

108TH CONGRESS
2D SESSION

H. CON. RES. 398

CONCURRENT RESOLUTION

Expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

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Whereas the United States has for years attempted to alert the international community to Iran's covert nuclear activities in support of an intention to develop a nuclear weapon, contrary to its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT);

Whereas Iran's covert activities to develop the means to produce nuclear weapons are finally beginning to be revealed to the international community;

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 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 25–30 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 from China in 1991—the processing and use of that material, and the facilities involved in the use and processing of the material;

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 in August 2003 that, after further investigation, Iran 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;

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 Agency, and to sign, ratify, and fully implement the Additional Protocol between Iran and the IAEA for the application of safeguards to strengthen investigation of all nuclear activities within Iran, and requested all third countries to cooperate closely and fully with the Agency 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 9, 2003, in a letter to the Director General of the IAEA, Iran finally confirmed that it had conducted research on uranium conversion processes at the Esfahan Nuclear Technology Centre and the Tehran Nuclear Research Centre, despite its earlier denials of such 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 this statement also foresaw the provision of unspecified nuclear technical cooperation once Iran had satisfied international concerns about its nuclear development program;

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 from China;

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

Whereas in that same letter, Iran also admitted that it had irradiated 7 kg 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 agreement for further safeguards, and would act in accordance with the Additional Protocol pending its full 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 in numerous lies about 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, which constituted breaches 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 his report of February 24, 2004, 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 noncredible explanations involving experiments to create a highly toxic isotope of polonium that is useful as a neutron initiator in nuclear weapons and a firm indicator of a nuclear weapons development program;

Whereas these deceptions by Iran were continuing violations of Iran's Safeguards Agreement and of Iran's previous assurances to the IAEA and the international community for 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 import and manufacture 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 a letter on October 16, 2003, by the Vice President of Iran and President of Iran’s Atomic Energy Organization that Iran would present a “full picture of its nuclear activities” and “full transparency”;

(2) its 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 it is abundantly clear that Iran remains committed to a nuclear weapons program;

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 Ministry of the Atomic Energy of the Russian Federation has recently announced that it will soon conclude an agreement to supply Iran with enriched nuclear fuel for the Bushehr nuclear power reactor, ignoring the need to sanction Iran to persuade it 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 Agency 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 by March 27, 2004, this suspension calls into serious question Iran's commitment to full transparency about its nuclear activities; and

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, and its repeated breaches of its IAEA Safeguards Agreement, indicate that Iran has also violated its legal obligation under article II of the NPT not to acquire or seek assistance in acquiring nuclear weapons: Now, therefore, be it

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

3 (1) condemns in the strongest possible terms
4 Iran's continuing deceptions and falsehoods to the
5 International Atomic Energy Agency (IAEA) and
6 the international community about its nuclear pro-
7 grams and activities;

8 (2) calls upon all State Parties to the Treaty on
9 the Non-Proliferation of Nuclear Weapons (NPT),
10 including the United States, to use all appropriate
11 means to deter, dissuade, and prevent Iran from ac-
12 quiring nuclear weapons, including ending all nu-
13 clear and other cooperation with Iran (including the
14 provision of dual use items), until Iran fully imple-
15 ments the Additional Protocol between Iran and the
16 IAEA for the application of safeguards;

17 (3) declares that Iran, through its many
18 breaches for 18 years of its Safeguards Agreement
19 with the IAEA, has forfeited the right to be trusted
20 with development of a nuclear fuel cycle, especially

1 with uranium conversion and enrichment and pluto-
2 nium reprocessing technology, equipment, and facili-
3 ties;

4 (4) declares that the recent revelations of Iran's
5 nondisclosure of additional enrichment and nuclear-
6 weapons-applicable research activities, as detailed in
7 the report of February 24, 2004, by the Director
8 General of the IAEA, along with the statement by
9 the Government of Iran that it will not disclose
10 other research programs, constitute ample evidence
11 of Iran's continuing policy of noncompliance with
12 the letter and spirit of its obligations under its Safe-
13 guards Agreement and the Additional Protocol;

14 (5) demands that Iran immediately and perma-
15 nently cease all efforts to acquire nuclear fuel cycle
16 capabilities and to immediately, unconditionally, and
17 permanently cease all nuclear enrichment activities,
18 including manufacturing and importing related
19 equipment;

