

108TH CONGRESS
1ST SESSION

S. CON. RES. 81

Expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 13 (legislative day, NOVEMBER 12), 2003

Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. LIEBERMAN, Mr. COLEMAN, Mr. LAUTENBERG, Mr. SANTORUM, Mr. FITZGERALD, and Mr. COCHRAN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

CONCURRENT RESOLUTION

Expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

Whereas, on January 1, 1968, Iran signed the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (the “Nuclear Non-Proliferation Treaty”);

Whereas by becoming a party to the Nuclear Non-Proliferation Treaty as a non-nuclear weapons state, Iran has committed itself to permanently abstaining from the development or acquisition of nuclear weapons;

Whereas, in March 2003, the Director of the International Atomic Energy Agency (IAEA) announced that Iran was constructing a facility to enrich uranium, a key component of nuclear weapons;

Whereas environmental sampling by the IAEA at Iran's Natanz nuclear facility revealed the presence of highly enriched uranium that can be used to develop nuclear weapons;

Whereas the traces of highly-enriched uranium detected by the IAEA at the Natanz facility and the Kalaye Electric Company could indicate that Iran has been secretly attempting to produce weapons-grade uranium at these facilities;

Whereas the June 6, 2003, report of the Director General of the IAEA expressed concern over the failure of the Government of Iran to report material, facilities, and activities at its nuclear facilities, including those that have the potential to enrich uranium and develop nuclear weapons, in contravention of its obligations under the safeguards agreement it signed in connection with the Nuclear Non-Proliferation Treaty;

Whereas the Board of Governors of the IAEA adopted a resolution on September 12, 2003, that called on Iran to provide the IAEA a full declaration of all imported material and components relevant to the uranium enrichment program, to grant unrestricted access, including environmental sampling, to the IAEA, to resolve questions re-

garding the conclusion of the IAEA experts who tested gas centrifuges in that country, to provide complete information regarding the conduct of uranium conversion experiments, and to provide such other information and explanations and take such other steps as the IAEA determines necessary to resolve by October 31, 2003, all outstanding issues involving Iran's nuclear materials and nuclear activities;

Whereas on October 21, 2003, the Government of Iran reached an agreement with 3 European foreign ministers in which it promised to extend full cooperation to the IAEA, sign the IAEA Additional Protocol and commence ratification procedures, comport itself in accordance with the provisions of the Model Additional Protocol prior to ratification, and voluntarily suspend all uranium enrichment and processing activities;

Whereas the 3 European governments promised a dialogue with Iran to ease Iran's access to a variety of modern technologies and supplies once certain international concerns regarding Iran are fully resolved;

Whereas, even if Iran adheres to its commitment to the European foreign ministers to suspend enriching and processing uranium, Iran has explicitly indicated that it reserves the right to resume this activity at a time of its choosing;

Whereas, although Iran has provided the IAEA with what it claims is a full statement about the nature of its nuclear activities, the IAEA has indicated it may take some months to fully evaluate the Iranian declaration, and IAEA head Mohammed El Baradei has already stated that the documents show that Iran failed to comply with

some of its commitments under the Nuclear Non-Proliferation Treaty;

Whereas Iran has not yet provided the IAEA unrestricted access to conduct inspections that the IAEA believes are necessary to resolve issues concerning Iran's nuclear program;

Whereas, on October 23, 2003, the Government of Iran provided the IAEA with a declaration that it described as a complete and accurate history of its nuclear program;

Whereas Iran's National Security Council Chief, Hassan Rouhani, stated on October 21, 2003, that Iran was not prepared to abandon its uranium enrichment program, and the Iranian Foreign Ministry indicated on October 26, 2003, that it has not yet suspended uranium enrichment but was merely studying the issue;

Whereas, in June 2003, Iran conducted a successful test of the 800-mile range Shahab-3 missile, and Iran is also seeking to produce a 1,200-mile Shahab-4 missile; and

Whereas the continuation of construction by Iran of unsafeguarded nuclear facilities, coupled with its ties to terrorist groups, will continue to constitute a severe threat to international peace and security and to vital American national interests: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring), That Congress—*

3 (1) deplores the development by Iran of a nu-
4 clear weapons program and the failure of the Gov-
5 ernment of Iran for well over a decade to report ma-
6 terial, facilities, and activities to the International

1 Atomic Energy Agency in contravention of its obli-
2 gations under the safeguards agreement it signed in
3 connection with the Treaty on the Non-Proliferation
4 of Nuclear Weapons, done at Washington, London,
5 and Moscow July 1, 1968, and entered into force
6 March 5, 1970 (hereafter in this resolution referred
7 to as the “Nuclear Non-Proliferation Treaty”);

