
7 this," and we're going to have to argue, "But, that was a
8 special case."

9 So, I think it is in our interest, to the extent this
10 is a problematic agreement, to make it as sui generis as we
11 can, understanding that others are going to cite it. But,
12 it's not the same as most-favored-nation status. It's not
13 that problematic, because we're not dealing with a world of
14 rogues. Iran is, to some extent, an outlier, as is North
15 Korea and several others. And the more likely conversation
16 is going to be one, two, or three agreements with friends.
17 And I think that is a qualitatively different sort of
18 conversation.

19 Senator Fischer: So, you think, if a country that we
20 are somewhat friendly with, if they want to say, "Okay, for
21 15 years, we won't be running centrifuges, we're not going
22 to reprocess any reactor fuel, you know, we're going to
23 abide by that for 15 years, but, you know, hey, 15 years
24 later, all those bets are off," what's the option then?

25 Ambassador Edelman: Well, but we've had the --

1 Senator Fischer: We're going to say, "But, you're a
2 good actor, you're not going to do this."

3 Ambassador Edelman: But, that's exactly what's worked.
4 Look at Japan, look at South Korea, and others. We've had
5 a whole experience of close American relationships which
6 have been, I would argue, the best nonproliferation tool
7 available to the United States. So, to the extent we have
8 good relations and there's confidence in American
9 reliability, then I don't think we have to worry about
10 proliferation across the board.

11 So, at the end of the day, proliferation is part of a
12 larger thing, called American foreign and national security
13 policy. We've got to get the larger thing right. Then
14 we'll be in a better position to address proliferation
15 pressures, just as we have in Asia. People predicted many
16 countries in the Asia-Pacific would go down certain paths.
17 They have not, I would argue, because we had military
18 presence, we had credible security arrangements and
19 commitments to them, and, with them, we dealt with their
20 adversaries. So, I don't think, if you will, it is hopeless
21 in this area.

22 Senator Fischer: I'm running out of time.

23 So, if Iran decides it wants to build a reprocessing
24 spent-reactor fuel and produce highly enriched uranium or
25 build a massive uranium enrichment program after year 15 of

1 this agreement, what are our options?

2 Ambassador Burns: Our options will be to reimpose --
3 well, first of all, they have -- they will have the right to
4 reconstitute a civil nuclear program. The danger will be,
5 Will they use it as a cover for a covert military program?
6 And we'll have -- this is where it gets challenging for us
7 in years 10 to 15 to 20 to 25 -- we'll have to, I think,
8 reassert our ability to use military force, should they get
9 close to a weapon, and reimpose a sanctions regime, should
10 that be necessary.

11 So, in essence, we'll be back, if you will, to what
12 we've been doing for the last 10 years, in trying to contain
13 them.

14 Senator Fischer: Thank you.

15 Chairman McCain: Senator Blumenthal.

16 Senator Blumenthal: Thanks, Mr. Chairman.

17 Thank you all for being here, and thank you for your
18 very thoughtful and insightful testimony today.

19 Dr. Haass, I think that one of the very important
20 points you make is that we can agree or disagree that a
21 better agreement could and should have materialized. Many
22 of us, I think, have expressed the view that a better
23 agreement was not only possible, but perhaps should have
24 been reached. But, the reality today is that we have this
25 agreement. And the question before us is not the one for

1 historians, as you've said, it's what the consequences are,
2 the practical and real-world effects. And I know that you
3 said that you did not have time, in response to my colleague
4 Senator Shaheen's question about what the follow-on could
5 be, but perhaps you could expand on what you think,
6 specifically, the Congress could insist on the
7 administration doing, even if there are the votes to sustain
8 the President's veto.

9 Dr. Haass: Senator, I'd want to think about it in
10 greater detail and have that conversation with some other
11 experts, including the three gentlemen at this table for
12 whom I have great respect. But, I would think that we would
13 want to have certain limits on Iranian enrichment levels,
14 possibly on the amount of enriched material. I would
15 probably want to have limits on delivery systems. I would
16 want to talk about what exactly is the -- is meant by the
17 implementation of the additional protocol, what is our
18 understanding of that. So, I would want to, essentially,
19 keep ceilings and tabs on the Iranian nuclear program beyond
20 10 and 15 years.

21 The NPT is an open-ended document. I believe our
22 approach to Iran in the nuclear realm ought to be similarly
23 open-ended. And we ought to decide in our own minds what --
24 to what degree -- what's an acceptable threshold and what
25 isn't. Because, I think, to simply say that Iran is allowed

1 to be a threshold nuclear power, but not a nuclear-weapon
2 state, that leaves me uneasy, because that could -- because
3 it would mean zero breakout time, and that would put
4 tremendous pressures on others to follow suit. So, where I
5 think we ought to be detailing is, What sort of -- what is
6 our definition of an acceptable threshold? And I would want
7 to get into -- in many ways, many of the things addressed by
8 this agreement for 10 and 15 years, I want to -- I would
9 want to see how they could be extended, either in their
10 current form or in a modified form.

11 Senator Blumenthal: And I hope that conversation will
12 continue even before the Congress has to vote on this issue.

13 General Hayden, if the United States Congress rejects
14 this agreement, does it lead to a better agreement? And, if
15 so, how?

16 General Hayden: It could lead to a better agreement,
17 but it would require a powerful amount of American
18 enthusiasm for Plan B. You don't improve on Plan A without
19 really strong American leadership. And that may actually be
20 an important factor as to how much willingness the current
21 administration would have into pursuing Plan B.

22 I think it was Ambassador Edelman who suggested,
23 earlier, you know, that there always seemed to -- there had
24 to have been a Plan B; otherwise, you can't make the
25 statement that, you know, a bad agreement is worse than no

1 agreement. But, there doesn't seem to have been any
2 construct put forward the -- what Plan B might look like.
3 And so, again, very powerful American leadership, probably
4 from both political branches.

