

# CRS Issue Brief

## Nuclear Nonproliferation Policy Issues in the 103rd Congress

**DISTRIBUTION STATEMENT A**

Approved for public release

Distribution Unlimited

Updated August 31, 1994

19980309 331

DTIC QUALITY INSPECTED 4

by  
Zachary Davis  
Environment and Natural Resources Policy

Warren H. Donnell  
Senior Specialist, ENR

PLEASE RETURN TO:  
BMD TECHNICAL INFORMATION CENTER  
BALLISTIC MISSILE DEFENSE ORGANIZATION  
7100 DEFENSE PENTAGON  
WASHINGTON D.C. 20301-7100



Congressional Research Service • The Library of Congress

U5304



## **CONTENTS**

### **SUMMARY**

### **MOST RECENT DEVELOPMENTS**

### **BACKGROUND AND ANALYSIS**

#### **Background**

- The Wherewithal for Nuclear Weapons
- The International Nuclear Nonproliferation Regime
- U.S. Nuclear Nonproliferation Policy
- North Korea
- Former Soviet Weapons
- President Clinton's Address to the U.N.
- Federal Organization for Nonproliferation
- Counterproliferation
- Export Controls
- Recent Congressional Interest

#### **Analysis**

- Major New Forces Affecting Nuclear Proliferation
- Short-term Issues
- Longer Term Issues

### **LEGISLATION**

### **CHRONOLOGY**

### **FOR ADDITIONAL READING**

---

### **RELATED CRS ISSUE BRIEFS**

- Iran's Nuclear Activities and the Congressional Response (IB92076)
- Iraq and Nuclear Weapons: Continuing Issues (IB92017)
- North Korea's Nuclear Weapons Program (IB91141)
- Pakistan Aid Cutoff (IB90149)
- South Africa's Nuclear Status (IB91131)
- International Atomic Energy Agency: Strengthen Verification Authority? (IB91109)
- A Nuclear Weapons-Free Zone in the Middle East (IB92041)
- The Nuclear Non-Proliferation Treaty: Preparation for a Vote on its Extension (IB93046)
- U.S. Plutonium Policy (IB93102)

Accession Number: 5304

Publication Date: Aug 31, 1994

Title: CRS Issue Brief: Nuclear Nonproliferation Policy Issues In The 103rd Congress

Personal Author: Davis, Z.; Donnelly, W.

Corporate Author Or Publisher: Congressional Research Services, Library of Congress, Washington, DC

Comments on Document: From CRS

Descriptors, Keywords: Nuclear Nonproliferation Policy Congress Weapon International North Korea  
Former Soviet Union Clinton Counterproliferation Export Control Short Long Term Issue

Pages: 14

Cataloged Date: Sep 28, 1994

Document Type: HC

Number of Copies In Library: 000001

Original Source Number: IB91023

Record ID: 29401

Source of Document: CRS

## Nuclear Nonproliferation Policy Issues in the 103rd Congress

### SUMMARY

Preventing the further proliferation of nuclear weapons has been a major goal of U.S. policy ever since the United States developed and used the atomic bomb against Japan in 1945. This goal has taken on new importance for U.S. national security in light of several post-Cold War events. One is the breakup of the Soviet Union; some of the new republics were reluctant to give up nuclear weapons stationed on their territory, and disorder in Russia raised questions about the safety and security of the former Soviet arsenal. The United States is providing assistance to prevent former Soviet nuclear weapons or the materials used to make them from falling into the wrong hands. Another post-Cold War nonproliferation event was Iraq's success in clandestinely developing nuclear weapons despite being a member of the Non-Proliferation Treaty (NPT). Third, North Korea apparently diverted plutonium to a secret bomb program, threatened to withdraw from the Treaty, and continues to block inspections.

Other events tend to strengthen nonproliferation efforts. These include the agreement by Argentina and Brazil to allow inspection of their nuclear activities; South Africa's joining the NPT after dismantling six nuclear weapons and agreeing to international inspection of all of its nuclear activities; France's and China's joining the Treaty as nuclear weapons states; and successful enforcement of nonproliferation commitments in Iraq.

Five states now have declared nuclear arsenals -- the United States, Great Britain, France, Russia, and China. Three are generally credited with having some nuclear weapons -- India, Israel, and Pakistan. India tested a nuclear explosive in 1974, but denies having a nuclear arsenal. Among the new republics of the former Soviet

Union, Ukraine, Belarus, and Kazakhstan still have Soviet nuclear weapons on their territory; all have agreed to return the weapons to Russia. Belarus and Kazakhstan have joined the NPT as non-weapons states. Ukraine has been reluctant to return nuclear weapons to Russia and join the NPT as a non-weapon state. Also, the potential instabilities in the former Soviet Union raise concerns that some nuclear weapons or the materials to make them could be misplaced, sold, or stolen.

