

116TH CONGRESS
2D SESSION

S. 3314

To seek a diplomatic resolution to Iran’s nuclear program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2020

Mr. MARKEY (for himself, Mrs. FEINSTEIN, Mr. VAN HOLLEN, Ms. DUCKWORTH, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To seek a diplomatic resolution to Iran’s nuclear program,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Iran Diplomacy Act
5 of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Joint Comprehensive Plan of Action
9 (JCPOA) was agreed to on July 14, 2015, by China,

1 France, Germany, Russia, the United Kingdom, the
2 United States, the European Union, and Iran.

3 (2) When it was fully implemented by all par-
4 ties, the JCPOA had increased the amount of time
5 it would take Iran to acquire enough fissile material
6 for one nuclear weapon, provided a political decision
7 to do so, from approximately two to three months to
8 at least one year.

9 (3) The JCPOA blocked Iran's uranium, pluto-
10 nium, and covert pathways to a nuclear weapon, in
11 the period when all sides had fully implemented their
12 commitments, in part by—

13 (A) imposing verifiable limits on Iran's
14 uranium enrichment and plutonium production
15 capabilities;

16 (B) reducing the number of Iran's installed
17 centrifuges by two-thirds; and

18 (C) permitting the International Atomic
19 Energy Agency (IAEA) to monitor and verify of
20 all stages of Iran's nuclear fuel cycle to include
21 requesting short-notice access to “verify the
22 non-diversion of declared material” and “ab-
23 sence of undeclared nuclear material and activi-
24 ties” in Iran, consistent with its provisional im-

1 plementation of the Additional Protocol to its
2 IAEA Comprehensive Safeguards Agreement.

3 (4) The 2018 Department of State Compliance
4 Report concluded, “Tehran’s adherence to these
5 commitments will hinder its ability to produce a nu-
6 clear weapon even after the time-bound provisions of
7 the deal expire, helping to ensure that its nuclear
8 program remains exclusively peaceful in nature”.

9 (5) On January 29, 2019, Director of the Cen-
10 tral Intelligence Agency (CIA) Gina Haspel, testified
11 before the Select Committee on Intelligence of the
12 Senate that “at the moment, technically they [Iran]
13 are in compliance,” with the JCPOA.

14 (6) On January 29, 2019, a worldwide threat
15 assessment issued by Director of National Intel-
16 ligence Dan Coats, observed that the United States
17 “[does] not believe that Iran is currently under-
18 taking the key activities we judge necessary to
19 produce a nuclear device” and “Iran’s continued im-
20 plementation of the JCPOA has extended the
21 amount of time Iran would need to produce enough
22 fissile material for a nuclear weapon from a few
23 months to about one year”.

24 (7) On May 8, 2018, President Donald J.
25 Trump announced the unilateral abrogation of the

1 United States from the JCPOA, and announced that
2 the United States would re-impose all United States
3 sanctions that had been lifted after Iran verifiably
4 met its nuclear-related commitments under the
5 agreement on the agreement's implementation day of
6 January 16, 2016.

7 (8) Whereas the United States move to abro-
8 gate the JCPOA is a violation of its commitments
9 under the agreement and is inconsistent with the
10 United States reputation of honoring agreements to
11 which it is a party, making the future conclusion of
12 such agreements more difficult.

13 (9) Prior to Iran's first breach of the JCPOA
14 on May 8, 2019, quarterly reports from the IAEA
15 Board of Governors Reports found that since "im-
16 plementation day," on January 16, 2016, Iran's nu-
17 clear program was consistent with the restrictions
18 under the JCPOA.

19 (10) Following the removal of nearly all re-
20 maining waivers to United States nuclear-related
21 sanctions on May 2, 2019, the Government of Iran
22 has committed a series of reversible but concerning
23 breaches of the JCPOA, including by exceeding: the
24 allowable stock of low-enriched uranium and heavy
25 water; the number of installed centrifuges at its pilot

1 enrichment facility; and the permitted Low Enriched
2 Uranium (LEU) enrichment level of 3.67 percent of
3 the Uranium U-235 isotope.

4 (11) Since the full re-imposition of United
5 States nuclear-related sanctions, the Government of
6 Iran has also engaged in a series of escalatory ac-
7 tions outside its nuclear program that have put the
8 United States Armed Forces, diplomats, and stra-
9 tegic partners at risk and have heightened the threat
10 of an armed conflict with Iran, including the fol-
11 lowing events:

12 (A) May 12–13, 2019, the Department of
13 Defense faulted Iran for an attack on four oil
14 tankers belonging to Saudi Arabia, the United
15 Arab Emirates, and Norway.

16 (B) On June 13, 2019, Secretary Mike
17 Pompeo stated that it was the United States
18 assessment that Iran was responsible for the at-
19 tack on two Saudi oil tankers.

20 (C) On June 20, 2019, the Government of
21 Iran shot down a United States Unmanned
22 Aerial Vehicle (UAV). Reportedly, President
23 Trump authorized retaliatory strikes against
24 targets in Iran before rescinding the order for

1 fear that the Iranian loss of life in such a strike
2 would be “disproportionate”.

