

AMENDMENT TO H.R. 4310, AS REPORTED
OFFERED BY MS. LEE OF CALIFORNIA

At the appropriate place in title XII of division A of the bill, add the following:

1 **Subtitle __—Prevent Iran From Ac-**
2 **quiring Nuclear Weapons and**
3 **Stop War Through Diplomacy**
4 **Act**

5 **SEC. __1. SHORT TITLE.**

6 This subtitle may be cited as the “Prevent Iran from
7 Acquiring Nuclear Weapons and Stop War Through Di-
8 plomacy Act”.

9 **SEC. __2. FINDINGS.**

10 Congress finds the following:

11 (1) In his Nobel Peace Prize acceptance speech
12 on December 10, 2009, President Obama said, “I
13 know that engagement with repressive regimes lacks
14 the satisfying purity of indignation. But I also know
15 that sanctions without outreach—and condemnation
16 without discussion—can carry forward a crippling
17 status quo. No repressive regime can move down a
18 new path unless it has the choice of an open door.”

1 (2) In his address to the American Israel Public
2 Affairs Committee on March 4, 2012, President
3 Obama said, “I have said that when it comes to pre-
4 venting Iran from obtaining a nuclear weapon, I will
5 take no options off the table, and I mean what I say.
6 That includes all elements of American power. A po-
7 litical effort aimed at isolating Iran; a diplomatic ef-
8 fort to sustain our coalition and ensure that the Ira-
9 nian program is monitored; an economic effort to
10 impose crippling sanctions; and, yes, a military ef-
11 fort to be prepared for any contingency.”

12 (3) While the Obama Administration has re-
13 jected failed policies of the past by engaging in nego-
14 tiations with Iran without preconditions, only four of
15 such meetings have occurred.

16 (4) Official representatives of the United States
17 and official representatives of Iran have held only
18 two direct, bilateral meetings in over 30 years, both
19 of which occurred in October 2009, one on the side-
20 lines of the United Nations Security Council negotia-
21 tions in Geneva, and one on the sidelines of negotia-
22 tions brokered by the United Nations International
23 Atomic Energy Agency (referred to in this Act as
24 the “IAEA”) in Vienna.

1 (5) All of the outstanding issues between the
2 United States and Iran cannot be resolved instanta-
3 neously. Resolving such issues will require a robust,
4 sustained effort.

5 (6) Under the Department of State's current
6 "no contact" policy, officers and employees of the
7 Department of State are not permitted to make any
8 direct contact with official representatives of the
9 Government of Iran without express prior authoriza-
10 tion from the Secretary of State.

11 (7) On September 20, 2011, then-Chairman of
12 the Joint Chiefs of Staff Admiral Mike Mullen,
13 called for establishing direct communications with
14 Iran, stating, "I'm talking about any channel that's
15 open. We've not had a direct link of communication
16 with Iran since 1979. And I think that has planted
17 many seeds for miscalculation. When you miscalcu-
18 late, you can escalate and misunderstand."

19 (8) On November 8, 2011, the IAEA issued a
20 report about Iran's nuclear program and expressed
21 concerns about Iran's past and ongoing nuclear ac-
22 tivities.

23 (9) On December 2, 2011, Secretary of Defense
24 Leon Panetta warned that an attack on Iran would
25 result in "an escalation that would take place that

1 would not only involve many lives, but I think it
2 could consume the Middle East in a confrontation
3 and a conflict that we would regret.”

4 **SEC. 3. STATEMENT OF POLICY.**

5 It should be the policy of the United States—

6 (1) to prevent Iran from pursuing or acquiring
7 a nuclear weapon and to resolve the concerns of the
8 United States and of the international community
9 about Iran’s nuclear program and Iran’s human
10 rights obligations under international and Iranian
11 law;

12 (2) to ensure inspection of cargo to or from
13 Iran, as well as the seizure and disposal of prohib-
14 ited items, as authorized by United Nations Security
15 Council Resolution 1929 (June 9, 2010);

16 (3) to pursue sustained, direct, bilateral nego-
17 tiations with the Government of Iran without pre-
18 conditions in order to reduce tensions, prevent war,
19 prevent nuclear proliferation, support human rights,
20 and seek resolutions to issues that concern the
21 United States and the international community;

22 (4) to utilize all diplomatic tools, including di-
23 rect talks, targeted sanctions, Track II diplomacy,
24 creating a special envoy described in section 4, and
25 enlisting the support of all interested parties, for the

1 purpose of establishing an agreement with Iran to
2 put in place a program that includes international
3 safeguards, guarantees, and robust transparency
4 measures that provide for full IAEA oversight of
5 Iran's nuclear program, including rigorous, ongoing
6 inspections, in order to verify that Iran's nuclear
7 program is exclusively for peaceful purposes and
8 that Iran is not engaged in nuclear weapons work;

9 (5) to pursue opportunities to build mutual
10 trust and to foster sustained negotiations in good
11 faith with Iran, including pursuing a fuel swap deal
12 to remove quantities of low enriched uranium from
13 Iran and to refuel the Tehran Research Reactor,
14 similar to the structure of the deal that the IAEA,
15 the United States, China, Russia, France, the
16 United Kingdom, and Germany first proposed in Oc-
17 tober 2009;