For the 103rd Congress, the most immediate nonproliferation issue is the appropriate policy toward North Korea. At issue more generally is the Administration's nonproliferation policy, which the President and various officials began to outline during the last week of September. Reorganization of the Departments of Defense, Energy, State, and the Arms Control and Disarmament Agency can be expected to influence how the new policy is implemented.

Notable short-term issues include: (1) North Korea's violation of its NPT obligations; (2) U.S. preparations for the 1995 conference to vote on extension of the NPT; (3) verified dismantlement of retired nuclear warheads; (4) strengthening nuclear and dual-use export controls; (5) funding for the IAEA; and (6) defining counterproliferation policy.

Longer term issues include: (1) plutonium-use policy; (2) the India-Pakistan nuclear arms race; (3) long-term surveillance of Iraq; (4) Iran's nuclear ambitions; (5) Israel's undeclared nuclear arsenal; (6) disposal of fissile materials from dismantled Russian and U.S. warheads; (7) strengthening the IAEA and its safeguards; (8) counterproliferation options and policy.



## **MOST RECENT DEVELOPMENTS**

*Reports of nuclear smuggling escalated from May to August, with the seizure in Germany of small quantities of weapons-grade plutonium and U-235.*

*Assistant Secretary of State Robert Gallucci negotiated an agreement with North Korea that would exchange Pyongyang's existing reactors and reprocessing equipment for modern light water reactor technology. The deal would require North Korea to resolve outstanding safeguards violations. The source, type, and financing of the proposed new reactors remains uncertain.*

*The Senate Banking Committee marked up its export control bill during the second week of May. In the House, the House Foreign Affairs Committee marked up a compromise export control bill based on a bill authored by the Chairman of the Subcommittee on International Economic Policy and Trade, Representative Gejdenson. The Export Administration Act of 1994, H.R. 3937, was reported on June 17, as amended by the House Armed Services Committee, including a new Title II, The Nuclear Proliferation Prevention Act.*

*The President signed the State Department Authorization bill, on Apr. 30, 1994; it included a version of S. 1054 -- a bill by Senator Glenn to require sanctions against proliferators and strengthen the IAEA.*

## **BACKGROUND AND ANALYSIS**

### **Background**

At present five nations have announced nuclear arsenals -- the United States, Russia, France, United Kingdom, and China; three are credited with undeclared nuclear arsenals -- Israel, Pakistan, and India, which tested a nuclear explosive in 1974.

Some expect a new surge of proliferation in the post-Cold War era as nations that once enjoyed the protection of the United States' or former Soviet Union's "nuclear umbrellas" may want powerful new weapons to increase their security. North Korea's near withdrawal from the NPT and its refusal to permit inspections, the safety and security of nuclear weapons and materials in the former Soviet Union, Iraq's clandestine nuclear weapons project, continuing suspicions about Iran's nuclear activities, and the availability of weapons-usable technologies are leading reasons for concern.

On the other hand, proliferation could hold constant or decline in the post-Cold War era. Positive developments include: the announced intentions of the new republics of the former Soviet Union to join the NPT as non-weapons states; the agreement between Argentina and Brazil for IAEA inspections of their nuclear activities and their joining the Latin America Nuclear Weapons Free Zone Treaty -- the Treaty of Tlatelolco; South Africa's joining the NPT in 1991 after dismantling six nuclear weapons and opening up its nuclear facilities to international inspection; ratification

of the NPT by France and China; and steps to tighten international controls for nuclear commerce.

### **The Wherewithal for Nuclear Weapons**

Nuclear weapons are made from plutonium and/or uranium-235 (U-235). Plutonium is made by exposing natural uranium (U-238) to neutrons in a nuclear reactor and then extracting the plutonium by chemical separation (called reprocessing). Weapons-grade U-235 is made by increasing the concentration of U-235 from the 0.7% in natural uranium to 90% or better, using various isotope separation processes. Separation, or "enrichment," processes use electro-magnetic isotope separation (EMIS), gaseous diffusion, centrifugation of gaseous uranium (uranium hexafluoride, UF<sub>6</sub>), and other techniques to produce uranium rich in the U-235 isotope. The United States ended production of enriched uranium for nuclear weapons in 1964 and shut down its production of plutonium for weapons in 1988. Russian officials have pledged to shut down their plutonium production reactors but have not yet done so. President Clinton called for all countries to end production of enriched uranium and plutonium for explosives in his speech to the UN on Sept. 27, 1993.

### **The International Nuclear Nonproliferation Regime**

The nuclear nonproliferation regime is the combined international effort to contain further spread of nuclear weapons. It is made up of treaties, international organizations, multilateral and bilateral agreements, and unilateral actions intended to prevent further proliferation. The United States was and continues to be a leading proponent of the regime.

