

The Policy of the United States Congress Toward Iran (2005-2017)

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Abstract

The US Congress, as a legislative pillar of democracy, has a significant impact on American foreign policy. Nevertheless, the role of the US Congress is not limited to domestic politics rather they would usually shape the country's foreign policy. Since the Islamic Revolution, the US Congress has adopted an aggressive approach towards Iran. The US legislative institution, as a domestic source of US foreign policy, has shaped US foreign policy toward Iran by imposing economic sanctions. The purpose of the research is to increase the Iranian officials' understanding of US domestic politics. Therefore, the main question of the research is concerned with the impact of the US congress on American foreign policy towards Iran (2005-2017). In order to answer the main question, the authors would use neo-classical theory. In addition to systemic factors, neoclassic realism considers domestic factors to explain foreign policy. The findings of research suggest that the US congress has encouraged the US administrations to pursue an aggressive policy towards the Islamic Republic of Iran by imposing economic sanctions and persuading the US administrations to implement them.

Keywords: *Congress, US Foreign Policy, Islamic Republic of Iran, Neoclassic Realism, Foreign Policy*

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Introduction

Ever since the founding fathers established the United States as a nation-state, they decided to apply the principle of Montesquieu's ideas on the separation of powers in the US political structure. Among the governmental powers, the Congress plays an exclusive role in the US political system to the extent that according to the US constitutions, this body is prioritized over the executive power and Supreme Court. For many years The Congress enjoys legal tools to restrict the authority of other branches of power, particularly that of the White House domestic and foreign policy sphere. Generally, when the Americans feel foreign threats and/or they suspect that internationalism may create a threat, they pay less attention to foreign policy recommendations coming from the White House. In such cases, they highly valorize the Congress activism in the area of foreign policy. It is hardly expected that in such conditions, disengagement from the international system imposes an enormous cost and above all, they believe that the US remains on the safe side. However, when the public believes that the country is facing a foreign threat, they feel the need for a powerful president. While any disagreement in the Congress is often welcomed at the time of peace, the disagreement would have best interpreted as inappropriate interference in vain or the worst interpreted as an "unpatriotic" action at the time of threat.

In such conditions, the members of the Congress could feel the changes in the public opinion on the presidency and try to avoid being on the wrong side of the history because it may result in failure in the upcoming election. On occasions when the US is safe from the immediate foreign threat, we witness the period of

“Congressional government”, “Congressional supremacy” and “government by Congress”; however, the power of making decision in foreign policy will be shifted to the White House at time of the crises such as 9/11 (Lindsay, 2012: 227-230)

Taking into consideration the aggressive foreign policy of the US adopted against Iran after the Islamic revolution, it is of high importance to notify the impact of the US political domestic institutions on the foreign policy of this country against Iran. Therefore, this research attempts to assist the Iranian policymakers to pay more attention to the impact level of the US domestic policy on its foreign policy against Iran.

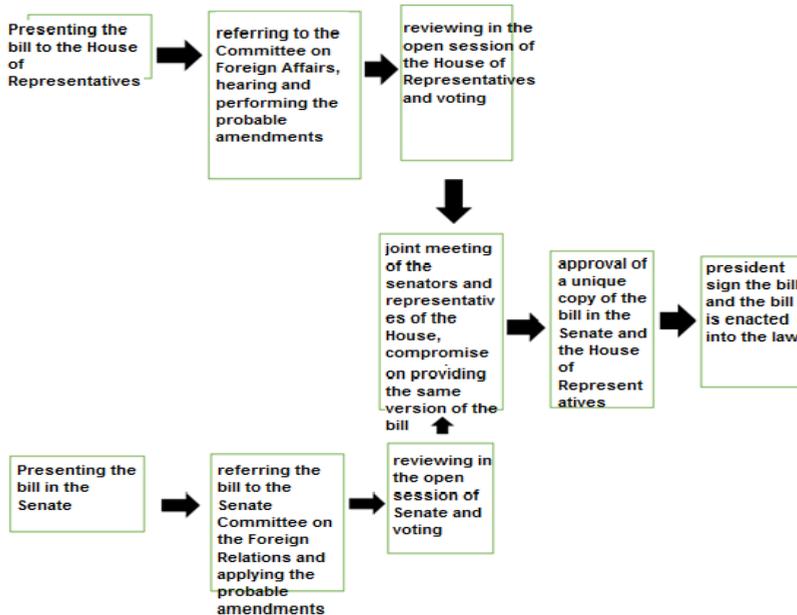
One of the objectives of this research is finding an answer to the question that in case of any changes in the US domestic policy, should the Iranian policymakers expect any changes in the US foreign policy, or they should assume that the US foreign policy against Iran remains unchanged and consistent regardless of its domestic policy. Moreover, this research is going to minimize or possibly eliminate the Iranian policymakers' misunderstanding as for the US foreign policy against Iran. Due to different reasons such as the Iran nuclear program, the US has tried to apply various means like economic sanctions to prevent Iran's empowerment in military and economic sectors within the last decade. The US has also been afraid of increasing Iran's influence in the region. Accordingly, the US has tried to have a tougher approach to make it impossible for Iran to achieve its goals.