18 (6) to explore areas of mutual benefit to both
19 Iran and the United States, such as regional secu-
20 rity, the long-term stabilization of Iraq and Afghani-
21 stan, the establishment of a framework for peaceful
22 nuclear energy production, other peaceful energy
23 modernization programs, and counter-narcotics ef-
24 forts; and

1 (7) that no funds appropriated or otherwise
2 made available to any executive agency of the Gov-
3 ernment of the United States may be used to carry
4 out any military operation or activity against Iran
5 unless the President determines that a military oper-
6 ation or activity is warranted and seeks express
7 prior authorization by Congress, as required under
8 article I, section 8, clause 2 of the United States
9 Constitution, which grants Congress the sole author-
10 ity to declare war, except that this requirement shall
11 not apply to a military operation or activity—

12 (A) to directly repel an offensive military
13 action launched from within the territory of
14 Iran against the United States or any ally with
15 whom the United States has a mutual defense
16 assistance agreement;

17 (B) in hot pursuit of forces that engage in
18 an offensive military action outside the territory
19 of Iran against United States forces or an ally
20 with whom the United States has a mutual de-
21 fense assistance agreement and then enter into
22 the territory of Iran; or

23 (C) to directly thwart an imminent offen-
24 sive military action to be launched from within
25 the territory of Iran against United States

1 forces or an ally with whom the United States
2 has a mutual defense assistance agreement.

3 **SEC. 4. APPOINTMENT OF HIGH-LEVEL U.S. REPRESENTA-**
4 **TIVE OR SPECIAL ENVOY.**

5 (a) APPOINTMENT.—At the earliest possible date, the
6 President, in consultation with the Secretary of State,
7 shall appoint a high-level United States representative or
8 special envoy for Iran.

9 (b) CRITERIA FOR APPOINTMENT.—The President
10 shall appoint an individual under subsection (a) on the
11 basis of the individual's knowledge and understanding of
12 the issues regarding Iran's nuclear program, experience
13 in conducting international negotiations, and ability to
14 conduct negotiations under subsection (c) with the respect
15 and trust of the parties involved in the negotiations.

16 (c) DUTIES.—The high-level United States represent-
17 ative or special envoy for Iran shall—

18 (1) seek to facilitate direct, unconditional, bilat-
19 eral negotiations with Iran for the purpose of easing
20 tensions and normalizing relations between the
21 United States and Iran;

22 (2) lead the diplomatic efforts of the Govern-
23 ment of the United States with regard to Iran;

24 (3) consult with other countries and inter-
25 national organizations, including countries in the re-

1 gion, where appropriate and when necessary to
2 achieve the purpose set forth in paragraph (1);

3 (4) act as liaison with United States and inter-
4 national intelligence agencies where appropriate and
5 when necessary to achieve the purpose set for in
6 paragraph (1); and

7 (5) ensure that the bilateral negotiations under
8 paragraph (1) complement the ongoing international
9 negotiations with Iran.

10 **SEC. __5. DUTIES OF THE SECRETARY OF STATE.**

11 (a) **ELIMINATION OF “NO CONTACT” POLICY.**—Not
12 later than 30 days after the date of enactment of this Act,
13 the Secretary of State shall rescind the “no contact” pol-
14 icy that prevents officers and employees of the Depart-
15 ment of State from making any direct contact with official
16 representatives of the Government of Iran without express
17 prior authorization from the Secretary of State.

18 (b) **OFFICE OF HIGH-LEVEL U.S. REPRESENTATIVE**
19 **OR SPECIAL ENVOY.**—Not later than 30 days after the
20 appointment of a high-level United States representative
21 or special envoy under section __4(a), the Secretary of
22 State shall establish an office in the Department of State
23 for the purpose of supporting the work of the representa-
24 tive or special envoy.

1 **SEC. __6. REPORTING TO CONGRESS.**

2 (a) REPORTS.—Not later than 60 days after the
3 high-level United States representative or special envoy for
4 Iran is appointed under section __4, and every 180 days
5 thereafter, the United States representative or special
6 envoy shall report to the committees set forth in sub-
7 section (b) on the steps that have been taken to facilitate
8 direct, bilateral diplomacy with the government of Iran
9 under section __4(c). Each such report may, when nec-
10 essary or appropriate, be submitted in classified and un-
11 classified form.

12 (b) COMMITTEES.—The committees referred to in
13 subsection (a) are—

14 (1) the Committee on Appropriations, the Com-
15 mittee on Foreign Affairs, the Committee on Armed
16 Services, and the Permanent Select Committee on
17 Intelligence of the House of Representatives; and

18 (2) the Committee on Appropriations, the Com-
19 mittee on Foreign Relations, the Committee on
20 Armed Services, and the Select Committee on Intel-
21 ligence of the Senate.

22 **SEC. __7. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to carry out
24 this subtitle such sums as may be necessary for fiscal year
25 2013.

