

**STOPPING THE SPREAD OF NUCLEAR WEAPONS,
COUNTERING NUCLEAR TERRORISM:
THE NPT REVIEW CONFERENCE AND THE
NUCLEAR SECURITY SUMMIT**

HEARING
BEFORE THE
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**STOPPING THE SPREAD OF NUCLEAR WEAPONS,
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THE NPT REVIEW CONFERENCE AND THE
NUCLEAR SECURITY SUMMIT**

WEDNESDAY, APRIL 21, 2010

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10:05 a.m. in room 2172, Rayburn House Office Building, Hon. Howard L. Berman (chairman of the committee) presiding.

Chairman BERMAN. The committee will come to order. In a moment I will recognize myself and the ranking member for up to 7 minutes each for purposes of making an opening statement, and then I will recognize the chairman and ranking member of the Terrorism, Nonproliferation and Trade Subcommittee for 3 minutes each to make opening remarks.

Without objection, all other members may submit opening statements for the record. We have two panels today, so I think we should do it that way.

We are all very fortunate that nuclear weapons have not been used for nearly 65 years. For most of that time, these fearsome weapons were confined to a handful of states. Their use was limited, although sometimes just barely, by the Cold War doctrines of deterrence and Mutual Assured Destruction.

But the world has changed dramatically over those six decades. As President Obama noted in his Prague speech last spring, I quote:

“Today, the Cold War has disappeared, but thousands of those weapons have not. In a strange turn of history, the threat of global nuclear war has gone down, but the risk of a nuclear attack has gone up. More nations have acquired these weapons. Testing has continued. Black market trade in nuclear secrets and nuclear materials abound. The technology to build a bomb has spread. Terrorists are determined to buy, build or steal one. Our efforts to contain these dangers are centered on a global nonproliferation regime, but as more people and nations break the rules, we could reach the point where the center cannot hold.”

In short, the global nuclear nonproliferation regime faces three fundamental challenges: Enforcement; a crisis of confidence; and the three “T’s”—theft, trafficking and terrorism.

To be effective, the regime's obligations and norms must be enforceable with swift and sure punishment for serious sanctions.

As we all know, North Korea was able to accumulate several bombs worth of plutonium and build crude nuclear devices and likely began a uranium enrichment program aided by A.Q. Khan's nuclear trafficking network.

And Iran secretly built multiple uranium enrichment facilities—also with assistance from Khan. According to official estimates, Iran could produce enough weapons-grade uranium for one bomb within 1 year of expelling IAEA inspectors—assuming Iran does not have a covert enrichment program.

Both nations pursued these clandestine activities while they were members of the Treaty on the Non-Proliferation of Nuclear Weapons, the cornerstone of the global nuclear nonproliferation regime. If these states are able to escape significant punishment—in the form of crippling sanctions, international isolation, or other decisive action—until their nuclear weapons capabilities and ambitions are halted and reversed, the result could well be a cascade of new nuclear aspirants, and the collapse of the NPT and the entire regime.

The second challenge springs, in part, from the first; the NPT and the nuclear nonproliferation regime are facing a “crisis of confidence” on many fronts. Both developed and developing states, especially those threatened by North Korea and Iran, question whether the regime can really prevent, punish or roll back nuclear proliferators. And developing countries wonder if the regime really will promote their access to civil nuclear applications, while fostering the eventual disarmament of the five NPT-recognized “Nuclear Weapon States.”

The third challenge to the regime is one it was never designed to counter: The actions of criminals and terrorists to steal or traffic in the means to produce and to use a nuclear or radiological weapon. Unsecured or poorly-secured nuclear-weapons-related material and radioactive material are abundant worldwide.

Today's hearing is intended to assess how the United States and the international community can counter these threats through multilateral cooperation. We will focus on two events: The just-concluded Nuclear Security Summit and the NPT Review Conference to come next month.

At last week's global Nuclear Security Summit, 47 countries committed to securing all sensitive nuclear materials from theft and use by terrorists in 4 short years. The communiqué and work plan issued at the conclusion of the summit constitute a necessary first step—but only the first step—in accomplishing this ambitious goal. There will be a formal follow-up meeting 6 months from now, and a second summit in 2 years.

Some have dismissed the Nuclear Security Summit for accomplishing too little in 2 days. But these critics confuse the first step with the journey itself.

The second major focus of this hearing will be the NPT Review Conference that begins in less than 2 weeks.

