Testimony
Before the Subcommittee on International Security, Proliferation, and Federal Services, Committee on Governmental Affairs, U.S. Senate

WEAPONS OF MASS DESTRUCTION

Assessing U.S. Policy Tools for Combating Proliferation

Statement of Joseph A Christoff, Director, International Affairs and Trade
Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss the efforts of the United States and the international community to stem the spread of weapons of mass destruction (WMD) and their related technologies.

The attacks of September 11, 2001, and recent anthrax exposures have heightened longstanding concerns about the proliferation of weapons of mass destruction. The United States and the international community have initiated a number of successive efforts over the years to secure these weapons and prevent their spread. There is renewed need to maintain strong international controls over such weapons and related technologies, as well as the need to reevaluate the effectiveness of the controls. I will describe and provide observations based on work we have conducted over the past several years on each of the mechanisms the United States has historically used to reduce proliferation risks.

Summary

The United States has used four key policy instruments to combat the proliferation of weapons of mass destruction: (1) international treaties, (2) multilateral export control arrangements, (3) U.S. export controls, and (4) security assistance to other countries. Each instrument is important to the collective framework for preventing the transfer of weapons of mass destruction and associated technologies to terrorists or rogue states, but each also has limitations.

- International treaties obligate members to restrict transfers of WMD technologies, but their effectiveness depends on whether treaties can be verified and enforced and whether all countries of concern are members. These treaties also depend on the integrity and honesty of the countries party to the treaty.
• Multilateral export control arrangements are voluntary, nonbinding agreements under which countries that produce the technologies used to develop weapons of mass destruction agree to restrict the transfer of these technologies. Such arrangements depend on the national discretion of member governments, which are free to implement these arrangements as they see fit. Member countries do not always agree on which countries and technologies are of greatest concern. We are currently examining how the extent to which members abide by their commitments, establish laws and regulations to restrict transfers, and coordinate their actions with other members limit these arrangements.

• U.S. export controls set the legal and regulatory conditions under which goods and technologies can be exported. While the goal of export controls is to prevent the transfer of sensitive technologies, a number of factors hinder their implementation. These include a failure to assess the security risk associated with the transfer of sensitive goods and technologies, and difficulties in screening out end-users and monitoring the use of items after export.

• Security assistance to other countries helps control or eliminate nuclear, chemical, and biological weapons and otherwise stem the proliferation of weapons of mass destruction. U.S. efforts have helped make large quantities of WMD-related materials more secure and have supplemented the incomes of several thousand former Soviet scientists in hopes they will not sell their knowledge to terrorists or countries of concern. However, the cost of U.S. efforts to reduce the proliferation risks of former Soviet WMD has been and will continue to be substantial, and it will take much longer than was once thought to secure sensitive materials and weapons. In addition, the United States' ability to demonstrate that these efforts have had a positive impact is limited primarily because of Russian restrictions on U.S. access to relevant sites and materials and inherent difficulties in assessing the effect of U.S. aid on the motivations of former Soviet scientists.
Background

U.S. policy states that weapons of mass destruction and their delivery systems pose a direct and serious threat to the national security of the United States, and its friends, forces, and allies. President Bush has said that the United States must have a comprehensive strategy to counter this complex and dangerous challenge. Terrorists or rogue states can acquire weapons of mass destruction by buying materials and equipment from countries that produce and export them or by stealing them from inadequately protected stockpiles in states of the former Soviet Union. Elements of U.S. current nonproliferation strategy are to (1) strengthen existing international nonproliferation treaties, promote new ones that meet U.S. interests, and upgrade the means of verifying them; (2) persuade or induce proliferating governments to change course; (3) deny proliferators the supply of equipment, material, or technology from abroad; and (4) use U.S. threat reduction programs to secure or eliminate weapons of mass destruction and missile capabilities left over from the Cold War.

With the increasing globalization of the world economy, dual-use items and technologies used to develop weapons of mass destruction cannot be effectively controlled without cooperation among exporting and transit countries. Thus, foreign purchasers denied a critical item by one country may be able to obtain the same item from another country that does not control its exports as stringently. The U.S. government has made it a priority to strengthen and deepen multilateral cooperation on export controls.

The goal of the U.S. export control system is to manage risk. Exports to some countries involve less risk than to other countries, and some exported items involve less risk than others. In controlling the export of sensitive dual-use technology, U.S. policy seeks to balance the U.S. economic interest in promoting economic exports with the need to maintain national security by preventing the proliferation of technologies used to develop weapons of mass destruction.