Taking into account the role played by the Congress as one of the internal foundations of the US foreign policy against Iran, this research analyzes the impact of the Congress on this process during the last decade. Accordingly, this research is going to find an answer to the question that how much the US Congress has affected the US foreign policy adopted against Iran (2005-2017). The authors will argue that the US Congress has formed the aggressive policy against Iran through the financial instruments including Iran sanction, military budget allocation to confront

Iran, democracy promotion, and providing consultation for the White House. This article attempts to review the role played by the US Congress as one of the domestic resources of the US foreign policy, as notified by James N. Rosenau, on the foreign policy of the US against Iran. Taking into account the Congress extensiveness, this research has particularly and technically focused on the role played by the Senate Committee on Foreign Relations and the House Foreign Affairs Committee as the most important members of the Congress in formation of foreign policy.

The Congress is a "bicameral legislature" which was founded in Connecticut upon a compromise. Accordingly, the legislation right of the states with more population is protected through the establishment of the House of Representative and the request made by the small states for equality in legislation is met by the establishment of Senate. This structure reflects the orientation of the social class of the US founding fathers. They were looking for a balance between the interests gained by the regular citizens and those of the landowners, bankers, and businessmen. To this end, the members of the House of Representatives should have been directly elected by people, while the members of the Senate were elected by a group of elites. It shall also be noted that upon approval of Amendment XVII, the members of the Senate are directly elected by people as of 1913 (Bardes and others, 2012: 335: 340).

A bill is enacted to the law by passing different steps in the Congress as illustrated below (Davidson and Oleszek, 2004: 230):



The Congress enjoy various methods to affect the US foreign policy. The following four different methods are applied by the Congress to affect the foreign policy: 1. Legislative method, 2. Non-legislative method, 3. Direct method, 4. Indirect method. Now, these methods incorporated, four methods are concluded based on which the Congress affect the process of foreign policy as shown in the following table (Wittkopf and Others, 2008: 416-419):

Indirect	Direct	
Non-binding rules Acknowledge individuals for public office occupation Procedural rules	Treaties (in Senate) Declare war Foreign commerce	Legislative method
Forming public opinion Foreign contacts	Unofficial recommendation Consultation Monitoring/ holding hearings Court sessions	Non-legislative method

1. The Congress Role in the US Foreign Policy Adopted against Iran (2005-2017):

In spite of the ideological gap between the Congress representatives and their different viewpoints toward foreign and

local issues, the members of the House of Representatives and the Senators have approved sanction bills against Iran showing that their approach towards Iran is similar. During their debates, the Congress representatives often try to support the ideological positions of their affiliated parties; while issues related to Iran are among the cases which end in bipartisan agreements. When the sanction bills are put forth in the House of Representatives and/or the Senate, the members of the Congress, regardless of their own ideological tendencies, try to draft and eventually approve the bills so that they can impose the maximum pressures on Iran. Even when the US president takes a new strategy against Iran to change Iran's approach, the members of the Congress approve the bills and/or issue the resolutions to support it regardless of president's affiliated party, either the Republican or Democratic Party. The following part of the research reviews the periods in which the US Congress takes particular measures against Iran, e.g. adopting sanction laws; thus 107th, 108th, and 110th Congresses are excluded.

I. 109th US Congress and Iran (2005-2007)

House of Representatives Committee on International Relations (2005-2007)

In this period, Henry Hyde was appointed as the chairman of the House Committee on International Relations. As a Republican and a member of the Committee, Dana Rohrabacher, believed that the House could take measures which go beyond sanctions. In order to support the Iranian opposition party, he believed that the US could arrange covert measures.

