

August 4, 1983

CONGRESSIONAL RECORD — SENATE

S 11803

Republic of South Africa's attempts to force him to surrender land his family had owned for three generations;

Whereas this policy moved Saul Mkhize to write South African Prime Minister Botha stating, "We do not wish to be rebellious in any way, but only to continue to live our lives in our own environment."; and

Whereas this policy led to the shooting death of Saul Mkhize by the security police of the Republic of South Africa: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the Government of the Republic of South Africa should comply with internationally recognized human rights, the United Nations Charter, and the Universal Declaration of Human Rights by ending the "blackspot" policy and allowing relocated South Africans to remain in or return to their legally acquired land and residences;

(2) the Government of the United States should continue its policy of not recognizing the sovereignty or independence of the so-called "homelands";

(3) at such times that any "homeland" official applies for a visa for travel to the United States, no such visa should be granted to such official unless such official holds a passport which is recognized as valid by the Government of the United States; and

(4) the President and his representatives should convey to the Government of the Republic of South Africa the concerns expressed in this concurrent resolution.

Sec. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit such copy to the Ambassador of the Republic of South Africa to the United States and to the Prime Minister of the Republic of South Africa.

Mr. GLENN. Mr. President, today I am introducing a new resolution expressing the sense of the Senate that the Republic of South Africa should cease its "blackspot" policy of forcibly removing black South Africans from their legally acquired residences and relocating them. This new resolution is essentially the same as Senate Concurrent Resolution 45 which I introduced on June 15. The new resolution contains technical changes and the third resolved clause has been modified to clarify its meaning. The intent of the third resolved clause is to insure that the United States does not give any measure of recognition to the so-called independence of these South African-created homelands by granting visas to "homeland" officials on a "homelands" passport. We do not intend to prohibit all travel to the United States by officials of the homelands, either those which have been declared independent by South Africa or those which have not. However, we do want to insist that no U.S. visa be granted to any such official unless such official holds a passport which is recognized as valid by the Government of the United States. I believe the new language of the third resolved removes any ambiguities which may have been present in Senate Concurrent Resolution 45.

SENATE RESOLUTION 195— BUDGET WAIVER RELATING TO THE CONSIDERATION OF S. 1009

Mr. STEVENS, from the Committee on Governmental Affairs, reported the following original resolution, which was referred to the Committee on the Budget:

S. RES. 195

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1009. Such waiver is necessary because S. 1009 authorizes the enactment of new budget authority which would first become available in fiscal year 1984, and such bill was not reported on or before the appropriate date required under section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The waiver of section 402(a) is necessary to permit congressional consideration of statutory authority for the agencies of the U.S. Government.

S. 1009 provides an authorization for fiscal year 1984 of such sums as may be necessary for reauthorization of the Federal Physicians Comparability Allowances Program, first authorized in 1978.

SENATE RESOLUTION 196— BUDGET WAIVER RELATING TO THE CONSIDERATION OF S. 1513

Mr. STEVENS, from the Committee on Governmental Affairs, reported the following original resolution, which was referred to the Committee on the Budget:

S. RES. 196

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1513. Such waiver is necessary because S. 1513 authorizes the enactment of new budget authority which would first become available in fiscal year 1984, and such bill was not reported on or before the appropriate date required under section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The waiver of section 402(a) is necessary to permit congressional consideration of statutory authority for the National Historical Publications and Records Commission.

S. 1513 provides an authorization for fiscal year 1984 of \$4,000,000, as part of a five-year reauthorization totaling \$23,000,000.

SENATE RESOLUTION 197— BUDGET WAIVER RELATING TO THE CONSIDERATION OF S. 242

Mr. HATCH, from the Committee on Labor and Human Resources, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 197

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to S. 242, to provide additional authorizations for labor intensive programs, to provide additional provisions for the dislocated workers program under

Title III of the Job Training Partnership Act, to promote employment and training for recipients of federally financed unemployment benefits, to provide procurement targeting in labor surplus areas, and for other purposes. Such waiver is necessary because S. 242 authorizes the enactment of new budget authority which would first become available in fiscal year 1983, and which would first become available in fiscal year 1984 and such bill was not reported prior to the date required pursuant to section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by such date, and the enactment of S. 242 is necessary to meet the urgent needs of the unemployed.

SENATE RESOLUTION 198—RE- LATING TO THE EXPORT OF NUCLEAR REACTOR COMPO- NENTS

Mr. BOSCHWITZ (for himself, Mr. GLENN, Mr. HART, Mr. PROXMIRE, Mr. HUMPHREY, Mr. HELMS, Mr. RIEGLE, Mr. FORD, and Mr. PRESSLER) submitted a resolution; which was referred to the Committee on Foreign Relations:

S. RES. 198

Whereas halting the spread of nuclear weapons is one of the primary goals of United States foreign policy;

Whereas the United States, along with 117 nations, is a party to the Nuclear Nonproliferation Treaty;

Whereas the Congress in 1978 passed the Nuclear Nonproliferation Act which is designed to establish guidelines for the export of nuclear materials and technology;

Whereas the Government of India has made an urgent request to the United States for nuclear reactor components for its nuclear power station at Tarapur;

