

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require congressional approval of agreements relating to Iran's nuclear program.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.**

**H. R. 1191**

To provide for congressional review and oversight of agreements relating to Iran's nuclear program, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CRUZ (for himself and Mr. TOOMEY)

Viz:

- 1 Beginning on page 6, strike line 6 and all that follows
- 2 through page 27, line 21, and insert the following:
- 3 “(b) REVIEW BY CONGRESS OF NUCLEAR AGREE-
- 4 MENTS WITH IRAN.—
- 5 “(1) IN GENERAL.—After the President trans-
- 6 mits an agreement pursuant to subsection (a), the
- 7 Committee on Foreign Relations of the Senate and
- 8 the Committee on Foreign Affairs of the House of
- 9 Representatives shall, as appropriate, hold hearings
- 10 and briefings and otherwise obtain information in
- 11 order to fully review such agreement.

1           “(2) LIMITATION ON ACTIONS.—Notwith-  
2 standing any other provision of law, except as pro-  
3 vided in paragraph (3) and subsection (c), the Presi-  
4 dent may not waive, suspend, reduce, provide relief  
5 from, or otherwise limit the application of statutory  
6 sanctions with respect to Iran under any provision  
7 of law or refrain from applying any such sanctions  
8 pursuant to an agreement described in subsection  
9 (a).

10           “(3) EXCEPTION.—The prohibition under para-  
11 graph (2) does not apply to any deferral, waiver, or  
12 other suspension of statutory sanctions pursuant to  
13 the Joint Plan of Action if that deferral, waiver, or  
14 other suspension is made—

15           “(A) consistent with the law in effect on  
16 the date of the enactment of the Iran Nuclear  
17 Agreement Review Act of 2015; and

18           “(B) not later than 45 days before the  
19 transmission by the President of an agreement,  
20 assessment report, and certification under sub-  
21 section (a).

22           “(c) EFFECT OF CONGRESSIONAL ACTION WITH RE-  
23 SPECT TO NUCLEAR AGREEMENTS WITH IRAN.—Not-  
24 withstanding any other provision of law, action involving  
25 any measure of statutory sanctions relief by the United

1 States pursuant to an agreement subject to subsection (a)  
2 or the Joint Plan of Action may be taken, consistent with  
3 existing statutory requirements for such action, only if the  
4 Congress adopts, and there is enacted, a joint resolution  
5 stating in substance that the Congress does favor the  
6 agreement.

7 “(d) CONGRESSIONAL OVERSIGHT OF IRANIAN COM-  
8 PLIANCE WITH NUCLEAR AGREEMENTS.—

9 “(1) IN GENERAL.—The President shall keep  
10 the appropriate congressional committees and lead-  
11 ership fully and currently informed of all aspects of  
12 Iranian compliance with respect to an agreement  
13 subject to subsection (a).

14 “(2) POTENTIALLY SIGNIFICANT BREACHES  
15 AND COMPLIANCE INCIDENTS.—The President shall,  
16 within 10 calendar days of receiving credible and ac-  
17 curate information relating to a potentially signifi-  
18 cant breach or compliance incident by Iran with re-  
19 spect to an agreement subject to subsection (a), sub-  
20 mit such information to the appropriate congres-  
21 sional committees and leadership.

22 “(3) MATERIAL BREACH REPORT.—Not later  
23 than 30 calendar days after submitting information  
24 about a potentially significant breach or compliance  
25 incident pursuant to paragraph (2), the President

1 shall make a determination whether such potentially  
2 significant breach or compliance issue constitutes a  
3 material breach and, if there is such a material  
4 breach, whether Iran has cured such material  
5 breach, and shall submit to the appropriate congress-  
6 sional committees and leadership such determina-  
7 tion, accompanied by, as appropriate, a report on  
8 the action or failure to act by Iran that led to the  
9 material breach, actions necessary for Iran to cure  
10 the breach, and the status of Iran's efforts to cure  
11 the breach.