5 With regard to the Iranians, I don't think they sprint
6 to a weapon. I think we get more of the same. Actually,
7 they're -- actually, I think it's more likely that they
8 abide by the agreement for a time period, rather than
9 sprinting to a weapon, in order to try to create a wedge
10 between ourselves and our, particularly, European allies.
11 And I think the way it settles over time is the incremental
12 growth of the Iranian nuclear system, not a sprint to
13 weapons.

14 To be very candid, Senator, we were never convinced
15 they were going to build a weapon. I mean, if this were a
16 weapon, it was our belief that Iranian foreign policy is
17 best served by parking right here, because, unlike the North
18 Koreans, cooking one of these things off in the desert
19 pushes a whole bunch of things into the red, not into the
20 green. And, unfortunately, I think what the agreement, in
21 its current form, has created is this, if they just have a
22 bit of strategic patience.

23 Senator Blumenthal: Thank you.

24 My time has expired. But, this issue obviously is
25 immensely complicated. I have a lot more questions, and

1 hope that I can explore them with members of this panel in
2 another setting.

3 Thank you, Mr. Chairman.

4 Chairman McCain: Senator Cotton.

5 Senator Cotton: Thank you all for being here today.

6 General Hayden, you've spent a career in the American
7 intelligence community, from the lowest levels to the very
8 highest levels. I've heard it reported that you once said,
9 "Intelligence is not a fact; otherwise, it wouldn't be
10 called intelligence." I have the highest regard for the
11 professionals in our intelligence community, but I want to
12 review briefly the history of assessments of foreign
13 countries' pursuit or acquisition of nuclear weapons.

14 The Soviet Union, China, India, Pakistan, Iraq -- twice
15 -- North Korea, Iran, and Syria. Do you think the U.S.
16 intelligence community has provided timely and accurate
17 assessments, down to a month-by-month timeline, of these
18 countries' pursuit or obtaining of nuclear weapons?

19 General Hayden: No, of course not, Senator. And
20 hence, my earlier comments and other testimonies that,
21 absent an invasive inspection regime, American intelligence
22 alone can't give you sufficient confidence in the agreement.

23 Senator Cotton: And the reason it's so hard is that
24 these countries are very good at concealing their intentions
25 and capabilities, and it can often be hard to develop assets

1 that reveal those to us?

2 General Hayden: Iran, much to my disappointment,
3 particularly to the President I served, was a very hard
4 human intelligence target. And, in many ways, that's what
5 you need in order to detect this, because the physical
6 evidence of at least the early stages of breakout is very
7 hard to come by.

8 Senator Cotton: What, then, is your level of
9 confidence of the United States intelligence community's
10 ability to have deep insight into Iran's intentions and
11 capabilities down to the nearly month-by-month assessment
12 necessary?

13 General Hayden: Yeah, I wouldn't go, Senator, month by
14 month. Back to my phenomenon of the unpleasant fact, how
15 much evidence do you have to have in your folder to go in to
16 tell the President his favorite plan is now off the rails?
17 So, month by month would be very hard.

18 But, again, back to my point, within the 10-year
19 period, the best part of this agreement is Richard's basket
20 or my bubble of the agreement itself, because it does create
21 some fairly robust ability. Not that they won't cheat.
22 They will cheat. That's unarguable. But, I think the
23 cheating will be roughly at the margins, and not that
24 breakout or sprint.

25 Senator Cotton: Do you expect that to happen in

1 declared facilities, like Natanz or Fordow --

2 General Hayden: No.

3 Senator Cotton: -- or in undeclared sites?

4 General Hayden: No, of course not. It would be in
5 undeclared sites. It's always in undeclared sites.

6 Senator Cotton: In a country two and a half times the
7 size of Texas.

8 General Hayden: Senator, Fordow was pretty far along.
9 We count it as an intelligence success, but Fordow was
10 pretty far along before we discovered it. We learned about
11 Natanz from an Iranian opposition group.

12 Senator Cotton: I want to move now to the alternatives
13 to this deal, or, more specifically, what would happen if
14 Congress were to disapprove this deal and override the
15 President's veto. I know there's a lot of proponents of the
16 deal who say, "It's this deal or war."

17 Ambassador Edelman, recently a French diplomat,
18 speaking to several Members of Congress, said that was not
19 the case. Could you elaborate on that perspective and share
20 your opinion of his perspective?

21 Ambassador Edelman: Senator Cotton, I think you're
22 talking about my colleague, Jacques Audibert, the French
23 President's National Security Advisor. There is some
24 dispute about what he actually said, since he's denied part
25 of it, but I think what's not disputable is that he made it

1 clear that a vote against the deal would have a very
2 chilling effect on people going back into Iran, because of
3 the potential penalties and lack of access to the U.S.
4 financial system. And that, I think, is an important fact
5 to bear in mind when we think about potentially walking away
6 from the deal and renegotiating it. We have lots of tools
7 at our disposal.

8 Senator Cotton: What do we think would happen if the
9 Iranian Parliament voted to reject this deal? Surely, it is
10 a rubber stamp for the Supreme Leader, but, nonetheless,
11 they still have scheduled a vote a few weeks after our vote
12 in this Congress.

13 Dr. Haass: As you say, it's unlikely, sir. If it were
14 to happen, I think current arrangements would remain in
15 place, in terms of sanctions, because it would be seen as
16 their doing. So, I think there would be no major move
17 afoot. The real question, What would Iran do in the nuclear
18 sense? Again, I would think more drift than sprint, because
19 that would be the sort of thing that they would think would
20 be -- would not stimulate or trigger the sort of reaction
21 they supposedly would want to avoid.

22 Senator Cotton: Ambassador Edelman, one final
23 question, because my time is running short. Given the fact
24 that a nuclearized Middle East, if this deal one day leads
25 to that, would likely have countries with limited nuclear

1 stockpiles, limited delivery vehicles, very-near-distances
2 limited communications, less stable governments than we saw
3 during the Cold War in the Soviet Union and the United
4 States, what do you assess the risk of genuine outright
5 nuclear war in the Middle East to be?