Whereas India is not a party to the Nuclear Nonproliferation Treaty and has not agreed to place its nuclear facilities under International Atomic Energy Agency safeguards;

Whereas the Government of India conducted a nuclear explosion in 1974 and has refused to rule out future nuclear tests;

Whereas there have been reports indicating that the Government of India is preparing for another nuclear test, which would require a cutoff of United States nuclear exports under the Nuclear Nonproliferation Act;

Whereas in order to provide the requested nuclear reactor components to India the President may have to waive the requirement for such a cutoff of United States nuclear exports;

Whereas the nuclear cooperation agreement between the United States and India provides that nuclear facilities supplied by the United States to India shall be subject to international safeguards; and

Whereas this agreement expires in 1993 and India has not agreed to extend its safeguard provisions in perpetuity; Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Government should not export or help arrange for other countries to export nuclear reactor components for the nuclear power station at Tarapur, India, unless the Government of India provides to the United States Government stronger nuclear nonproliferation guarantees. These guarantees should include, at a minimum—

3

S 11804

CONGRESSIONAL RECORD — SENATE

August 4, 1983

(1) reliable assurances by the Government of India that it is not engaged in a program to develop nuclear weapons and will not explode additional nuclear devices; and

(2) agreement by the Government of India to extend the safeguards provisions in the United States-Indian nuclear cooperation agreement in perpetuity.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. BOSCHWITZ. Mr. President, I rise today, along with my colleague, Senator JOHN GLENN, to submit a resolution which reaffirms the commitment to the United States to halting the spread of nuclear weapons. This resolution, which, in addition to Senator GLENN, has been cosponsored by Senators PROXMIRE, HART, HUMPHREY, HELMS, PRESSLER, RIEGLE, and FORD, expresses the sense of the Senate that we should not export or help arrange for other countries to export nuclear reactor components to India for its nuclear power station at Tarapur unless India provides us with stronger nonproliferation guarantees.

Mr. President, it is interesting to note the broad spectrum of the cosponsors of this resolution. From among the most conservative Members of our body to the most liberal, this resolution, which has only been brought to the attention of Members a day or two ago, has already attracted a number of most meaningful cosponsors.

This response springs, of course, from the recognition that the proliferation of nuclear weapons is something that we must stop. Otherwise, it is not unlikely that in our lifetime we will indeed see the detonation of one of those weapons.

Actually, Mr. President, the likelihood of such a nuclear exchange between the superpowers is very remote, in my judgment. Both sides are simply too powerful. But if nuclear weapons proliferate among many nations, as they have begun to, and if we are not able to control and contain the spread of nuclear technology, we indeed are going to be heading down the road to trouble.

India has made an urgent request to the United States for spare parts for its nuclear plant at Tarapur. The problem at Tarapur is that its nuclear fuel has deteriorated and has contaminated the plant's coolant. There have been reports that workers in some areas of the plant are being exposed to high levels of radiation. It is not certain whether the spare parts India has requested from the United States, plus decontamination procedures, will be adequate to solve Tarapur's problem.

In any event, the Reagan administration has informed the Indians that it will make sure they receive the necessary parts for the plant, either from the United States or from alternative suppliers in Europe and Japan. While I can understand the administration's desire to be responsive to India's request, I also think we should gain meaningful concessions from India on

the issue of nuclear nonproliferation before we rush to help them get the nuclear components they want.

Mr. President, the resolution we are introducing states that two of those concessions should be the following:

First, the Government of India should be required to assure us that it is not engaged in a program to develop nuclear weapons and will not explode another nuclear device. India detonated a nuclear explosion in 1974 and has refused to rule out further nuclear tests. In fact, it has recently been reported that India could be making preparation for a second nuclear test at the Rajasthan Desert test site. Given the threat that Pakistan may be attempting to acquire nuclear weapons, we have reason to worry that further nuclear testing by India may not be consistent with its pledge to use nuclear power for peaceful purposes.

Further, under the terms of the Nuclear Non-Proliferation Act of 1978, one of the cornerstones of U.S. nonproliferation policy, the United States may not export nuclear parts or technology to any nonnuclear weapons state engaged in nuclear explosive activities. The President may waive this prohibition, subject to congressional veto.

To date, the administration has not indicated whether President Reagan will use his waiver authority in this case. If he does, Congress veto power is, of course, in serious doubt due to the recent Supreme Court ruling against the legislative veto. It is therefore important for the Senate to speak out on this issue in advance. Our resolution does just that.

Second, Mr. President, this resolution states that as another condition for receiving the spare parts, India should agree to extend the safeguards provision in the United States-Indian nuclear cooperation agreement in perpetuity. Although the United States-Indian agreement first initiated in 1963 provides for International Atomic Energy Agency safeguards on U.S.-supplied nuclear facilities in India, this agreement lapses in 1993.

The United States interprets the agreement to mean that the safeguards provision extends in perpetuity, but the Indians contend that all provisions of the agreement lapse in 1993. If we want to make sure the nuclear installation at Tarapur, one we supplied, remains safeguarded indefinitely we must apply whatever leverage we have on India now. This is the message of our resolution.

Mr. President, the two items mentioned in this resolution, India's plan for another nuclear test and its disagreement with us over the nuclear cooperation agreement, are hardly the only disputes we have with India on the nonproliferation issue. We have chosen these two because sooner or later India must make these concessions if the United States is to legally cooperate with India in the nuclear field.