12 “(4) SEMI-ANNUAL REPORT.—Not later than  
13 180 calendar days after entering into an agreement  
14 described in subsection (a), and not less frequently  
15 than once every 180 calendar days thereafter, the  
16 President shall submit to the appropriate congress-  
17 sional committees and leadership a report on Iran's  
18 nuclear program and the compliance of Iran with  
19 the agreement during the period covered by the re-  
20 port, including the following elements:

21 “(A) Any action or failure to act by Iran  
22 that breached the agreement or is in noncompli-  
23 ance with the terms of the agreement.

24 “(B) Any delay by Iran of more than one  
25 week in providing inspectors access to facilities,

1 people, and documents in Iran as required by  
2 the agreement.

3 “(C) Any progress made by Iran to resolve  
4 concerns by the International Atomic Energy  
5 Agency about possible military dimensions of  
6 Iran’s nuclear program.

7 “(D) Any procurement by Iran of mate-  
8 rials in violation of the agreement or which  
9 could otherwise significantly advance Iran’s  
10 ability to obtain a nuclear weapon.

11 “(E) Any centrifuge research and develop-  
12 ment conducted by Iran that—

13 “(i) is not in compliance with the  
14 agreement; or

15 “(ii) may substantially enhance the  
16 breakout time of acquisition of a nuclear  
17 weapon by Iran, if deployed.

18 “(F) Any diversion by Iran of uranium,  
19 carbon-fiber, or other materials for use in  
20 Iran’s nuclear program in violation of the  
21 agreement.

22 “(G) Any covert nuclear activities under-  
23 taken by Iran, including any covert nuclear  
24 weapons-related or covert fissile material activi-  
25 ties or research and development.

1           “(H) An assessment of whether any Ira-  
2           nian financial institutions are engaged in money  
3           laundering or terrorist finance activities, includ-  
4           ing names of specific financial institutions if ap-  
5           plicable.

6           “(I) Iran’s advances in its ballistic missile  
7           program, including developments related to its  
8           long-range and inter-continental ballistic missile  
9           programs.

10          “(J) An assessment of—

11               “(i) whether Iran directly supported,  
12               financed, planned, or carried out an act of  
13               terrorism against the United States or a  
14               United States person anywhere in the  
15               world;

16               “(ii) whether, and the extent to which,  
17               Iran supported acts of terrorism, including  
18               acts of terrorism against the United States  
19               or a United States person anywhere in the  
20               world;

21               “(iii) all actions, including in inter-  
22               national fora, being taken by the United  
23               States to stop, counter, and condemn acts  
24               by Iran to directly or indirectly carry out

1 acts of terrorism against the United States  
2 and United States persons;

3 “(iv) the impact on the national secu-  
4 rity of the United States and the safety of  
5 United States citizens as a result of any  
6 Iranian actions reported under this para-  
7 graph; and

8 “(v) all of the sanctions relief pro-  
9 vided to Iran, pursuant to the agreement,  
10 and a description of the relationship be-  
11 tween each sanction waived, suspended, or  
12 deferred and Iran’s nuclear weapon’s pro-  
13 gram.

14 “(K) An assessment of whether violations  
15 of internationally recognized human rights in  
16 Iran have changed, increased, or decreased, as  
17 compared to the prior 180-day period.

18 “(5) ADDITIONAL REPORTS AND INFORMA-  
19 TION.—

20 “(A) AGENCY REPORTS.—Following sub-  
21 mission of an agreement pursuant to subsection  
22 (a) to the appropriate congressional committees  
23 and leadership, the Department of State, the  
24 Department of Energy, and the Department of  
25 Defense shall, upon the request of any of those

1 committees or leadership, promptly furnish to  
2 those committees or leadership their views as to  
3 whether the safeguards and other controls con-  
4 tained in the agreement with respect to Iran's  
5 nuclear program provide an adequate frame-  
6 work to ensure that Iran's activities permitted  
7 thereunder will not be inimical to or constitute  
8 an unreasonable risk to the common defense  
9 and security.

10 “(B) PROVISION OF INFORMATION ON NU-  
11 CLEAR INITIATIVES WITH IRAN.—The President  
12 shall keep the appropriate congressional com-  
13 mittees and leadership fully and currently in-  
14 formed of any initiative or negotiations with  
15 Iran relating to Iran's nuclear program, includ-  
16 ing any new or amended agreement.