Effectiveness of International Treaties Relies on Enforcement Mechanisms
The international community has established treaties to eliminate chemical and biological weapons and prohibit the spread of nuclear weapons. These treaties reflect the international community's will to reduce the threat posed by these weapons. Three key treaties have been established to stem the proliferation of weapons of mass destruction: (1) the Nuclear Non-Proliferation Treaty, (2) the Chemical Weapons Convention, and (3) the Biological Weapons and Toxins Convention. Although the treaties' mechanisms for verifying and enforcing treaty compliance vary, these treaties are legally binding and share similar objectives. In addition, a majority of the world's nations adhere to them.

The Nuclear Non-Proliferation Treaty, signed in 1968, was prompted by widespread concerns that there might be dozens of countries with nuclear weapons in a few decades. The treaty obliges the five nuclear-weapon states recognized by the treaty to refrain from the transfer of nuclear weapons, other nuclear explosive devices, or related technology to any country that does not have nuclear weapons. Countries that do not have nuclear weapons agree to refrain from acquiring or producing such items in return for the peaceful use of nuclear technology. There are 187 countries party to the treaty.

The Chemical Weapons Convention, signed in 1997, prohibits the production, acquisition, stockpiling, transfer, retention, and use of chemical weapons. Outbreaks in the use of chemical weapons prompted the world community to reach an agreement banning their use. The Convention obligates countries to destroy any chemical weapons and related production facilities they possess by 2007. It also has the administrative structure and procedures to inspect declared and undeclared sites on short notice. There are currently 143 countries party to the treaty.

The Biological and Toxin Weapons Convention obliges parties not to develop, produce, stockpile, or acquire biological agents or toxins that are not used for peaceful purposes, as well as related weapons and means of delivery. The Convention entered into force in

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1The treaty designated the five nuclear weapon states as China, France, Russia, the United Kingdom, and the United States.
1975 but did not have an enforcement protocol. In September 1986, the parties agreed to share data on permitted biological activities to enhance confidence and promote cooperation. In July 2001, the United States rejected a draft protocol designed to strengthen the inspection and enforcement mechanisms of the treaty. Currently, 144 countries are party to the treaty.

The effectiveness of these treaties depends on the mechanisms in place for verifying and enforcing compliance. For example, the Nuclear Non-Proliferation Treaty relies on the International Atomic Energy Agency (IAEA) to monitor members' nuclear facilities. IAEA monitoring techniques, also known as safeguards, were enhanced after it was learned that Iraq had circumvented IAEA inspection procedures. Although the Chemical Weapons Convention contains intrusive inspection provisions, its most important tool—challenge inspections—has yet to be used. The organization tasked with oversight of the Convention—the Organization for the Prohibition of Chemical Weapons—is confronting a serious financial crisis that may force a cutback in verification activities. In contrast, the 1975 Biological and Toxin Weapons Convention has no mechanisms for conducting inspections. One party to the Convention, the former Soviet Union, was able to conduct a massive covert biological weapons program during the 1970s and 1980s.

A second factor constraining the effectiveness of these treaties is the scope of their membership. Although the overwhelming majority of the world's countries are party to these treaties, significant countries of concern remain outside their scope. For example, Israel, India, and Pakistan are not party to the Nuclear Non-Proliferation Treaty, and Iraq, Syria, Libya, and North Korea have not signed the Chemical Weapons Convention. Finally, treaties rely on the integrity and accuracy of declarations made by the member countries. U.S. government officials have raised questions regarding the integrity of Russian, Iranian, and Chinese declarations concerning the Chemical Weapons Convention, as well as North Korean commitments to the Biological and Toxins Weapons Convention and the Nuclear Non-Proliferation Treaty.

According to the Convention, a 5-year extension may be granted.
Constraints on Consensus and Cooperation Within Multilateral Export Control Arrangements

Multilateral export control arrangements are voluntary, nonbinding agreements under which countries that produce the technologies used to develop weapons of mass destruction agree to restrict the transfer of these technologies. These arrangements include lists of sensitive materials and technologies that are to be controlled through each member's national laws.

There are four important multilateral export control arrangements, each with between 32 to 38 members.

• The Nuclear Suppliers Group, established in 1974, seeks to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or explosive devices.

• The Australia Group, which aims to control chemical and biological weapons, was established in 1984. This arrangement seeks to ensure that the industries of participating countries do not assist either on purpose or by accident other countries seeking to obtain the technology to build chemical and biological weapons.