As I have already noted, U.S. nuclear exports are forbidden under the NNPA to any nonnuclear state involved in nuclear explosive activities. In addition, the NNPA requires that U.S. nuclear spare parts be exported only to safeguarded facilities. Therefore, Mr. President, all we are really asking India to do is allow the United States to comply with its own nonproliferation law.

However, the resolution does not say at all that we must limit ourselves to these two conditions. We should as a matter of policy require that India accept IAEA safeguards on all nuclear installations, not just the one at Tarapur. In addition, we could require that India not reprocess spent fuel from a U.S.-supplied facility without our consent, a position India does not now accept.

As you know, Mr. President, it is the reprocessing of spent fuel that produces plutonium, a material that can be used to make a nuclear weapon. But again, Mr. President, our resolution does not require these last steps I have mentioned, although neither does it preclude them. So we are approaching it in a reasonable manner.

Mr. President, there has lately been considerable public attention focused on the issue of strategic nuclear arms control. I certainly share the concern felt by the countless Americans about the nuclear arms competition between the United States and the Soviet Union.

There is unquestionably a need for the United States and the U.S.S.R. to reduce their nuclear arsenals, but I think there is another important aspect of the nuclear arms question which often gets lost in all the discussion about the nuclear freeze, the build down, and other proposals for strategic arms control. That is the issue of nuclear proliferation. That is an issue that should not get lost.

Therefore, Mr. President, when the Senate Foreign Relations Committee resumes its consideration of the various arms control proposals now pending before it, I will offer an amendment urging the United States to continue to press forward on the nonproliferation front.

Meanwhile, I am very pleased to join Senator GLENN and the rest of my colleagues in speaking out on the export of nuclear spare parts to Tarapur. In this we have an opportunity to strengthen the global nonproliferation system at one of its weakest points. We must not allow this opportunity to slip away.

Mr. President, in closing I would like to thank Senator GLENN and his staff for their cooperation on this issue. The Senator from Ohio has been a leader in the nonproliferation field for many years. I was pleased to vote with him in 1980 when he tried to stop for the Carter administration from shipping nuclear fuel to India despite the latter's failure to place all its nuclear

CONGRESSIONAL RECORD — SENATE

August 4, 1983

facilities under safeguards. I look forward to working with him in the future on the vital and underpublicized question of nuclear nonproliferation.

Mr. President, I ask unanimous consent that an article entitled "Stop This Nuclear Sale," which appeared in the Washington Post of July 22, 1983, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 22, 1983]

STOP THIS NUCLEAR SALE

(By Rudy Boschwitz)

Although the debate about strategic nuclear arms control has dominated the news lately, the Reagan administration now has before it a true "test case" in a less publicized area of the nuclear arms question—nuclear proliferation. This case, India's request for reactor components for nuclear plan: at Tarapur (a city just north of Bombay) is important for two reasons.

First and foremost the manner in which the U.S. government responds to the Indian request will reveal the strength of our commitment to halting the proliferation of nuclear weapons. Second, this case demonstrates the potential impact on U.S. nonproliferation policy of the recent Supreme Court decision on the legislative veto.

India has made an urgent request to the administration for component parts for two reactors at Tarapur that have developed serious radiation leaks. In my opinion, it will be difficult for the administration to honor this request without violating U.S. nonproliferation laws. This law, the so-called Nuclear Non-Proliferation Act, passed by Congress in 1976 contains a provision banning exports of nuclear material to countries "engaged in activities . . . having direct significance for the manufacture or acquisition of nuclear explosive devices . . ." The problem is that there have been strong hints that India could be preparing for a second nuclear test, and Prime Minister Indira Gandhi has in fact refused to rule out further nuclear testing.

India first exploded a nuclear device in 1974, calling it a "peaceful nuclear explosion." However, Pakistan, with which India has been in deep dispute for over three decades, does not see it quite that way. Many proliferation experts fear that the Pakistanis are clandestinely acquiring their own bomb-making capability.

Under NNPA, the president may waive the prohibition against nuclear exports to India, but Congress may overturn this decision by passing a concurrent resolution within 60 days of his action. However, the congressional veto power granted to Congress in the NNPA, and many other laws, could now be invalidated by the recent Supreme Court ruling against the legislative veto. The uncertainty here is the breadth of the court's decision: the case involved a one-house veto, while the NNPA provides that both houses of Congress must vote to block a presidential action.

The NNPA's two-house veto was a useful nonproliferation tool three years ago when Congress nearly succeeded in blocking another ill-advised nuclear export deal to India by another administration. The facts of the case were these: under the Nuclear Non-Proliferation Treaty (NPT) of 1970, signed by 115 nations including the United States and the Soviet Union, the nuclear "have" nations agreed to supply the nuclear "have-not" nations with nuclear technology for peaceful purposes in return for a pledge

from the non-nuclear states to forgo the acquisition of nuclear weapons and submit all their nuclear facilities to periodic inspections by the International Atomic Energy Agency, an arm of the United Nations. These inspections are called full-scope safeguards.

Unfortunately a number of countries that are major proliferation risk—India, Pakistan, South Africa, Brazil and Argentina to name several—have not signed the treaty.

