

97TH CONGRESS  
2D SESSION

# H. R. 6032

To promote the nuclear nonproliferation policies of the United States.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1982

Mr. BINGHAM (for himself, Mr. UDALL, Mr. WEISS, Mr. DELLUMS, Mr. BEILEN-  
SON, Mr. EDWARDS of California, Mr. RICHMOND, Mr. LAFALCE, Mr.  
LOWRY of Washington, Mr. MINISH, Mr. FASCELL, Mr. MINETA, Mr.  
DOWNEY, Mr. JEFFORDS, Mr. MARKEY, Mr. EMERY, Mr. LEHMAN, Mr.  
EDGAR, Mr. HERTEL, Mr. FOWLER, Mr. HUGHES, Mr. GORE, Ms. MI-  
KULSKI, Mr. WOLPE, Mr. SHAMANSKY, Mr. KASTENMEIER, Mr. WEAVER,  
Mr. CORRADA, Mr. GEJDENSON, Mrs. SCHROEDER, Mr. BONKER, Mr.  
ECKART, Mr. SCHUMER, Mr. OBERSTAR, Mr. PATTERSON, Mr. SEIBER-  
LING, Mr. BARNES, Mr. ADDABBO, Mr. OTTINGER, Ms. FERRARO, and Mr.  
BROWN of California) introduced the following bill; which was referred to the  
Committee on Foreign Affairs

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## A BILL

To promote the nuclear nonproliferation policies of the United  
States.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3

### SHORT TITLE

4 SECTION 1. This Act may be cited as the "Nuclear  
5 Nonproliferation Policy Act of 1982".

1 TITLE I—AUTHORIZATIONS BY THE SECRETARY  
2 OF ENERGY FOR CERTAIN ACTIVITIES OUT-  
3 SIDE THE UNITED STATES

4 CONGRESSIONAL FINDING

5 SEC. 101. The Congress finds and declares that authori-  
6 zations by the Secretary of Energy of transfers of nuclear  
7 technology outside the United States are of vital importance  
8 in controlling nuclear weapons proliferation.

9 PUBLIC NOTICE

10 SEC. 102. Section 57 b. of the Atomic Energy Act of  
11 1954 (42 U.S.C. 2077(b)) is amended by inserting the follow-  
12 ing new sentence immediately after the first sentence:  
13 “Notice of any such authorization shall be published in the  
14 Federal Register, and the authorization shall not become ef-  
15 fective until at least fifteen days after such publication.”.

16 COMPLIANCE WITH FULL-SCOPE SAFEGUARDS AND OTHER  
17 NONPROLIFERATION CRITERIA

18 SEC. 103. (a) Section 128 of the Atomic Energy Act of  
19 1954 (42 U.S.C. 2157) is amended by adding at the end  
20 thereof the following new subsection:

21 “c. (1) Except as provided in paragraph (2) of this sub-  
22 section, authorizations by the Secretary of Energy under sub-  
23 section 57 b. shall be effective with respect to a non-nuclear-  
24 weapon state only if the Secretary of Energy has determined

1 that such state adheres to the criteria contained in section  
2 127 and in subsection a. of this section.

3       “(2) If the Secretary of Energy finds that a specific au-  
4 thorization or a general authorization should be provided  
5 under subsection 57 b. with respect to a non-nuclear-weapon  
6 state which does not adhere to the criteria referred to in  
7 paragraph (1) of this subsection, the Secretary of Energy  
8 shall publicly issue his decision to that effect and shall submit  
9 his recommendation for the proposed authorization to the  
10 President. If, after reviewing the Secretary’s decision, the  
11 President determines that withholding the proposed authori-  
12 zation would be seriously prejudicial to the achievement of  
13 United States nonproliferation objectives or would otherwise  
14 jeopardize the common defense and security, the President  
15 may authorize the proposed authorization by Executive  
16 order, except that—

17       “(A) prior to issuing any such Executive order,  
18 the President shall submit the Executive order, togeth-  
19 er with his explanation of why the authorization should  
20 be granted, to the Congress for a period of sixty days  
21 of continuous session (as defined in subsection 130 g.),  
22 with any such Executive order to be referred to the  
23 Committee on Foreign Affairs of the House of Repre-  
24 sentatives and the Committee on Foreign Relations of  
25 the Senate; and

1           “(B) the Executive order shall not be issued if,  
2           during such sixty-day period, the Congress adopts a  
3           concurrent resolution stating in substance that it does  
4           not favor the proposed authorization.

