

Whereas it is the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran of any goods or technology, including... (Engrossed as Agreed to or Passed by Senate)

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CONCURRENT RESOLUTION

Whereas it is the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran of any goods or technology, including dual-use goods or technology, wherever that transfer could contribute to its acquiring chemical, biological, or nuclear weapons;

Whereas the United Nations Security Council decided, in United Nations Security Council Resolution 1540, that 'all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical, or biological weapons and their means of delivery';

Whereas the United States has imposed sanctions numerous times on persons and entities transferring equipment and technical data to Iran to assist its weapons of mass destruction programs;

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 Iran, as a party to the Nuclear Non-Proliferation Treaty as a non-nuclear weapons state, is obligated never to develop or acquire nuclear weapons;

Whereas Iran did not declare to the International Atomic Energy Agency (IAEA) the existence of the Natanz Pilot Fuel Enrichment Plant and the production-scale Fuel Enrichment Facility under construction at Natanz until February 2003, after the existence of the plant and facility was revealed by an opposition group;

Whereas it is estimated that the Natanz Pilot Fuel Enrichment Plant could produce enough highly enriched uranium for a nuclear weapon every year-and-a-half to two years;

Whereas it is estimated that the Natanz Fuel Enrichment Facility could, when completed, produce enough highly enriched uranium for as many as 25 to 30 nuclear weapons per year;

Whereas in his report of June 6, 2003, the Director General of the IAEA stated that Iran had failed to meet its obligations under its Safeguards Agreement with the IAEA to report all nuclear material imported into Iran--specifically, the importation of uranium hexafluoride, uranium tetrafluoride and uranium dioxide in 1991--the processing and use of that material, and the facilities involved in the use and processing of the material;

Whereas the IAEA Director General stated in the same report that Iran had produced uranium metal and was building a uranium metal processing facility, despite the fact that neither its light water reactors nor its planned heavy water reactors require uranium metal for fuel;

Whereas the IAEA Board of Governors urged Iran in June 2003 to promptly rectify its failures to meet its obligations under its Safeguards Agreement, not to introduce nuclear material into the Natanz Pilot Fuel Enrichment Plant, and to cooperate fully with the Agency in resolving questions about its nuclear activities;

Whereas the IAEA Director General reported to the Board of Governors of the IAEA in August 2003 that Iran had failed to disclose additional nuclear activities as required by its Safeguards Agreement and continued to fail to resolve questions about its undeclared uranium enrichment activities, including those raised by the detection of two types of highly enriched uranium particles at the Natanz Pilot Fuel Enrichment Plant;

Whereas on August 19, 2003, after earlier denials, Iran admitted in a letter that it had carried out uranium conversion experiments in the early 1990's, experiments that included bench scale preparation of uranium compounds and that should have been disclosed to the IAEA in accordance with its obligations under its Safeguards Agreement;

Whereas the IAEA Board of Governors on September 12, 2003, called on Iran to suspend all further uranium enrichment and any plutonium reprocessing activities, disclose all its nuclear activities, and cooperate fully with the IAEA, and to sign, ratify, and fully implement the Additional Protocol between Iran and the IAEA for the application of safeguards (the 'Additional Protocol') to strengthen investigation of all nuclear activities within Iran, and requested all third countries to cooperate closely and fully with the IAEA in resolving questions about Iran's nuclear program;

Whereas IAEA inspectors and officials continued to confront Iran with discrepancies in its explanations of its nuclear activities;

Whereas on October 21, 2003, Iran and the Foreign Ministers of France, Germany, and the United Kingdom issued a joint statement in which Iran indicated that it had decided to suspend all uranium enrichment and reprocessing activities as defined by the IAEA;

Whereas the Governments of France, Germany, and the United Kingdom promised a dialogue with Iran to ease Iran's access to modern technologies and supplies in a range of areas once certain international concerns regarding Iran are fully resolved;

Whereas in a subsequent letter on October 23, 2003, Iran further admitted that it had tested uranium enrichment centrifuges at the Kalaye Electric Company between 1998 and 2002 using its previously undeclared imported uranium hexafluoride;

Whereas in that same letter, Iran admitted that it had a laser uranium enrichment program, in which it used 30 kilograms of uranium not previously declared to the IAEA, another violation of its Safeguards Agreement;

