## 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

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- Atomic Energy Agency in contravention of its obligations under the safeguards agreement it signed in connection with 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 (hereafter in this resolution referred to as the "Nuclear Non-Proliferation Treaty");
  - (2) concurs with the view of the Department of State, as delivered in testimony to the U.S.—Israel Joint Parliamentary Committee on September 17, 2003, by the Assistant Secretary of State for Verification and Compliance that the explanations provided by the Government of Iran for its nuclear activities are not credible;
  - (3) concurs with the conclusion reached in the Department of State's Annual Report on Adherence to and Compliance with Arms Control and Non-Proliferation Agreements and Commitments that Iran is pursuing a program to develop nuclear weapons;
  - (4) acknowledges the agreement reached between the Government of Iran and the foreign ministers of Germany, France, and the United Kingdom, but questions whether it signifies a sincere and lasting decision by the Government of Iran to abandon its nuclear weapons program;

| 1  | (5) believes that Iran must come into full com-    |
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| 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                |
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| 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 Bushehi  |
| 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;
  - (8) calls on member states of the United Nations to prevent the Government of Iran from continuing to pursue and develop programs or facilities that could be used in a nuclear weapons program and end all nuclear cooperation with Iran, including the provision of dual use items, until Iran complies fully with the IAEA resolution and fully implements the Model Additional Protocol;
    - (9) calls on the European Union to condition economic and commercial agreements with Iran on the full compliance by Iran with its commitment not to pursue nuclear weapons and to stipulate that any rights that Iran obtains under such agreements will be immediately revoked if Iran interferes with the work of the IAEA or takes any other steps to acquire nuclear weapons;
    - (10) calls on the IAEA, in accordance with its own regulations, to formally declare Iran in violation of the Nuclear Non-Proliferation Treaty at its November 20, 2003, board meeting and refer the matter to the United Nations Security Council for further action;

| (11) calls on the United Nations Security Coun-       |
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| cil, immediately upon receiving any violations report |
| from the IAEA, to address the threat to inter-        |
| national peace and security posed by Iran's nuclear   |
| weapons program by passing a Security Council res-    |
| olution, or take such other action that may be nec-   |
| essary to impose stringent diplomatic and economic    |
| sanctions against Iran; and                           |
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- (12) calls on the Government of Iran to cease all efforts to acquire nuclear fuel cycle capabilities and to end the enrichment and processing of uranium until it is able to provide specific, verifiable assurances that it is not engaged in a clandestine nuclear weapons program by—
  - (A) coming into complete and verifiable compliance with its obligations under the IAEA resolution, including the prompt and unconditional implementation of the Model Additional Protocol; and
  - (B) fully meeting its obligations under the Nuclear Non-Proliferation Treaty.

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