This convocation of all 189 members of the NPT happens once every 5 years. As often as not, these meetings have been riven by controversy, deepening the crisis of confidence in the efficacy of the

nuclear nonproliferation regime as a whole. A successful conference—particularly one united in its condemnation of Iran’s nuclear programs—is absolutely essential.

To accomplish this requires leadership, especially from the United States. And an essential part of credible leadership is practicing what one preaches.

For many years, other states have been able to duck their own responsibilities in sustaining the nonproliferation regime by claiming that the United States has not done enough to reduce its own nuclear weapons arsenal to fulfill its commitment under the NPT toward disarmament. These states will have a tougher case to make after the other events of the last 2 weeks.

We have witnessed the long-anticipated signature of a new United States-Russia strategic arms reduction treaty that cuts the arsenals of both countries by about 30 percent, and reestablishes and streamlines the crucial monitoring and verification regime that terminated when the START I treaty expired in December.

We have also seen the issuance of a new U.S. Nuclear Posture Review Report that, for the first time, elevates halting the spread of nuclear weapons and preventing nuclear terrorism to a core mission of U.S. nuclear strategy. The NPR also strengthened the U.S. assurance not to use or threaten use of nuclear weapons against NPT countries that were compliant with their obligations under that treaty.

Critics have complained that the “New START” treaty does too much or too little; that the Russians got more from it than we did—although many Russians claim the reverse; and that it will limit our ballistic missile defenses—except that it doesn’t.

Critics of the Nuclear Posture Review have also complained that it does too much or too little, although the respected Democrat and Republican statesmen who led the Congressional Commission on the Strategic Posture of the United States, former Secretaries of Defense James Schlesinger and William Perry, have pronounced it, “just right.”

We have taken these steps because it is in the U.S. national security interest to do so. The United States, and Russia, are better off with fewer nuclear weapons—a position strongly supported by Defense Secretary Gates and Admiral Mullen, chairman of the Joint Chiefs of Staff. And the United States, Russia, France, the U.K. and China—have all pledged not to use nuclear weapons against non-nuclear states because these “negative security assurances” helps us build the international support to strengthen the nonproliferation regime.

I am going to cut short the rest of my opening statement and include it all in the record and turn to the ranking member, Ileana Ros-Lehtinen, for any opening remarks that she might wish to make.

Ms. ROS-LEHTINEN. As usual, Mr. Chairman, thank you so much for the opportunity. Welcome to our two panels.

Mr. Chairman, the words threshold and crossroads are used so frequently in this town that we can barely take a step without being told that we are once again on one or at the other, but now it is indisputable that we have reached one of the most momentous decision points in our history. The nuclear dam is giving way be-

fore our eyes in many aspects from North Korea's increasing arsenal to the continuing attempts by al-Qaeda and other extremist groups to secure a radiological bomb or a dirty nuke.

The greatest threat that we face, however, is Iran's acquisition of a nuclear weapons capability. Iran's leaders are getting away with this stunning assault on U.S. and global security while we and our allies appear to be doing nothing but huffing and puffing. And the world is watching.

In January of last year, the new administration argued that the lack of progress on curtailing the nuclear ambition of Iran was due to the Bush administration's refusal to sit down and negotiate with the Iranian regime. We were told that more carrots and fewer sticks would do the trick.

But after months of generous offers and repeated rejections with one deadline after another passing without action, nothing of substance has been accomplished and Iran continues to relentlessly move forward. As it does, the U.S. and others place their hopes in yet another new U.N. Security Council resolution.

Day after day we wait for Russia and China to come around to a watered down version of the U.S. position even after they have made it clear that they will do whatever they can to prevent us or anyone else from putting any significant pressure on Iran, particularly by cutting off Iran's access to refined petroleum products.

We in Congress must not sit idly by. We must press ahead with our efforts to apply pressure on Iran before it is too late. H.R. 2194, the Iran Refined Petroleum Sanctions Act, also known as IRPSA, was introduced by Chairman Berman and me, along with several other members of this committee and the House. It strikes that a key weakness on the Iranian regime, namely its dependence on imported petroleum products, especially gasoline.

The House passed our version on December 15 by a vote of 412 to 12, and the Senate has adopted its own version. It is my hope that conference discussions will move quickly, that the bill will not be watered down and that we can send the strongest version of IRPSA to the President's desk for his signature.