Major international components of the regime include:

- (1) The Treaty on the Non-Proliferation of Nuclear Weapons (NPT), effective in 1970, which commits non-nuclear weapons members not to acquire or make them, and to allow international inspection of all their nuclear activities to verify this commitment. The future of the NPT, which has 162 members, will be decided by an international conference of NPT members in 1995 (see CRS Issue Brief 93046).
- (2) The IAEA, an international organization established in Vienna in 1957. Its safeguards function was greatly expanded by the NPT, which requires its non-weapons parties to negotiate safeguards agreements with the IAEA to verify the peaceful use of their nuclear materials (see CRS Issue Brief 91109).
- (3) Nuclear-weapons-free zones such as the Latin American Nuclear-Free Zone (Treaty of Tlatelolco), which Argentina and Brazil recently ratified, and the nuclear-weapons-free zone in the South Pacific (Treaty of Rarotonga). The United States has not yet signed the protocols to this treaty, although legislation in the 103rd Congress urges the Administration to join it. (See CRS Report 93-610.)
- (4) Domestic laws and regulations for transfers of nuclear technology or materials and requiring penalties for violations of nonproliferation commitments.

- (5) The Nuclear Suppliers Group (NSG, originally known as the London Club), an informal committee of nuclear supplier nations that maintains multilateral guidelines for nuclear exports. The NSG guidelines were strengthened in 1992 to prevent a repeat of the Iraq situation.
- (6) The Zangger Committee, an NPT committee that maintains a "trigger list" of exported nuclear items that must be safeguarded in the recipient state.
- (7) The Convention on Physical Security for Nuclear Materials (1987), which sets international security standards for storing, using, and transporting nuclear materials.
- (8) Other arms control efforts aimed at reducing reliance on nuclear weapons, including START I and II and a comprehensive test ban.

### **U.S. Nuclear Nonproliferation Policy**

U.S. nuclear nonproliferation policy consists of treaty commitments, informal undertakings, executive branch statements and actions, and legislation. It imposes conditions and restrictions on U.S. nuclear exports and cooperation. For a country to receive U.S. nuclear technology, it must have an agreement for nuclear cooperation with the United States. U.S. nuclear exporters must obtain export licenses from the U.S. Nuclear Regulatory Commission and/or authorization from the Department of Energy (DOE). To import nuclear technology from the United States, non-nuclear weapons states must agree to open *all* of their peaceful nuclear activities to inspection by the IAEA (full-scope safeguards). U.S. policy also maintains controls over what a recipient state may do with U.S.-supplied materials and technology, including used reactor fuel. These controls are maintained by the DOE via "subsequent arrangements" under agreements for cooperation.

The Atomic Energy Act of 1954 (AEA), as amended, and the Nuclear Nonproliferation Act of 1978 (NNPA) provide for the cutoff of U.S. nuclear cooperation with states that violate nuclear cooperation agreements with the United States or non-nuclear weapons states that test a nuclear explosive. Section 309(c) of the NNPA requires the Department of Commerce to control exports of nuclear dual-use goods (items that have both civilian and military applications).

It is U.S. policy to cut off economic and military aid to countries that supply or receive unsafeguarded enrichment or reprocessing technology (the Glenn-Symington amendments to the Foreign Assistance Act). This was applied to Pakistan but was waived for foreign policy and national security reasons after the Soviet Union invaded Afghanistan. To waive the cutoff requirement, the Pressler amendment requires the President to certify to Congress that Pakistan does not possess a nuclear explosive device and that assistance will advance U.S. nonproliferation objectives. President Bush made the last certification in 1990 and aid was subsequently cut off. Some Administration officials and Members have called for the removal of statutory prohibitions on U.S. assistance such as the Pressler amendment, but this remains controversial.

As for the development and use of plutonium as an energy resource, the Carter Administration tried to discourage it for nonproliferation reasons. The Reagan

Administration, however, did not seek to inhibit such technologies in countries with advanced nuclear power programs that were not deemed proliferation risks (i.e., countries in Europe and Japan), but opposed it in others (Argentina, Brazil, India, and Pakistan). The Bush Administration followed the same policy, but took steps to strengthen U.S. nonproliferation policy in the wake of the Gulf war and the breakup of the Soviet Union. The Clinton Administration has not revived the anti-plutonium policy of the Carter Administration, but opposes "excess stockpiling" of separated plutonium and supports a ban on production of plutonium and HEU for explosives or not under safeguards. (See Issue Brief 93102.) In January 1994, the National Academy of Sciences released a report on plutonium that recommended that the United States take action to safeguard world inventories of civil and weapons plutonium, starting with bilateral arrangements between the United States and Russia.