In order to exert pressure on these countries to allow inspection of all their facilities, Congress passed the NNPA, which in addition to the provision previously mentioned, contains another provision banning nuclear exports to countries that do not accept IAEA safeguards on all their facilities.

In 1980, President Carter wanted to continue to supply nuclear fuel to India even though the Indians do not accept full-scope IAEA safeguards. Carter exercised his authority to waive this ban granted to him by the NNPA. Although the House voted resoundingly, 298-98, to overturn the waiver, the Senate upheld Carter's action in a close vote, 48-46. On this vote I was pleased to join forces with my colleague, Sen. John Glenn, who led the fight against the fuel exports. Too bad we lost.

With our veto power now in doubt, it is all the more important for those of us in Congress to speak out loudly and try to influence public opinion on the proliferation issue. Regarding India's current request for reactor parts, the administration should not provide India with the parts it needs, nor should it arrange for other countries to do so. Instead, it should try to persuade all the major nuclear suppliers—mainly ourselves and our European allies—to withhold parts from the Indians until they: 1) make it clear that they are not planning another nuclear test and 2) accept full-scope IAEA safeguards. If we who are already in the nuclear business, either for civilian or military purposes, are really serious about wanting to stop proliferation, this is the kind of bold, forceful step that we have no choice but to take.

We must recognize that what drives countries like India and Pakistan to join the nuclear club is not some perverse affection for nuclear weapons but a much more human emotion—fear. They are afraid for their security in a hostile world. Just as our concern about Soviet military power and our desire to deter its use against us forces us to deploy nuclear weapons. Therefore, it is vital that we strengthen the international nonproliferation system, or regime, as it is sometimes called so that frightened countries will come to trust it as a way of removing the nuclear terror.

On June 7, 1981, Israeli fighter-bombers executed the first overt military attack in history on a nuclear facility, destroying Iraq's Osirak research reactor. The Israelis acted because they did not trust the peaceful intentions of a nuclear program being developed by an uncompromising enemy and because they had an equal distrust for the international nonproliferation regime. While many expressed alarm and outrage that military force was used to resolve this question, I think the Israelis did us all a favor by reminding us of our responsibility to countries afraid of a nuclear threat from hostile neighbors.

We can exercise that responsibility by taking a tough stand on the export of component parts to India. If we are not willing to take this type of action both now and in the future, we should not be surprised when another Osirak-style raid occurs by some other threatened nation, or, worse still, when one of these countries actually uses a

nuclear weapon against an adversary. We have the power to prevent these horrible outcomes; the question is, do we have the will?

Mr. BOSCHWITZ. Mr. President, I also ask unanimous consent that other Senators who wish to file statements on this resolution during the course of the day be allowed to do so, and that their statements appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I am pleased to join Senator Boschwitz in submitting this resolution concerning our nuclear nonproliferation policy toward India and its relation to the shipment of spare parts for the nuclear reactors at Tarapur. Once again, we are faced with an important decision that will determine whether the United States intends to live up to its nonproliferation commitments and the spirit of its laws in this area. Three years ago, the previous administration failed the first real test of its nonproliferation policy when President Carter made the decision to send fuel to Tarapur despite the refusal of the Indians to accept full-scope safeguards on their nuclear facilities as required under the Nuclear Nonproliferation Act of 1978. The House by a 2-to-1 margin, voted to overturn the President's decision, and the Senate came within two votes of doing the same. Only one of two pending shipments was then sent, with the second one scheduled to be delivered at a later time. The main arguments against the shipment were that the Indians had in the past refused to abide by clear U.S. understandings about the 1963 United States/India Agreement for Cooperation as well as the terms of a heavy-water sale agreement between the United States and India in 1956. Despite being told by the United States that the use of our heavy water in a nuclear explosives program would be contrary to the provisions of the sale agreement, the Indians went ahead and used our material in the reactor that produced the plutonium for their 1974 nuclear explosion. Subsequently, after the passage of the NNPA, the Indians refused to abide by the full-scope safeguards criterion for U.S. exports to nonweapon States. The previous administration argued that if we did not send fuel for Tarapur we risked having the Indians claim that we had abrogated the agreement—a claim, incidentally, that would be false since the Indians agreed in a 1971 amendment to the 1963 agreement to abide by all our export laws—and might then remove safeguards from previous U.S. exports including the accumulated spent fuel.

To the amazement of some, after the fight over the fuel shipment was resolved, the Indians began claiming publicly that they would have the right to remove safeguards from Tarapur after the United States-India

S 11806

CONGRESSIONAL RECORD — SENATE

August 4, 1983

agreement expired in 1993. They also began claiming publicly that they have the right to reprocess U.S.-origin spent fuel without our permission, even though the United States-India agreement clearly calls for "a joint determination on safeguardability" of the proposed reprocessing facility before any extraction of plutonium from U.S.-origin spent fuel can be processed. Such a joint determination has never been made.

In response to news reports suggesting that the Indians were seeking to terminate the agreement, I wrote to the President on February 5, 1981, suggesting that if the Indians wish to terminate their agreement with the United States, we should accommodate them with the understanding that such termination does not relieve them of any obligation with respect to either continued safeguarding of the reactors and the spent fuel or U.S. prior consent on the reprocessing of U.S.-origin spent fuel. I ask unanimous consent that this letter and the reply from the White House be placed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMITTEE ON GOVERNMENTAL AFFAIRS, SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION AND GOVERNMENT PROCESSES,

Washington, D.C., February 5, 1981.