17 “(6) COMPLIANCE CERTIFICATION.—After the  
18 President transmits an agreement pursuant to sub-  
19 section (a), the President shall, not less than every  
20 90 calendar days—

21 “(A) determine whether the President is  
22 able to certify that—

23 “(i) Iran is transparently, verifiably,  
24 and fully implementing the agreement, in-

1 including all related technical or additional  
2 agreements;

3 “(ii) Iran has not committed a mate-  
4 rial breach with respect to the agreement  
5 or, if Iran has committed a material  
6 breach, Iran has cured the material  
7 breach;

8 “(iii) Iran has not taken any action,  
9 including covert action, that could signifi-  
10 cantly advance its nuclear weapons pro-  
11 gram; and

12 “(iv) suspension of sanctions related  
13 to Iran pursuant to the agreement is—

14 “(I) appropriate and propor-  
15 tionate to the specific and verifiable  
16 measures taken by Iran with respect  
17 to terminating its illicit nuclear pro-  
18 gram; and

19 “(II) vital to the national secu-  
20 rity interests of the United States;  
21 and

22 “(B) if the President determines he is able  
23 to make the certification described in subpara-  
24 graph (A), make such certification to the appro-  
25 priate congressional committees and leadership.

1           “(7) SENSE OF CONGRESS.—It is the sense of  
2 Congress that—

3           “(A) United States sanctions on Iran for  
4 terrorism, human rights abuses, and ballistic  
5 missiles will remain in place under an agree-  
6 ment, as defined in subsection (h)(1);

7           “(B) issues not addressed by an agreement  
8 on the nuclear program of Iran, including fair  
9 and appropriate compensation for Americans  
10 who were terrorized and subjected to torture  
11 while held in captivity for 444 days after the  
12 seizure of the United States Embassy in  
13 Tehran, Iran, in 1979 and their families, the  
14 freedom of Americans held in Iran, the human  
15 rights abuses of the Government of Iran against  
16 its own people, and the continued support of  
17 terrorism worldwide by the Government of Iran,  
18 are matters critical to ensure justice and the  
19 national security of the United States, and  
20 should be expeditiously addressed;

21           “(C) the President should determine the  
22 agreement in no way compromises the commit-  
23 ment of the United States to Israel’s security,  
24 nor its support for Israel’s right to exist; and

1           “(D) in order to responsibly implement  
2           any long-term agreement reached between the  
3           P5+1 countries and Iran, it is critically impor-  
4           tant that Congress have the opportunity to re-  
5           view any agreement and, as necessary, take ac-  
6           tion to modify the statutory sanctions regime  
7           imposed by Congress.

8           “(e) EXPEDITED CONSIDERATION OF LEGISLA-  
9           TION.—

10           “(1) IN GENERAL.—In the event the President  
11           does not submit a certification pursuant to sub-  
12           section (d)(6) or has determined pursuant to sub-  
13           section (d)(3) that Iran has materially breached an  
14           agreement subject to subsection (a) and the material  
15           breach has not been cured, Congress may initiate  
16           within 60 calendar days expedited consideration of  
17           qualifying legislation pursuant to this subsection.

18           “(2) QUALIFYING LEGISLATION DEFINED.—For  
19           purposes of this subsection, the term “qualifying leg-  
20           islation” means only a bill of either House of Con-  
21           gress—

22           “(A) the title of which is as follows: “A bill  
23           reinstating statutory sanctions imposed with re-  
24           spect to Iran.”; and

1           “(B) the matter after the enacting clause  
2           of which is: “Any statutory sanctions imposed  
3           with respect to Iran pursuant to \_\_\_\_\_  
4           that were waived, suspended, reduced, or other-  
5           wise relieved pursuant to an agreement sub-  
6           mitted pursuant to section 135(a) of the Atomic  
7           Energy Act of 1954 are hereby reinstated and  
8           any action by the United States Government to  
9           facilitate the release of funds or assets to Iran  
10          pursuant to such agreement, or provide any  
11          further waiver, suspension, reduction, or other  
12          relief pursuant to such agreement is hereby  
13          prohibited.”, with the blank space being filled in  
14          with the law or laws under which sanctions are  
15          to be reinstated.