6 Ambassador Edelman: I think, potentially, Senator,
7 it's very high. Back in the Cold War, nuclear strategists
8 identified something called the "N country problem," which
9 was -- it was possible to understand how a nuclear balance
10 of power would work between two parties, but, once you got
11 multiple parties into it, it seemed to be an insoluble
12 paradox. And, in the Middle East, it would be heightened by
13 the fact that you have very, very short flight times, you'd
14 have relatively small arsenals, at least at the beginning,
15 and you've have enormous incentives on the part of all
16 parties to preempt. And I think there's a very real chance
17 you would end up with nuclear use in anger for the first
18 time since 1945.

19 Senator Cotton: Thank you all. My time's expired.

20 Chairman McCain: Senator King.

21 Senator King: Thank you, Mr. Chair.

22 I want to thank you and the staff for putting together
23 these hearings and giving us an opportunity to listen to
24 some very provocative and thoughtful commentaries. I'm
25 finding this a very difficult issue. It seems to me it's

1 all about weighing risks -- weighing the risks of going into
2 this arrangement, weighing the risks of not going in. And,
3 of course, weighing those risks means alternatives.

4 And you gentlemen have done a pretty good job today of
5 picking out many of the defects in this agreement, which I
6 agree are there, but the real question then becomes -- is,
7 What is the alternative?

8 Ambassador Burns has testified that -- and it seem to
9 me logical -- that if the agreement is rejected, two things
10 happen. One is, Iran reverts to a situation where they have
11 essentially an unfettered nuclear program, and, secondly,
12 the sanctions will inevitably -- and here's where the choice
13 of verb is difficult -- erode, fray -- unravel may be too
14 strong a word. But, I don't see it -- how it's possible to
15 argue that the sanctions will be stronger if this deal is
16 rejected unilaterally by the United States after it's been
17 adopted by the U.N. Security Council.

18 General Hayden, you made the point that the agreement
19 itself may not be that bad for 10 to 15 years. As I see it,
20 what we're essentially buying is 15 years of a nuclear-free
21 Iran, and, if Iran starts to misbehave in a nuclear sense at
22 the end of 15 years, we have the same options we have today.
23 In fact, we may even be in a stronger position, because then
24 we will be working with the rest of the world to impose
25 those sanctions rather than working at cross-purposes with

1 the rest of the world. Would you -- help me out here.

2 General Hayden: Sure. If the Iranians -- and back to
3 the baskets again, the --

4 Senator King: Right.

5 General Hayden: -- one out there in the future -- if
6 the Iranians begin to misbehave after the limitations in the
7 current agreement expire, they're misbehaving from an
8 incredibly higher baseline, in terms of what --

9 Senator King: In what sense?

10 General Hayden: In what is legitimately allowed the
11 Iranian state, in terms of their nuclear industry. All
12 right? And frankly, they will have time to do things on the
13 margins to improve their capacities. So, I think it's very
14 important, as Dr. Haass says, a second regime out here that
15 keeps meaningful limits --

16 Senator King: Well, right now, they're -- the -- all
17 the intelligence is that they're 2 to 3 months from a
18 breakout. Would they be closer than that --

19 General Hayden: Oh, yes.

20 Senator King: -- the 10 or 15 years?

21 General Hayden: I mean, even in the administration's
22 calculations, when you get out there, somewhere between 13
23 and 17, the breakout period for sufficient fissile material,
24 which is what we're measuring here --

25 Senator King: Right.

1 General Hayden: -- gets below the current 2 to 3
2 months. So, that -- so, you run that danger, even if you
3 continue to have the tools you have on the table. And
4 frankly, since Nick was involved in building the tools
5 currently on the table, that doesn't happen quickly. That's
6 going to take time.

7 The other aspect that makes me uncomfortable are the
8 more immediate effects of empowering a state that should
9 still be a renegade state, of empowering a state by
10 welcoming it back into the family of nations, and really
11 giving it the wherewithal to do all the other things they
12 want to do.

13 Giving additional way of thinking about this, Senator
14 --

15 Senator King: I'm very limited on time.

16 General Hayden: I'm sorry. I'm sorry. I'll --

17 Senator King: Let me follow up on that.

18 Ambassador Burns, what would be the effect of -- within
19 Iran, of a unilateral American rejection, in terms of the
20 relationship between the hardliners and Rawani and Zarif?

21 Ambassador Burns: Well, there is tension between them,
22 there's no question about it. This not a monolithic regime.
23 And I would -- in that hypothetical instance, I would think
24 that there would be tremendous pressure in the Iranian
25 system not to race towards a bomb -- I think we all agree on

1 that -- but to reconstitute a nuclear threshold state so
2 they'd be able to enrich uranium further, develop weapons-
3 grade uranium, and continue to work on their plutonium
4 processing. That would, I think, be -- the rationale for
5 that would be to reposition themselves for the next round of
6 this.

7 I think that would be a real problem for us, because if
8 we're the one that walks out first in this hypothetical
9 example, we're going to lose our leadership both -- we're
10 the political organizer of the global coalition to isolate
11 them, and we've been the organizer of all the sanctions
12 resolutions, in the U.N. and elsewhere. And so, we lose our
13 ability, I think, to keep that coalition together. And
14 that's why I, for practical reasons, believe that -- I think
15 the plan can work -- the administration's plan. It gets
16 very difficult, as my colleagues and I are suggesting, after
17 years 10 to 15, and you have to reconstitute the system and
18 the will to contain the Iranians.

19 Senator King: Two quick points. One is, I want to
20 associate myself with Senators Shaheen and Blumenthal, and
21 Mr. Haass -- Dr. Haass, and -- all of you. You must help us
22 think through agreement-plus. What is the -- what is --
23 what can Congress do to strengthen the implementation of
24 this agreement and be sure that it is abided by? And I know
25 that there are people here thinking about that. And, to the

1 extent you can provide input, I think that's important.