• The Missile Technology Control Regime, established in 1987, addresses missiles and technologies useful for developing missile systems capable of delivering weapons of mass destruction—that is nuclear, chemical, and biological weapons.

• The Wassenaar Arrangement was established in 1996 in part to address technologies not covered by the other arrangements. This arrangement aims to prevent the destabilizing buildup of conventional arms, as well as goods and technologies that have both civilian and military applications. Rather than establishing prohibitions on transfer, this arrangement encourages transparency and national restraint.
Both the executive and legislative branches have affirmed support for strengthening the effectiveness of multilateral export control arrangements as a critical aspect of U.S. nonproliferation policy. However, the effectiveness of multilateral controls has been increasingly questioned in recent years. As part of our ongoing work in this area, we are examining

- how the effectiveness of these voluntary arrangements may be limited by the degree of consensus among members and by controls implemented at the national discretion of member governments;

- whether member countries abide by their commitments to not export items that other members have denied;

- the extent to which member countries share relevant information about their export decisions;

- the sufficiency of coordination among the arrangements in sharing information about rogue states and terrorists; and

- whether countries that are not members of an export control arrangement can undermine the arrangement's ability to prevent the transfer of controlled technology.

**Implementation Issues Hamper U.S. Export Control Policy**

Members of multilateral export control arrangements implement multilateral controls through each country’s domestic laws and regulations. Under U.S. law, the President has the authority to control and require licenses for the export of items such as nuclear, chemical, biological, or missile technologies that may pose a national security risk or foreign policy concern. The President also has the authority to revise or remove those controls as U.S. concerns and interests change. The U.S. export control system is administered by two agencies. The Commerce Department licenses sensitive dual-use
items under the Export Administration Act of 1979, as amended (P.L. 96-72), while the State Department licenses munitions items under the Arms Export Control Act (P.L. 90-629).

In our past work, we have identified weaknesses in implementation of selected U.S. export controls. These weaknesses also raise questions about how well the United States implements controls on transfers of technology that can be used to develop weapons of mass destruction.

- Assessing proliferation risks. The executive branch has not assessed national security risks of items such as high-performance computers and semiconductor manufacturing technologies to determine whether such items at specified performance levels need to be controlled. As a result, the executive branch has not adequately justified changes in some export controls, even when the law required specific justifications for raising computer control levels. We have recommended that the executive branch conduct these assessments, in part to determine how the uses of certain items would threaten U.S. national security interests, but it has not done so.

- Screening recipients of exported items. Limitations of both government and private industry screening of proposed recipients of sensitive American exports has long been an issue. For example, the Commerce Department does not have complete intelligence information on license applicants that may serve as fronts for proliferators or terrorists engaged in illicit activities. Also, the U.S. government increasingly relies on industry to determine whether an export needs to be licensed,

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3The Export Administration Act ended Aug. 20, 1994. Under Executive Order 12924, issued on Aug. 19, 1994 (59 Fed. Reg. 43437), the President, to the extent permitted by law, extended the application of the act. In addition, the Nuclear Regulatory Commission licenses exports of nuclear reactors. The Department of Commerce, in consultation with a number of other agencies, licenses dual-use nuclear exports.

even though industry has raised questions about its capability and willingness to make this assessment without government support.

- Monitoring illicit use of exports. The U.S. government has difficulties confirming the appropriate use of exported technologies. For example, certain countries of concern, such as China, restrict U.S. officials' visits to recipients' facilities. In addition, the U.S. government makes limited efforts to monitor exporters' and end users' compliance with conditions set forth in export licenses for computers.

**Controlling the Spread of Former Soviet Weapons of Mass Destruction Will Be Costly and Time-Consuming**

The states of the former Soviet Union possess an enormous quantity of assets that could help terrorists or rogue states acquire weapons of mass destruction. By some estimates, the former Soviet Union had, at the time of its collapse in 1991, about 30,000 nuclear weapons, 650 metric tons of weapons-usable materials, 40,000 metric tons of chemical weapons, an extensive biological weapons infrastructure, and thousands of systems capable of delivering weapons of mass destruction. The Soviet collapse also left 30,000 to 75,000 senior nuclear, chemical, and biological weapons scientists and thousands of less experienced junior scientists without full-time employment.

