

117TH CONGRESS
1ST SESSION

S. 434

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2021

Mr. MARKEY (for himself, Ms. WARREN, Mr. SANDERS, Ms. DUCKWORTH, Mr. LEAHY, Mrs. FEINSTEIN, Mr. MURPHY, Ms. BALDWIN, Mrs. MURRAY, Mr. VAN HOLLEN, and Mr. MERKLEY) 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 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) On July 14, 2015, the People’s Republic of
9 China, France, Germany, Russia, the United King-

1 dom, the United States, the European Union, and
2 Iran agreed to the Joint Comprehensive Plan of Ac-
3 tion (JCPOA).

4 (2) When all parties fully implemented the
5 JCPOA, it had increased the amount of time it
6 would take Iran to acquire enough fissile material
7 for one nuclear weapon, from approximately two to
8 three months to at least one year, if Iran made the
9 political decision to take such an action.

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

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

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

19 (C) permitting the International Atomic
20 Energy Agency (IAEA) to monitor and verify
21 all stages of Iran's nuclear fuel cycle to include
22 requesting short-notice access to “verify the
23 non-diversion of declared material” and “ab-
24 sence of undeclared nuclear material and activi-
25 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, Director of National
15 Intelligence Dan Coats issued a worldwide threat as-
16 sessment, which 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 United States unilateral abro-

1 gation of the JCPOA, and announced that the
2 United States would re-impose all of its sanctions
3 that it had lifted after Iran verifiably met its nu-
4 clear-related commitments under the agreement on
5 its implementation day of January 16, 2016.

6 (8) The United States abrogation of the
7 JCPOA is a violation of its commitments under the
8 agreement and threatened United States relations
9 with European allies, whose cooperation is necessary
10 to counter Iran’s malign influence in the Middle
11 East.

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

18 (10) Following the removal of nearly all re-
19 maining waivers to United States nuclear-related
20 sanctions on May 2, 2019, the Government of Iran
21 committed a series of concerning, but reversible,
22 breaches of its commitments under the JCPOA, in-
23 cluding by—

24 (A) exceeding the allowable stock of low-
25 enriched uranium and heavy water;

1 (B) exceeding the allowable number of in-
2 stalled centrifuges at its Pilot Fuel Enrichment
3 Plant;

4 (C) enriching uranium at the Fordow Fuel
5 Enrichment Plant;

6 (D) exceeding the permitted Low Enriched
7 Uranium (LEU) enrichment level of 3.67 per-
8 cent of the Uranium U-235 isotope and by en-
9 riching up to 20 percent; and

10 (E) beginning production of uranium
11 metal;

12 (11) Since the full re-imposition of United
13 States nuclear-related sanctions in 2019, the Gov-
14 ernment of Iran has also engaged in a series of
15 escalatory actions outside its nuclear program that
16 have put the United States Armed Forces, dip-
17 lomats, and strategic partners at risk and have
18 heightened the threat of an armed conflict with Iran.

19 (12) Tensions with Iran reached a high-point
20 following the unauthorized United States strike
21 against Iranian General Qassem Soleimani on Janu-
22 ary 3, 2020, and an Iranian ballistic missile strike
23 on January 7, 2020, on two United States bases in
24 Iraq, which left 110 United States service members
25 with traumatic brain injuries.

1 (13) On January 5, 2020, Iran announced that
2 it would no longer comply with the limits of the
3 JCPOA, while also noting that it would not take the
4 escalatory step of withdrawing from the Treaty on
5 the Non-Proliferation of Nuclear Weapons, done at
6 Washington, London, and Moscow, July 1, 1968
7 (NPT), which commits Iran to IAEA safeguards and
8 obligates it to not obtain a nuclear weapon.

9 (14) On December 21, 2020, the foreign min-
10 isters of each of the remaining parties to the
11 JCPOA affirmed their continued “commitment to
12 preserve the agreement,” and called for the “full
13 and effective implementation of the JCPOA” by all
14 parties, heralding it as “significant achievement of
15 multilateral diplomacy that contributes to regional
16 and international security”.

17 (15) Congressional review of the JCPOA under
18 the Iran Nuclear Agreement Review Act of 2015
19 (Public Law 114–17; 129 Stat. 201) is already com-
20 plete, and that Act still provides a meaningful role
21 for congressional oversight of the JCPOA through
22 its reporting requirements that assess Iran’s ongoing
23 compliance with the agreement.

24 (16) During Secretary of State Antony
25 Blinken’s January 19, 2021, nomination hearing be-

1 fore the Committee on Foreign Relations of the Sen-
2 ate, he testified that President Joseph R. Biden’s
3 position is that “if Iran returns to compliance with
4 the JCPOA, we would do the same thing and then
5 use that as a platform, working with our allies and
6 partners to build a longer and stronger agreement to
7 also capture some of the other issues that need to
8 be dealt with regard to missiles, with regard to
9 Iran’s activities and destabilizing activities in the re-
10 gion”.

11 **SEC. 3. STATEMENT OF POLICY.**

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

13 (1) Full implementation of the Joint Com-
14 prehensive Plan of Action (JCPOA) would represent
15 a meaningful step to both preventing an Iranian nu-
16 clear weapon and a costly future armed conflict.

17 (2) The United States and Iran should prompt-
18 ly return to full compliance with all of their commit-
19 ments under the JCPOA.

20 (3) After such time that all sides return to their
21 commitments under the JCPOA, the United States
22 should lead international efforts to—

23 (A) strengthen the restrictions Iran’s on
24 ballistic missile program and counter the pro-

1 liferation of such technology to other countries
2 and actors;

3 (B) address the sunset of select provisions
4 of the JCPOA and other elements of the agree-
5 ment that merit strengthening; and

6 (C) advance any other diplomatic measures
7 that promote United States, regional, and inter-
8 national security.

9 (4) The United States should reaffirm its com-
10 mitment to United Nations Security Resolution
11 2231 (2015).

12 (5) Through implementation of the President’s
13 January 21, 2021, National Security Memorandum
14 -1, and other steps, the United States will better fos-
15 ter an environment in which financial institutions
16 and entities can make practical use of existing ex-
17 emptions and mechanisms “allowing for the sale of
18 agricultural commodities, food, medicine, and med-
19 ical devices to Iran,” and help Iran battle the
20 COVID–19 pandemic.

○