2 The only other point I would make is, we've been
3 talking mostly about the IAEA, as if that's it for
4 verification. But, the fact is that we'll have five and
5 probably six intelligence agencies watching intently -- and
6 I mean that literally -- and working with the IAEA. So, I
7 think it's important to realize that this isn't just the
8 IAEA, that there is a combined intelligence capability that
9 is quite vigorous.

10 Thank you, Mr. Chairman.

11 Chairman McCain: Senator Ernst.

12 Senator Ernst: Thank you, Mr. Chair.

13 Gentlemen, thank you very much for being here today.
14 This has been an enlightening discussion, I think, very good
15 for all of us to participate in and hear your areas of
16 expertise.

17 It has been brought up a couple of times already today,
18 and I want to make it very clear -- a couple of you have
19 affirmed this -- but, I would like to ask each of you, yes
20 or no -- a simple yes-or-no question, and then we can come
21 back and talk a little bit more about it. But, the
22 President made very clear, several weeks ago -- very, very
23 clear -- that it was either this nuclear agreement or war.
24 There was no in between. It was either the agreement, sign
25 it, have it done, or we are going to war. General Dempsey

1 pushed back on this. Admiral Richardson pushed back on
2 this. They agreed that there are other options available.
3 So, just simple yes or no. If we don't sign this agreement,
4 are we going to war?

5 General Hayden.

6 General Hayden: There's no necessity to go to war if
7 we don't sign this agreement. There are actions in between
8 those two extremes.

9 Senator Ernst: Thank you.

10 Dr. Haass.

11 Dr. Haass: I would echo that, but I can't rule out
12 that Iran would not take steps that would force the United
13 States to contemplate the use of military force. We would
14 have to decide what, at some point, we deem to be
15 intolerable.

16 Senator Ernst: But, do you think there are other
17 options before we get to war?

18 Dr. Haass: Absolutely, from sanctions to covert action
19 of various types, and so forth.

20 Senator Ernst: Thank you.

21 Ambassador?

22 Ambassador Edelman: Yes, Senator Ernst, I agree with
23 you, I don't think those are the only alternatives.

24 Senator Ernst: And Ambassador Burns.

25 Ambassador Burns: I don't believe that war would be

1 inevitable. Possible. But, I do think congressional
2 disapproval would weaken the U.S. and our ability to hold
3 the sanctions regime together, which has been the key
4 factor.

5 Senator Ernst: And I think there has been some very
6 good discussion today. I think it's very, again,
7 enlightening that we have gone from, a number of weeks ago,
8 many people, whenever I would bring up this topic about
9 having other options available, "Why are we just talking
10 about war?" Now we're having very good discussion about
11 other things that we need to do, as the United States, to
12 protect not only our population but our friends in that
13 region and around the world.

14 A number of weeks ago, this was not happening. People
15 were either saying, "We're going to sign this agreement or
16 we're going to war." There are a lot of things that we can
17 do. And, unfortunately, I think these discussions should
18 have occurred much more significantly during the
19 negotiations process. Now we're at a point, we either take
20 the deal, or not, and try and unilaterally come up with
21 things that we can do as a country to push back on Iran. Do
22 you agree with that?

23 Dr. Haass: Violently, I agree with that. And I think
24 we would have had far more negotiating leverage, had
25 Congress been involved sooner. I remember -- and Senator

1 McCain and Senator Reed and others will remember, because we
2 all go way back -- when you used to have Senators and
3 Congressmen as part of delegations. I would -- I think the
4 idea of joint negotiating approaches so Congress, if you
5 will, is in on the takeoff as well as the landing --
6 because, right now, you're right, we have -- we have, I
7 always say, poor choices and very few of them. It would
8 have been much better to have expanded the range of choices
9 and to improve the quality of the choices. And I think
10 there ought to be some lessons derived for future
11 administrations and future Congresses about how to conduct
12 negotiations. Because we're leaving ourselves in a very
13 difficult place if we only get to this point after the deal,
14 if you will, is signed, sealed, and delivered.

15 Senator Ernst: We are between a rock and a hard place
16 right now. I -- most certainly.

17 Iran's chief terrorist is, of course, I think, General
18 Soleimani. And we have talked a little bit about this
19 gentleman today. And great article just out by Lieutenant
20 General, Retired, Michael Barbero, "Empowering the Iranian
21 Who Murdered Americans." I think 20 percent of the deaths
22 in Iraq have been attributed to the EFPs that the General
23 had put in place -- Soleimani. I think it's good that we
24 remember that this gentleman now is in good standing, once
25 this agreement goes into place. And this is a man who I

1 don't think is going to curb his terrorist activity or
2 backing of Hezbollah and Hamas and many of these other
3 organizations. How will this deal empower this general?

4 General Hayden, can you speak to that, please?

5 General Hayden: Sure. Senator, in terms of direct
6 impact, he wasn't going to travel to the United States
7 anyway, or show up at the U.N., so -- but, we talked earlier
8 about unleashing resources that can now be put at his
9 disposal to continue doing what he's been doing. And
10 frankly, it couldn't possibly come at a worse time. I mean,
11 the man routinely is on the ground in Iraq directing Shi'a
12 militia. And now we're giving him additional resources.

13 Senator Ernst: Yes. Thank you. And I think it's wise
14 to remember that all of us that serve in the Senate probably
15 have constituents and families in our States that have
16 members that were killed overseas as a direct result from
17 those EFPs.

