

109TH CONGRESS
2^D SESSION

S. CON. RES. 78

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 Council.

IN THE SENATE OF THE UNITED STATES

JANUARY 27, 2006

Mr. FRIST (for himself, Mr. REID, Mr. ALLARD, Mr. ALLEN, Mr. BIDEN, Mr. BROWNBACK, Mr. BURR, Mrs. CLINTON, Mr. COLEMAN, Mr. CRAPO, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HAGEL, Mr. KYL, Mr. LIEBERMAN, Mr. LUGAR, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. SANTORUM, Mr. SCHUMER, Mr. TALENT, Mr. WARNER, Mr. MCCAIN, Mr. VOINOVICH, Mr. DODD, Ms. CANTWELL, Mrs. BOXER, Mr. FEINGOLD, Mr. KERRY, and Mr. MENENDEZ) submitted the following concurrent resolution; which was considered and agreed to

CONCURRENT RESOLUTION

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 Council.

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 Iran signed the Protocol Additional to 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 at Vienna on December 18, 2003 (commonly referred to as the “Additional Protocol”);

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 or 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, 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 the Department of State has reported for a decade on Iran's state sponsorship of terrorism and has declared in its most recent Country Reports on Terrorism that Iran "remained the most active state sponsor of terrorism in 2004";

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

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 Foreign Secretary of the United Kingdom Jack Straw warned Iranian officials that they were "pushing their luck" by removing the United Nations seals that were placed on the Natanz facility by the IAEA 2 years earlier;

Whereas President of France Jacques Chirac said that the Governments of Iran and North Korea risk making a "serious error" by pursuing nuclear activities in defiance of international agreements;

Whereas Foreign Minister of Germany Frank-Walter Steinmeier said that the Government of Iran had "crossed lines which it knew would not remain without consequences";

Whereas Secretary of State Condoleezza Rice stated, "It 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.”; and

Whereas the United States has joined with the Governments of Britain, France, and Germany in calling for a meeting of the IAEA Board of Governors to discuss Iran’s non-compliance with its IAEA safeguards obligations: Now, therefore, be it

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

3 (1) condemns the many failures of the Govern-
4 ment of Iran to comply faithfully with its nuclear
5 nonproliferation obligations, including its obligations
6 under the Safeguards Agreement (as reported by the
7 Director General of the IAEA to the IAEA Board
8 of Governors since 2003), its suspension commit-
9 ments under the Paris Agreement, and prior com-
10 mitments to the EU-3 to suspend all enrichment-
11 and reprocessing-related activities;

12 (2) commends the efforts of the Governments of
13 France, Germany, and the United Kingdom to seek
14 a meaningful and credible suspension of Iran’s
15 enrichment- and reprocessing-related activities and
16 to find a diplomatic means to address the non-

1 compliance of the Government of Iran with its obli-
2 gations, requirements, and commitments related to
3 nuclear non-proliferation;

4 (3) strongly urges the IAEA Board of Gov-
5 ernors, at its special meeting on February 2, 2006,
6 to order that Iran's noncompliance with its safe-
7 guards obligations be reported to the United Nations
8 Security Council; and

9 (4) calls on all members of the United Nations
10 Security Council, in particular the Russian Federa-
11 tion and the People's Republic of China, to act expe-
12 ditiously to consider any report of Iran's noncompli-
13 ance in fulfillment of the mandate of the Security
14 Council to respond to and deal with situations bear-
15 ing on the maintenance of international peace and
16 security.

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