The PRESIDENT,

The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Recent press reports indicate that the Indian government is proposing an amicable end to its Agreement for Cooperation in nuclear matters with the United States. This issue has been an irritant in U.S.-Indian relations since 1974 when the Indians exploded a nuclear device using plutonium obtained from an unsafeguarded Canadian research reactor in which U.S. heavy-water was employed.

In an aide-memoire delivered by the U.S. State Department to India four years earlier, the U.S. position was made clear that we would consider use of our materials for nuclear explosive purposes as a contravention of the terms under which the material was supplied. Nonetheless, India proceeded with the explosion. That action was one of the factors that influenced the U.S. Congress to pass the Nuclear Nonproliferation Act of 1978 which provides that except for Presidential intervention, no U.S. nuclear materials would be exported to any non-weapon state which refuses to accept full-scope safeguards on its nuclear facilities.

It is important to understand that 111 non-weapons states, in return for receiving cooperation from nuclear suppliers, including the U.S., have accepted full-scope safeguards by virtue of their adherence to the Non-Proliferation Treaty. To send materials to nonsigners such as India, who refuse to honor this export criterion, is to undermine the Treaty.

The Indian issue is a complex one involving subtle legal arguments regarding the obligations of both the United States and India under the Agreement for Cooperation and the Fuel Contract pursuant thereto. It is not my intent to reiterate all those arguments. They were exhaustively examined during the Senate debate last fall on President Carter's decision to send the fuel, and I

would be glad to discuss them with you at length at your convenience. Rather, the purpose of this letter is to inform you that if the official Indian attitude on the reprocessing of U.S.-origin spent fuel at Tarapur is as reported in the Washington Post of February 3, 1981 (and my staff has been told by a State Department spokesman that the quotes do represent official Indian attitudes), then a significant part of the rationale used to justify sending the fuel has been undercut. During the Senate debate, the proponents of the shipment argued that the shipment was necessary in order to ensure that the Indians could not claim breach-of-contract on the part of the United States. In that way, it was argued, the safeguards on the spent fuel at Tarapur and on the reactor itself would be maintained, and we could prevent the Indians from reprocessing the spent fuel since U.S. permission is required under the Agreement. Those arguments played a large part in convincing the Senate by a vote of 48-46, to uphold the President's decision. I argued against the decision on the grounds that the Indians had not shown good faith with the United States in terms of the discharge of Indian obligations under the previous heavy-water sales agreement; that India had refused to accept full-scope safeguards as required under the Nuclear Nonproliferation Act (NNPA) of 1978; that Prime Minister Gandhi had reiterated that the Indians would mount nuclear explosions whenever they felt it was in their national interest; and that it would be damaging to the U.S. to fail the first substantive test of the NNPA.

The Post article quotes Dr. V. N. Meckoni, Director of the Tarapur Nuclear Safety Group, as saying "There is no question of permission from the U.S. for the reprocessing of Tarapur fuel. The fuels belongs to us." This suggests that, despite our bending over backwards in order to show good will toward India in the nuclear area, the Indians may be prepared to violate the Agreement for Cooperation and separate out plutonium from the spent fuel at Tarapur without our permission.

If the Indians take such action, we will be faced with a situation in which the United States publicly took a large step backwards in its nonproliferation stance to placate the Indians only to be subsequently and rudely thrust aside. This is hardly likely to enhance American prestige in the world community.

In my view, it would be most desirable and appropriate for the President to issue a strong statement regarding the United States' attitude on the nonproliferation of nuclear weapons, and on the United States' determination not to knuckle under to the threats of other countries that demand the export of our nuclear materials without satisfying the export criteria in our laws.

If the Indians wish an amicable end to our nuclear fuel contract rather than satisfying the legal export conditions designed to prevent the misuse of nuclear materials, I feel we should accommodate them with the understanding that termination of the contract does not relieve them of any obligation with respect to either the continued safeguarding of the reactors and the spent fuel or U.S. prior consent on the reprocessing of U.S.-origin spent fuel.

The Tarapur shipment approved last year was divided into two parts, only one of which has been sent. In light of the Indian statements I urge that you withhold sending the second part of the shipment until appropriate assurances are received from the Indians regarding the future disposition of our spent fuel and the maintenance of safeguards.

Finally, I continue to hold to the position that the issue in the Tarapur case is not what we can or cannot prevent the Indians from doing. Their large, unsafeguarded, indigenous program will eventually dwarf the Tarapur program in terms of production of weapons-usable materials. The issue, rather, concerns the impact that our decisions in this area will have on other nations. If the most flagrant nuclear violator can obtain nuclear materials with no concessions, the message to the signatories of the NPT is that the political commitment they made in order to receive nuclear assistance has been devalued. An equally unfortunate message is also sent to those countries that may be going down the path of developing a weapons option themselves and to suppliers who may be aiding them to do so. We should be resolute in our determination not to engage in nuclear trade with countries that are unwilling to allow effective full-scope safeguards on their nuclear facilities. To do otherwise is to guarantee failure in obtaining international consensus on strengthening and tightening the international safeguards system.