### **North Korea's Noncompliance with its NPT and IAEA Obligations**

North Korea joined the NPT in 1985, but delayed inspections until 1992. In February 1993, North Korea denied access by IAEA inspectors to two sites which IAEA technical analysis (and U.S. intelligence) believed were involved in clandestine nuclear work and refused to comply with a direct request for access from the IAEA's Director General, Hans Blix. On Mar. 12, 1993, North Korea notified the United Nations Security Council that it was withdrawing from the NPT, which permits withdrawal after 3 months notice. It subsequently suspended its withdrawal, but claimed to have "unique status" under the NPT, and continued to block inspections. CIA Director James Woolsey and Secretary of Defense William Perry have warned that North Korea probably has enough plutonium for two bombs, and that the fuel unloaded from the 25 MW(th) reactor could contain enough plutonium for several more bombs (see CRS Issue Brief 91141). In August 1994, Assistant Secretary of State Robert E. Gallucci negotiated an agreement with North Korea to exchange its existing nuclear reactors and reprocessing equipment for modern light water reactor technology which is somewhat less suited to making bombs. The deal would also require North Korea to resolve outstanding safeguards violations. The source, type, and financing for the proposed new reactors remains uncertain. Some Members oppose using U.S. funds of such an arrangement. It is possible that North Korea's defiance of nonproliferation norms could cause other countries to reconsider their nuclear policies, especially in Asia.

### **Former Soviet Weapons and Materials: Nunn-Lugar Cooperative Threat Reduction**

Large quantities of nuclear weapons, weapons materials, and technology in the former Soviet Union are potential proliferation problems. So far, reports of complete weapons being sold have not been confirmed, but many thefts and illegal transfers of nuclear materials have reportedly occurred. A few of these transfers have involved small quantities of weapon-grade material. Also, Russian nuclear and missile experts have apparently accepted offers of employment in countries of concern.

The United States has taken steps to address these problems, including efforts to purchase Russian weapons-grade uranium to keep it out of circulation. The Soviet Nuclear Threat Reduction Act, which appeared originally as Title III of the Dire Emergency Supplemental Appropriations (P.L. 102-228), authorized the President to establish a program to assist former Soviet weapons destruction and provided for U.S. assistance to:



- (1) destroy nuclear weapons, chemical weapons, and other weapons;
- (2) transport, store, disable, and safeguard weapons in connection with their destruction; and
- (3) establish verifiable safeguards against the proliferation of such weapons.

The Defense Authorization for FY1994 brought the amount authorized for former Soviet weapons dismantlement to \$1.2 billion. (See CRS Report 93-1057, *The Nunn-Lugar Cooperative Threat Reduction Program for Soviet Weapons Dismantlement*.) Despite initial delays and obstacles, the Defense Department is making progress in using Nunn-Lugar funds to reduce proliferation danger from former Soviet nuclear weapons.

### **President Clinton's Address to the U.N.**

On September 27, President Clinton delivered a speech at the United Nations that outlined his Administration's nonproliferation policy. The President affirmed that the United States will give top priority to nonproliferation in foreign and national security policy. The policy includes negotiating a comprehensive test ban treaty, strengthening ACDA, creating "specially tailored non-proliferation strategies" for problem states, negotiating an international ban on production of highly enriched uranium or plutonium for nuclear explosive purposes, and reforming U.S. export controls to remove impediments for U.S. exporters of high-tech goods.

### **Federal Organization for Nonproliferation**

The Departments of State, Energy, Defense, and Commerce; the Arms Control and Disarmament Agency (ACDA); the intelligence community; and the U.S. Nuclear Regulatory Commission (NRC) are all involved in the formulation and implementation of nonproliferation policy. The National Security Council is the hub of nonproliferation policy. The State Department, in consultation with the Energy Department and ACDA, negotiates U.S. agreements for nuclear cooperation and represents U.S. nonproliferation interests with other states and international organizations such as the IAEA. The NRC licenses nuclear exports subject to concurrence by the Department of State. The Department of Commerce oversees licensing of dual-use exports as mandated by Section 309(c) of the Nuclear Non-proliferation Act, which requires controls on "all export items, other than those licensed by the NRC, which could be, if used for purposes other than those for which the export is intended, of significance for nuclear explosive purposes." The CIA has a Nonproliferation Center that coordinates intelligence aspects of nonproliferation policy. ACDA is responsible for nonproliferation diplomacy such as extending the NPT when its 25-year term ends in 1995.

Several interagency working groups coordinate the various responsibilities for nonproliferation policy. Probably the most important interagency nonproliferation group is the Sub-group on Nuclear Export Controls, known as the SNEC. Several new interagency groups have been assembled to coordinate technology assessments, acquisition policy, and counterproliferation policy.

Nearly all of the agencies are reorganizing to reflect increased interest in nonproliferation. While there were calls for the merging of ACDA with the State

Department, ACDA survived and is being revitalized according to legislation in the 103rd Congress and a Presidential directive. However, several important ACDA appointments -- including a bureau chief for nonproliferation -- are not yet confirmed. ACDA legal counsel (and former Acting Director) Thomas Graham was named chief U.S. delegate to the NPT Extension Conference.