5 Any such Executive order shall be considered pursuant to the  
6 procedures set forth in section 130 of this Act for the consid-  
7 eration of Presidential submissions.

8           “(3) In the case of a non-nuclear-weapon state which  
9 does not adhere to the criteria referred to in paragraph (1) of  
10 this subsection, a specific authorization required pursuant to  
11 paragraph (2) of subsection 57 b. (relating to specific authori-  
12 zations for designated activities) shall be subject to the con-  
13 gressional review requirements of this subsection in lieu of  
14 the congressional review requirements of subsection 57 b. (4).

15           “(4) This subsection applies with respect to an authori-  
16 zation by the Secretary of Energy under subsection 57 b.  
17 only to the extent that such authorization is not otherwise  
18 subject to the requirements of section 127 and subsection a.  
19 of this section.”.

20           (b) Section 130 a. of such Act (42 U.S.C. 2159(a)) is  
21 amended by inserting “128 c.,” immediately after “128 b.”.

22           CONDUCT RESULTING IN SUSPENSION OF

23           AUTHORIZATIONS BY THE SECRETARY OF ENERGY

24           SEC. 104. Section 129 of the Atomic Energy Act of  
25 1954 (42 U.S.C. 2158) is amended—

1 (1) in the text preceding paragraph (1), by insert-  
2 ing “, and no specific or general authorization under  
3 subsection 57 b. of this Act shall be effective with re-  
4 spect to” immediately after “exported to”; and

5 (2) in the text following paragraph (2)(C), by in-  
6 serting “and such authorizations” immediately after  
7 “such exports”.

8 **ACTIVITIES REQUIRING A SPECIFIC AUTHORIZATION**

9 **SEC. 105.** (a) Section 57 b. of the Atomic Energy Act of  
10 1954 (42 U.S.C. 2077(b)) is amended—

11 (1) by striking out “b. It” and inserting in lieu  
12 thereof “b.(1) It”;

13 (2) by striking out “(1)” and “(2)” in the first sen-  
14 tence and inserting in lieu thereof “(A)” and “(B)” re-  
15 spectively; and

16 (3) by adding at the end thereof the following new  
17 paragraphs:

18 **“(2) SPECIFIC AUTHORIZATIONS FOR DESIGNATED**  
19 **ACTIVITIES.—**

20 **“(A) A specific authorization by the Secretary of**  
21 **Energy under clause (B) of paragraph (1) of this subsection**  
22 **shall be required to engage directly or indirectly in any of the**  
23 **following activities outside the United States (unless the ac-**  
24 **tivity is exempted under subparagraph (B) of this paragraph):**

1           “(i) Designing or assisting in the design of, con-  
2           structing, fabricating, or operating any facility for the  
3           chemical processing of irradiated special nuclear mate-  
4           rial, any facility for the production of heavy water, any  
5           facility for the separation of isotopes of any source or  
6           special nuclear material, or any facility especially de-  
7           signed for the fabrication of nuclear fuel containing plu-  
8           tonium.

9           “(ii) Designing or assisting in the design of, con-  
10          structing, fabricating, or furnishing any equipment or  
11          component especially designed, modified, or adapted for  
12          use in any such facility.

13          “(iii) Training foreign personnel in the design,  
14          contruction, fabrication, or operation of any such facili-  
15          ty or equipment or component.

16          “(iv) Furnishing information not available to the  
17          public in published form for use in the the design, con-  
18          struction, fabrication, or operation of any such facility or  
19          equipment or component.

20          “(v) Such other activities subject to clause (B) of  
21          paragraph (1) of this subsection as the Secretary of  
22          Energy may designate as requiring specific authoriza-  
23          tion (other than such specific authorizations for desig-  
24          nated countries or areas as may be required under  
25          paragraph (3) of this subsection).

