



H.R. 1191—Iran Nuclear Agreement Review Act of 2015 (Rep. Barletta, R-PA)

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FLOOR SCHEDULE: SCHEDULED FOR CONSIDERATION ON MAY 14, 2015 UNDER A MOTION TO SUSPEND THE RULES AND PASS THE BILL, WHICH REQUIRES A TWO-THIRDS MAJORITY VOTE FOR PASSAGE.

TOPLINE SUMMARY: [H.R. 1191](#) would assert Congress' role in overseeing the Iran nuclear deal. The bill would prevent the president from unilaterally lifting sanctions on Iran if Congress votes to disapprove a final nuclear deal with Iran.

CONSERVATIVE CONCERNS: Some conservatives have expressed concern regarding H.R. 1191's procedural framework. They assert that any agreement with Iran should be considered as a treaty and subject to a two-thirds vote threshold in the Senate

- **Expand the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS: Section 2 would require the president to transmit to Congress, the actual nuclear agreement text, within 5 days. This requirement would include (1) all related materials and annexes; (2) a verification assessment report from the Secretary of State; and (3) a certification that the agreement includes the appropriate terms and conditions of the agreement's requirements with respect to Iran's nuclear activities and provisions describing any sanctions to be waived, suspended, or otherwise reduced..

The certification would also require that the president determine the agreement (1) meets United States non-proliferation objectives; (2) does not jeopardize the common defense and security; (3) provides an adequate framework to ensure that Iran's nuclear activities permitted thereunder will not be inimical to or constitute an unreasonable risk to the common defense and security; and (4) ensures that Iran's nuclear activities permitted thereunder will not be used to further any nuclear-related military or nuclear explosive purpose.

The Secretary of State is additionally directed to prepare a report assessing:

- the extent to which the secretary would be able to verify that Iran is complying with its obligations and commitments under the agreement;
- the adequacy of the safeguards and assurances contained in the agreement to ensure Iran's activities permitted will not be used to further any nuclear-related military or nuclear explosive purpose; and
- the capacity and capability of the International Atomic Energy Agency to effectively implement the verification regime required by or related to the agreement.

COST: No Congressional Budget Office (CBO) estimate is available. The CBO estimate for S. 615, a similar Senate version of the bill can be found [here](#).

During the 30-calendar day period following the president's transmittal of an agreement, the foreign relations committees would be required hold hearings and briefings to fully review the nuclear agreement. The congressional review period would last for 60 days, if an agreement, including all materials required to be transmitted to Congress, is transmitted between July 10, 2015, and September 7, 2015.

The president may not waive or otherwise limit the application of statutory sanctions with respect to Iran under any provision of law or refrain from applying any such sanctions, 12 days after the date of passage by both chambers of Congress of a congressional joint resolution of disapproval, and 10 days after the date of a presidential veto of a congressional joint resolution of disapproval passed by both chambers.

H.R. 1191 would also express the sense of Congress that (1) the current sanctions regime is primarily responsible for bringing Iran to the negotiating table; (2) these negotiations are a critically important for the United States and its closest allies; (3) the bill does not require a vote by Congress for the agreement to commence; (4) the bill does not provide for congressional review, including for approval, disapproval, or no action on statutory sanctions relief under an agreement; and (5) only Congress can permanently modify or eliminate sanction and, it is critically important that Congress have the opportunity to consider and take action affecting the statutory sanctions regime.

The bill would specify that sanctions relief:

- may be taken if, during the review period, Congress enacts a joint resolution stating that Congress favors the agreement;
- may not be taken if, during the period for review, a joint resolution stating in substance that the Congress does not favor the agreement; or
- may be taken if, following the review period, any such joint resolution is not enacted.

The president is additionally mandated to keep Congress fully informed of all aspects of Iranian compliance. The president is required to: (1) within 10 calendar days of receiving information relating to a potentially significant breach or compliance incident by Iran submit it to Congress; (2) within 30 days after submitting such information determine whether such potentially significant breach or compliance issue constitutes a material breach and, if there is such a material breach, whether Iran has cured such material breach; and (3) every 180 days thereafter report to Congress on Iran's nuclear program and compliance with the agreement.

The president is also required keep the appropriate congressional committees and leadership fully and currently informed of any initiative or negotiations with Iran relating to Iran's nuclear program, including any new or amended agreement. Every 90 calendar days, the president would certify that:

- Iran is transparently, verifiably, and fully implementing the agreement;
- Iran has not committed a material breach with respect to the agreement or, if Iran has committed a material breach, Iran has cured the material breach;
- Iran has not taken any action, including covert activities, that could significantly advance its nuclear weapons program; and
- suspension of sanctions related to Iran is appropriate and proportionate to the specific and verifiable measures taken by Iran with respect to terminating its illicit nuclear program; and vital to the national security interests of the United States.

The bill would also express the sense of Congress that: (1) United States sanctions on Iran for terrorism, human rights abuses, and ballistic missiles will remain in place under an agreement; (2) issues not addressed by an agreement on Iran's nuclear program, including compensation for Americans held in captivity held in captivity for 444 days after the seizure of the U.S. Embassy in Tehran, Iran, in 1979, the freedom of Americans held in Iran, the human rights abuses of the government of Iran against its own people, and the continued support of terrorism by the government of Iran, are matters critical to ensure justice and U.S. national security, and should

be addressed; (3) the president should determine the agreement in no way compromises the U.S. commitment to Israel's security, nor its support for Israel's right to exist; and (4) in order to responsibly implement any long-term agreement reached between the P5+1 countries and Iran, it is critically important that Congress have the opportunity to review any agreement and, as necessary, take action to modify the statutory sanctions regime imposed by Congress.