18 Thank you, Mr. Chair.

19 Chairman McCain: Senator Hirono.

20 Senator Hirono: Thank you, Mr. Chairman.

21 Most of you have indicated that we have other options,
22 should we walk away from this agreement. But, I am
23 wondering, you know, what the scenario would be; because, if
24 we walk away from an agreement, unless we enter into another
25 agreement, the reality of which becomes questionable, given

1 that we probably won't be able to rely on our P5+1 partners
2 to go along with us in trying to renegotiate another
3 agreement, doesn't that create the scenario, as I think Dr.
4 Burns acknowledged, that it -- this scenario increases the
5 potential that we would have to resort to military action to
6 stop Iran from proceeding apace with building a nuclear
7 bomb? That is not a question, but an observation, based on
8 the testimony that I've heard today.

9 General Hayden, as a former Director of the CIA, does
10 this agreement improve the intelligent community's ability
11 to gain intelligence on Iran's nuclear activities?

12 General Hayden: It does, in the zero-to-10-year
13 period, with the invasive inspection regime. I mean,
14 assuming at least moderate Iranian compliance with that, you
15 do have more detailed knowledge than we would otherwise
16 have.

17 Senator Hirono: So, during this period, as we get more
18 detailed information -- intelligence -- which I assume your
19 assessment of the enhanceability for us to gain intelligence
20 based on this agreement -- as a result of this agreement,
21 that we could, at the end of 15 years, or even before then,
22 determine what else we could consider doing to prevent Iran
23 from becoming a nuclear power.

24 General Hayden: Again, as Dr. Haass pointed out, in
25 order to continue that invasive inspection regime, that

1 window into what it is they're doing, I don't think there is
2 any deus ex machina that's going to happen in the next 10 or
3 15 years that's going to allow us to do this remotely. And
4 so, as part of the negotiation of a follow-on agreement, we
5 would still need to have that kind of invasive inspection
6 regime.

7 Senator Hirono: But, during the period that we have
8 this enhanced inspection -- well, this enhanced capability
9 to gather intelligence, I would think that we would
10 therefore be able to determine what else we can do at the
11 end of 15 years.

12 If someone else wants to weigh in on this, I see --
13 yes.

14 Ambassador Burns: I'd be happy to.

15 I think --

16 Senator Hirono: Dr. Burns.

17 Ambassador Burns: I listed, in my oral statement, some
18 measures that the administration can take now, things they
19 haven't done and said, to try and create a stronger
20 containment coalition of the Iranians, because the Iranians
21 are striking into the heart of the Sunni world. And then,
22 on your question, Senator, we already have to think ahead to
23 the time when this -- these restrictions lapse, 10 to 15
24 years after the agreement takes effect. We'll have to
25 reconstitute much of what the Bush and the Obama

1 administrations built up over the last 10 years. Now, I
2 support the agreement, because I think the value of freezing
3 them for the next 10 or 15 years is considerable. But, I
4 also see that, if the Iranian regime stays in place -- and I
5 think it's probable that it will, although we can't predict
6 -- and if they do try to reconstitute their program, we're
7 going to have to have an American President who will be
8 very, very assiduous in rebuilding the coalition. So, you
9 have to start that now and keep our closest allies with us.

10 Senator Hirono: One of the very interesting aspects to
11 this hearing and all of your testimony, which I appreciate
12 very much, is asking Congress to think about what we could
13 be doing now during -- you know, to address the eventuality,
14 possibility of, at the end of 15 years, as General Hayden
15 has said, that Iran would have sufficient fissile material
16 to break out with a nuclear weapon in a very short time.
17 So, thank you all for really pushing us toward that kind of
18 consideration now, rather than waiting til the end of 15
19 years.

20 Regarding the potential for Iran changing its behavior,
21 I realize that we should be looking at the agreement itself.
22 However, I'd like to ask Dr. Burns, What is the likelihood
23 that this agreement and Iran's compliance with it could lead
24 to a moderating of Iran's behavior to the outside world, as
25 well as its -- to its own people? And what else besides

1 this agreement would increase the likelihood of a moderate
2 Iran?

3 We'll start with you, Dr. Burns.

4 Ambassador Burns: Thank you very much --

5 Senator Hirono: We may have to end with you. I'm
6 running out of time.

7 Ambassador Burns: -- Senator, because I live in an
8 academic institution, I have to tell you, I'm not Dr. Burns,
9 I don't have a Ph.D. --

10 Senator Hirono: Oh, excuse me.

11 Ambassador Burns: -- just to be fully transparent.
12 There are other Ph.D.s here.

13 Senator Hirono: Dr. Haass.

14 Ambassador Burns: I would say that we -- it would be a
15 very ineffective argument for the administration to make
16 that we should go forward with a nuclear deal because it'll
17 change Iran. I don't think Iran's going to change as long
18 as the Supreme Leader and the Revolutionary Guard hold so
19 much of the power. So, that can't be a reason. I don't
20 hear the administration saying that now. And I think that's
21 fortunate.

22 The reason to go ahead is because we're in a long-term
23 struggle with them, and we can now gain the advantage, over
24 the next 10 to 15 years, to freeze their nuclear program.
25 But, as we've all been saying, we have to think

1 strategically long-term, both in terms of mitigating
2 measures against their nuclear program and containment
3 measures against their military effectiveness -- Syria,
4 Lebanon, Hamas, Hezbollah, Yemen. They're a real problem,
5 and we have to push back against them.

6 Senator Hirono: Thank you.

7 Chairman McCain: Senator Tillis.

8 Senator Tillis: Thank you, Mr. Chairman.

9 Ambassador Edelman, I'll -- I'd like to start with you,
10 but I'd -- I would invite in any of the panelists to chime
11 in if they have comments.

12 What is the likelihood that Iran will live up to the
13 terms of the agreement? In other words, maybe another way
14 of saying -- a negative way of saying it -- what's the
15 likelihood that they're going to cheat? Do you believe
16 they're going to cheat? And in what way will they cheat?

17 Ambassador Edelman: If they don't cheat, it will be
18 the first time that they haven't cheated on their NPT and
19 nuclear obligations to the --

20 Senator Tillis: I think there are some 27
21 international agreements or treaties where they've
22 documented having cheated in the past. So, we know they're
23 going to cheat. Is there any doubt among the panelists that
24 they're going to cheat at some level, push the edges?

