



***Statement of Senator Joseph R. Biden, Jr.  
Committee on Foreign Relations Hearing on  
Nonproliferation and Arms Control: Strategic Choices  
March 10, 2004***

Thank you, Mr. Chairman. Today's hearing is especially timely, given the events of the past year.

- We discovered a global black market, headquartered in Pakistan, which offered countries all of the essential components for a nuclear weapons program.
- North Korea moved to possibly expand its nuclear arsenal.
- Iran has only partially cooperated with International Atomic Energy Agency efforts to document the full scope of its nuclear program, raising questions regarding its true intentions.
- On the other hand, Libya is voluntarily dismantling its WMD programs, with the assistance of the United States and the United Kingdom.
- And, finally, the United States went to war against Iraq, ostensibly in part to end its nuclear weapons program. But, as David Kay confirmed for all of us, that program was more a mirage than reality.

I am pleased that the Committee has before it today an esteemed group of "wise men" to discuss the significance of these events for the future of nuclear arms control and non-proliferation. Bill Perry, Arnie Kanter, and Ash Carter need no introduction. Their December op-ed in the *New York Times*, co-written with Brent Scowcroft, helped clarify the growing discussion of the Nuclear Nonproliferation Treaty – the NPT. Gentlemen, I welcome you all.

One element of the NPT is a promise to non-nuclear weapons states that, in return for forswearing nuclear weapons, they will enjoy the benefits of peaceful nuclear technology. That bargain has become frayed. Iran, Iraq and North Korea have all used their ostensibly civilian facilities to mask covert weapons programs.

In Iran and North Korea, we were at least able to sound the alarm. Both states had secret efforts to produce weapons-grade plutonium and highly enriched uranium – and were caught. In Iraq, however, absent the Gulf War of 1991, Saddam Hussein might have obtained highly enriched uranium without anybody realizing it.

A smarter state, using a civilian program as the rationale, could build uranium enrichment facilities, spent fuel reprocessing cells, and the like – and properly report these efforts to the IAEA. It could acquire weapons-grade plutonium or highly enriched uranium, and place the material under IAEA safeguards. In other words, it could become a potential nuclear weapons power without violating safeguards. Then it could withdraw from the NPT, and develop and assemble nuclear weapons in a short time.

That's the challenge we need to address. How do we counter not just states that do things in a hamhanded manner, but states that skillfully exploit the loopholes of the NPT? The Additional Protocol that we approved in Committee last week can help make it much harder to hide a covert nuclear program – if we can persuade the rest of the world to sign such protocols as well. But how can we combat the “breakout” scenario?

One idea gaining currency is to allow non-nuclear weapons states to continue to possess civilian nuclear programs, but not a closed nuclear fuel cycle. A state could have civilian nuclear reactors to produce electrical power, but must import the nuclear reactor fuel and return any spent fuel. This would ensure that a state did not obtain fissile material needed for a nuclear weapon.

IAEA Director General Mohammed El-Baradei would allow only multinational facilities to produce and process nuclear fuels, and give legitimate end-users assured access to these fuels at reasonable rates. Our witnesses have endorsed this proposal, adding that states that refuse this bargain should be subject to sanctions. President Bush has not endorsed multinational facilities, but called upon members of the Nuclear Suppliers Group to refuse to export enrichment and reprocessing equipment to any state that does not already possess full scale enrichment and reprocessing plants.

I am glad this debate has begun. Any agreement will be difficult to achieve. Non-nuclear weapons states will ask what they will get for surrendering a well established right. States with nuclear fuel industries may worry that they

will go out of business if only a few multinational facilities are allowed to operate enrichment and reprocessing activities.

I hope that the international community reaches a consensus in time for next year's NPT Review Conference. I do worry that any effort to formally amend the NPT would open a Pandora's Box. But perhaps we can add a protocol to the NPT, or seek a less formal statement interpreting Article 4 of the NPT.

There is another bargain central to the NPT, one that this Administration largely prefers to ignore. In return for forswearing nuclear weapons, non-nuclear weapons states received a commitment from the five permanent nuclear powers, reaffirmed as recently as 2000, to seek eventual nuclear disarmament.

Nobody, including me, expects the United States to give up its nuclear deterrent any time in the foreseeable future. But the Administration's drive to research and possibly produce new nuclear weapons – including low-yield nukes – is a step in the wrong direction.

It signals to the rest of the world that even the preeminent global power needs new nuclear weapons to assure its own security.

The Administration threatens to take another backward step on a Fissile Material Cutoff Treaty. An FMCT has been a U.S. objective for eight years, and this Administration castigated other countries for preventing negotiations from starting. Now that there is a chance of success, however, the Administration says that we may refuse to negotiate. This only undermines solidarity with our allies, who worked for years to help us convince other countries to negotiate.

I want to strongly second a key point made by our witnesses in their recent op-ed. For all the flaws of the NPT, it is an essential treaty. It has been vital to encouraging states like Ukraine, Belarus, Kazakhstan, South Africa, Brazil and Argentina to end their nuclear weapons programs.

We should also acknowledge the important benefits provided by the IAEA. The IAEA helped crack open many of Iran's nuclear secrets. Just as the U.S. intelligence community is doing incredible work in breaking apart the A. Q. Khan procurement network, the IAEA is doing its part, utilizing information derived from its work on Iran and other nations.

The IAEA needs and deserves our continuing support – both political support and the money, equipment and training that have helped make the IAEA a vital institution in nonproliferation, nuclear safety, and peaceful applications of atomic energy.

Thank you, Mr. Chairman.