Whereas Iran indicated initially that its laser enrichment program had achieved uranium enrichment levels of slightly more than 3 percent, but the Director General's report of June 1, 2004, states that the IAEA later learned that Iran 'had been able to achieve average enrichment levels of 8 percent to 9 percent, with some samples of up to approximately 15 percent';

Whereas the June 1, 2004, report states also that Iran's declaration of October 21, 2003, failed to include information that should have been provided, including the fact that 'some samples from' the laser uranium enrichment project 'had been sent for assessment to the supplier's laboratory';

Whereas in its letter of October 23, 2003, Iran also admitted that it had irradiated 7 kilograms of uranium dioxide targets and reprocessed them to extract plutonium, another violation of its legal obligation to disclose such activities under its Safeguards Agreement;

Whereas Iran told the IAEA on November 10, 2003, that it would sign and ratify the Additional Protocol and would act in accordance with the Additional Protocol pending its entry-into-force;

Whereas on November 10, 2003, Iran further informed the IAEA Director General that it had decided to suspend all enrichment and reprocessing activities in Iran, not to produce feed material for enrichment processes, and not to import enrichment related items;

Whereas the IAEA, through its investigative and forensic activities in Iran and elsewhere, has uncovered and confronted Iran about numerous lies concerning its nuclear activities;

Whereas the Director General of the IAEA reported to the IAEA Board of Governors on November 10, 2003, that Iran has concealed many aspects of its nuclear activities from the IAEA, in breach of its obligations under its Safeguards Agreement;

Whereas despite Iran's subsequent pledge to, once again, fully disclose all of its nuclear activities to the IAEA, the Director General of the IAEA, in a February 24, 2004, report, found that Iran continued to engage in deception regarding its nuclear activities, including failing to disclose a more sophisticated enrichment program using more advanced enrichment centrifuge technology imported from foreign sources, and providing incomplete and unsupported explanations about experiments to create a highly toxic isotope of polonium that outside experts say is useful as a neutron initiator in nuclear weapons;

Whereas the Director General's reports of February 24, 2001, and June 1, 2004, stated that environmental samples from one room at the Kalaye Electric Company workshop and from equipment that had been present in that workshop showed more than trace quantities of uranium enriched to 36 percent U-235, despite finding only negligible traces of this on imported centrifuge components, and that the types of uranium contamination at that workshop differed from those found at Natanz, which would appear to contradict Iran's assertion that the source of contamination at both sites is imported centrifuge components and perhaps also its assertion that it has not enriched uranium to more than 1.2 percent U-235 using centrifuge technology;

Whereas the Director General stated in the June 1, 2004, report, that 'the contamination is different on domestic and imported centrifuges,' that 'it is unlikely' that the 36 percent U-235 contamination was due to components acquired from Iran's principal supplier country, and that 'important information about the P-2 centrifuge programme has frequently required repeated requests, and in some cases continues to involve changing or contradictory information';

Whereas these deceptions by Iran are continuing violations of Iran's Safeguards Agreement and of Iran's previous assurances to the IAEA and the international community of full transparency;

Whereas despite Iran's commitment to the IAEA and to France, Germany, and the United Kingdom that it would suspend uranium enrichment activities, it has repeatedly emphasized that this suspension is temporary and continued to manufacture and, until April 2004, to import, uranium enrichment centrifuge parts and equipment, allowing it to resume and expand its uranium enrichment activities whenever it chooses;

Whereas the statements on February 25, 2004, of Hassan Rowhani, Secretary of the Supreme National Security Council of Iran, that Iran was not

required to reveal to the IAEA its research into more sophisticated 'P2' uranium enrichment centrifuges, and that Iran has other projects which it has no intention of declaring to the IAEA, are contrary to--

- (1) Iran's commitment to the IAEA in an October 16, 2003, letter from the Vice President of Iran and the President of Iran's Atomic Energy Organization that Iran would present a 'full picture of its nuclear activities' and 'full transparency';
- (2) Iran's commitment to the foreign ministers of the United Kingdom, France, and Germany of October 21, 2003, to full transparency and to resolve all outstanding issues; and
- (3) its statement to the IAEA's Board of Governors of September 12, 2003, of its commitment to full transparency and to 'leave no stone unturned' to assure the IAEA of its peaceful objectives;