The other republican representative, John Boozman reiterated that he will support bombing Iran by Israel. On the contrary, Orde Kittrie argued that it is better for the United States to take direct military action against Iran because the US has the required capacity for the said action (Dabashi, 2011: 130-131). Some other members of the committee had even more aggressive viewpoints against the Islamic Republic of Iran. For example, Ted Poe

described the MEK (Mojahedin-e Khalgh or Monafeghin) as the freedom fighters (Alexis, 2013: 173). The democratic member of the committee, Russ Carnahan, accused Iran and stated that he had no doubt that Iran intends to manufacture nuclear weapons and Iran would benefit from this capacity to eliminate Israel and others across the world (Steele, 2013: 17).

Senate Committee on Foreign Relations (2005-2007):

Having survived in his position as the chairman of the Senate Committee on Foreign Relations, Richard Lugar, described Iran as a serious threat for the world and region security due to its active support of terrorism and its effort to manufacture and develop weapons of mass destruction which is clearly a violation to the NPT (Wilkins, 2013: 48). It was in this period that the next president of the US, Barak Obama entered the Senate as the senator of Illinois and was elected as one of the members of the Senate Committee on Foreign Relations.

Iran Freedom Support Act (2006): The measures taken by the US Congress against Iran is not limited to adopting economic sanctions. This legislative organization in the US has also tried to pass laws to exert a positive impact on what it called democracy promotion in Iran. Accordingly, the US Congress passed the Iran Freedom Support Act on September 30, 2006. This act aims to make the government of Iran responsive for its so called threatening behavior and supports Iran transition to democracy. Based on this act, the Congress announces that the US policy against Iran shall contain two principles: 1. supporting Iranian people to exercise self-determination for electing their government; and 2. supporting independent human rights and “peace-loving” democratic forces in Iran. To this end, the act authorizes the US president to take specific measures; including but not limited to providing political support and financial tools for certain individuals, organizations and institutions to promote democracy in Iran. Such tools may include granting assistance to the so-called independent Radio and TV broadcasting media for Iran. The individuals eligible to enjoy the US financial facilities

shall have the following qualifications:

1. The ones believing in democratic values and supporting democratic government in Iran
2. The ones supporting Iran compliance with the regime of non-proliferation of biological, chemical and nuclear weapons
3. The ones supporting human rights in particular equality of men and women
4. The ones supporting equal opportunity; and
5. the ones supporting freedom of media, freedom of speech, freedom of society and freedom of religion (Govtrack, October 22, 2016).

Accordingly, the then Secretary of State, Condoleezza Rice attended the Senate Committee on Foreign Relations and requested for a budget amounting to 75 million dollars for promoting freedom, democracy, and human rights in Iran for the financial year of 2006 (Snow, 2007: 194).

II. 111th US Congress and Iran (2009-2011)

The House Foreign Affairs Committee (2009-2011):

The democratic representative and a member of the House Foreign Affairs Committee, Keith Ellison, intended to make US political elites more familiar with Iran through the arrangement of a forum on Iran. Three Iranian researchers attended this forum to provide answer to the questions of the attendants. All of them admitted that the approach of Bush against Iran was non-constructive (Farrell, 2009: 182). However, the Republican member of the House Foreign Affairs Committee had an aggressive approach toward the Islamic Republic of Iran in a way that he compared the president of Venezuela with the then president of Iran and had said that we should have the same approach to Chavez as we had with the president of Iran (Hellinger, 2012: 85).

Senate Committee on Foreign Relations (2009-2011): In the 111th Congress, John Kerry was appointed as the chairman of the Senate Committee on Foreign Relations. However, the most

important measure taken in the 111th Congress against Iran was the sanction plan proposed by the Democratic senator, Christopher Dodd and the representative of the Congress, Howard Berman. This act which was entitled as *Comprehensive Iran Sanctions, Accountability, and Divestment Act* of 2010 (CISADA) was signed by Barak Obama and enacted into law.

Comprehensive Iran Sanctions, Accountability, and Divestment Act (CISADA) (2010): This act is actually considered as an amendment to the Iran Sanctions Act of (1996) which is enacted with the aim of increasing economic sanctions against Iran. The US government was permitted to impose sanction against the individuals who invested 20 million dollars or more on the petrochemical industry of Iran. The US government will also impose a sanction against the individuals who provide Iran with certain goods, services, technology or information to the value of one million dollars or more in the market to help Iran perform activities for maintenance or development of refined petrochemical products (such as gasoline). Moreover, the sanctions will be imposed to anyone who exports gasoline to Iran to the value of one million dollars or more and/or provides Iran with the certain goods and services to increase the capacity of the said country to import diesel (CISADA, US Congress, 2010).