16          “(3) INTRODUCTION.—During the 60-calendar  
17          day period provided for in paragraph (1), qualifying  
18          legislation may be introduced—

19                 “(A) in the House of Representatives, by  
20                 the majority leader or the minority leader; and

21                 “(B) in the Senate, by the majority leader  
22                 (or the majority leader’s designee) or the mi-  
23                 nority leader (or the minority leader’s des-  
24                 ignee).

1           “(4) FLOOR CONSIDERATION IN HOUSE OF  
2 REPRESENTATIVES.—

3           “(A) REPORTING AND DISCHARGE.—If a  
4 committee of the House to which qualifying leg-  
5 islation has been referred has not reported such  
6 qualifying legislation within 10 legislative days  
7 after the date of referral, that committee shall  
8 be discharged from further consideration there-  
9 of.

10           “(B) PROCEEDING TO CONSIDERATION.—  
11 Beginning on the third legislative day after  
12 each committee to which qualifying legislation  
13 has been referred reports it to the House or has  
14 been discharged from further consideration  
15 thereof, it shall be in order to move to proceed  
16 to consider the qualifying legislation in the  
17 House. All points of order against the motion  
18 are waived. Such a motion shall not be in order  
19 after the House has disposed of a motion to  
20 proceed on the qualifying legislation with regard  
21 to the same agreement. The previous question  
22 shall be considered as ordered on the motion to  
23 its adoption without intervening motion. The  
24 motion shall not be debatable. A motion to re-

1 consider the vote by which the motion is dis-  
2 posed of shall not be in order.

3 “(C) CONSIDERATION.—The qualifying  
4 legislation shall be considered as read. All  
5 points of order against the qualifying legislation  
6 and against its consideration are waived. The  
7 previous question shall be considered as ordered  
8 on the qualifying legislation to final passage  
9 without intervening motion except two hours of  
10 debate equally divided and controlled by the  
11 sponsor of the qualifying legislation (or a des-  
12 ignee) and an opponent. A motion to reconsider  
13 the vote on passage of the qualifying legislation  
14 shall not be in order.

15 “(5) CONSIDERATION IN THE SENATE.—

16 “(A) COMMITTEE REFERRAL.—Qualifying  
17 legislation introduced in the Senate shall be re-  
18 ferred to the Committee on Foreign Relations.

19 “(B) REPORTING AND DISCHARGE.—If the  
20 Committee on Foreign Relations has not re-  
21 ported such qualifying legislation within 10 ses-  
22 sion days after the date of referral of such leg-  
23 islation, that committee shall be discharged  
24 from further consideration of such legislation

1 and the qualifying legislation shall be placed on  
2 the appropriate calendar.

3 “(C) PROCEEDING TO CONSIDERATION.—  
4 Notwithstanding Rule XXII of the Standing  
5 Rules of the Senate, it is in order at any time  
6 after the committee authorized to consider  
7 qualifying legislation reports it to the Senate or  
8 has been discharged from its consideration  
9 (even though a previous motion to the same ef-  
10 fect has been disagreed to) to move to proceed  
11 to the consideration of qualifying legislation,  
12 and all points of order against qualifying legis-  
13 lation (and against consideration of the quali-  
14 fying legislation) are waived. The motion to  
15 proceed is not debatable. The motion is not sub-  
16 ject to a motion to postpone. A motion to recon-  
17 sider the vote by which the motion is agreed to  
18 or disagreed to shall not be in order. If a mo-  
19 tion to proceed to the consideration of the  
20 qualifying legislation is agreed to, the qualifying  
21 legislation shall remain the unfinished business  
22 until disposed of.

23 “(D) DEBATE.—Debate on qualifying leg-  
24 islation, and on all debatable motions and ap-  
25 peals in connection therewith, shall be limited

1 to not more than 10 hours, which shall be di-  
2 vided equally between the majority and minority  
3 leaders or their designees. A motion to further  
4 limit debate is in order and not debatable. An  
5 amendment to, or a motion to postpone, or a  
6 motion to proceed to the consideration of other  
7 business, or a motion to recommit the quali-  
8 fying legislation is not in order.