Best regards.
Sincerely,

John Glenn.

DEPARTMENT OF STATE,

Washington, D.C., April 17, 1981.

Hon. JOHN GLENN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GLENN: The White House has asked me to reply to your recent letter about the future of US nuclear cooperation with India. We recognize your longstanding commitment to non-proliferation and appreciate having your views on the India issue at this stage.

As you know the Administration has been actively reviewing the situation with a view to deciding on a course of action that best serves our non-proliferation and foreign policy interests. I understand that you have been briefed by State Department officials to bring you up to date on developments in a number of areas of non-proliferation concern, including India. As you can appreciate, therefore, our discussions about the US-India nuclear relationship are at a very delicate stage.

While I cannot at this point predict the outcome of this review or of related discussions with representatives of the Indian Government, this is a matter of high priority to which we will be devoting considerable attention on the weeks ahead.

Sincerely,

ALVIN PAUL DRISCHLER,
Action Assistant Secretary
for Congressional Relations.

Mr. GLENN. Mr. President, unfortunately, these conditions were ignored when the United States subsequently allowed the Indians to sign an agreement for a new fuel contract with the French for Tarapur. Despite the history of contentiousness on key points concerning safeguards, the United States did not insist upon clarification of these points prior to giving its approval of the French/Indian agreement. In particular, the United States did not insist that the French/Indian agreement assure that perpetual safeguards shall apply to the fuel provided by France; did not assure that safeguards shall apply to any material derived from French-supplied fuel and to any facility through which such fuel

August 4, 1983

CONGRESSIONAL RECORD — SENATE

S 11807

passes; and did not assure that French-supplied fuel cannot be reprocessed without a joint determination on safeguardability of the reprocessing facility by the United States, the French, and the Indians.

As a result of the French/Indian agreement, the Indians will receive fuel for Tarapur without having to put all their nuclear facilities under safeguards, thus escaping a major aim of U.S. nonproliferation policy instituted under the NNPA.

Now, after all this history, the Indians have come back with a request for the United States to ship spare parts for the Tarapur reactors. And once again, an administration has seen fit to cave in before India's demands without requiring the least quid pro quo in return. This time, the argument for shipment of nuclear parts is based not just on the United States/Indian Agreement for Cooperation, but also on an ostensible desire to protect both nuclear plantworkers at Tarapur who are being excessively exposed to radiation, as well as Indian citizens living near the Tarapur reactors who could be exposed to radiation in the event of an accident.

That there is a safety problem at the Tarapur reactors is beyond question, but whether the spare parts will solve the problem is another matter entirely. In the meantime, sending the parts without any quid pro quo will put the United States once again in the position of having its nonproliferation policy undermined by countries with the worst records since the Nuclear Nonproliferation Treaty went into force nearly 15 years ago.

Reports that activities, including the sinking of shafts, are proceeding at the Rajasthan Desert test site plus the Indians' steadfast refusal to join the NPT or to put their entire nuclear program under safeguards renders hollow the claim that the United States would be forsaking a moral obligation if the spare parts were not delivered.

My view of this situation was conveyed to the White House in a letter I wrote to the President on July 7, 1983. I ask unanimous consent that this letter and the reply by the White House to it appear in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON GOVERNMENTAL AFFAIRS, SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION AND GOVERNMENT PROCESSES,

Washington, D.C., July 7, 1983.

President RONALD REAGAN,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: I was recently informed, first via a wire story and subsequently through official channels, that Secretary of State Shultz has made, on behalf of your administration, a commitment to the Indians that the U.S. will aid them in obtaining certain spare parts for the Tarapur reactors. This aid will take the form of both approving the transfer of such parts from third parties, and exporting directly to

India those parts which third parties cannot provide. I understand that extensive discussions have already taken place with Germany and Italy on the possibility of those countries supplying at least some of the desired equipment.

My views on this were recently solicited by Secretary Shultz through Senator Percy. I have been informed that a cable was sent to the Secretary informing him of my view, which is that I am opposed to providing the Indians with any help in obtaining these reactor items as long as the Indians maintain the position that the safeguards principles of "perpetuity" and "pursuit" do Cooperation of 1963, as amended in 1971.

I believe that, in aiding the Indian nuclear program under present circumstances, the administration is making a grave error that will undermine the nuclear nonproliferation regime in much the same way as the Carter Administration undid its own policy by sending fuel to Tarapur in 1980.

Some of my colleagues in the House and Senate have written to you about this issue and it is not my intention to reiterate their arguments. Rather, because it has been claimed that the transfer of spare parts is a "safety" and humanitarian issue that should override nonproliferation concerns, I wish to bring to your attention some information suggesting that such claims are misleading and obscure the true picture of nuclear safety at Tarapur.

Nuclear experts in your administration have told my staff that the Tarapur reactors are, from the standpoint of safety and independently of the spare parts, much worse than the worst operating plants in the United States. There have been serious fuel failures in the past few years in which significant amounts of radioactive materials have entered the primary coolant and been deposited in pipes, pumps, valves, and other equipment, thus resulting in high exposure levels to workers (30-50 rems/hour in some areas of the plant). These reactors are old and do not represent up-to-date design. They have not been retrofitted to bring them up to acceptable safety standards. Their emergency core cooling system (ECCS) equipment is out-of-date and marginal. Even under conditions of half power operation, these reactors release amounts of radioactive materials to the atmosphere that are 100 times greater than that allowed under U.S. regulations.