1       “(B) Unless the Secretary of Energy determines other-  
2 wise under clause (v) of subparagraph (A), an activity de-  
3 scribed in clause (i), (ii), or (iii), or (iv) of subparagraph (A)  
4 does not require a specific authorization under this paragraph  
5 to the extent that such activity—

6           “(i) does not involve the communication of Re-  
7 stricted Data or other classified defense information;  
8 and

9           “(ii) is not in violation of other provisions of law;  
10 and

11          “(iii) either—

12           “(I) is limited to participation in meetings of  
13 or conferences sponsored by educational institu-  
14 tions, laboratories, or scientific or technical orga-  
15 nizations; participation in international confer-  
16 ences held under the auspices of a nation or group  
17 of nations; or participation in exchange programs  
18 approved by the Department of State; or

19           “(II) is limited to the furnishing of informa-  
20 tion which is available to the public in published  
21 form.

22          “(C) For purposes of this paragraph, ‘information which  
23 is available to the public in published form’ includes (but is  
24 not limited to) any information (i) which is contained in an  
25 application filed in accordance with the regulations of the



1 with a report containing his reasons for providing such  
2 authorization; and

3 “(B) a period of—

4 “(i) thirty days of continuous session (as de-  
5 fined in subsection 130 g. of this Act) has elapsed,

6 or

7 “(ii) if the President states in the report pur-  
8 suant to subparagraph (A) that in his view an  
9 emergency exists due to unforeseen circumstances  
10 requiring the immediate provision of such authori-  
11 zation, thirty calendar days; and

12 “(C) during such thirty-day period, the Congress  
13 does not adopt a concurrent resolution stating in sub-  
14 stance that the Congress does not favor such authori-  
15 zation.

16 Any such resolution shall be considered in accordance with  
17 the procedures set forth in section 130 of this Act, except  
18 that for purposes of this section, references in subsection a. of  
19 that section to forty-five days of continuous session shall be  
20 deemed to be references to twenty days of continuous session  
21 if subparagraph (B)(i) applies and shall be deemed to be refer-  
22 ences to twenty calendar days if subparagraph (B)(ii) ap-  
23 plies.”.

1 (b) Section 130 a. of such Act (42 U.S.C. 2159(a)) is  
2 amended by inserting "57 b. (4)," immediately before "123  
3 d.,".

4 **TITLE II—EXPORTS OF HIGHLY**  
5 **ENRICHED URANIUM**

6 **SEC. 201.** (a) The Atomic Energy Act of 1954 is  
7 amended by inserting the following new chapter immediately  
8 after chapter 11:

9 **"CHAPTER 11A. EXPORTS OF HIGHLY ENRICHED**  
10 **URANIUM**

11 **"SEC. 135. STATEMENT OF UNITED STATES**  
12 **POLICY.—**The Congress finds and declares that the contin-  
13 ued export and use of highly enriched uranium poses a poten-  
14 tially serious threat to United States security and foreign  
15 policy interests and that there is a need to accelerate current  
16 United States and international efforts to develop nuclear re-  
17 actor fuels which are alternatives to highly enriched uranium  
18 and which cannot be easily converted to use in a nuclear  
19 explosive device. Accordingly, it shall be the policy of the  
20 United States, in cooperation with other nations, to remove  
21 highly enriched uranium from international commerce, to ex-  
22 pedite development of non-weapons-usable nuclear fuels, and  
23 to upgrade existing physical security and safeguards ar-  
24 rangements for handling highly enriched uranium until it is  
25 removed from international commerce.

1       “SEC. 136. EXPORTS OF HIGHLY ENRICHED URANI-  
2 UM FOR REACTOR FUEL.—The Nuclear Regulatory Com-  
3 mission may issue a license for the export of highly enriched  
4 uranium to be used in a nuclear reactor only if, in addition to  
5 other requirements of law, the Commission determines  
6 that—

7           “(1) there is no alternative nuclear reactor fuel  
8 available which can be used in that reactor, and that  
9 reactor cannot otherwise use uranium which is en-  
10 riched in the isotope 235 to a lesser percent than is the  
11 proposed export;

12           “(2) the proposed recipient of that uranium has  
13 provided assurances that, when an alternative nuclear  
14 reactor fuel which can be used in that reactor becomes  
15 available, it will use that fuel in lieu of highly enriched  
16 uranium; and

17           “(3) the executive branch is taking whatever steps  
18 are necessary to develop an alternative nuclear reactor  
19 fuel.