It should be noted that the CISADA was passed by 99 YEAs in Senate and 408 YEAs and 8 NAYs in the US House of Representatives (Cheema, 2014). The result of the vote shows that the Congress representatives have almost the same opinions against Iran in spite of political and ideological differences on domestic issues and they almost always vote unanimously in favor of sanction laws against Iran.

III. 112th US Congress and Iran (2011-2013)

The most important measures taken by the Congress against Iran in this period was ratification of three laws as follows: 1. Sect. 311 Money Laundering Designation, USA PATRIOT Act; and 2. Section 1245, National Defense Authorization Act (NDAA) FY

2012; and 3. Iran Threat Reduction and Syria Human Rights.

This act is not just limited to Iran also the US can consider sanctions for Iran by accusing Iran to money laundering. The main objective of implementation of this act is defining and considering punishment for the terrorist actions in the US and across the world as follows:

1. Strengthening the US in preventing, recognizing and dealing with the international money laundering and financing terrorism.

2. Monitoring the financial integrity of the foreign financial institutes, foreign regions and classification of accounts or financial institutes which provide the possibility of misuse for performing financial crimes; and

3. Requiring all the sections related to the financial service providers to provide reports on the cases susceptible to money laundering (GPO, 2011).

Section 1245 National Defense Authorization Act for Fiscal Year 2012: The budget and costs allocated to the military actions of the *US Ministry of Defense* are defined based on the National Defense Authorization Act. This section consists of four clauses as follows:

- a. Defines the reason for imposing sanctions against Iran financial system and accuses the Central Bank of Iran (CBI) and the Iranian banking system to bypass sanctions, financing terrorism, financing of proliferation and other issues;

- b. Implicitly accuses the financial system of Iran to money laundering;

- c. Orders confiscation of the assets of Iranian financial institutes in the territory of the US or available to the American individuals or under the control of the US; and

- d. Expresses the mechanism of sanction implementation against CBI and other financial institutes of Islamic Republic of Iran (GPO, December 31, 2011).

Actually, this act aimed to restrict the banking interactions between the US financial institutes and CBI so that it could make

the Iranian banking structure and system completely unstable (Perles and MacAllister, 2013: 44).

Iran Threat Reduction and Syria Human Rights: This act was put forth by Ileana Ros-Lehtinen, the Chairman of the House Foreign Affairs Committee. According to the provisions of the act, there are two objectives for implementation of this act.

1. Enforcing Iran to stop its efforts to develop nuclear weapon capacity and other threatening activities. This objective is achievable through a policy including economic sanctions and military planning and diplomacy;

2. This aim complies with what was said by Obama in his annual lecture in the Congress in 2012. Iran Threat Reduction and Syria Human Rights increases the sanctions related to the section of energy, nuclear proliferation, the revolutionary guards and human rights (H.R.1905, US Congress, 2012).

Section 504 of the act, as one of the most influential clauses, prevents Iran from receiving its petrocurrencies in a way that the Islamic Republic of Iran had to spend its petrocurrencies in purchasing goods from its oil customers and/or deposit the petrocurrencies in the banks of the same countries (Kittrie, 2016: 131). This act also addressed transmission and insurance of Iran oil. Moreover, the said act authorized the government to impose sanctions on the individuals who are accused of violating human rights. This act had also considered sanctions against Iran nuclear activities in a way that imposed sanctions on the commercial activities which could help development of manufacturing weapons of mass destruction. (Kaussler and Hastedt, 2017: 153).

IV. 113th US Congress and Iran (2013-2015)

House Foreign Affairs Committee (2013-2015): The California Republican representative, Edward Royce was appointed as the chairman of the Committee in this period. He is one of the representatives who has always adopted tough positions against Iran. When Chuck Hagel was introduced as the candidate for the Ministry of Defense, Royce accused him as the person who has

always been flexible toward Iran and the terrorist organizations under the financial support of Iran. (Jett, 2017: 384). He also has tough opinions toward the JCPOA and believes that the international investigations shall be carried out by the international investigators and nothing else (Spencer, 2016).