Whereas Libya received enrichment equipment and technology, and a nuclear weapons design, from the same nuclear black market that Iran has used, raising the question of whether Iran, as well, received a nuclear weapon design that it has refused to reveal to international inspectors;

Whereas the Russian Federation has announced that it will soon conclude an agreement to supply Iran with enriched nuclear fuel for the Bushehr nuclear power reactor, which, if implemented, would undercut the international effort to persuade Iran to cease its nuclear weapons development program;

Whereas the IAEA Board of Governors' resolution of March 13, 2004, which was adopted unanimously, noted with 'serious concern that the declarations made by Iran in October 2003 did not amount to the complete and final picture of Iran's past and present nuclear programme considered essential by the Board's November 2003 resolution,' and also noted that the IAEA has discovered that Iran had hidden more advanced centrifuge associated research, manufacturing, and testing activities, two mass spectrometers used in the laser enrichment program, and designs for hot cells to handle highly radioactive materials;

Whereas the same resolution also noted 'with equal concern that Iran has not resolved all questions regarding the development of its enrichment technology to its current extent, and that a number of other questions remain unresolved, including the sources of all HEU contamination in Iran; the location, extent and nature of work undertaken on the basis of the advanced centrifuge design; the nature, extent, and purpose of activities involving the planned heavy-water reactor; and evidence to support claims regarding the purpose of polonium-210 experiments';

Whereas Hassan Rowhani on March 13, 2004, declared that IAEA inspections would be indefinitely suspended as a protest against the IAEA Board of Governors' resolution of March 13, 2004, and while Iran subsequently

agreed to readmit inspectors to one site by March 29, 2004 , and to others in mid-April, 2004 , including four workshops belonging to the Defence Industries Organization, this suspension calls into serious question Iran's commitment to full transparency about its nuclear activities;

Whereas Iran informed the IAEA on April 29, 2004 , of its intent to produce uranium hexafluoride in amounts that the IAEA concluded would constitute production of feed material for uranium centrifuges and wrote in a letter of May 18, 2004 , that its suspension of all uranium enrichment activities ' does not include suspension of production of UF₆,' which contradicted assurances provided in its letter of November 10, 2003;

Whereas the IAEA Board of Governors' resolution of June 18, 2004 , which was also adopted unanimously, ' deplors' the fact that ' Iran's cooperation has not been as full, timely and proactive as it should have been' and ' underlines that, with the passage of time, it is becoming ever more important that Iran work proactively to enable the Agency to gain a full understanding of Iran's enrichment programme by providing all relevant information, as well as by providing prompt access to all relevant places, data and persons';

Whereas the same resolution also expresses regret that Iran's suspension ' commitments have not been comprehensively implemented and calls on Iran immediately to correct all remaining shortcomings';

Whereas the same resolution also calls on Iran, as further confidence-building measures, voluntarily to reconsider its decision to begin production testing at the Uranium Conversion Facility and its decision to start construction of a research reactor moderated by heavy water, as the reversal of those decisions would make it easier for Iran to restore international confidence undermined by past reports of undeclared nuclear activities in Iran;

Whereas Iran then announced its decision to resume production of centrifuge components, notwithstanding both the IAEA Board of Governors resolution of September 12, 2003, which called on Iran ' to suspend all further uranium enrichment-related activities,' and Iran's voluntary suspension of all uranium enrichment activities pursuant to its agreement of October 21, 2003, with the foreign ministers of the United Kingdom, France, and Germany;

Whereas Iran's pattern of deception and concealment in dealing with the IAEA, the Foreign Ministers of France, Germany, and the United Kingdom, and the international community, its receipt from other countries of the means to enrich uranium, its use of sources who provided a nuclear weapon design to another country, its production of centrifuge components at Defence Industries Organization workshops, and its repeated breaches of its Safeguards Agreement suggest strongly that Iran has also violated its legal

obligation under article II of the Nuclear Non-Proliferation Treaty not to acquire or seek assistance in acquiring nuclear weapons; and

Whereas the maintenance or construction by Iran of unsafeguarded nuclear facilities or uranium enrichment or reprocessing facilities will continue to endanger the maintenance of international peace and security and threaten United States national interests: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),
That Congress--

(1) condemns--

(A) the failure of the Government of Iran for nearly two decades to report material, facilities, and activities to the International Atomic Energy Agency (IAEA) in contravention of its obligations under its Safeguards Agreement; and

(B) Iran's continuing deceptions and falsehoods to the IAEA and the international community about its nuclear programs and activities;

(2) 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;

(3) urges the President to provide to the IAEA whatever financial, material, or intelligence resources are necessary to enable the IAEA to fully investigate Iran's nuclear activities;

(4) calls upon all states party to 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'), including the United States, to use appropriate means to prevent Iran from acquiring nuclear weapons, including the suspension of all nuclear and other cooperation with Iran, including the provision of dual use items, until Iran fully implements the Additional Protocol to its Safeguards Agreement with the IAEA (hereafter in this resolution referred to as the `Additional Protocol') and is clearly in compliance with its obligations under the Nuclear Non-Proliferation Treaty;

(5) declares that Iran, through its many breaches during the past 18 years of its Safeguards Agreement with the IAEA, has forfeited the right to be trusted with the development of a full nuclear fuel cycle, especially with uranium conversion and enrichment and plutonium reprocessing technology, equipment, and facilities;

(6) declares that the revelations of Iran's nondisclosure of additional enrichment and nuclear-weapons-applicable research

activities, as detailed in the reports of February 24, 2004 , and June 1, 2004 , by the Director General of the IAEA, together with the statement by the Government of Iran that it will not disclose other research programs, constitute ample evidence of Iran's continuing policy of noncompliance with the letter and spirit of its obligations under its Safeguards Agreement and the Additional Protocol;

(7) recognizes, in contrast with Iran's behavior, the positive example of Libya's decision to renounce and dismantle its nuclear weapons program and to provide full, complete, and transparent disclosure of all its nuclear activities, which has enabled the IAEA to rapidly understand and verify with high confidence the extent and scope of Libya's program and has led to the establishment of direct diplomatic relations with Libya, the gradual lifting of U.S. sanctions, and the establishment of cooperative programs between the United States and Libya;

(8) foresees a similar future for Iran, once that country renounces and dismantles its weapons of mass destruction and long-range ballistic missile programs and renounces its support for international terrorist organizations;

(9) notes the assistance that the United States has provided to southeastern Iran since the Bam earthquake on December 26, 2003;

(10) calls upon Iran to immediately and permanently cease all efforts to acquire sensitive nuclear fuel cycle capabilities, in particular all uranium enrichment activities, including importing, manufacturing, and testing of related equipment;

(11) urges Iran to comply with its international commitments and to rescind its decisions--

(A) to manufacture and construct centrifuges;

(B) to produce feed material that could be used in those centrifuges; and

(C) to construct a heavy-water moderated reactor that could be used for plutonium production;

(12) calls upon Iran to honor its stated commitments and legal obligations--

(A) to grant IAEA inspectors prompt, full and unrestricted access;

(B) to cooperate fully with the investigation of its nuclear activities; and

(C) to demonstrate a new openness and honesty about all its nuclear programs;

(13) welcomes the June 26, 2004 , declaration at the United States-E.U. Summit in Shannon, Ireland, in which the European Union and the United States pledged to implement United Nations Security Council Resolution 1540, which identifies actions states should take--

(A) to stop the proliferation of weapons of mass destruction;

(B) to establish new measures in accordance with the G8 Action Plan on Non-Proliferation, announced June 9, 2004, at the G8 Summit in Sea Island, Georgia; and

(C) to preserve the integrity of the Nuclear Non-Proliferation Treaty;

(14) urges close cooperation between the United States and the European Union in accordance with the reaffirmation in their June 26, 2004, declaration of 'the IAEA Board of Governors' Iran resolutions, which deplore Iran's insufficient cooperation and call on Iran, inter alia, to cooperate fully and in a timely and proactive manner, with IAEA investigation of its nuclear programme and suspend all enrichment-related and reprocessing activities';