Since 1991, the Departments of Defense, Energy, and State have helped Russia and other newly independent states eliminate weapons of mass destruction, secure WMD materials, and control the spread of WMD knowledge. Their efforts have focused on

- destroying the vehicles for delivering nuclear weapons and securing former Soviet nuclear weapons and their components,
- securing and protecting weapons-usable nuclear materials such as highly enriched uranium\(^5\) and plutonium that may be subject to theft and diverted to terrorists and countries of concern,

\(^5\)The United States has also arranged for the purchase of highly enriched uranium from Russia for conversion to reactor fuel.
• securing weapons of mass destruction from theft, and
• engaging scientists formerly engaged in weapons development in peaceful projects in
  the hope that they will not be tempted to sell their skills to terrorists or countries of
  concern.

Reducing the formidable proliferation risks posed by former Soviet WMD assets is
clearly in the U.S. national interest. U.S. efforts have helped make large quantities of
WMD-related materials more secure and have supplemented the incomes of several
thousand former Soviet scientists. However, the cost of such efforts has been substantial
and will continue to grow, and the timeframes for completing them have been extended
considerably. Since 1991, the Congress has authorized about $5.5 billion for U.S.
programs to reduce former Soviet WMD threats and is now doing so at a rate of several
hundreds of millions of dollars annually. U.S. agencies plan to spend billions of dollars to
continue to address these threats over the next two decades. For example, the
Department of Energy now estimates that it will spend more than $2.2 billion by 2020 to
help Russia secure certain nuclear materials that could be used for weapons. The
Department of Defense also is seeking to build a $890 million facility that would destroy
Russian chemical weapons at one of Russia’s several chemical weapons storage sites.

While these efforts are potentially valuable, the reliability of such cost estimates is
uncertain, at best, due to Russia’s apparent inability to shoulder a substantial portion of
the burden and to changing Russian requirements. For example, the United States
estimated in 1996 that the Department of Defense would pay no more than $275 million
to help Russia design and build a facility intended to store plutonium extracted from
dismantled weapons. However, in 1998, Russia’s apparent inability to contribute its
share of funding to the project led the United States to agree to pay more than $412
million for a substantially downsized version of the facility. It is worth noting that the
Department of Defense’s recent estimate that it will pay $890 million to design and build
a Russian chemical weapons elimination facility rests on the assumption that Russia will
pay more than $750 million in related infrastructure and operations costs. In addition,
the Department of Energy’s hopes of controlling the cost of securing Russian nuclear
materials by consolidating storage sites rests on Russia’s willingness to reduce its requirements by closing certain sites and consolidating nuclear material.

The ability of the United States to conclusively demonstrate that its efforts are having a positive impact is limited at best. In many cases, it may never be proved that these programs have substantially achieved their intended purpose. We can be fairly confident that DOD aid has helped two former Soviet states meet their arms control obligations by destroying launchers for intercontinental ballistic missiles. However, we may never know if our aid to underemployed former Soviet weapons scientists has reduced the desire of any one of them to sell his or her skills to terrorists or countries of concern. Also, because U.S. assistance generally employs these scientists part-time, they often continue to work at former Soviet WMD research institutes. Under certain circumstances, aiding such scientists without careful screening and monitoring could create new risks for U.S. national security. Our ability to assess the impact of our aid is also made difficult, in some cases, by Russia’s reluctance to provide U.S. officials with full access to relevant sites and materials.

Conclusion

The tragic events of the last few months provide the impetus for reexamining the U.S. policy instruments used to restrict the spread of weapons of mass destruction to terrorists and rogue states. Ten years ago, the international community made major changes in its controls over nuclear technology after revelations about the Iraqi nuclear weapons program. We may be at a similar juncture today. We need to reassess the adequacy of our current policy tools to address our new vulnerabilities and changed perceptions of the threats we face.

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Mr. Chairman and Members of the Subcommittee, this concludes my prepared statement. I will be happy to answer any questions you may have.
Contacts and Acknowledgments

## Appendix I

### MEMBERSHIPS OF MULTILATERAL EXPORT CONTROL ARRANGEMENTS

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<sup>a</sup>Countries pledging to abide by MTCR guidelines include the People's Republic of China, Israel, Romania, and Slovakia.