3 (D) On July 24, 2019, the Government of
4 Iran announced the seizure of a British-flagged
5 tanker in the Strait of Hormuz.

6 (E) On September 14, 2019, the United
7 States Government concluded that the Govern-
8 ment of Iran was responsible for UAV and
9 cruise missile strikes at Saudi Arabia’s energy
10 infrastructure at Khurais and Abqaiq, which
11 caused significant damage to Saudi Arabia’s oil
12 energy production.

13 (F) On November 19, 2019, the Govern-
14 ment of Israel concluded that Iranian forces in
15 Syria fired four rockets intended for the Golan
16 Heights.

17 (12) Following the unauthorized United States
18 strike resulting in the death of General Qassem
19 Soleimani on January 3, 2020, Iran announced as
20 was anticipated that it would no longer be bound by
21 the limits of the JCPOA, while also noting that it
22 would remain as a party to the Treaty on the Non-
23 Proliferation of Nuclear Weapons, done at Wash-
24 ington, London, and Moscow July 1, 1968 (NPT),

1 and would fully cooperate with IAEA monitoring
2 and verification activities.

3 (13) Iran has made no meaningful progress on
4 the 12 conditions Secretary of State Pompeo out-
5 lined as preconditions for the United States to enter
6 into an agreement with Iran, clearly demonstrating
7 that the administration’s policy of “maximum pres-
8 sure” has not favorably changed Iran’s behavior.
9 Further, Department of Defense officials have been
10 warning for more than a year that the Trump Ad-
11 ministration’s “maximum pressure” campaign raised
12 the risk of retaliation against United States troops
13 and diplomatic personnel.

14 (14) On January 14, 2020, the foreign min-
15 isters of France, Germany, and the United Kingdom
16 issued a joint statement that refers the issue of
17 Iran’s non-compliance to the Dispute Resolution
18 Mechanism of the Joint Commission, while noting
19 both their “determination to work with all partici-
20 pants to preserve (the agreement)” and “and that
21 they remain convinced that this landmark multilat-
22 eral international agreement and its nonproliferation
23 benefits enhance our shared security interests and
24 strengthen the rules-based international order”.

1 (15) On February 13, 2020, a bipartisan ma-
2 jority in the United States Senate directed the
3 President to remove United States Armed Forces
4 from hostilities against Iran or any part of its gov-
5 ernment or military, unless otherwise explicitly au-
6 thorized by Congress. This direction, which followed
7 passage of a similar measure in the House of Rep-
8 resentatives on January 9, 2020, provides an oppor-
9 tunity for de-escalation of tensions and renewed dip-
10 lomatic engagement between the United States and
11 Iran.

12 **SEC. 3. STATEMENT OF POLICY.**

13 It is the policy of the United States as follows:

14 (1) Achieving a diplomatic resolution to Iran's
15 nuclear program, one that the United States had in
16 place prior to President Trump's unilateral abroga-
17 tion from the JCPOA, would represent a meaningful
18 step to preventing a future armed conflict between
19 the United States and Iran, one which would result
20 in the untold loss of life and treasure.

21 (2) While the United States no longer has
22 standing in the Joint Commission or the Dispute
23 Resolution mechanism triggered by France, Ger-
24 many, and the United Kingdom on January 14,

2020, it should support good-faith efforts to achieve one or both of the following:

(A) Returning all sides to not less than full compliance with its commitments under the JCPOA and refraining from imposing or threatening to impose economic penalties on France, Germany, or the United Kingdom.

(B) Negotiating an interim agreement that provides Iran with tailored, temporary economic relief in exchange for verifiable measures by Iran that reverses steps taken since May 2019 with respect to its nuclear program.

(3) Provided that all sides verifiably return to compliance with no less than its commitments under the JCPOA, or to build upon the progress of an interim agreement described in paragraph (2)(B), the United States and the other P5+1 parties should seek out negotiations with Iran, prior to 2023, towards a new comprehensive agreement that closes off all Iranian paths to a nuclear weapon by—

(A) addressing the sunset of certain provisions of the JCPOA in 2026; and

(B) advancing any other measures that advance United States and international security.

1 (4) Parallel to one or more of the actions de-
2 scribed in paragraph (2), the United States and its
3 international partners should seek to address other
4 aspects of Iran’s destabilizing actions in the region
5 and work to bring Iran back to compliance with its
6 human rights obligations.

7 (5) No JCPOA Participating State should issue
8 a claim of “significant nonperformance” by Iran to
9 the United Nations Security Council outside of the
10 Dispute Resolution mechanism detailed in para-
11 graphs 36 and 37 of the JCPOA.

12 (6) The United States should, consistent with
13 its JCPOA commitments, issue waivers for coopera-
14 tive projects specified in the JCPOA, all of which
15 make it more difficult for Iran to reconstitute activi-
16 ties that pose a proliferation risk, thereby advancing
17 United States and international security.

18 (7) The United States should create an environ-
19 ment in which financial institutions and entities can
20 make practical use of existing exemptions and mech-
21 anisms “allowing for the sale of agricultural com-
22 modities, food, medicine, and medical devices to
23 Iran,” as well as other humanitarian trade.

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