I have been told that if these reactors had been operating in the United States, the Nuclear Regulatory Commission would have shut them down years ago. Indeed, the only two U.S. reactors of this design, Dresden I and Humboldt Bay, were permanently shut down a few years ago because of problems with ECCS equipment and fuel element leakage in one case and the inability to meet new seismic requirements in the other. Neither plant had to face the new safety requirements imposed by the NRC after the Brown's Ferry fire or the TMI accident.

The bottom line of this litany, Mr. President, is that the basic safety problems of these plants appear to be so profound that the transfer of the spare parts would not adequately address them. It is hard to escape the conclusion that Indian workers at Tarapur would continue to be irradiated at high levels even if the parts were delivered and installed.

It thus appears, Mr. President, that the relationship of the spare parts to the status of safety at Tarapur is analogous to the relationship of a precancerous wart to the health of a terminally ill patient.

Nonetheless, some would argue that the U.S. has a moral obligation to do all it reasonably can to ensure that its exports, including nuclear reactors, are used safely. I

don't disagree with this notion, but I also believe that the U.S. has a moral as well as a legal obligation to uphold and strengthen the international nonproliferation regime, whose failure would risk many more lives on this earth than would the failure of the reactors at Tarapur. When one adds to this the realization that the Tarapur reactors are so far off U.S. safety standards that it cannot be reliably estimated what accidents might happen if the reactors were to continue to operate with or without the additional spare parts, the case for the shipment of these parts in the absence of any reasonable concession by the Indians on safeguards evaporates.

I urge you to reverse the administration's unilateral concession to the Indians, and to link any assistance at Tarapur to concrete Indian actions aimed at ensuring the retention and expansion of safeguards within their nuclear program.

Sincerely,

JOHN GLENN,
U.S. Senator.

U.S. DEPARTMENT OF STATE,
Washington, D.C., July 28, 1983.

HON. JOHN GLENN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GLENN: The White House has asked me to reply to your letter of July 7, 1983 in which you urged the President to oppose the export of certain spare parts to India for use in the Tarapur reactors.

As you know, Secretary Shultz during his recent visit to India told the Indian Government that if the necessary parts were not available from third country suppliers, President Reagan would be prepared to take the appropriate steps to see that they could be obtained in the United States. This was a very difficult decision, and the President's basic concern throughout was the health and safety of the people working at the reactors and living nearby. I can assure you that this decision was reached only after very long and, we think, careful consideration of all aspects of the case, including many of the same facts and problems you raised in your letter. We sincerely believe that we have not sacrificed our non-proliferation principles in making this accommodation.

The President has not yet decided what specific measures will be taken to permit the export of the parts to India, because we are waiting to find out exactly how many of the parts will be available from third country suppliers. We will, of course, keep you fully informed of developments as they occur.

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Legislative
and Intergovernmental Affairs.

Mr. GLENN. Mr. President, it should be noted that in Mr. Powell Moore's reply on behalf of the President, the White House does not dispute the claims made in my letter regarding the safety situation at Tarapur and the role that the spare parts can and cannot play in alleviating safety concerns.

The resolution offered by Senator BOSCHWITZ and myself is a very simple expression of a position whose reasonableness I challenge anyone to deny. It says that as a minimum condition for consideration of the delivery of spare parts to Tarapur, the Indians should give reliable assurances that they are

S 11808

CONGRESSIONAL RECORD — SENATE

August 4, 1983

not engaged in a program to develop nuclear weapons—and that includes “peaceful nuclear explosions”—and that they will not explode additional nuclear devices. It also requires that the Government of India extend the safeguards provisions in the United States/Indian Agreement for Nuclear Cooperation in perpetuity so that safeguards on all previous U.S. exports and on materials derived from those exports will not expire with the expiration of the United States/Indian agreement.

Mr. President, I believe it is time that the United States stop being spineless in its efforts to prevent the spread of nuclear weapons around the globe, and I also believe it is time that the administration began paying closer attention to the spirit of our nonproliferation laws in the United States. I urge my colleagues to support this resolution, which sends a clear message to the President that he would be ill-advised to proceed with the proposal to aid the Indians in obtaining the spare parts for Tarapur without obtaining substantial concessions from the Indians in the area of nuclear nonproliferation.

**SENATE RESOLUTION 199—
BUDGET WAIVER RELATING
TO THE CONSIDERATION OF
H.R. 2840**

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 199

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 2840. Such waiver is necessary because H.R. 2840 authorizes the enactment of new budget authority which would first become available in a fiscal year and was not reported on or before May 15 of that year, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The authorizations contained in H.R. 2840 are necessary in order to permit the United States Government and the State of Alaska to proceed with the transfer of management of the Pribilof Islands. It was not possible for such authorizations to have been reported by the Committee on Commerce, Science, and Transportation prior to the statutory deadline for such authorizations because negotiations regarding the transfer had not been completed at the time of the deadline.