8 (2) concurs with the view of the Department of
9 State, as delivered in testimony to the U.S.—Israel
10 Joint Parliamentary Committee on September 17,
11 2003, by the Assistant Secretary of State for
12 Verification and Compliance that the explanations
13 provided by the Government of Iran for its nuclear
14 activities are not credible;

15 (3) concurs with the conclusion reached in the
16 Department of State’s Annual Report on Adherence
17 to and Compliance with Arms Control and Non-Pro-
18 liferation Agreements and Commitments that Iran is
19 pursuing a program to develop nuclear weapons;

20 (4) acknowledges the agreement reached be-
21 tween the Government of Iran and the foreign min-
22 isters of Germany, France, and the United King-
23 dom, but questions whether it signifies a sincere and
24 lasting decision by the Government of Iran to aban-
25 don its nuclear weapons program;

1 (5) believes that Iran must come into full com-
2 pliance with its obligations;

3 (6) calls on the President to use all appropriate
4 means to prevent Iran from acquiring nuclear weap-
5 ons, including—

6 (A) urging the Government of Iran to end
7 its nuclear weapons program and comply fully
8 and unconditionally with the terms of the reso-
9 lution adopted by the Board of Governors of the
10 International Atomic Energy Agency on Sep-
11 tember 12, 2003 (hereafter in this resolution
12 referred to as the “IAEA resolution”), that
13 calls on Iran to—

14 (i) provide the Agency a full declara-
15 tion of all imported material and compo-
16 nents relevant to the uranium enrichment
17 program;

18 (ii) grant unrestricted access, includ-
19 ing environmental sampling, to the Agency;

20 (iii) resolve questions regarding the
21 conclusion of the Agency experts who test-
22 ed gas centrifuges in that country;

23 (iv) provide complete information re-
24 garding the conduct of uranium conversion
25 experiments; and

1 (v) provide such other information
2 and explanations and take such other steps
3 as the Agency determines necessary to re-
4 solve by October 31, 2003, all outstanding
5 issues involving Iran's nuclear materials
6 and nuclear activities; and

7 (B) taking such diplomatic measures as
8 are necessary to encourage other nations, espe-
9 cially Russia, France, Germany, and the United
10 Kingdom, to urge the Government of Iran to
11 fully and immediately comply with the such res-
12 olution;

13 (7) calls on Russia to—

14 (A) use all appropriate means to urge Iran
15 to accept in full the IAEA resolution;

16 (B) suspend all nuclear cooperation with
17 Iran, particularly the completion of the Bushehr
18 nuclear reactor and the delivery of fuel for that
19 reactor, until Iran fully and completely complies
20 with the IAEA resolution and fully implements
21 the Model Additional Protocol;

22 (C) insist that no fuel will be supplied to
23 the Bushehr reactor unless Iran agrees to re-
24 turn all spent fuel to Russia; and

1 (D) put into effect procedures to ensure
2 that Iran cannot divert any spent fuel;

3 (8) calls on member states of the United Na-
4 tions to prevent the Government of Iran from con-
5 tinuing to pursue and develop programs or facilities
6 that could be used in a nuclear weapons program
7 and end all nuclear cooperation with Iran, including
8 the provision of dual use items, until Iran complies
9 fully with the IAEA resolution and fully implements
10 the Model Additional Protocol;

11 (9) calls on the European Union to condition
12 economic and commercial agreements with Iran on
13 the full compliance by Iran with its commitment not
14 to pursue nuclear weapons and to stipulate that any
15 rights that Iran obtains under such agreements will
16 be immediately revoked if Iran interferes with the
17 work of the IAEA or takes any other steps to ac-
18 quire nuclear weapons;

19 (10) calls on the IAEA, in accordance with its
20 own regulations, to formally declare Iran in violation
21 of the Nuclear Non-Proliferation Treaty at its No-
22 vember 20, 2003, board meeting and refer the mat-
23 ter to the United Nations Security Council for fur-
24 ther action;

1 (11) calls on the United Nations Security Coun-
2 cil, immediately upon receiving any violations report
3 from the IAEA, to address the threat to inter-
4 national peace and security posed by Iran's nuclear
5 weapons program by passing a Security Council res-
6 olution, or take such other action that may be nec-
7 essary to impose stringent diplomatic and economic
8 sanctions against Iran; and

9 (12) calls on the Government of Iran to cease
10 all efforts to acquire nuclear fuel cycle capabilities
11 and to end the enrichment and processing of ura-
12 nium until it is able to provide specific, verifiable as-
13 surances that it is not engaged in a clandestine nu-
14 clear weapons program by—

15 (A) coming into complete and verifiable
16 compliance with its obligations under the IAEA
17 resolution, including the prompt and uncondi-
18 tional implementation of the Model Additional
19 Protocol; and

20 (B) fully meeting its obligations under the
21 Nuclear Non-Proliferation Treaty.

○