In the event the president does not submit a 90-day compliance certification or submits a determination that Iran has materially breached an agreement and the material breach has not been cured, qualifying legislation introduced within 60 calendar days would be entitled to specified expedited consideration.

Nothing in this bill would be construed as: (1) modifying the president's authority to negotiate, enter into, or implement executive agreements, other than the restrictions on implementation of the specified agreements; (2) allowing any new waiver, suspension, reduction, or other relief from statutory sanctions with respect to Iran or allowing the president to refrain from applying any such sanctions pursuant to an agreement; (3) revoking or terminating any statutory sanctions imposed on Iran; or (4) authorizing the use of military force against Iran.

BACKGROUND: On April 2, 2015, the P5+1 (the United States, the United Kingdom, France, Russia, China, and Germany) reached a framework agreement with the Islamic Republic of Iran to contain and restrict its nuclear program. The announcement came after a series of extensions and breaches of established deadlines initially set for July, 2014. The current deadline to finalize the details of the deal is set for June 30, 2015. Iran's nuclear weapons program can roughly be traced to the early 2000s when reports of the construction of two covert nuclear enrichment and heavy water sites, [Natanz](#) and [Arak](#), were revealed to the public by an Iranian dissident organization. Iran has further expanded its nuclear infrastructure to include a hardened underground uranium enrichment plant at [Fordow](#), disclosed to the [IAEI](#) (the International Atomic Energy Agency), the United Nations' nuclear watchdog in 2009, in addition to a dozen or more [facilities](#) dispersed throughout the country. A precise detailed framework document has not been released, except for a joint E.U. [statement](#) with Iran. However, the Obama administration did release a [fact sheet](#) outlining policy objectives and conditions that Iran must meet for the U.S. and E.U. to remove energy, banking, and overall economic sanctions. According to the State Department document, which ironically the Iranian Foreign Ministry has [dismissed](#) and [deemed inaccurate](#), Iran has agreed to:

- Reduce by approximately two-thirds its installed centrifuges. Iran will go from having about 19,000 installed today to 6,104 installed under the deal, with only 5,060 of these would enrich uranium for 10 years. All 6,104 centrifuges will be IR-1s, Iran's first-generation centrifuge.
Iran will still be in possession of over 6,000 centrifuges, in clear violation of its international obligations.
- Not enrich uranium over 3.67 percent for at least 15 years.
- Not build any new facilities for the purpose of enriching uranium for 15 years.
Iran previously agreed to halt construction of nuclear sites in 2006 as a signer of the Nuclear Non-Proliferation Treaty (NPT), but has previously been found in non-compliance. Its covert facility at Fordow was exposed to the IAEA in 2009.
- Not have any fissile material at Fordow for 15 years.
- Not enrich uranium at its Fordow facility for at least 15 years.
According to the [fact sheet](#), Iran has agreed to convert its Fordow facility so that it is used for peaceful purposes only—into a nuclear, physics, technology, and research center. Almost two-thirds of Fordow's centrifuges and infrastructure will be removed. However the document does not clarify why one third of all centrifuges at Fordow will remain in place for "peaceful" purposes.
- Only enrich uranium using its first generation (IR-1 models) centrifuges at Natanz for ten years, removing its more advanced centrifuges.

According to the Obama administration, “the IAEA will have regular access to all of Iran’s nuclear facilities, including to Iran’s enrichment facility at Natanz and its former enrichment facility at Fordow, and including the use of the most up-to-date, modern monitoring technologies.” Under the framework, Iran would implement an agreed set of measures to address the IAEA’s concerns regarding the Possible Military Dimensions (PMD) of its program. However, the administration has not revealed how the IAEA will have the resources available to set up such a [large and ambitious inspection regimen](#). IAEA inspectors are not certified to inspect the weaponization (PMD) side of Iran’s nuclear program and would not be effective. More than likely, weapon inspectors similar to those mandated by the United Nations Special Commission in Iraq would be needed to verify the full spectrum of Iran’s nuclear program. However, this is unlikely to happen.

According to the [House Foreign Affairs Committee](#), experts have also warned that without “anytime, anywhere” inspections, including access to Iran’s military facilities, it will be impossible for the IAEA to verify Iran’s compliance with a final agreement. Such intrusive inspections are [difficult to enforce](#), and as [one former inspector cautioned](#) “Iran has cheated and been more noncooperative with its nonproliferation obligations than I think any other country.” The administration has stated that U.S. sanctions on Iran for terrorism, human rights abuses, and ballistic missiles will remain in place under the deal. Despite the agreed framework, Iran continues to destabilize the region by supporting Hezbollah terrorists in Lebanon, the murderous Assad regime in Syria, (responsible for killing over 220,000 civilians), Houthi rebels in Yemen, and Iraqi militias responsible for killing American forces during the Iraq war. The Russian Federation has already violated existing restrictions by agreeing to supply Iran with advanced anti-aircraft weaponry including the [S-300](#).

The Senate passed H.R. 1191 which originally was a House-passed suspension, with an amendment and an amendment to the Title by yea-nay vote: [98–1](#).

COMMITTEE ACTION: This bill was introduced on March 2, 2015, was referred to the House Committee on Ways and Means, and was passed by the House under a suspension of the rules on March 17, 2015. The Senate amended the bill to include the Iran Nuclear Agreement Review Act of 2015 on May 7, 2015.

ADMINISTRATION POSITION: No statement of administration position is available.

CONSTITUTIONAL AUTHORITY: “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clauses 1 and 18 of the U.S. Constitution.”

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