**SENATE RESOLUTION 201—RE-
LATING TO THE USE OF
CHEMICAL WARFARE AGENTS
BY THE SOVIET UNION**

Mr. PRESSLER (for himself, Mr. PERCY, Mr. DOLE, Mr. SARBANES, Mr. GLENN, Mr. PELL, Mr. LEAHY, Mr. D'AMATO, Mr. GARN, Mr. HELMS, Mr. DOMENICI, Mr. ZORINSKY, Mrs. HAWKINS, Mr. WILSON, Mr. BOSCHWITZ, Mr. COHEN, Mr. DODD, Mr. BUMPERS, Mr. HUMPHREY, and Mr. MURKOWSKI) submitted the following resolution; which

was referred to the Committee on Foreign Relations:

S. RES. 201

Whereas the accumulated evidence indicates that the Soviet Union is engaged in the use and/or provision of chemical warfare agents in Southeast Asia and Afghanistan;

Whereas this finding is based upon investigations conducted by the United States Government and by other governments and international organizations such as the United Nations and the governments of Canada and France; and,

Whereas such activities are in contravention of arms control agreements signed and ratified by the Union of Soviet Socialist Republics: Therefore be it

Resolved, That it is the sense of the Senate that the United States should immediately seek to:

(a) urge that other governments carefully assess the evidence and, where possible, conduct their own independent investigations of suspected chemical warfare;

(b) assist the United Nations to gain unhindered access for United Nations investigators to areas where chemical and toxin weapons use is suspected; and,

(c) negotiate with the Soviet Union and other nations the strengthening of existing agreements on chemical, biological and toxin weapons so as to provide effective mechanisms for assuring compliance, to include provision for on-demand, on-site inspection when necessary.

**YELLOW RAIN: RESOLUTION ON CHEMICAL AND
TOXIN WARFARE**

Mr. PRESSLER. Mr. President, today I offer a resolution on the use and/or provision of chemical and toxin warfare agents by the Soviet Union. Joining me as principal cosponsor is Senator PERCY. A large number of other Senators have joined as original cosponsors of the resolution, including Senators DOLE, SARBANES, GLENN, PELL, LEAHY, D'AMATO, GARN, HELMS, DOMENICI, ZORINSKY, HAWKINS, WILSON, BOSCHWITZ, COHEN, DODD, BUMPERS, HUMPHREY, and MURKOWSKI.

The Foreign Relations Subcommittee on Arms Control which I chair has held a series of hearings, beginning in 1981, on the suspected use and/or provision of chemical warfare agents. The tone of testimony received at the first hearing in November 1981, and at the last hearing in late February 1983, is dramatically different. Over that time period, the United States and other governments—including the United Nations—have intensified their efforts to gather evidence on reports of chemical warfare in Afghanistan and in Southeast Asia.

As the evidence and reports have grown, the case pointing to Soviet culpability has become compelling. We in the Senate must make our views known on this unacceptable situation. The victims of this form of combat are most often simply peasants. As Dr. Amos Townsend of the International Rescue Committee pointed out in testimony to the subcommittee on February 24, 1983, the very young and the old have suffered the most from chemical warfare.

Let me note that while opinion on U.S. Government charges of chemical warfare was highly divided at the November 1981 hearing, the new body of carefully analyzed evidence has convinced many former skeptics.

Doubters now can review alternative sources of analysis in addition to that provided by the Secretary of State in two extensive reports issued in March 1982 and in November 1983. The Canadian Government has issued a total of four reports to date. Its detailed conclusions have swayed the thinking of several witnesses who testified at our hearing in February. France has conducted its own investigation. While the French Government has chosen not to release a report at this time, Foreign Minister Claude Cheysson has stated that French investigators have confirmed the findings made by the United States. Cheysson delivered this statement in Bangkok on March 26, 1983. The Thai Government has adopted a parallel view.

The United Nations has investigated charges brought by the United States on the uses of chemical warfare for several years. Unfortunately, the U.N. team's efforts have been hampered by the interference of a senior Soviet United Nations official and by the refusal of the Governments of the Soviet Union, Vietnam, Cambodia and Laos to cooperate. Despite these obstacles, the U.N. investigatory team has produced an interim report, published at the end of last year. That report provides support for charges that chemical and toxin weapons are, indeed, being used in Southeast Asia.

In the wake of growing evidence that chemical warfare agents are being employed, the U.N.'s membership voted overwhelmingly in favor of continuing the investigation of these illegal and inhumane incidents. We should applaud the world community for acting as it has, despite Soviet and East bloc efforts to kill the investigation. Moreover, the United Nations, operating through the Secretary General, has moved to transfer control away from the Soviet Undersecretary General who sought to block the process. Henceforth, the investigatory effort will come under the direct guidance of the Secretary General. This will make it difficult for the Soviets to manipulate the process, and it will assure the quick and impartial consideration of charges of chemical warfare.

Mr. President, the United States must now work with the United Nations and with other nations to assure that U.N. investigators gain unimpeded access to the areas where chemical warfare is reported.

It is important to note that this form of warfare is not only inhumane, but it is also outlawed by agreements signed by the Soviet Union. By using and/or providing chemical warfare agents, the Soviet Union is in flagrant violation of arms control agreements: