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POLICY BRIEF

The Biden Administration is Still Fixated on the JCPOA

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The United States is reportedly considering offering the Islamic Republic a new, "interim" agreement that would lift some sanctions on the regime in exchange for Tehran freezing parts of its nuclear program. Though Israeli officials familiar with the matter told Axios that regime officials "have so far rejected the idea," this development suggests the Biden administration still fails to acknowledge that the Joint Comprehensive Plan of Action (JCPOA) is dead and that a shift to a new policy on Iran, focused on providing maximum support to the Iranian people, is necessary.

The Bottom Line

- Despite saying for months that nuclear deal negotiations with the Islamic Republic were not on its agenda, the Biden administration has not adjusted its Iran policy to extend beyond its hopes of reviving the JCPOA.
- Just before Mahsa Amini was killed in police custody in Iran last September, reigniting a national revolutionary movement that continues to this day, the United States, the Islamic Republic, and the European Union exchanged several rounds of nuclear deal proposals. After the Islamic Republic proved its unwillingness to agree to a deal approved by both America and the EU, and as mass protests began in Iran, the Biden administration's rhetoric on nuclear negotiations became more pessimistic, suggesting that a deal was no longer a priority for the United States.
    - Yet, as protests evolved beyond the streets and videos of Iranians getting brutalized by the regime became less prevalent, the administration's rhetoric has increasingly shifted back to being hopeful that a deal would be reached. This shift appears to be culminating with this idea of an interim deal.
- The United States cannot continue to press on with the same failing strategy of additional concessions and endless diplomacy with the Islamic Republic and somehow expect the regime to change its behavior or agree to the same compromise. As NUFDI suggested in its recent strategic policy initiative, instead of focusing on nuclear negotiations, U.S. policy on Iran should focus on providing maximum support to the Iranian people while applying maximum pressure on the Islamic Republic regime.

What Happened To "Longer, Stronger"?

- When running for President in 2020, then-candidate Joe Biden said, "I'll work with our allies to make [the Iran nuclear deal] longer and stronger." After assuming office, Biden's Secretary of State Antony Blinken said the administration would first try to revive the JCPOA, and *then* seek "to build a longer and stronger agreement." Then, after the Islamic Republic repeatedly rejected a revival of the JCPOA, making demands that extend far beyond the scope of the agreement, the U.S. responded by consistently offering additional concessions including more, non nuclear-related sanctions relief. While the Islamic Republic rejected every U.S. proposal, it also ramped up its nuclear program.

- Throughout this process, Biden administration officials have repeatedly stated that they believe diplomacy is the only way to prevent a nuclear Iran, occasionally adding that "all options are on the table." This suggests that, despite failing to achieve their initial goal of a "longer, stronger" nuclear agreement, the administration is willing to settle for a shorter, weaker one instead of shifting their policy on Iran.

The Interim Deal Probably Won't Happen. It's Still Concerning.

- This deal is unlikely to come to fruition for several reasons. First, the Islamic Republic has repeatedly rejected every U.S. and EU nuclear deal proposal over the past two years, and has reportedly already rejected the idea of this interim deal proposal. Second, the goal of this interim deal is to keep negotiations alive until both sides can agree to a revival of the JCPOA, but the Biden administration's failure to negotiate an extension of any sunset clauses in the JCPOA means that many of the nuclear restrictions it places on the Islamic Republic expire within the next few years, beginning in 2023. Third, the regime's nuclear program has made significant progress since President Biden took office, including reportedly enriching uranium to 84% for the first time in February 2023.

- Even if this interim deal was agreed to, there is no suitable "longer deal" to be reached. Though the Biden administration has yet to publicly admit it, President Biden has privately said himself "the JCPOA is dead," and Secretary Blinken said in January that the regime "killed the opportunity to come back to [JCPOA] many months ago."

- As Biden administration officials have repeatedly stated, nuclear negotiations with Iran were predicated on a technical clock, meaning that negotiations would be over and the deal would be dead only once the Islamic Republic's technical advances in their nuclear program negated the nonproliferation benefits of an agreement. While U.S. officials have never clarified exactly what nuclear advances would be required for the technical clock to expire, the regime's nuclear program is far more advanced today than it was in 2013, both in terms of the amount of enriched nuclear material and the level of technical knowledge.

    - For example, one of the most touted benefits of the JCPOA was that it increased the Islamic Republic's nuclear breakout time – the time it would take for the regime to amass enough material for a nuclear weapon – to one year. According to experts at the Jewish Institute for National Security of America (JINSA), "Tehran's nuclear advances have reduced its estimated 'breakout time' under a renewed accord appreciably, from 6.5 months in February 2022 to the current 3.7 months."

- Though this U.S. effort is similar to what the Obama administration did in 2013 prior to reaching the JCPOA, there are several key differences between 2013 and 2023 that make this effort far

less likely to succeed and lead to a revival of the JCPOA. In 2013, the United States, China, France, Russia, the United Kingdom, and Germany entered into the Joint Plan of Action (JPOA), which was a temporary agreement that provided the regime with short term sanctions relief. The goal of the JPOA, like the goal of the current interim deal, was to encourage the Islamic Republic to remain at the negotiating table in order to reach a longer deal. In both cases, the "longer deal" that the United States hoped to reach was the 2015 JCPOA. The difference is that the JPOA aimed to *commence* the JCPOA in 2015, when most of its nuclear restrictions lasted at least five years, whereas this interim deal aims to *revive* the JCPOA in 2023 without extending any of its sunset clauses.

- Considering the reports that this interim deal has been in the works since January, it would appear that this administration never had any intention of moving on from nuclear negotiations with the Islamic Republic and taking the necessary step of shifting towards a comprehensive U.S. policy on Iran that combines maximum pressure on the regime with maximum support for the Iranian people.

The United States Needs To Move On

- Since the last exchange of proposals, the Islamic Republic has been terrorizing the Iranian people, arming Russia with drones for its illegal war against Ukraine, attacking U.S. interests in the Middle East, threatening and attacking Americans and Europeans in their home countries, and steadily advancing their nuclear program. Thus, while agreeing to revive the JCPOA last year would have already been a mistake for both the United States and the Iranian people, to do so now and reward the Islamic Republic for their malign activity would be far more dangerous.
- For all the above reasons, it is imperative that President Biden gives a speech formally announcing a new U.S. policy on Iran, including that the United States is officially ending JCPOA negotiations due to Tehran's refusal to come to a reasonable agreement.