## **Counterproliferation**

The Clinton Administration established a new Assistant Secretary of Defense for Nuclear Security and Counterproliferation and appointed Harvard arms control expert Ashton Carter to the post. The distinction, however, between counterproliferation and nonproliferation has yet to be clearly defined. Former Secretary of Defense Les Aspin defined counterproliferation in a Dec. 7, 1993 speech at the National Academy of Sciences as "a drive to develop new military capabilities to deal with this new threat." New military capabilities could include lethal and non-lethal methods of defeating weapons of mass destruction, including active and passive defenses. A report to Congress required by the FY1994 Defense Authorization Act described Executive Branch Nonproliferation and Counterproliferation Activities and Programs and highlighted areas in need of improvement. (Report on Nonproliferation and Counterproliferation Activities and Programs, Office of the Deputy Secretary of Defense, May 1, 1994.)

Broadly defined, counterproliferation could include former Soviet threat reduction, technology development and acquisition, intelligence activities, support for international enforcement of treaties, and intrusive monitoring and inspection. DOD shares interagency responsibility for various aspects of nonproliferation policy, but it is unclear how the new counterproliferation mission relates to traditional nonproliferation approaches. DOD has reoriented its position on export controls to support Administration policy to streamline U.S. export controls. Also unclear is how increased emphasis on military options could affect diplomatic efforts to strengthen the nonproliferation regime, especially the NPT. The difficulties of using military force against nuclear targets in the cases of Iraq and North Korea have sharpened debate on counterproliferation.

## **Export Controls**

Export controls are a key component of nonproliferation policy, but their value is being questioned by Members and high-tech industries that argue that such controls put an unfair burden on U.S. companies and therefore harm the U.S. economy. The Administration and some Members support streamlining export controls, which are viewed as remnants of the Cold War. Others emphasize the importance of export controls for fighting continuing proliferation risks in the post Cold War era. The main export control issue for Congress is the rewriting of the Export Administration Act (EAA). Several bills on both sides of the issue have been introduced in the 103rd Congress. (See CRS Report 94-30, *Export Controls: Background and Issues*, and Legislation section, below.) The Senate Banking Committee and the House Foreign Affairs Committee held hearings on export controls and marked up legislation in early May.

On May 25, 1994, the House Committee on Foreign Affairs reported H.R. 3937, The Export Administration Act of 1994, seeking new balance between controls on

exports of dual-use items useful for the manufacture of missiles and weapons of mass destruction. By June 17, as reported by the committees on Armed Services, Judiciary, Public Works and Transportation, Ways and Means, and the Permanent Select Committee on Intelligence (H.Rept. 103-531), it also contained as a new Title II, The Nuclear Proliferation Prevention Act, which specifies many sanctions for persons, organizations and countries contributing to proliferation. On July 11, 1994, Chairman Dellums of the House Armed Services Committee offered amendments to H.R. 3937 as reported to substantially increase the nonproliferation role of the Defense Department. A compromise between Foreign Affairs and Armed Services is under consideration.

A number of bills and resolutions address various aspects of nonproliferation such as strengthening the IAEA, counterproliferation, plutonium policy, and nuclear weapons free zones (see Legislation, below).

### **Recent Congressional Interest**

Congress was actively involved in nonproliferation issues during the first session of the 103rd Congress. Issues addressed included: determining the fate of ACDA and its nonproliferation role; confirmation of Clinton appointees; maintaining the moratorium on nuclear testing; and containing nuclear proliferation from the former Soviet Union. On the general subject of nonproliferation, the Senate Governmental Affairs Committee held a broad-ranging hearing on Feb. 24, 1993, on proliferation threats of the 1990s. There were also hearings on Iraq's weapons of mass destruction, plutonium, and export controls. North Korea's prolonged refusal to honor its commitments under the NPT led to several bills, statements, and hearings.

The Defense Authorization for FY1994, P.L. 103-160 (H.R. 2401), contains several nonproliferation measures. These include a sense of the Congress amendment opposing plutonium reprocessing (Conf. Rept. 103-357, Section 1163, p. 225), and a condition on U.S. nuclear assistance to Russia requiring Russia to end the production of fissile material for weapons (Conf. Rept. 103-357, Section 1612, p. 313). Title XVI directs the President to appoint an advisory board to conduct a study of proliferation and submit a report of its findings by May 15, 1994. Section 1603 directs the Secretary of Defense to conduct studies of counterproliferation; Section 1604 is a sense of the Congress on the need for counterproliferation capabilities; Section 1605 established a Nonproliferation Program Review Committee to review existing capabilities and submit a report to Congress by May 1, 1994. The defense bill also contained a comprehensive nonproliferation strategy based on H.R. 2076, introduced by Representative Stark (Section 1611), a sense of the Congress on the proliferation of space launch vehicle technology (Section 1614), and Title XVII on chemical and biological weapons threats.

### **Analysis**

Nonproliferation has not always been the top priority for U.S. foreign and national security policy, nor is it likely to be in the future. Other strategic and economic interests have at times prevailed over nonproliferation considerations. On the other hand, the United States is a leader of the world nonproliferation regime, and its policy and example are vital to limiting the spread of nuclear weapons. Without U.S. leadership, the regime would be weaker, there would be less enforcement of the NPT,

and fewer barriers to the acquisition of the nuclear materials and technology required to build nuclear weapons.

