

## **Iran Nuclear Agreement Review Act of 2015 – Section by Section**

### **Sec. 1. Short Title**

Provides the short title of the legislation.

### **Sec. 2. Congressional Review and Oversight of Agreements with Iran Relating to the Nuclear Program of Iran**

Adds section 135 to the Atomic Energy Act of 1954.

#### **Sec. 135. Congressional Review and Oversight of Agreements with Iran**

- This section provides for:
  - (1) The transmission of nuclear agreements with Iran and related materials, including verification assessments and certifications to Congress;
  - (2) A period of review during which the President may not waive or otherwise relieve statutory sanctions with respect to Iran;
  - (3) Effective congressional action to approve, disapprove, or take no action on a nuclear agreement with Iran;
  - (4) Extensive twice-yearly presidential reporting on Iran's nuclear program, its compliance with any agreement, its worldwide direct and indirect support of terrorism, its ballistic missile program, and its human rights abuses;
  - (5) Presidential certification every three months on Iran's compliance with any agreement; and
  - (6) Expedited procedures for Congress to quickly reinstate sanctions on Iran in the event of noncompliance or a material breach of the agreement.

#### **Subsection (a). Transmission to Congress of Nuclear Agreements with Iran and Verification with Respect to Such Agreements**

- Within five calendar days of reaching an agreement with Iran relating to Iran's nuclear program this subsection would require the President to:
  - Transmit to Congress the full details of the agreement, including all supporting materials and any classified annexes to the agreement;
  - Transmit to Congress:
    - A presidential certification that the agreement contains specific details about the terms and conditions;

- Details on the sanctions to be waived, suspended, or otherwise reduced; and
  - The President’s determination that the agreement meets United States’ non-proliferation objectives, and that the framework will ensure that Iran’s permitted activities will not be used to further nuclear-related military purposes, nuclear explosive purposes, or related research and development.
- Transmit to Congress a verification assessment report of the Secretary of State, including:
    - An assessment of the adequacy of the agreement’s safeguards and other control mechanisms to ensure Iran’s permitted activities will not be used to further nuclear-related military purposes, nuclear explosive purposes, or related research and development; and
    - An assessment of the International Atomic Energy Agency’s capability to implement the verification regime effectively.
- The subsection exempts from its requirements the Joint Plan of Action (JPOA), the extensions to the JPOA agreed to date, and any materially identical extension, as well as the European Union (EU)-Iran Joint Statement made in April 2015.

**Subsection (b). Period for Review by Congress of Nuclear Agreements with Iran**

- This subsection provides Congress with up to 52 days to review an agreement (and up to 82 days to review the agreement if it is submitted near the August recess, between July 10, 2015 and September 7, 2015):
- The review period is broken up into:
  - Thirty days for congressional action (or 60 days if the agreement is submitted near the August recess between July 10, 2015 and September 7, 2015);
  - Twelve days for a potential presidential veto; and
  - Ten days for a potential congressional override of a presidential veto.
- Prior to and during the congressional review period, notwithstanding any other provision of law, the President is prohibited from waiving, suspending, reducing, providing relief from, or otherwise limiting the application of statutory sanctions with respect to Iran and is further prohibited from not applying any such sanctions pursuant to a nuclear agreement with Iran.
- The subsection exempts from the prohibition on sanctions relief any relief that is provided under the JPOA, the extensions to the JPOA agreed to date, and any materially identical extension, so long as the relief is consistent with existing law and is provided 45 days before the President transmits an agreement to Congress.

- This permits the President to continue materially identical JPOA relief during the congressional review period, but would not allow additional sanctions relief to be front-loaded into a JPOA-extension.