9 “(E) VOTE ON PASSAGE.—The vote on  
10 passage shall occur immediately following the  
11 conclusion of the debate on the qualifying legis-  
12 lation and a single quorum call at the conclu-  
13 sion of the debate, if requested in accordance  
14 with the rules of the Senate.

15 “(F) RULINGS OF THE CHAIR ON PROCE-  
16 DURE.—Appeals from the decisions of the Chair  
17 relating to the application of the rules of the  
18 Senate, as the case may be, to the procedure re-  
19 lating to qualifying legislation shall be decided  
20 without debate.

21 “(G) CONSIDERATION OF VETO MES-  
22 SAGES.—Debate in the Senate of any veto mes-  
23 sages with respect to qualifying legislation, in-  
24 cluding all debatable motions and appeals in  
25 connection with such qualifying legislation, shall

1           be limited to 10 hours, to be equally divided be-  
2           tween, and controlled by, the majority leader  
3           and the minority leader or their designees.

4           “(6) RULES RELATING TO SENATE AND HOUSE  
5           OF REPRESENTATIVES.—

6                   “(A) COORDINATION WITH ACTION BY  
7           OTHER HOUSE.—If, before the passage by one  
8           House of qualifying legislation of that House,  
9           that House receives qualifying legislation from  
10          the other House, then the following procedures  
11          shall apply:

12                   “(i) The qualifying legislation of the  
13           other House shall not be referred to a com-  
14           mittee.

15                   “(ii) With respect to qualifying legis-  
16           lation of the House receiving the legisla-  
17           tion—

18                   “(I) the procedure in that House  
19           shall be the same as if no qualifying  
20           legislation had been received from the  
21           other House; but

22                   “(II) the vote on passage shall be  
23           on the qualifying legislation of the  
24           other House.

1           “(B) TREATMENT OF A BILL OF OTHER  
2           HOUSE.—If one House fails to introduce quali-  
3           fying legislation under this section, the quali-  
4           fying legislation of the other House shall be en-  
5           titled to expedited floor procedures under this  
6           section.

7           “(C) TREATMENT OF COMPANION MEAS-  
8           URES.—If, following passage of the qualifying  
9           legislation in the Senate, the Senate then re-  
10          ceives a companion measure from the House of  
11          Representatives, the companion measure shall  
12          not be debatable.

13          “(D) APPLICATION TO REVENUE MEAS-  
14          URES.—The provisions of this paragraph shall  
15          not apply in the House of Representatives to  
16          qualifying legislation which is a revenue meas-  
17          ure.

18          “(f) RULES OF HOUSE OF REPRESENTATIVES AND  
19          SENATE.—Subsection (e) is enacted by Congress—

20                 “(1) as an exercise of the rulemaking power of  
21                 the Senate and the House of Representatives, re-  
22                 spectively, and as such are deemed a part of the  
23                 rules of each House, respectively, but applicable only  
24                 with respect to the procedure to be followed in that  
25                 House in the case of legislation described in those

1 sections, and supersede other rules only to the ex-  
2 tent that they are inconsistent with such rules; and

3 “(2) with full recognition of the constitutional  
4 right of either House to change the rules (so far as  
5 relating to the procedure of that House) at any time,  
6 in the same manner, and to the same extent as in  
7 the case of any other rule of that House.

8 “(g) RULES OF CONSTRUCTION.—Nothing in the sec-  
9 tion shall be construed as—

10 “(1) modifying, or having any other impact on,  
11 the President’s authority to negotiate, enter into, or  
12 implement appropriate executive agreements, other  
13 than the restrictions on implementation of the agree-  
14 ments specifically covered by this section;

15 “(2) allowing any new waiver, suspension, re-  
16 duction, or other relief from statutory sanctions with  
17 respect to Iran under any provision of law, or allow-  
18 ing the President to refrain from applying any such  
19 sanctions pursuant to an agreement described in  
20 subsection (a);