**Tradeoffs.** There is inherent tension between nonproliferation on one hand and efforts to boost exports of certain high-tech goods on the other. The Clinton policy emphasizes the importance of both nonproliferation and exports, but does not reconcile the dilemma that sometimes requires a choice between the long-term security benefits of nonproliferation and short-term profits. The new policy signals a shift in emphasis from national security interests towards economic interests. Some Administration officials have stressed the need to maintain a balance between these two objectives.

In the past, nations such as Iraq, Pakistan, and South Africa have evaded export controls to acquire parts for their weapons of mass destruction. CIA Director Woolsey at a hearing on proliferation by the Senate Governmental Affairs Committee warned that countries seeking such weapons are "becoming more clever in devising networks of front companies and suppliers to frustrate export controls and buy what would otherwise be prohibited to them. For every shipment we stop, new suppliers seem to appear, willing to manufacture, broker, sell, and transport materials to any and all clients, no matter how dangerous or unsavory." Others argue that export controls put an unfair burden on U.S. business while adding little to U.S. or world security. The Clinton policy seeks to remove barriers to free trade with countries that "abide by global nonproliferation norms" while retaining controls against specific nations.

While U.S. controls have been traditionally more restrictive than others, a loosening of U.S. controls could signal an overall easing of access to goods such as computers and electronics. Whether such access will add to proliferation threats remains to be seen.

**The NPT.** Another key aspect for American leadership is the future of the NPT, which will be decided by a meeting of its members in 1995. Two preparation meetings held so far for the 1995 meeting have left many issues unsettled. U.S. policy supports indefinite and unconditional extension of the NPT. Strong U.S. leadership could decide whether the Treaty receives strong endorsement and long extension or weak endorsement and limited extension.

Many questions remain about the other components of the Clinton policy, including how the proposals outlined in the September 27 White House Fact Sheet are to be implemented and by whom. Ongoing reorganizations and budget cuts could affect the ability of the U.S. Government to formulate and carry out an effective nonproliferation strategy. Some unanswered questions include: Will the proposed cutoff of production of weapons materials be verified? How much constitutes an "excess" stockpile of plutonium? How will the IAEA be strengthened to meet new demands on its safeguards system? Resolution of these and other related issues, such as North Korea's defiance of its NPT obligations, the comprehensive test ban negotiations, START implementation, and other extraneous factors, could shape the outcome of the 1995 NPT review conference.

### **A Checklist of Forces Affecting Nuclear Nonproliferation**

Some events and trends can exert a positive force on prospects for limiting the further spread of nuclear weapons, whereas others have a negative effect.

**Positive forces include:**

- high priority given to nonproliferation by Clinton Administration;
- reinforcement of the norm against the use of nuclear weapons;
- steps by Russia and other former Soviet states to implement START I and II and dismantle nuclear warheads using U.S. assistance authorized by the Nunn-Lugar Act;
- the moratorium on nuclear tests, and progress toward negotiation of a comprehensive test ban;
- South Africa's decision to destroy its nuclear weapons and join the NPT as a non-weapons state;
- Argentina and Brazil bringing the Treaty of Tlatelolco into force and Argentina's movement toward joining the NPT;
- France and China joining the NPT;
- the success of U.N. inspectors in finding and destroying Iraq's nuclear weapons facilities under U.N. Security Council authority backed by military force of the United States and other allies;
- progress in Middle East peace talks; and
- settlement of the Kashmir conflict.

**Negative forces include:**

- North Korea's defiance of its NPT and IAEA treaty commitments;
- Iraq's ability to secretly come close to production of nuclear weapons without being discovered by IAEA safeguards and Iraq's post-war resistance to UN/IAEA inspections;
- deficient support for strengthening the IAEA and its safeguards system;
- uncertainty about quantities of, and the controls on, world inventories of plutonium and highly enriched uranium;
- suspicions about Iran's intentions in its development of nuclear energy and continued support for Iran's nuclear program from China;
- continued nuclear weapons activities by Israel, India, and Pakistan and their refusal to join the NPT as non-weapons states;

- refusal of Ukraine to implement START and join the NPT as a non-weapons state;
- continued development of plutonium as a nuclear fuel in Europe and Japan; and
- China's nuclear export policy and its breaking of an international moratorium on nuclear testing.

**Potential countermeasures include:**

- assuring the indefinite extension and strong endorsement of the NPT in 1995;
- continued world pressure on Ukraine to give up nuclear weapons inherited from the former Soviet Union and join the NPT as a non-weapons state;
- strengthening the IAEA and its safeguards system;
- verified dismantling of U.S. and former Soviet nuclear warheads and the secure, verified collection, storage and disposal of their fissile materials;
- tightening international controls on nuclear-related exports and cooperation;
- finding bilateral and international security guarantees strong and credible enough to persuade Israel, India, and Pakistan to freeze and ultimately to dismantle their nuclear weapons capabilities;
- negotiation and ratification of a comprehensive nuclear test ban treaty;
- establishment of verified nuclear-weapon-free zones including U.S. ratification of the protocols of the South Pacific Nuclear Free Zone Treaty (The Treaty of Rarotonga);
- agreement by nuclear-weapons states on negative security assurances and the eventual goal of eliminating nuclear weapons;
- a treaty for a verified cutoff of production of fissile materials for nuclear weapons; and
- international agreement to limit the use of plutonium as a nuclear fuel and to impose international control and verification on such use.