**Subsection (c). Effect of Congressional Action with Respect to Nuclear Agreements with Iran**

- This subsection provides that Congress may act on an Iran nuclear deal by enacting a joint resolution of approval, enacting a joint resolution of disapproval, or taking no action.
  - If Congress enacts a joint resolution of approval on the agreement, the President may relieve statutory sanctions prior to the end of the review period.
  - If Congress enacts a joint resolution of disapproval on the agreement, the President is permanently prohibited from relieving statutory sanctions on Iran pursuant to any nuclear agreement.
  - If Congress doesn't act on the agreement during the review period, the President regains his original authorities to relieve sanctions at the end of the review period.
- This subsection also expresses the sense of Congress that:
  - The sanctions regime imposed on Congress is primarily responsible for bringing Iran to the table;
  - These negotiations are a critically important matter of national security and foreign policy for the United States and its closest allies;
  - This section does not require a vote by Congress for the agreement to commence;
  - This section provides for congressional review, including approval, disapproval, or no action on statutory sanctions relief; and
  - Even though the agreement may commence, because the sanctions regime was imposed by Congress, and only Congress can permanently remove it, it is important that Congress have the opportunity, in an orderly and deliberate manner, to consider, and, as appropriate, take action affecting the statutory sanctions regime that Congress imposed.

**Subsection (d). Congressional Oversight of Iranian Compliance with Nuclear Agreements**

- This subsection would require the President to keep Congress fully and currently informed of all aspects of Iranian compliance with respect to an agreement with Iran and with respect to any negotiations with Iran relating to Iran's nuclear program, including any new or amended agreement.
- The subsection also would require the President to, within 10 calendar days of receiving credible and accurate information relating to a potentially significant breach or compliance incident by Iran, submit such information to Congress.

- Then, within 30 days after submitting a breach or compliance report, the President is required to determine whether the incident constitutes a material breach, whether Iran has cured such breach and, if not, is required to report such fact to Congress.
- The subsection also requires the President to certify every 90 days that:
  - Iran is transparently, verifiably, and fully implementing any agreement;
  - Iran has not committed a material breach, or if it has, that it has cured such breach;
  - Iran has not taken any action, including covert action, that could significantly advance its nuclear weapons program; and
  - Suspension of sanctions pursuant to the agreement is appropriate and proportionate to specific and verifiable measures taken by Iran with respect to terminating its illicit nuclear programs and is vital to the national security interests of the United States.
- The subsection provides that if the President determines Iran is in material breach or fails to submit the required compliance certification every 90 days, Congress has available expedited procedures for reinstating any waived or suspended sanctions under subsection (e) (see below).
- The subsection also requires extensive, detailed reporting from the President to Congress every six months on:
  - Iran's compliance with the agreement;
  - Any delay by Iran in providing access to people, places, and documents;
  - Any progress by Iran to resolve concerns about possible military dimensions of its nuclear program;
  - Any procurement by Iran in violation of the agreement or which otherwise significantly advances its ability to obtain a nuclear weapon;
  - Any centrifuge research and development that violates the agreement or substantially enhances the breakout time for acquisition of a nuclear weapon by Iran;
  - Any diversion by Iran of uranium, carbon-fiber, or other materials for use in Iran's nuclear program in violation of the agreement;
  - Any covert nuclear activities undertaken by Iran, including covert nuclear weapons-related or covert fissile material activities or research and development;
  - Any assessment of the involvement of Iranian financial institutions in money laundering and terrorist financing, including the names of specific institutions;

- Iran's advances in its ballistic missile program, including developments related to its long-range and Intercontinental Ballistic Missiles (ICBM) programs;
  - An assessment of Iran's direct support, financing, planning, or carrying out of terrorist attacks on the United States or Americans anywhere in the world;
  - An assessment of Iran's support for acts of terrorism, including against the United States or Americans anywhere in the world;
  - An assessment of U.S. actions to stop, counter, and condemn acts by Iran to directly or indirectly carry out acts of terrorism against the United States or Americans;
  - An assessment of the impact on the national security of the United States and the safety of U.S. citizens as a result of any Iranian actions contained in the report;
  - An assessment of all sanctions relief provided under an agreement and a description of the relationship between each sanction waived, suspended, or deferred and Iran's nuclear weapons program; and
  - An assessment of whether violations of human rights in Iran have changed, increased, or decreased over the prior six month period.
- The subsection also requires the submission, upon the request of Congress, reports from the Department of State, Department of Energy, and the Department of Defense on whether the safeguards and other controls under the agreement are appropriate to ensure that Iran's activities permitted under the agreement are not contrary to, or create an unreasonable risk to, U.S. national security.
  - This subsection also expresses the sense of Congress that:
    - The United States' sanctions on Iran for terrorism, human rights abuses, and ballistic missiles will remain in place under any nuclear agreement;
    - Issues not addressed by the agreement, including fair and appropriate compensation for Americans held hostage in the 1970s in Tehran, other Americans currently held in Iran, the human rights abuses of the government of Iran against its own people, and its continued support for terrorism worldwide are critical to ensure justice and the national security of the United States and should be addressed expeditiously;
    - The President should determine that the agreement in no way compromises the commitment of the United States to Israel's security or its support for Israel's right to exist; and
    - In order to responsibly implement any long-term agreement between the P5+1 and Iran, it is critically important that Congress has the opportunity to review any agreement and, as necessary, take action to modify the statutory sanctions regime imposed by Congress.