25 [No response.]

1 Senator Tillis: So, Ambassador Burns, you mentioned
2 about how the -- voting down this agreement could
3 substantially weaken our sanctions regime. But, let's
4 assume that you're in a position where you have to deal with
5 that. We've voted down the agreement, our partners, who are
6 -- I know, Foreign Ministers and CEOs, business leaders who
7 travel into Iran in large numbers trying to figure out how
8 they can invest and how they can become a part of the
9 economic turnaround of that nation, but -- so, you've got
10 that hand dealt you. You've got -- have a lot of these
11 partners that have gone to Iran. We've identified a need to
12 apply economic sanctions again. What do you do to make the
13 best of that situation?

14 Ambassador Burns: Thank you, Senator. And very
15 quickly if I could just say on your last question, I think
16 it's probable that their self-interest will be that they
17 will appear to be living up to the agreement. I think
18 they'll try to keep it. But, no question in my mind,
19 they'll cut and cheat on the margins. That's why we have to
20 watch them.

21 On your hypothetical question, if we were given the
22 scenario of a congressional disapproval, override the
23 President's veto, and -- I think we would want to begin with
24 Britain and France and Germany to try to reconstitute a way
25 forward to pick up the pieces. And that would be to keep

1 the sanctions regime together and try to convince the
2 Iranians that they're better off living with an agreement
3 that would take another set of negotiations. So, you'd
4 probably be back into the negotiating game.

5 I've testified that I think you're right to look at the
6 option, because if that option could work, that would be a
7 logical way forward. I don't think it can work, and I
8 think, actually, there are more deficiencies there than
9 there are possibilities for us.

10 Senator Tillis: Do you think that that is driven
11 largely by these other countries believing this is a good
12 deal on the pure merits of keeping Iran from having a
13 nuclear weapon? Or is a lot of their motivation the
14 economic benefit that they have by removing the sanctions
15 and setting up shop in Iran?

16 Ambassador Burns: I think there are varying
17 motivations. I really trust that the British and the French
18 and the Germans want to see Iran denied a nuclear weapon.
19 They started these negotiations 3 years before we did, in
20 2002. They've been at it a long time.

21 The Russians, I think, are an interesting case, because
22 the Russians lie closer to Iran than anyone else,
23 geographically. I don't think the Russians want to see them
24 become a nuclear weapons power, but the Russians want to cut
25 us down to size, unfortunately, and that operates to be --

1 it's a conflict in our relationship.

2 Chinese, I think, are motivated by commercial
3 imperatives.

4 Senator Tillis: Well, that's, maybe, the question I
5 would ask of any of the panelists to opine. The -- we talk
6 about the -- and I think, Ambassador Edelman, it was in your
7 comments that you submitted for the record, that, you know,
8 this -- whether it's 140 billion or the discount of \$56
9 billion, what we haven't really talked about is projecting
10 the net positive economic impact through foreign investment
11 that's going to occur. China's going to invest in Iranian
12 infrastructure for the purposes of having oil or lower-cost
13 energy coming to them. All of these various industries are
14 going to come there, and I begin to believe that, over a 10-
15 year period, that the \$56 billion that we're talking about,
16 you can argue, for one reason or another, may or may not
17 flow back into -- or 140 billion, whatever the number is --
18 but there could be tens of billions, hundreds of billions --
19 dollars -- more in economic benefit over this timeframe that
20 would be absolutely available to fund terrorist operations,
21 proxy wars, all the other malign activities that they're
22 involved in. Do you agree with that?

23 Dr. Haass?

24 Dr. Haass: The answer is, there could be a lot of
25 money to do it. That said, a lot of terrorism is actually

1 fairly cheap. I mean, Iran's doing pretty well under the
2 current circumstances. I think it also points to the
3 importance of keeping -- you know, of energy policy, because
4 the last thing we want is Iran also to get a windfall out of
5 oil prices, which is something we haven't really talked
6 today.

7 I'd say one other thing on the economics. What we
8 don't know -- and I think it's the optimist side -- I put it
9 out; I'm not sure I believe in it, but I mention it -- is
10 that this will set in motion certain dynamics within Iranian
11 society. And I think, you know, the optimistic side would
12 say it'll strengthen certain middle class elements. So,
13 while the regime will get some credit for improving the
14 society, it might also set in motion some longer-term
15 dynamics of demands for change. And none of us is smart
16 enough to know how these things play out.

17 Senator Tillis: Thanks, Mr. Chair.

18 Ambassador Edelman: Senator Tillis, if I could just
19 add to what my colleague has said in response to you. I --
20 one of the problems I have with waiting 10 or 15 years and
21 then addressing this is precisely what you're saying. The
22 two tools we've had, the threat of military force and the
23 impact of the sanctions, are both going to be much less
24 powerful tools 15 years from now -- or 10 years from now,
25 even -- than they are today. And that's one reason why I

1 think, as messy and problematic as it will be to reject the
2 deal today, I would rather do it now and try and put the
3 pieces back together now than wait 10 or 15 years.

4 General Hayden: I'd just add one additional thought to
5 Eric -- to Ambassador Edelman's point.

6 It -- in my view, it will be more difficult to get a
7 multilateral sanctions snap-back than it will be to continue
8 sanctions under a proposed Plan B.

9 Chairman McCain: Senator Sullivan.

10 Senator Sullivan: Thank you, Mr. Chairman.

11 Thank you, gentlemen.

12 You know, one of the things that strikes me as I've
13 read through this agreement now is, there's a lot of
14 asymmetry, in terms of commitments and obligations. Let me
15 just give you one example, Ambassador Burns. There's a --
16 up front, a phrase that says, "The P5+1 expresses its desire
17 to build a new relationship with Iran." And normally, as
18 you would imagine in international diplomacy, you would
19 normally get a reciprocal kind of statement in a lot of
20 agreements, wouldn't you?