Lieutenant General Burgess, the Director of the Defense Intelligence Agency, and General Cartwright, the vice chairman of the Joint Chiefs of Staff, testified last week that Iran could produce enough bomb grade fuel for at least one nuclear weapon within a year. The New York Times reported yesterday that according to the Pentagon, Iran may be able to build a missile capable of striking the United States by 2015.

Yet despite this obvious urgency, the administration refuses to come into compliance with its legal obligations to inform the Congress on those assisting Iran's nuclear, biological, chemical and missile programs. The State Department is ignoring current mandates in the Iran Sanctions Act requiring sanctions on those who again are assisting Iranian proliferation activities.

And despite the obvious urgency, Iran was not on the agenda of last week's Nuclear Security Summit. All so-called controversial items were set aside to ensure that the summit was a success. The President did find time to go after our ally, Israel, lecturing it on the need to sign the Nuclear Non-Proliferation Treaty, a demand

which has been at the centerpiece of the longstanding strategy by Arab states to distract attention from their own nuclear plans.

No mention was made, however, of Israel's unwavering stand against Iran, nor of Israel's support of the Convention on the Physical Protection of Nuclear Materials, the International Convention of the Suppression of Acts of Nuclear Terrorism, the United Nations Security Council Resolution 1540, the Global Initiative to Combat Nuclear Terrorism, the U.S.-led Megaport Initiative, as well as Israel's financial and technical assistance to and its active participation in the Illicit Trafficking Database reporting system of the International Atomic Energy Agency.

In the end, virtually nothing emerged from the summit but unenforceable promises by the heads of state to do good things that they should have done long ago. I do not expect any greater success at the upcoming NPT Review Conference. The last meeting, in 2005, ended in gridlock because several countries could not bring themselves to tell Iran that it shouldn't develop nuclear weapons nor engage in activities that could be used for that purpose.

The problem stems from the prevailing interpretation of Article IV as guaranteeing each signatory nation an absolute right to enrich and reprocess nuclear fuel as long as they claim that it is for peaceful purposes, but a fair reading of Article IV reveals no such grant. Instead, Article IV places far-reaching conditions on the exercise of this supposed right, namely conformity with the overarching purpose of the entire document, which is to prevent the spread of nuclear weapons.

If we are to secure our survival and to effectively prevent the world's most dangerous weapons from falling into the hands of rogue regimes like Iran, the United States must state clearly and repeatedly our position on Article IV of the NPT that contains no guarantee of an absolute right to such technology.

Due to time, Mr. Chairman, I will refrain from addressing other issues relating to the topic of today's hearing, including the recent START agreement and the Nuclear Posture Review. Many aspects of these are troubling and some are dangerous.

I look forward to discussing these, Mr. Chairman, at a future hearing. Thank you for the time, sir.

Chairman BERMAN. I thank you. And now Mr. Sherman, the gentleman from California, chairman of the Terrorism, Nonproliferation and Trade Subcommittee, is recognized for 3 minutes.

Mr. SHERMAN. President Obama should be commended for putting importance and focus on nonproliferation for our successes at the Nuclear Security Summit and with the START Treaty.

We have done a lot to cause responsible countries to act responsibly with regard to their nuclear materials. However, there is a bipartisan foreign policy embraced by our media, academia and the State Department under the last three administrations which can only be viewed as a megaton of failure when it comes to preventing irresponsible states from developing nuclear weapons.

We are told that missile defense will be the answer, but you can smuggle a weapon into the United States inside a bale of marijuana. You can thereby have pinpoint accuracy as to where you deliver it plus plausible deniability. If an American city is destroyed, it will probably not be a missile that delivers the bomb.

And we were told that deterrence will be enough because, after all, we survived the Cuban Missile Crisis with luck and with cool heads. But how many more times dare we roll the dice when we go eyeball to eyeball with other hostile nuclear states, and do we really think that Ahmadinejad or Kim Jong-Il will be as responsible in the future as Khrushchev was during the Cuban Missile Crisis.

Two illustrations of the failure of our policy. The first is the continuing illegality at the State Department where they violate the Iran Sanctions Act every day for over 10 years. CRS and the State of Florida have each identified well over 30 action investments in the Iran oil sector that should have triggered, at minimum, identification by the State Department. That is not optional. You can waive sanctions. You cannot waive naming and shaming, and yet three administrations have decided to violate U.S. law to protect Tehran's business partners.

Likewise, the State Department unfortunately seems to interpret Article IV of the NPT as saying that any nation in compliance with NPT has an inalienable right to the full fuel cycle. That renders the NPT a virtual nullity as a practical matter.