Senate Committee on Foreign Relation (2013-2015): John Kerry was the chairman of the Senate Committee on Foreign Relations by February 1st, 2013 and then the position was occupied by Robert Menendez up to the end of 113th Congress. Tom Udall was one of the few senators of the US who welcomed the nuclear agreement with Iran known as the JCPOA and issued a declaration stating that,

Today's declaration is a historic step towards international cooperation and our common objective is reducing the threat of Iran which is equipped with the nuclear weapons. I have always believed that constructive diplomacy is the best way for having a more secure Middle East. I congratulate the negotiation team for this achievement (Tomudall.Senate.gov, 2015).

On the other hand, the Idaho Republican senator, James Risch strongly criticized the nuclear deal with Iran (Washington Post, February 4, 2014).

One of the measures taken by the Congress in this period was the ratification of *Iran Freedom and Counter-Proliferation Act of 2012* which was followed by the *National Defense Authorization Act* (NDAA) FY 2013. According to this act, any type of activity in Iran energy section, shipping, ship building, and granting insurance to the ship companies will be imposed by sanction. The said act also imposed sanction on supplying precious metals for Iran (Samore, 2015: 11).

V. 114th US Congress and Iran (2015-2017)

One of the most important measures taken by the Congress against Iran took place in the 114th Congress and after concluding the nuclear deal in a way that Iran Nuclear Agreement Review Act of 2015 (INARA) was enacted upon the suggestion made by

Senator Benjamin Kardin and Bob Corker as two influential members of Senate and the Committee on Foreign Relations. This act which is known as Corker-Kardin Bill authorizes the Congress to monitor the nuclear deal.

This act stipulates that the president shall send the deal's script together with the whole annexures, side agreements, documents, etc. to the Congress for review prior to the date of nuclear deal implementation (Lewitt, 2016: 38). This bill passed by 98 YEAs and 1 NAY in the Senate and 400 YEAs and 25 NAYs in the House of Representatives (Reuters, May 15, 2015). However, the initial versions of this bill which was confronted by Barak Obama Administration forced Bob Corker and Benjamin Kardin to make amendments in the bill to avoid its veto by the president (Yambert, 2016: 91).

According to this bill, the US president is required to approve the full implementation of the deal by Islamic Republic of Iran (INARA, US Congress, 2015). Yet, none of the 301 members of Senate and House of Representatives Republican lawmakers (the largest majority of Republicans in the Congress as of 1929-1931) publicly support the nuclear deal (Singh, 2016: 49). Nevertheless, if the Republicans failed to support the JCPOA in spite of their power and majority in the House of Representatives and Senate, the nuclear deal would have been too fragile or would have never been realized. Yet, the Congress has not considered the nuclear deal as a treaty because in that case, the JCPOA should have gained two third YEAs from the senators for implementation which seemed to be impossible due to the majority of the Republicans (Mahapatra, 2016: 41).

As a result of conclusion of the JCPOA, the 114th Congress did not pass any new sanction law against Iran but it renewed Iran Sanctions Act (ISA) of 1996 (known as D'Amato Act) for the third time. The bill on renewing ISA for ten years was passed by 99 YEAs and with no NAY in the Senate. This act would have been expired by December 31, 2016, if it had not renewed by the Congress. The members of the Congress together with Obama do

not consider enactment of this act as violation of the JCPOA (Reuters, December 1, 2016) but at the same time, implementation of some clauses of economic sanctions of ISA was suspended by the executive order 13716 issued by Barak Obama in January 16, 2016 (Executive Order 13716, January 16, 2016). However, the main question is how long does it take for the US president, Donald Trump who was elected in 2016, to postpone full implementation of ISA. Therefore, the full implementation of ISA which was renewed by December 31, 2026, depends on the foreign policy adopted by the Trump Administration against Iran.

VI. 115th US Congress and Iran (2017-2019)

House Foreign Affairs Committee (2017-2019): Ed Royce continues to chair this committee in the 115th Congress. The Republican member of the committee, Joe Wilson has described the nuclear deal with Iran a dangerous deal and evaluated as quite correct the decision made by Donald Trump to reject the deal (joewilso.n.house.gov, October 13, 2017). Michael McCaul, another member of this committee and the National Security Committee, criticized Obama approach towards Iran in exchanging prisoners (Strang, 2017: 210). He also accused the Islamic Republic of Iran and Russia of performing cyber-attacks against the US (CQ Researcher, 2014).