(15) calls upon the members of the European Union not to resume discussions with Iran on multilateral trade agreements until the IAEA Director General reports that Iran has suspended all nuclear weapons development activity, and not to implement such trade agreements until Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(16) further calls upon the members of the European Union to undertake such additional measures, including imposing sanctions and sponsoring an IAEA Board of Governors report on non-compliance pursuant to Article XII of the IAEA Statute, as may be necessary to persuade Iran to cease all nuclear weapons development activity and to fulfill its obligations and commitments to the IAEA;

(17) in light of ongoing revelations of the noncompliance of the Government of Iran regarding its obligations under the Nuclear Non-Proliferation Treaty and pledges to the IAEA, and in light of the consequent and ongoing questions and concerns of the IAEA, the United States, and the international community regarding Iran's nuclear activities--

(A) urges Japan to ensure that Japanese commercial entities not proceed with the development of Iran's Azadegan oil field;

(B) urges France and Malaysia to ensure that French and Malaysian commercial entities not proceed with their agreement for further cooperation in expanding Iran's liquid natural gas production field;

(C) calls on all countries to intercede with their commercial entities to ensure that these entities refrain from or suspend all investment and investment-related activities that support Iran's energy industry; and

(D) 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 to end all nuclear cooperation with Iran, including the provision of dual use items, until Iran complies fully with its Safeguards Agreement with the IAEA and its obligations under the Nuclear Non-Proliferation Treaty;

(18) deplores any effort by any country to provide nuclear power-related assistance to Iran at this time, and calls upon Russia--

(A) to use all appropriate means to urge Iran to meet fully its obligations and commitments to the IAEA; and
(B) to suspend nuclear cooperation with Iran and not conclude a nuclear fuel supply agreement for the Bushehr reactor that would enter into force before Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(19) calls upon the governments of the countries whose nationals and corporations are implicated in assisting Iranian nuclear activities, including Pakistan, Malaysia, the United Arab Emirates, and Germany--

(A) to fully investigate such assistance;
(B) to grant the IAEA all necessary access to individuals, sites, and information related to the investigations;
(C) to take all appropriate action against such nationals and corporations under the laws of those countries; and
(D) to immediately review and rectify their export control laws, regulations, and practices in order to prevent further assistance to countries pursuing nuclear programs that could support the development of nuclear weapons;

(20) urges the IAEA Board of Governors, in accordance with Article XII of the IAEA Statute--

(A) to report to the United Nations Security Council that Iran has been in noncompliance with its agreements with the IAEA; and
(B) as appropriate, to specify areas in which Iran continues to be in noncompliance with its agreements with the IAEA or with the Nuclear Non-Proliferation Treaty, or in which its compliance is uncertain;

(21) urges the United Nations Security Council, bearing in mind its decision in Resolution 1540 that the 'proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,' to consider measures necessary--

(A) to support the inspection efforts by the IAEA; and

(B) to prevent Iran from further engaging in clandestine nuclear activities;

(22) further urges the United Nations Security Council, immediately upon receiving any report from the IAEA regarding the continuing non-compliance of Iran with its obligations, to address the threat to international peace and security posed by Iran's nuclear weapons program and take such action as may be necessary under Article 39, Article 40, and Article 41 of the Charter of the United Nations;

(23) urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, and other relevant international entities to declare that non-nuclear-weapon states under the Nuclear Non-Proliferation Treaty that commit significant violations of their safeguards agreements regarding uranium enrichment or plutonium reprocessing or engage in activities intended to support a military nuclear program thereby forfeit their right under the Nuclear Non-Proliferation Treaty to engage in nuclear fuel-cycle activities;

(24) further urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, the International Atomic Energy Agency, other relevant international entities, and all states party to the Nuclear Non-Proliferation Treaty, including the United States, to seek consensus, no later than the 2005 Nuclear Non-Proliferation Treaty Review Conference in Geneva, Switzerland, on the best and most equitable means to limit the right of non-nuclear weapons states to engage in those nuclear fuel cycle activities that could contribute to the development of nuclear weapons, while providing those states assured and affordable access to--

(A) nuclear reactor fuel and other materials used in peaceful nuclear activities; and

(B) spent fuel management; and

(25) urges the President to keep Congress fully and currently informed concerning the matters addressed in this resolution.

Passed the Senate July 22 , 2004 .