Appendix II

SELECTED GAO REPORTS ON EXPORT CONTROLS AND FORMER SOVIET WEAPONS OF MASS DESTRUCTION

EXPORT CONTROLS

- Export Controls: State and Commerce Department License Review Times Are Similar, GAO-01-528, June 1, 2001
- Export Controls: Regulatory Change Needed to Comply with Missile Technology Licensing Requirements, GAO-01-530, May 31, 2001
- Export Controls: System for Controlling Exports of High Performance Computing Is Ineffective, GAO-01-10, December 18, 2000
- Department of Energy: National Security Controls Over Contractors Traveling to Foreign Countries Need Strengthening, RCED-00-140, June 26, 2000
- Export Controls: Challenges and Changes For Controls on Computer Exports, T-NSIAD-00-187, May 26, 2000
- Export Controls: Statutory Reporting Requirements for Computers Not Fully Addressed, NSIAD-00-45, November 5, 1999
- Export Controls: International Space Station Technology Transfers, NSIAD-00-14, November 3, 1999
- Defense Trade: Department of Defense Savings From Export Sales Are Difficult to Capture, NSIAD-99-191, September 17, 1999
- Export Controls: Better Interagency Coordination Needed on Satellite Exports, NSIAD-99-182, September 17, 1999
- Department of Energy: DOE Needs To Improve Controls Over Foreign Visitors To Its Weapons Laboratories, T-RCED-99-28, October 14, 1998
- Export Controls: Change in Licensing Jurisdiction for Commercial Communications Satellites, T-NSIAD-98-222, September 17, 1998

• Export Controls: Issues Related to the Export of Communications Satellites, T-NSIAD-98-211, June 17, 1998


• Export Controls: Change in Export Licensing Jurisdiction for Two Sensitive Dual-Use Items, NSIAD-97-24, January 14, 1997

• Export Controls: Sensitive Machine Tool Exports to China, NSIAD-97-4 November 19, 1996

• Export Controls: Sale of Telecommunications Equipment to China, NSIAD-97-5, November 13, 1996.


• Nuclear Nonproliferation: Information on Nuclear Exports Controlled by U.S.-EURATOM Agreement, RCED-95-168, June 16, 1995

• Export Controls: Issues Concerning Sensitive Stealth-Related Items and Technologies, T-NSIAD-95-158, May 11, 1995

• Export Controls: Concerns Over Stealth-Related Exports, NSIAD-95-140, May 10, 1995

• Export Controls: Some Controls Over Missile-Related Technology Exports to China Are Weak, NSIAD-95-82, April 17, 1995

FORMER SOVIET WEAPONS OF MASS DESTRUCTION

• Cooperative Threat Reduction: DOD Has Adequate Oversight of Assistance, But Procedural Limitations Remain, GAO-01-694, June 19, 2001

• Weapons of Mass Destruction: State Department Oversight of Science Centers Program, GAO-01-582, May 10, 2001

• Nuclear Nonproliferation: DOE's Efforts to Assist Weapons Scientists in Russia's Nuclear Cities Faces Challenges, GAO-01-429, May 3, 2001

• Nuclear Nonproliferation: Security of Russia's Nuclear Material Improving; Further Enhancements Needed, GAO-01-312, February 28, 2001

• Biological Weapons: Effort to Reduce Former Soviet Threat Offers Benefits, Poses New Risks, GAO/NSIAD-00-138, April 28, 2000

• Cooperative Threat Reduction: DOD’s 1997-98 Reports on Accounting for Assistance Were Late and Incomplete, GAO/NSIAD-00-40, March 15, 2000

• Weapons of Mass Destruction: U.S. Efforts to Reduce Threats from the Former Soviet Union, GAO/T-NSIAD/RCED-00-119, March 6, 2000
• Nuclear Nonproliferation: Limited Progress in Improving Nuclear Material Security in Russia and the Newly Independent States, RCED/NSIAD-00-82, March 6, 2000
• Weapons of Mass Destruction: Effort to Reduce Russian Arsenals May Cost More, Achieve Less Than Planned, NSIAD-99-76, April 13, 1999
• Nuclear Nonproliferation: Concerns with DOE’s Efforts to Reduce the Risks Posed by Russia’s Unemployed Weapons Scientists, RCED-99-54, February 19, 1999
• Weapons of Mass Destruction: DOD Reporting on Cooperative Threat Reduction Assistance Has Improved, NSIAD-97-84, February 27, 1997
• Weapons of Mass Destruction: Status of the Cooperative Threat Reduction Program, NSIAD-96-222, September 27, 1996
• Nuclear Nonproliferation: Status of U.S. Efforts to Improve Nuclear Materials Controls in Newly Independent States, NSIAD/RCED-96-89, March 8, 1996
• Nuclear Safety: Concerns with Nuclear Facilities and Other Sources of Radiation in the Former Soviet Union, RCED-96-4, November 7, 1995
• Weapons of Mass Destruction: DOD Reporting on Cooperative Threat Reduction Assistance Can Be Improved, NSIAD-95-191, September 29, 1995
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