21 Ambassador Burns: It would be advisable. I don't
22 think we're going to have a new relationship. I think it
23 will be a continuation of the same in trying to contain
24 them.

25 Senator Sullivan: But, there's no kind of reciprocal

1 statement from Iran. So, we're saying we want a new
2 relationship. In the agreement, we say it. But, the
3 agreement doesn't say the Iranians want a new relationship
4 with the West. Why do you think that's the case?

5 Ambassador Burns: As you know, Senator, I was not part
6 of these negotiations, so I can't account for it. But, what
7 we're seeing is these conflicting statements, even 10 days
8 ago --

9 Senator Sullivan: Yeah.

10 Ambassador Burns: -- saying, from the Iranian side,
11 "No access to military sites." If they don't give access to
12 military sites, they're in violation of the agreement in the
13 opening stages. So, this agreement will test them.

14 Senator Sullivan: But, I mean, the -- it's pretty
15 obvious to me they -- we say we want a new relationship. In
16 the text, they're silent. As a matter of fact, they're not
17 silent. After the agreement's signed, they're doing the
18 "Death to the -- Death to America" chanting, and it's clear
19 they clearly don't want -- or didn't want to commit to a new
20 relationship, even though it seems like a lot of what we
21 have in here is focused on that.

22 General Hayden, I wanted to kind of go into another
23 area, in terms of asymmetry in the agreement. You know, the
24 administration said they didn't want to include terrorism,
25 human rights, weapons programs, even the hostage situation,

1 because they were focused on the nuclear agreement, only, as
2 part of this. And yet, if you look at the details of this
3 agreement, there are all kinds of affirmative actions that
4 we're supposed to take, you know, including helping them
5 with finance, helping them with their energy sector, helping
6 them import commercial aircraft, literally helping them
7 import pistachios, Iranian rugs. One of the -- so, there's
8 a lot of affirmative duties we have that have nothing to do
9 with the nuclear side of this.

10 One of these -- it's a little unclear who the
11 obligation is to, but it also says that we're, quote,
12 supposed to "strengthen Iran's ability to protect against
13 sabotage in the nuclear facility -- its nuclear facilities."
14 Do you think that is remotely a good idea? And is that a
15 commitment the United States should -- or anyone -- should
16 take up? And if we're preventing sabotage, do we have to
17 prevent our allies -- say, the Israelis -- to prevent
18 sabotage? Hasn't sabotage helped us, to be blunt?

19 General Hayden: Well, it's hard for me to talk about
20 this in detail, but the plain-English reading of the
21 sentence you just read would put a requirement, a legal
22 responsibility, on us to protect the current -- the
23 negotiated Iranian nuclear program from any destructive
24 activity, even if it were mounted by a friend of the United
25 States.

1 Senator Sullivan: Is that in the United States
2 national interest to do that?

3 General Hayden: I --

4 Senator Sullivan: In your experience?

5 General Hayden: It is overly complicated. I -- it's
6 hard for me to comment, in open session, on what the fine
7 print means. I'm surprised to see that in there. I'm
8 surprised that, although we insisted that ballistic missiles
9 be talked about, they were thrown off the table at Iranian
10 insistence, until the 11th hour, and then they were brought
11 up by the Iranians in order to get out from under --

12 Senator Sullivan: Ambassador -- sorry, General --
13 Ambassador Edelman, do you think that's a good idea?

14 Ambassador Edelman: I cannot --

15 Senator Sullivan: Do you think that's in --

16 Ambassador Edelman: I cannot imagine, Senator
17 Sullivan, how that could possibly be in the best interest of
18 the United States, and it's one of the reasons why I'm
19 opposed to this agreement.

20 Senator Sullivan: Is it in the best interest of some
21 of our allies in the Middle East?

22 Ambassador Edelman: Absolutely not.

23 Senator Sullivan: Let me just turn to one other area
24 that has been a real big concern of mine. You know, a lot
25 of us -- Ambassador Burns, Edelman, we worked together on

1 the whole effort to economically isolate Iran, and there's a
2 lot that's been talked about this snap-back provision. And,
3 as you know, it took years to get our European allies, who
4 were not motivated to really help out, initially, to divest
5 out of Iran. And, as you mentioned, they're already very
6 quickly going and reinvesting in Iran.

7 One of the things I'm most concerned about the snap-
8 back provision -- it's being sold as this really important
9 thing -- powerful, prompt -- but, it seems to me more of an
10 illusion, because there's a provision throughout the
11 agreement -- paragraph 37, paragraph 26, and other areas --
12 where the Iranians essentially say, "If any sanctions are
13 reinstated, in whole or in part, Iran will treat that as
14 grounds to cease performing its commitments under the
15 agreement." So, it seems to me the snap-back provision is
16 more aimed at us, it's more a boomerang provision, than it
17 is at them, because if we ever reimpose sanctions, they can
18 legally -- legally -- walk away from the deal.

19 Secretary Kerry and Secretary Lew have been asked this
20 question a number of times. They don't seem to be able to
21 have a good answer for it. Are you concerned about this
22 kind of illusory snap-back provision?

23 Ambassador Burns: I think the snap-back provisions are
24 going to be a challenge for us. We had the great -- I had
25 the great pleasure to work with you in a previous capacity

1 on this, Senator, and we're going to have to, I think, have
2 some agreements up front with the Europeans that they're
3 going to be with us -- those three Europeans -- France,
4 Germany, and Britain -- when there are serious violations.
5 If the Iranians take the position that the imposition of
6 sanctions for Iranian violations ends the agreement, "Well,
7 the agreement's off" --

8 Senator Sullivan: It's in there.

9 Ambassador Burns: -- then the agreement's off, and
10 then the United States, whatever administration is in power,
11 will have the right to do what we have to do to keep them
12 away from a nuclear weapon. So, I actually don't think that
13 puts pressure on us. I think it's a -- if the Iranians take
14 that position, that gives us an opening, if the agreement's
15 not working, to abrogate the agreement, theoretically.