20 (6) demands that Iran honor its stated commit-
21 ments and legal obligations to grant the IAEA in-
22 spectors full unrestricted access and cooperate fully
23 with the investigation of its nuclear activities and
24 demonstrate a new openness and honesty about all
25 its nuclear programs;

1 (7) contrasts Iran’s behavior with Libya’s, in
2 which Libya’s decision to renounce and dismantle its
3 nuclear weapons program and to provide full, com-
4 plete, and transparent disclosure of all its nuclear
5 activities has enabled the IAEA to rapidly under-
6 stand and verify with high confidence the extent and
7 scope of Libya’s program;

8 (8) calls upon the members of the European
9 Union not to resume discussions with Iran on multi-
10 lateral trade agreements until such time that Iran
11 has verifiably and permanently ceased all nuclear
12 weapons development activity, including a permanent
13 cessation of uranium conversion and enrichment and
14 plutonium reprocessing activities;

15 (9) further calls upon the European Union to
16 consider what further measures, including sanctions,
17 may be necessary to persuade Iran to fulfill its obli-
18 gations and commitments to the IAEA;

19 (10) in light of ongoing revelations of the non-
20 compliance of the Government of Iran regarding its
21 obligations under the NPT and pledges to the IAEA,
22 and in light of the consequent and ongoing questions
23 and concerns of the IAEA, the United States, and
24 the international community regarding Iran’s mili-
25 tary nuclear activities—

1 (A) urges Japan to ensure that Japanese
2 commercial entities not proceed with the devel-
3 opment of Iran's Azadegan oil field;

4 (B) urges France and Malaysia to ensure
5 that French and Malaysian commercial entities
6 not proceed with their agreement for further co-
7 operation in expanding Iran's liquid natural gas
8 production field;

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

14 (D) calls on the President to enforce the
15 provisions of the Iran and Libya Sanctions Act
16 of 1996 to discourage foreign commercial enti-
17 ties from investing in Iran's energy industry;

18 (11) deplores any effort by any country to pro-
19 vide any nuclear power-related assistance whatsoever
20 to Iran, and calls upon Russia to suspend nuclear
21 cooperation with Iran and not conclude a nuclear
22 fuel supply agreement for the Bushehr reactor, until
23 the conditions of paragraph (8) are satisfied;

24 (12) calls upon the governments of the coun-
25 tries whose nationals and corporations are impli-

1 cated in assisting Iranian nuclear activities, espe-
2 cially Pakistan, Malaysia, the United Arab Emir-
3 ates, and Germany, to fully investigate such assist-
4 ance, to grant the IAEA full access to individuals,
5 sites, and all information related to the investiga-
6 tions, and to immediately review and rectify their ex-
7 port control laws, regulations, and practices in order
8 to prevent further assistance to countries seeking to
9 develop nuclear programs that could support the de-
10 velopment of nuclear weapons;

11 (13) urges the IAEA Board of Governors, at its
12 earliest opportunity, to report to the United Nations
13 Security Council that Iran is in noncompliance with
14 its agreements with the IAEA;

15 (14) urges the President of the United States
16 to provide whatever financial, material, or intel-
17 ligence resources are necessary to the IAEA to en-
18 able it to fully investigate Iran's nuclear activities;

19 (15) urges the United Nations Security Council,
20 the Nuclear Suppliers Group, the Zangger Com-
21 mittee, and other relevant international entities to
22 declare that non-nuclear-weapon states under the
23 Treaty on the Non-Proliferation of Nuclear Weapons
24 (NPT), who commit violations of their safeguards
25 agreements regarding uranium enrichment or pluto-

1 nium reprocessing, or engage in activities which
2 could support a military nuclear program, thereby
3 forfeit their right under the NPT to engage in nu-
4 clear fuel-cycle activities;

5 (16) further urges the United Nations Security
6 Council to consider measures necessary to support
7 the inspection efforts by the IAEA and to prevent
8 Iran from further engaging in clandestine nuclear
9 activities; and

10 (17) urges the President to keep the Congress
11 fully and currently informed concerning the matters
12 addressed in this resolution.

Passed the House of Representatives May 6, 2004.

Attest:

Clerk.