

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4173

To direct the President of the United States to appoint a high-level United States representative or special envoy for Iran for the purpose of ensuring that the United States pursues all diplomatic avenues to prevent Iran from acquiring a nuclear weapon, to avoid a war with Iran, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2012

Ms. LEE of California (for herself, Mr. JONES, Mr. CONYERS, Ms. WOOLSEY, Mr. KUCINICH, Ms. WATERS, Mr. STARK, Mr. ELLISON, Mr. FILNER, and Ms. JACKSON LEE of Texas) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To direct the President of the United States to appoint a high-level United States representative or special envoy for Iran for the purpose of ensuring that the United States pursues all diplomatic avenues to prevent Iran from acquiring a nuclear weapon, to avoid a war with Iran, 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Prevent Iran from Ac-  
3 quiring Nuclear Weapons and Stop War Through Diplo-  
4 macy Act”.

5 **SEC. 2. FINDINGS.**

6       Congress finds the following:

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

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

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

5           (4) Official representatives of the United States  
6           and official representatives of Iran have held only  
7           two direct, bilateral meetings in over 30 years, both  
8           of which occurred in October 2009, one on the side-  
9           lines of the United Nations Security Council negotia-  
10          tions in Geneva, and one on the sidelines of negotia-  
11          tions brokered by the United Nations International  
12          Atomic Energy Agency (referred to in this Act as  
13          the “IAEA”) in Vienna.

14          (5) All of the outstanding issues between the  
15          United States and Iran cannot be resolved instantana-  
16          neously. Resolving such issues will require a robust,  
17          sustained effort.

18          (6) Under the Department of State’s current  
19          “no contact” policy, officers and employees of the  
20          Department of State are not permitted to make any  
21          direct contact with official representatives of the  
22          Government of Iran without express prior authoriza-  
23          tion from the Secretary of State.

24          (7) On September 20, 2011, then-Chairman of  
25          the Joint Chiefs of Staff Admiral Mike Mullen,

1 called for establishing direct communications with  
2 Iran, stating, “I’m talking about any channel that’s  
3 open. We’ve not had a direct link of communication  
4 with Iran since 1979. And I think that has planted  
5 many seeds for miscalculation. When you miscalcu-  
6 late, you can escalate and misunderstand.”

7 (8) On November 8, 2011, the IAEA issued a  
8 report about Iran’s nuclear program and expressed  
9 concerns about Iran’s past and ongoing nuclear ac-  
10 tivities.

11 (9) On December 2, 2011, Secretary of Defense  
12 Leon Panetta warned that an attack on Iran would  
13 result in “an escalation that would take place that  
14 would not only involve many lives, but I think it  
15 could consume the Middle East in a confrontation  
16 and a conflict that we would regret.”

17 **SEC. 3. STATEMENT OF POLICY.**

18 It should be the policy of the United States—

19 (1) to prevent Iran from pursuing or acquiring  
20 a nuclear weapon and to resolve the concerns of the  
21 United States and of the international community  
22 about Iran’s nuclear program and Iran’s human  
23 rights obligations under international and Iranian  
24 law;

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

5           (3) to pursue sustained, direct, bilateral nego-  
6 tiations with the Government of Iran without pre-  
7 conditions in order to reduce tensions, prevent war,  
8 prevent nuclear proliferation, support human rights,  
9 and seek resolutions to issues that concern the  
10 United States and the international community;

11           (4) to utilize all diplomatic tools, including di-  
12 rect talks, targeted sanctions, Track II diplomacy,  
13 creating a special envoy described in section 4, and  
14 enlisting the support of all interested parties, for the  
15 purpose of establishing an agreement with Iran to  
16 put in place a program that includes international  
17 safeguards, guarantees, and robust transparency  
18 measures that provide for full IAEA oversight of  
19 Iran's nuclear program, including rigorous, ongoing  
20 inspections, in order to verify that Iran's nuclear  
21 program is exclusively for peaceful purposes and  
22 that Iran is not engaged in nuclear weapons work;

23           (5) to pursue opportunities to build mutual  
24 trust and to foster sustained negotiations in good  
25 faith with Iran, including pursuing a fuel swap deal

1 to remove quantities of low enriched uranium from  
2 Iran and to refuel the Tehran Research Reactor,  
3 similar to the structure of the deal that the IAEA,  
4 the United States, China, Russia, France, the  
5 United Kingdom, and Germany first proposed in Oc-  
6 tober 2009;