But the greatest problem is that we have a policy of begging and persuading Russia and China to help us with sanctions, but we refuse to threaten or bargain. As a result, China is told they will have full access to American markets, even though they subsidize North Korea, invest in Iran and protect Iran from international sanctions.

Russia is told that our policies toward South Ossetia or Trans-Dniester Moldova will not be affected by their policies toward Iran. No wonder we have failure. It is surprising that such a broad array of the foreign policy establishment embraces this policy of failure.

Chairman BERMAN. The time of the gentleman has expired. The gentleman from California, Mr. Royce, ranking member of the subcommittee, is recognized for 3 minutes.

Mr. ROYCE. Thank you, Mr. Chairman. I will be brief. As a subcommittee chairman, I held a hearing in 2005 previewing the last NPT Review Conference. Not much was accomplished in New York back then at the conference. That wasn't because the past administration was involved, as we are likely to hear, but because the treaty has some fundamental problems.

For one, the zero nuclear weapons world that it is premised upon appears in the back mirror. China and Pakistan and others are bolstering their arsenals. These countries remain unimpressed by the New START, and unfortunately the majority of countries have shown little interest in taking meaningful action against those exiting the treaty, such as nuclear North Korea, or those racing toward nuclear weapons, mainly Iran.

Another big problem is that the NPT Treaty has been twisted to permit countries to develop the technology to enrich uranium, leaving them essentially nuclear weapon states without violating the NPT. Now, I think it is an NPT violation, but that is the way it has been twisted.

As the New York Times reported on Secretary Gates' wake up memo, and I will use the New York Times' words here, "Iran could assemble all the major parts it needed for a nuclear weapon—fuel,

designs and detonators—but stop just short of assembling a fully operational weapon and remain a signatory of the NPT.” Neither this nor past administrations have challenged this misinterpretation, deeply wounding the treaty.

The NPT Review Conference operates on consensus, which assures lowest common denominator results. One hundred and eighty-nine countries will be there, including Iran. That makes the 15 member Security Council look efficient and look virtuous. The unfortunate fact is that many countries are sympathetic to Iran’s nuclear program. One administration witness will testify that the conference will not solve all the problems or answer all the tough questions. Now, that is an understatement.

The NPT is a norm against nuclear nonproliferation. Strengthen it if we can, but in trying, let us not sacrifice critical actions for the sake of perceived goodwill as the administration is doing with important Iran sanctions legislation, and let us not pretend that this treaty is giving us security. It is not.

Remember, an illusion of progress can be more dangerous than obvious conference failure when the stakes are so high. Let us pass the Iran sanctions bill. I mean a vigorous bill, not a watered down bill, because 2015 and the capacity for an Iranian leader to hit the United States if the urge to be a martyr hits him will come soon enough. Thank you, Mr. Chairman.

Chairman BERMAN. The time of the gentleman has expired.

I am now pleased to introduce our two panels. Ambassador Susan Burk plays a lead role in preparing for the NPT Review Conference. She previously served as first deputy coordinator for homeland security in the State Department’s Office of the Coordinator for Counterterrorism.

She has served as acting assistant secretary of state for nonproliferation, chief of the International Nuclear Affairs Division of ACDA, the U.S. Arms Control and Disarmament Agency, and director of the Office of Regional Affairs and State. While at ACDA, she was the chief of the Non-Proliferation Treaty Extension Division, leading U.S. preparations for the 1995 NPT Review and Extension Conference.

Ambassador Bonnie Jenkins currently serves as the State Department’s coordinator for threat reduction programs in the Bureau of International Security and Nonproliferation. Previously she served as counsel to the 9–11 Commission, a consultant to the 2000 National Commission on Terrorism and general counsel to the U.S. Commission to Access the Organization of the Federal Government to Combat Proliferation of Weapons of Mass Destruction. A retired Naval Reserve officer, she recently completed a year-long deployment to the U.S. Central Command in CENTCOM.

I think I will wait and introduce the second panel when they come forward. Ambassador Burk, your entire statement will be part of the record. You are free to summarize it and make the points you want. Why don’t you go ahead and lead off?

STATEMENT OF THE HONORABLE SUSAN F. BURK, SPECIAL REPRESENTATIVE OF THE PRESIDENT, FOR NUCLEAR NON-PROLIFERATION, U.S. DEPARTMENT OF STATE

Ambassador BURK. Well, thank you very much, Chairman Berman, Congresswoman Ros-Lehtinen and members of the committee for giving me the chance to be here today to talk about our preparations for the NPT Review Conference, which will start in less than 2 weeks, as someone pointed out.