The Pennsylvanian representative, Scott Perry as another critic of the nuclear deal, in an interview, remarked that "the US will respect the nuclear deal but I think the new president and lots of Americans consider this deal a terrible deal for the United States and it shall be renegotiated. This is the first step." (NPR, October 13, 2017). Taking into consideration that the majority of 115th Congress are the republicans, the opinion of the republicans can clarify the perspective of potential bills which will be passed by in the Congress in the future against Iran.

Senate Committee on Foreign Relations (2017-2019): The Senate Committee on Foreign Relations in 115th Congress continues its activity as chaired by Bob Corker. The majority of

the Committee on Foreign Relation, together with their colleagues in the House of Representatives have a tough negative viewpoint on Iran foreign policy approach in general and the nuclear program in particular. For example, the Republican senator, Marco Rubio supported the viewpoint of the Israel regime against Iran nuclear program and said, in case Israel has no inclination towards this deal and wants to sabotage nuclear program and facilities, it can easily do it through the cyberspace (Relia, 2016). Accusing Iran of manufacturing nuclear weapons, he said that Iran can threaten the US by placing a nuclear warhead on the rocket (Rhoades, 2014: 254). Yet, some senators are against military action against Iran. For example, Republican senator of the State of Kentucky, Rand Paus explicitly opposed the preventive attack against Iran (Marsden, 2014: 129). The 115th Congress passed the Countering America's Adversaries through Sanctions Act that it could be a violation to JCPOA in case the section related to Iran was fully implemented. The House Foreign Affairs Committee was one of the bill proponents. The section related to Iran in *Countering America's Adversaries; Through Sanctions Act* is Countering Iran's *Destabilizing Activities Act* of 2017 which requires the US president apply the economic sanctions in three cases:

1. Ballistic missiles and Iran's weapon of mass destruction program
2. Selling or transferring military equipment to Iran or providing financial and technical assistance to Iran
3. The Islamic Revolutionary Guard Corps and its affiliates

The president is also authorized to impose sanctions against the individuals who are accused of violating human rights at the international level. Yet, the president can impose or suspend the sanctions temporarily under specific situations (CAATSA, US Congress, 2017).

Conclusion

Reviewing the the US senators 'opinion and representatives of the

House shows that the majority of them has continued to have a negative view toward Iran; however, a number of them are looking for changes in the US approach towards Iran. Such views toward Iran has resulted in almost always a relative consensus among them in spite of the political and ideological differences on the domestic challenging issues. This becomes apparent when we consider the sanction laws passed against Iran in the Congress. Most of such laws, with little opposition in the ratification process, have passed by a relative strong support of the two Democratic and Republican parties. However, the Congress anti-Iranian laws can be divided into three categories of laws on economic sanction, human rights sanction and promoting democracy. The economic sanction laws were suspended by the JCPOA nuclear deal; however, two other sanction laws were passed by the Congress against Iran after the nuclear deal. At the initial process, ISA was renewed to 2026 for ten years but the implementation of some parts of the law which were in contradiction with the provisions of the nuclear deal was suspended upon the executive order of the president. In the next step, the Congress, based on the Countering America's Adversaries through Sanctions Act requires the president to impose sanctions against Iran missile program and the Revolutionary Guard Corps. Nevertheless, Donald Trump has not fully implemented this act because if he decides to impose tough sanction laws against Iran missile program and/or Revolutionary Guards Corp, it can be regarded as violation the nuclear. Taking into consideration Donald Trump's disapproval of the nuclear deal and referring the JCPOA to the Congress, it can be expected that implementation of these two sanctions depends on the Congress reconsideration of "Iran Nuclear Agreement Review Act". In spite of the sanction laws passed by the Congress during the last 17 years, in particular Obama presidency, the executive orders of the US president aimed at imposing sanctions on industrial, financial and oil export sections continues to impose fundamental impacts on Iran economic condition and subsequently, made changes in

Iran foreign policy with regard to nuclear issue. It can be argued that in some cases, the executive orders of the president inflicted more immediate and deeper destructive impacts on Iran economy. Such an approach adopted by the US shows that Iran should take into consideration the internal foundations of the foreign policy in the US in its negotiations with the United States because the negotiations alone with an administration in the US cannot guarantee Iran with the long-term benefits. Actually, any changes made in the government of the US may return the foreign policy of this country to its previous approach. Iran has experienced such process as for the JCPOA and transition of the government from Barak Obama to Donald Trump. As a result, it is suggested that Iran make any deal with the US conditional on its approval in the Congress as a treaty to ensure its implementation.

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