7 (6) to explore areas of mutual benefit to both  
8 Iran and the United States, such as regional secu-  
9 rity, the long-term stabilization of Iraq and Afghani-  
10 stan, the establishment of a framework for peaceful  
11 nuclear energy production, other peaceful energy  
12 modernization programs, and counter-narcotics ef-  
13 forts; and

14 (7) that no funds appropriated or otherwise  
15 made available to any executive agency of the Gov-  
16 ernment of the United States may be used to carry  
17 out any military operation or activity against Iran  
18 unless the President determines that a military oper-  
19 ation or activity is warranted and seeks express  
20 prior authorization by Congress, as required under  
21 article I, section 8, clause 2 of the United States  
22 Constitution, which grants Congress the sole author-  
23 ity to declare war, except that this requirement shall  
24 not apply to a military operation or activity—

1 (A) to directly repel an offensive military  
2 action launched from within the territory of  
3 Iran against the United States or any ally with  
4 whom the United States has a mutual defense  
5 assistance agreement;

6 (B) in hot pursuit of forces that engage in  
7 an offensive military action outside the territory  
8 of Iran against United States forces or an ally  
9 with whom the United States has a mutual de-  
10 fense assistance agreement and then enter into  
11 the territory of Iran; or

12 (C) to directly thwart an imminent offen-  
13 sive military action to be launched from within  
14 the territory of Iran against United States  
15 forces or an ally with whom the United States  
16 has a mutual defense assistance agreement.

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

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

23 (b) CRITERIA FOR APPOINTMENT.—The President  
24 shall appoint an individual under subsection (a) on the  
25 basis of the individual's knowledge and understanding of

1 the issues regarding Iran's nuclear program, experience  
2 in conducting international negotiations, and ability to  
3 conduct negotiations under subsection (c) with the respect  
4 and trust of the parties involved in the negotiations.

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

7 (1) seek to facilitate direct, unconditional, bilat-  
8 eral negotiations with Iran for the purpose of easing  
9 tensions and normalizing relations between the  
10 United States and Iran;

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

13 (3) consult with other countries and inter-  
14 national organizations, including countries in the re-  
15 gion, where appropriate and when necessary to  
16 achieve the purpose set forth in paragraph (1);

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

21 (5) ensure that the bilateral negotiations under  
22 paragraph (1) complement the ongoing international  
23 negotiations with Iran.



1 **SEC. 5. DUTIES OF THE SECRETARY OF STATE.**

2 (a) **ELIMINATION OF “NO CONTACT” POLICY.**—Not  
3 later than 30 days after the date of enactment of this Act,  
4 the Secretary of State shall rescind the “no contact” pol-  
5 icy that prevents officers and employees of the Depart-  
6 ment of State from making any direct contact with official  
7 representatives of the Government of Iran without express  
8 prior authorization from the Secretary of State.

9 (b) **OFFICE OF HIGH-LEVEL U.S. REPRESENTATIVE**  
10 **OR SPECIAL ENVOY.**—Not later than 30 days after the  
11 appointment of a high-level United States representative  
12 or special envoy under section 4(a), the Secretary of State  
13 shall establish an office in the Department of State for  
14 the purpose of supporting the work of the representative  
15 or special envoy.

16 **SEC. 6. REPORTING TO CONGRESS.**

17 (a) **REPORTS.**—Not later than 60 days after the  
18 high-level United States representative or special envoy for  
19 Iran is appointed under section 4, and every 180 days  
20 thereafter, the United States representative or special  
21 envoy shall report to the committees set forth in sub-  
22 section (b) on the steps that have been taken to facilitate  
23 direct, bilateral diplomacy with the government of Iran  
24 under section 4(c). Each such report may, when necessary  
25 or appropriate, be submitted in classified and unclassified  
26 form.

1 (b) COMMITTEES.—The committees referred to in  
2 subsection (a) are—

3 (1) the Committee on Appropriations, the Com-  
4 mittee on Foreign Affairs, the Committee on Armed  
5 Services, and the Permanent Select Committee on  
6 Intelligence of the House of Representatives; and

7 (2) the Committee on Appropriations, the Com-  
8 mittee on Foreign Relations, the Committee on  
9 Armed Services, and the Select Committee on Intel-  
10 ligence of the Senate.

11 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to carry out  
13 this Act such sums as may be necessary for each of fiscal  
14 years 2012 and 2013.

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