

Condemning the Government of Iran for violating its international nuclear nonproliferation obligations and expressing support for efforts to report Iran to the United Nations Security... (Engrossed as Agreed to or Passed by House)

109th CONGRESS
2d Session
H. CON. RES. 341
CONCURRENT RESOLUTION

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Whereas Iran is a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968 (commonly referred to as the `Nuclear Non-Proliferation Treaty'), under which Iran is obligated, pursuant to Article II of the Treaty, `not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices';

Whereas Iran signed the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non- Proliferation of Nuclear Weapons, done at Vienna June 19, 1973 (commonly referred to as the `Safeguards Agreement'), which requires Iran to report the importation and use of nuclear material, to declare nuclear facilities, and to accept safeguards on nuclear materials and activities to ensure that such materials and activities are not diverted to any military purpose and are used for peaceful purposes and activities;

Whereas the International Atomic Energy Agency (IAEA) reported in November 2003 that Iran had been developing an undeclared nuclear enrichment program for 18 years and had covertly imported nuclear material and equipment, carried out over 110 unreported experiments to produce uranium metal, separated plutonium, and concealed many other aspects of its nuclear facilities and activities;

Whereas the Government of Iran informed the Director General of the IAEA on November 10, 2003, of its decision to suspend enrichment-related and reprocessing activities, and stated that the suspension would cover all activities at the Natanz enrichment facility, the production of all feed material for enrichment, and the importation of any enrichment-related items;

Whereas in a Note Verbale dated December 29, 2003, the Government of Iran specified the scope of suspension of its enrichment and reprocessing activities, which the IAEA was invited to verify, including the suspension of the operation or testing of any centrifuges, either with or without nuclear material, at the Pilot Fuel Enrichment Plant at Natanz, the suspension of further introduction of nuclear material into any centrifuges, the suspension of the installation of new centrifuges at the Pilot Fuel Enrichment Plant and the installation of centrifuges at the Fuel Enrichment Plant at Natanz, and, to the extent practicable, the withdrawal of nuclear material from any centrifuge enrichment facility;

Whereas on February 24, 2004, the Government of Iran informed the IAEA of its decision to expand the scope and clarify the nature of its decision to suspend to the furthest extent possible the assembly and testing of centrifuges and the domestic manufacture of centrifuge components, including those related to existing contracts, informed the IAEA that any components that are manufactured under existing contracts that cannot be suspended will be stored and placed under IAEA seal, invited the IAEA to verify these measures, and confirmed that the suspension of enrichment activities applied to all facilities in Iran;

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';

Whereas in November 2004, the Governments of the United Kingdom, France, and Germany entered into an agreement with Iran on Iran's nuclear program (commonly referred to as the 'Paris Agreement'), securing a formal commitment from the Government of Iran to voluntarily suspend uranium enrichment operations in exchange for discussions on economic, technological, political, and security issues;

Whereas on August 29, 2005, Iran's Atomic Energy Organization announced it has mastered the technique of using biotechnology to extract purer uranium, adding that this method `substantially decreases the cost . . . in the process that leads to the production of yellowcake', which is a part of the early stages of the nuclear fuel cycle;

Whereas Article XII.C of the Statute of the IAEA requires the IAEA Board of Governors to report the noncompliance of any member of the IAEA with its IAEA safeguards obligations to all members and to the Security Council and General Assembly of the United Nations;

Whereas Article III.B-4 of the Statute of the IAEA specifies that `if in connection with the activities of the Agency there should arise questions that are within the competence of the Security Council, the Agency shall notify the Security Council, as the organ bearing the main responsibility for the maintenance of international peace and security';

Whereas on September 24, 2005, the IAEA Board of Governors adopted a resolution finding that Iran's many failures and breaches of its obligations to comply with the Safeguards Agreement constitute noncompliance in the context of Article XII.C of the Statute of the IAEA and that matters concerning Iran's nuclear program have given rise to questions that are within the competence of the Security Council as the organ bearing the primary responsibility for the maintenance of international peace and security;

Whereas President of Iran Mahmoud Ahmadinejad expressed, in an October 26, 2005, speech, his hope for `a world without America' and his desire `to wipe Israel off the map' and has subsequently denied the existence of the Holocaust;

Whereas on January 3, 2006, the Government of Iran announced that it planned to restart its nuclear research efforts;

Whereas in January 2006, Iranian officials, in the presence of IAEA inspectors, began to remove IAEA seals from the enrichment facility in Natanz, Iran;

Whereas Secretary of State Condoleezza Rice stated, `[i]t is obvious that if Iran cannot be brought to live up to its international obligations, in fact, the IAEA Statute would indicate that Iran would have to be referred to the U.N. Security Council';

Whereas President Ahmadinejad stated, `The Iranian government and nation has no fear of the Western ballyhoo and will continue its nuclear programs with decisiveness and wisdom.';

Whereas the United States joined with the Governments of Britain, France, and Germany in calling for a meeting of the IAEA Board of Governors to discuss Iran's noncompliance with its IAEA safeguards obligations;

Whereas on February 4, 2006, Resolution GOV/2006/14 of the IAEA Board of Governors relayed an `absence of confidence that Iran's nuclear programme is exclusively for peaceful purposes resulting from the history of concealment of Iran's nuclear activities, the nature of those activities and other issues arising from the Agency's verification of declarations made by Iran since September 2002';

Whereas Resolution GOV/2006/14 further expressed `serious concern that the Agency is not yet in a position to clarify some important issues relating to Iran's nuclear programme, including the fact that Iran has in its possession a document on the production of uranium metal hemispheres, since, as reported by the Secretariat, this process is related to the fabrication of nuclear weapon components';

Whereas on February 4, 2006, the IAEA Board of Governors reported Iran's noncompliance with its IAEA safeguards obligations to the Security Council;

Whereas Iran has, since February 4, 2006, taken additional steps confirming its unwillingness to comply with its nuclear nonproliferation obligations; and

Whereas Iran has been designated a state sponsor of terrorism for over two decades and the Department of State has declared in its most recent Country Reports on Terrorism that Iran `remained the most active state sponsor of terrorism': Now, therefore, be it

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

(1) condemns in the strongest possible terms the many breaches and failures of the Government of Iran to comply faithfully with its nuclear nonproliferation obligations, including its obligations under the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna June 19, 1973 (commonly referred to as the `Safeguards Agreement'), as reported by the Director General of the IAEA to the IAEA Board of Governors since 2003;

(2) commends the efforts of the Governments of France, Germany, and the United Kingdom to seek a meaningful and credible suspension of Iran's enrichment- and reprocessing-related activities and to find a diplomatic means to address the non-compliance of the Government of Iran with its obligations, requirements, and commitments related to nuclear nonproliferation;

(3) calls on all members of the United Nations Security Council, in particular the Russian Federation and the People's Republic of China, to expeditiously consider and take action in response to the report of Iran's noncompliance in fulfillment of the mandate of the Security Council to respond to and deal with situations bearing on the maintenance of international peace and security;

(4) declares that Iran, through its many breaches for almost 20 years of its obligations under the Safeguards Agreement, has forfeited the right to develop any aspect of a nuclear fuel cycle, especially with uranium conversion and enrichment and plutonium reprocessing technology, equipment, and facilities;

(5) calls on all responsible members of the international community to impose economic sanctions designed to deny Iran the ability to develop nuclear weapons; and

(6) urges the President to keep Congress fully and currently informed concerning Iran's violation of its international nuclear nonproliferation obligations.

Passed the House of Representatives February 16, 2006.