### **Subsection (e). Expedited Consideration of Legislation**

- This subsection provides expedited procedures for Congress to quickly reimpose sanctions on Iran if the President determines Iran has materially breached any agreement or if the President fails to provide the required compliance certification every 90 days.
- The expedited procedures apply to any legislation that reinstates any measure of sanctions on Iran and is introduced during the 60 day period following a triggering event by the congressional leaders or their designees.
  - The procedures provide for discharge from relevant committees within 10 days if the committees have not acted, and for immediate floor consideration three days later in the House of Representatives under expedited floor procedures, and in the Senate with a motion to proceed vote and statutorily limited debate time.
  - The procedures also provide for expedited consideration of any veto message and for appropriate coordination between the Houses of Congress.

### **Subsection (f). Rules of the House of Representatives and Senate**

- This subsection provides that the expedited procedures in subsection (e) are enacted as an exercise of the rulemaking powers of each House of Congress, respectively, and that each chamber may modify the rules as they deem fit.

### **Subsection (g). Rules of Construction**

- This subsection provides four rules of construction for the legislation:
  - That nothing in the legislation shall be construed as modifying or having any impact on the President's authority to negotiate, enter into, or implement appropriate executive agreements, other than the restrictions applicable to agreements covered by this legislation;
  - That nothing in the legislation shall be construed as allowing any new waiver, suspension, reduction, or other relief from statutory sanctions with respect to Iran under any provision of law, or allowing the President to refrain from applying any such sanctions pursuant to a nuclear agreement with Iran during the period for congressional review provided under the legislation;
  - That nothing in the legislation shall be construed as revoking or terminating any statutory sanctions imposed on Iran; and
  - That nothing in the legislation shall be construed as authorizing the use of military force against Iran.

## Subsection (h). Definitions

- This subsection defines key terms in the bill.
- In particular, the definitions of agreement, joint plan of action, and material breach are important.
  - An agreement is defined broadly, to include all possible types of agreements related to Iran’s nuclear program and all related materials; specifically it includes:
    - Any such agreement that that includes the United States, commits the United States to take action, or pursuant to which the United States commits or otherwise agrees to take action;
    - Agreements regardless of the form they take, whether a political commitment or otherwise, and regardless of whether they are legally binding or not;
    - Any joint comprehensive plan of action entered into or made between Iran and any other parties; and
    - Any additional materials related thereto, including annexes, appendices, codicils, side agreements, implementing materials, documents, and guidance, technical or other understandings, and any related agreements, whether entered into or implemented prior to the agreement or to be entered into or implemented in the future.
  - The term “Joint Plan of Action” is defined specifically only to include the JPOA itself made in November 2013, the technical understandings reached in January 2014, the July and November 2014 JPOA extensions, and any materially identical extensions entered on or after the date of enactment.
  - The term “material breach” is defined to mean any breach of the agreement, or in the case of non-binding commitments, any failure to perform those commitments that substantially benefits Iran’s nuclear program, substantially decreases Iran’s time to achieve a nuclear weapon, or substantially deviates from or undermines the purposes of any nuclear agreement with Iran.