20       “SEC. 137. LIMITATIONS ON QUANTITIES OF UNITED  
21 STATES-ORIGIN HIGHLY ENRICHED URANIUM.—The Nu-  
22 clear Regulatory Commission shall, in consultation with the  
23 Secretary of State, determine a kilogram limit on the amount  
24 of highly enriched uranium of United States-origin, in the  
25 form of fresh or spent fuel, that will be allowed at any one

1 time in each foreign country and at each reactor site in each  
2 such country. The Commission shall apply these limitations  
3 when considering any proposed export of highly enriched ura-  
4 nium.

5       “SEC. 138. IMPROVING PHYSICAL SECURITY AR-  
6 RANGEMENTS.—The Nuclear Regulatory Commission and  
7 the executive branch shall support efforts, such as the trans-  
8 port by sea verification program (the ‘transeaver program’),  
9 to improve physical security arrangements for exports of  
10 highly enriched uranium.

11       “SEC. 139. ALTERNATIVE NUCLEAR REACTOR  
12 FUELS.—Not later than three months after the date of enact-  
13 ment of this chapter, the Secretary of Energy shall submit to  
14 the Congress a plan, developed in consultation with the Sec-  
15 retary of State, with respect to the development and the use  
16 in foreign reactors of alternative nuclear reactor fuels. The  
17 objective of the plan shall be to complete the conversion of all  
18 reactors operated with United States-origin materials to al-  
19 ternative nuclear reactor fuels as soon as it is technically  
20 feasible to do so. The plan shall specify—

21       “(1) the amounts that will be spent by the United  
22 States each fiscal year to develop alternative nuclear  
23 reactor fuels;

1           “(2) the steps the United States will take to facili-  
2           tate and encourage the use of alternative nuclear reac-  
3           tor fuels; and

4           “(3) how long it is estimated the conversion from  
5           highly enriched uranium to alternative nuclear reactor  
6           fuels will take.

7           The plan shall take into account the need to carry out exist-  
8           ing bilateral agreements between the United States and other  
9           countries.

10          “SEC. 140. DEFINITIONS.—As used in this chapter—

11           “(1) the term ‘alternative nuclear reactor fuel’  
12           means reactor fuel which is enriched to 20 per centum  
13           or less in the isotope U-235 and which cannot be  
14           easily converted for use in a nuclear explosive device;  
15           and

16           “(2) the term ‘highly enriched uranium’ means  
17           uranium enriched to greater than 20 per centum in the  
18           isotope 235.”.

19          (b) The table of contents of the Atomic Energy Act of  
20          1954 is amended by inserting after the items relating to  
21          chapter 11 the following new items:

“CHAPTER 11A. EXPORTS OF HIGHLY ENRICHED URANIUM

“Sec. 135. Statement of United States policy.

“Sec. 136. Exports of highly enriched uranium for reactor fuel.

“Sec. 137. Limitations on quantities of United States-origin highly enriched urani-  
um.

“Sec. 138. Improving physical security arrangements.

“Sec. 139. Alternative nuclear reactor fuel.

“Sec. 140. Definitions.”.

1           **TITLE III—CONGRESSIONAL REVIEW OF**  
2                           **SUBSEQUENT ARRANGEMENTS**

3           **SEC. 301. (a)** Paragraph (1) of section 131 b. of the  
4 Atomic Energy Act of 1954 (42 U.S.C. 2160(b)(1)) is  
5 amended to read as follows:

6                   “(1) the Secretary of Energy may not enter into  
7 any subsequent arrangement for the retransfer of any  
8 such material to a third country for reprocessing, for  
9 the reprocessing of any such material, or for the subse-  
10 quent retransfer of any plutonium in quantities greater  
11 than five hundred grams resulting from the reprocess-  
12 ing of any such material, unless—

13                           “(A) he has provided the Committee on For-  
14 eign Affairs of the House of Representatives and  
15 the Committee on Foreign Relations of the  
16 Senate with a report containing his reasons for  
17 entering into such arrangement; and