**LEGISLATION****P.L. 103-306, H.R. 4426**

Foreign Operations Appropriations for FY1995. Contains appropriations for IAEA and for assistance to former Soviet Union. Introduced May 16, 1994. Passed House, amended, May 25. Passed Senate, amended, July 15. Signed into law Aug. 23, 1994.

**P.L. 103-160, H.R. 2401**

Defense Authorization for FY1994. Contains several nonproliferation and counterproliferation measures and former Soviet weapons threat reduction assistance. Passed House, amended, Sept. 29. Passed Senate Oct. 6. Signed into law Nov. 30.

**P.L. 103-236, S. 1281, H.R. 2333**

State Department Authorization for FY1994-FY1995. Contains a version of S. 1054 (Glenn) to require sanctions for violations of U.S. nonproliferation laws, and other nonproliferation measures. Signed into law Apr. 30, 1994.

**H.R. 4650 (Murtha)**

Department of Defense appropriations for FY1995. Introduced June 27, 1994; reported same day (H.Rept. 103-562). Passed House June 29, 1994; passed Senate Aug. 11, 1994.

**H.R. 4301 (Dellums)/S. 2182 (Nunn)**

Defense Authorization for FY1995. Contains new nonproliferation and counterproliferation measures and support for Cooperative Threat Reduction programs. Introduced in House Apr. 26, 1994; passed House June 9, 1994. S. 2182 introduced in Senate June 14, 1994; passed Senate July 1, 1994. House agreed to Conf. Rept. (H.Rept. 103-701) Aug. 17, 1994.

**H.R. 3937 (Gejdenson)**

Omnibus Export Administration Act of 1994. Revises U.S. export controls. Introduced Mar. 2, 1994 (by request); referred to more than one committee. Reported by House Foreign Affairs Committee Mar. 25 1994. Reported by the Permanent Select Committee on Intelligence, with amendments, June 16; and by the Committees on Ways and Means and Armed Services with amendments, and discharged by the Committees on Judiciary and Public Works and Transportation on June 17 (H.Rept. 301-531). Left as unfinished business July 14, 1994.

**H.R. 4332 (McCloskey)**

Sets forth a policy for nuclear nonproliferation. Introduced May 3, 1994; referred to Committee on Foreign Affairs.

**H.Con.Res. 111 (Faleomavaega)**

Concurrent resolution concerning U.S. support for the South Pacific Nuclear Free Zone Treaty, the Treaty of Rarotonga. Introduced June 10, 1993; referred to Committee on Foreign Affairs, reported out of committee May 18, 1994.

**S. 1055 (Glenn)**

Contains measures to improve interagency coordination in reviewing applications to export nuclear dual-use items; measures to expedite licensing of exports while ensuring that nonproliferation criteria remain paramount in the review process;

provisions to strengthen the role of the Defense Department in approving agreements for nuclear cooperation; and findings on the dangers from commercial uses of plutonium. Introduced May 27, 1993; referred to the Committee on Governmental Affairs.

**S. 1902 (Riegle)**

Export Administration Act of 1994. A bill to revise U.S. export controls. Introduced March 8 (by request), amended, marked up by Senate Banking Committee.

**CHRONOLOGY**

- 05-17-95** --- Opening of the NPT Extension Conference in New York
- 09-12-94** --- Beginning of the Third NPT PrepCom Meeting in Geneva.
- 05-25-94** --- FBI Director Louis Freeh and other officials testified before the Senate Governmental Affairs Committee, Subcommittee on Investigations, on Russian organized crime and the risk of nuclear smuggling. (*Washington Post*, May 26, 94, A1.)
- The IAEA informed the U.N. Secretary General that North Korea's defueling of its Yongbyon reactor constituted another "serious violation" of its safeguards commitment.
- 05-17-94** --- The Senate Governmental Affairs Committee held a hearing on nuclear export controls; GAO released a report to the Committee documenting weaknesses in U.S. controls on nuclear dual-use goods. *Nuclear Nonproliferation: Export Licensing Procedures for Dual-Use Items Need to Be Strengthened*, GAO/NSIAD 94-119, April 1994.
- 05-16-94** --- The Clinton Administration submitted an annual report on U.S. Government activities in nonproliferation policy.
- 05-09-94** --- Japan confirmed the "loss" of about 150 pounds of plutonium in its Tokai reprocessing plant after the IAEA directed the plant to account for the material. (*Nucleonics Week*, May 12, 1994).
- 05-01-94** --- The Department of Defense submitted its Report on Nonproliferation and Counterproliferation Activities and Programs, required by the FY1994 Defense Authorization.
- 04-28-94** --- The Senate Armed Services Committee held a hearing on counterproliferation policy and the Nunn-Lugar Cooperative Threat Reduction Program.
- 04-19-94** --- The House Armed Services Committee, Subcommittee on Military Application of Nuclear Energy, held a hearing on plutonium and highly enriched uranium.