16 Ambassador Edelman: Senator Sullivan, I mean, I, too,
17 am a little worried about the snap-back provisions, for a
18 couple of reasons. One is, it seems to me there's a
19 contradiction at the heart of the argument that the
20 administration has made on behalf of snap-back. On the one
21 hand, they argue that the sanctions regime -- correctly, by
22 itself -- has not stopped Iran's nuclear program; but, if
23 Iran violates the nuclear agreement, the penalty we're going
24 to impose on them is snapping back the sanctions. So, right
25 from the get-go, there's a problem.

1 I will give the negotiators enormous credit. The
2 provisions for snap-back are a -- very, very cleverly, you
3 know, constructed, but I think there's a political problem,
4 which is that the way that we guarantee snap-back is that
5 the United States would have to veto the resolution in the
6 Security Council that would allow the sanctions relief to
7 continue. The United States, I think, always finds it
8 difficult to wield the veto in the Security Council. We've
9 done it from time to time to protect Israel and a few other
10 things, but we don't use the veto lightly. And I think this
11 is going to be much harder to actually implement the snap-
12 back than people have argued it will be.

13 Chairman McCain: Senator Rounds.

14 Senator Rounds: Thank you, Mr. Chairman.

15 Ambassador Burns, General Dempsey said, a few weeks
16 ago, to Senator Ayotte's question about Iran and ballistic
17 missile capabilities, that, quote, "Under no circumstances
18 should we relieve pressure on Iran, relative to ballistic
19 missile capabilities and arms trafficking," unquote. What
20 do you think was the reasoning to allow the world's leading
21 sponsor of terrorism -- and, by the way, that's a title that
22 was bestowed upon them by no less than our own State
23 Department -- to receive the gift of a sunset on U.N.
24 sanctions in these two areas in 5 and 8 years, respectively?

25 Ambassador Edelman: Thank you, Senator.

1 I said, earlier, that I oppose this compromise that
2 ends the conventional weapons and ballistic missile
3 sanctions imposed in 2007 and 2010 by the United Nations.
4 What I heard from the administration, though, is somewhat
5 reassuring. They say that, when these sanctions -- when
6 these U.N. sanctions, global sanctions, expire, that they
7 will -- or the next administration -- will have to reimpose,
8 certainly American sanctions, but also try to put together a
9 coalition of countries to sanction the Iranians. It's not
10 in our interest to see the Iranians be able to import
11 Russian or Chinese military technology, and it's certainly
12 not in our interest to see them develop ballistic missiles.

13 Senator Rounds: It's interesting that, in an Armed
14 Services hearing on this deal last week, Defense Secretary
15 Ashton Carter confirmed to me that, under this deal, he
16 could not rule out Iran acquiring an intercontinental
17 ballistic missile in 10 years. This means that Iran could
18 have the capability of producing a weapon that could reach
19 the United States soil in a decade. A week before that,
20 General Paul Selva, now the Vice Chairman of the Joint
21 Chiefs of Staff, told me that -- during his confirmation
22 hearing -- that Iran remains the leading state sponsor of
23 terrorism, and sanctions relief agreed to in the nuclear
24 deal could be used by Iran to continue to -- or continue to
25 sponsor terrorism.

1 Gentlemen, do you believe that, with this agreement,
2 the U.S. and our allies are safer today than we were a year
3 ago, and will we be safer when this agreement ends in 10
4 years?

5 Ambassador Burns: I believe that we'll be -- we are
6 going to be safer over the next 10 years. That's the reason
7 I'm supporting the President on this. If we freeze their
8 program, then we have 10 to 15 years of insight into what
9 they're doing, and severe restrictions on their program.

10 Second question is tougher. And again, I think, as
11 many of us have said, and I've certainly said, we're going
12 to have to be really good and forceful at putting back in
13 place, if the same Iranian regime is in power, some of these
14 restrictive measures, on our own and with a coalition, to
15 ensure our safety in that 10-to-25-year period.

16 Senator Rounds: Gentlemen?

17 Ambassador Edelman: Senator Rounds, as Senator King
18 said earlier, I think, a lot of this discussion that some of
19 the panelists were discussing among ourselves before the
20 hearing is a question of balancing risks. And my own view
21 is that this deal, I would say, marginally improves our
22 situation on the nuclear question over the next 10 years,
23 but at the peril of various other threats to safety and
24 security of the United States in the short term, outside the
25 nuclear realm, and again in the nuclear realm at the

1 expiration date of the deal.

2 Dr. Haass: Consensus on that. Which, again, is why I
3 -- I didn't begin here, but I came out with the position
4 that we need to think about how we buttress this agreement
5 to deal with the downsides, in that the immediate regional
6 problems, it will exacerbate; and the longer-term nuclear
7 problems, I fear it will increase. So, I think anyone who's
8 inclined to vote against the resolution of disapproval for
9 the agreement should think very hard about how that vote is
10 accompanied by steps -- statements and steps that I believe
11 will offset the -- you know, the truly problematic parts of
12 this arrangement.

13 General Hayden: Yeah, I think that my colleague has
14 said it very well. In essence, there is some buying down of
15 the nuclear risk, which was, frankly, somewhat theoretical
16 and always long term. And the coin we've used to buy that
17 down is embracing some concrete immediate risks and the
18 danger of what happens after the 10-year period.

19 Senator Rounds: Thank you, gentlemen.

20 Thank you, Mr. Chairman.

21 Chairman McCain: I thank the witnesses. There's a lot
22 more of this to be discussed, and -- but, I think you've
23 given the committee a very excellent depiction of the
24 challenges. And I appreciate very much that you've taken
25 the time to be with us.

1 Hearing is adjourned.

2 [Whereupon, at 12:07 p.m., the hearing was adjourned.]

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