18                           “(B) a period of—

19                                   “(i) thirty days of continuous session (as  
20 defined in subsection 130 g. of this Act) has  
21 elapsed, or

22                                   “(ii) if the President states in the report  
23 pursuant to subparagraph (A) that in his  
24 view an emergency exists due to unforeseen  
25 circumstances requiring immediate entry into

1           the subsequent arrangement, thirty calendar  
2           days; and

3           “(C) during such thirty-day period, the Con-  
4           gress does not adopt a concurrent resolution stat-  
5           ing in substance that the Congress does not favor  
6           the subsequent arrangement, with any such reso-  
7           lution to be considered in accordance with the  
8           procedures set forth in section 130 of this Act  
9           (except that for purposes of this section, refer-  
10          ences in subsection a. of that section to forty-five  
11          days of continuous session shall be deemed to be  
12          references to twenty days of continuous session if  
13          subparagraph (B)(i) applies and shall be deemed to  
14          be references to twenty calendar days if subpara-  
15          graph (B)(ii) applies);”.

16          (b) Section 130 a. of such Act (42 U.S.C. 2159(a)) is  
17          amended by inserting “131 b. (1),” immediately after “131 a.  
18          (3),”.

19   **TITLE IV—SPECIAL FUNCTIONS OF THE SECRE-**  
20   **TARY OF DEFENSE IN NUCLEAR NONPROLIF-**  
21   **ERATION MATTERS**

22    **SEC. 401.** In order to insure that the defense interests  
23    of the United States are fully considered during the United  
24    States nuclear nonproliferation evaluation process, chapter

1 11 of the Atomic Energy Act of 1954 is amended by adding  
2 at the end thereof the following new section:

3       “SEC. 132. SPECIAL FUNCTIONS OF THE SECRETARY  
4 OF DEFENSE.—

5       “a. The Secretary of State and the Secretary of Energy  
6 may submit to the President a proposed agreement for coop-  
7 eration negotiated pursuant to section 123 of this Act only if  
8 they have received from the Secretary of Defense a written  
9 statement that the Secretary of Defense finds that the pro-  
10 posed agreement will not be inimical to the common defense  
11 and security of the United States. Any such statement shall  
12 be submitted to the President with the proposed agreement.

13       “b. The Secretary of State may notify the Nuclear Reg-  
14 ulatory Commission of the judgment of the executive branch  
15 in accordance with section 126 a. (1) of this Act only if the  
16 Secretary of State has received from the Secretary of De-  
17 fense a written statement that the Secretary of Defense  
18 agrees with the proposed executive branch judgment.

19       “c. (1) The Secretary of Energy may enter into a pro-  
20 posed subsequent arrangement under section 131 of this Act  
21 only if the Secretary of Energy has received from the Secre-  
22 tary of Defense a written statement that the Secretary of  
23 Defense finds that the proposed arrangement will not be in-  
24 imical to the common defense and security of the United

1 States. Any such statement shall be published in the Federal  
2 Register with the notice of the proposed arrangement.

3       “(2) In addition, the Secretary of Energy may enter into  
4 a subsequent arrangement subject to section 131 b. (2) of this  
5 Act only if the Secretary of Energy has received from the  
6 Secretary of Defense a written statement that it is the judg-  
7 ment of the Secretary of Defense that the proposed repro-  
8 cessing or retransfer will not result in a significant increase of  
9 the risk of proliferation beyond that which exists at the time  
10 that approval is requested. Among all the factors in making  
11 this judgment, foremost consideration will be given to wheth-  
12 er or not the reprocessing or retransfer will take place under  
13 conditions that will insure timely warning to the United  
14 States of any diversion well in advance of the time at which  
15 the non-nuclear-weapon state could transform the diverted  
16 material into a nuclear explosive device.

17       “(3) In the case of a subsequent arrangement subject to  
18 paragraph (3) of section 131 b. of this Act, the Secretary of  
19 Energy shall, when obtaining the view of the Secretary of  
20 State, also obtain the view of the Secretary of Defense with  
21 respect to what conditions satisfy the standards set forth in  
22 paragraph (2) of that section.”.

○