- 03-31-94** --- The Coordinating Committee on Multilateral Export Controls, known as COCOM, disbanded without agreement for a replacement organization.
- 03-23-94** --- The Subcommittee on International Security, International Organizations and Human Rights of the House Foreign Affairs Committee held a hearing on plutonium policy.
- 1-17-21-94**---The second PrepCom for the 1995 NPT Review met in New York.
- 01-15-94** --- The National Academy of Sciences released a major study of plutonium issues.
- 12-07-93** --- Then Secretary of Defense Les Aspin outlined the Administration's counterproliferation policy in a speech at the National Academy of Sciences.
- 11-26-93** --- Iraq accepted long-term monitoring as required by the U.N. ceasefire resolution.
- 10-05-93** --- China broke an international moratorium on nuclear testing by conducting its first test since Sept. 25, 1992.
- 09-28-93** --- Vienna. North Korea rejected IAEA inspections as "a sinister political attempt" and "a violation of sovereignty."
- 09-27-93** --- New York. In his address to the UN President Clinton announced new policies to control proliferation of nuclear, chemical, and biological weapons and ballistic missiles. The announcement was the result of a Government-wide review of nonproliferation policy.
- 09-24-93** --- President Clinton called on China not to conduct a nuclear test.
- 07/09/93** --- Washington. In an interview on NBC television, Clinton said: "We would overwhelmingly retaliate if [the North Koreans] were to ever use, to develop and use nuclear weapons. It would mean the end of their country as they know it."
- 06/11/93** --- United Nations. North Korea agreed to suspend its threat to withdraw from the NPT, but still refused to agree to IAEA inspection of certain nuclear-related facilities.
- 03/24/93** --- Johannesburg. President Frederik W. de Klerk confirmed for the first time that South Africa had secretly built six nuclear weapons during the 1970s and 1980s, but said his government had ordered their dismantling. (Phillip van Niekerk, *Washington Post*, Mar. 25, 1993: A1, A31)
- 03/31-04/03/92** --- Warsaw. The Nuclear Suppliers Group agreed on common dual-use export controls and on a requirement for safeguards for all nuclear activities in non-NPT states. (*Nucleonics Week*, Apr. 9, 1992: 1, 12; *Nuclear Fuel*, Apr. 13, 1992: 4-6)

03/09/92 --- London. China joined the NPT.

### **FOR ADDITIONAL READING**

Blix, Hans. "Verification of Nuclear Nonproliferation: The Lesson of Iraq." *Washington Quarterly*, Autumn 1992: 57-65.

Collins, John, Zachary Davis, and Steven Bowman. *Nuclear Chemical and Biological Weapon Proliferation. Potential Military Countermeasures*. June 28, 1994.  
CRS Report 94-528

Davis, Zachary S. *Nonproliferation Regimes: Policies to Prevent the Spread of Nuclear, Chemical, Biological Weapons and Missiles*. [Washington] February 1993.  
CRS Report 93-237

----- ed., *The Proliferation Puzzle: Why Nuclear Weapons Spread and What Results*. London: Frank Cass, 1994.

Dunn, Lewis, "Rethinking the Nuclear Equation: The United States and the New Nuclear Powers," *Washington Quarterly*, v.17, Winter 1994, p.5.

Ekeus, Rolf. "The Iraqi Experience and the Future of Nuclear Nonproliferation." *Washington Quarterly*, Autumn 1992: 62-73.

Fischer, David. *Towards 1995: The Prospects for Ending the Proliferation of Nuclear Weapons*. United Nations Institute for Disarmament Research, 1993.

Glenn, John. "At a Crossroads. An Examination of U.S. Nuclear Non-Proliferation Policy." *Harvard International Review*, Spring 1992: 18-21.

Millot, Marc Dean. "Facing the Emerging Reality of Regional Nuclear Adversaries." *The Washington Quarterly*, Summer 1994: 41-71.

Molander, Roger C., and Wilson, Peter A. "On Dealing with the Prospect of Nuclear Chaos." *The Washington Quarterly*, Summer 1994: 19-39.

Muller, Harald, David Fischer, and Kotter Wolfgang. *Nuclear Non-Proliferation and Global Order*. Oxford: University Press, 1994.

Reiss, Mitchell. *The Politics of Nuclear Nonproliferation*. New York: Columbia University Press, 1988. 337 p.

Spector, Leonard S. *Nuclear Ambitions, The Spread of Nuclear Weapons 1989-1990*. Boulder: Westview Press, 1990. 450 p.