Let me just offer some brief highlights or lowlights of my remarks, and then I will look forward to your questions. You mentioned the President's Prague speech, and I would just note that at that time he called the basic bargain of the NPT, what we call the three pillars, he called it sound.

Countries with nuclear weapons will move toward disarmament, countries without nuclear weapons will not acquire them, and all countries can access peaceful nuclear energy. There are, as has been pointed out, nearly 190 parties to the treaty, and that puts a premium on cooperation as we work with others to achieve common goals.

The NPT and the global nonproliferation regime have been under great stress, as we have heard already. This has been a result of the growing availability of sensitive nuclear technology, A.Q. Khan that we are all very concerned about, the continued defiance by North Korea and Iran of efforts to bring them into compliance with their international nonproliferation obligations and the limitations that some states continue to impose on the verification role of the International Atomic Energy Agency safeguards program, the IAEA.

As a result, the United States is not approaching the upcoming NPT Review Conference in any business as usual spirit. President Obama has put a strengthened NPT at the center of American non-proliferation diplomacy, and the United States has taken a series of steps to help achieve that goal.

But I use the world help here very deliberately. The U.S. cannot realize the NPT vision on its own. It will take all parties working together, setting aside stale debates and perspectives that have too often led to gridlock, if we are to accomplish the balanced review of all three pillars of the treaty that most parties are insisting that they want.

I have spent the last 10 months engaging scores of NPT parties from all regions to gauge how best to do that, and these consultations have revealed a broad range of views on the treaty and on the review conference, but all the states that I have consulted share the firm conviction that the NPT is critical to the maintenance of regional and international peace and security, and this certainly is the U.S. view. We are encouraging these parties to approach the review conference as a real opportunity to focus on common goals and renew the collective commitment to the principles and basic bargain of the treaty.

So what are the issues that we want the review conference to address and the outcomes that we seek? The NPT is first and foremost a treaty aimed at preventing the further spread of nuclear weapons while ensuring that the peaceful benefits of nuclear en-

ergy are made available to states fulfilling their nonproliferation commitments.

But the treaty's negotiators understood that non-nuclear weapon states would be more likely to foreswear nuclear weapons permanently if the five states that possessed them at that time pledged in good faith to seek to eliminate them, and this understanding holds today.

We are making clear that we take our obligations under the NPT seriously and we are fulfilling them. We are emphasizing first that recent actions, including the signing of the New START treaty, the release of the Nuclear Posture Review and our commitment to starting FMCT negotiations and seeking ratification of the CTBT, clearly demonstrate the U.S. commitment to fulfilling its disarmament responsibilities under Article VI of the NPT.

But, secondly, we are emphasizing that a robust and reliable nonproliferation regime is a necessary condition for progress on disarmament, and we are working to leverage international support for our own efforts to gain broad support for the treaty's nonproliferation goals.

And, finally, we are emphasizing that all parties, nuclear weapon states and non-nuclear weapon states alike, have responsibility for supporting the treaty's nonproliferation goals, including by strengthening the IAEA and its safeguard system and by dealing honestly and seriously with cases of noncompliance.

The review conference is an opportunity to reaffirm the IAEA's central role in NPT verification and the goal of universal adherence to the additional safeguards protocol, which we believe, together with comprehensive safeguard agreements, should be considered an essential standard for verification.

It is not enough to detect violations, however. Noncompliance with nonproliferation obligations erodes confidence in the treaty and in the global regime and must be met with real consequences including, as necessary, actions by the U.N. Security Council.

The U.S., together with a number of other countries, has been considering how the treaty parties might address the issue of abuse of the NPT's withdrawal provision. This is specifically how to dissuade and respond to the possibility of an NPT party withdrawing from the treaty while in violation of its NPT obligations, an effort to evade its sins. We will work with partners to address this issue fully at the review conference.

Finally, we are looking forward to contributing to a constructive discussion about international cooperation in the peaceful uses of nuclear energy that is consistent with the NPT's fundamental nonproliferation undertaking and with international standards of safety and security. Taking steps to strengthen the peaceful uses pillar is especially important today in view of the renewed interest in civil nuclear power, which has grown worldwide in response to concerns about climate change and energy security.

Here too a strong and reliable nonproliferation regime is essential for the fullest possible access to nuclear energy for peaceful purposes. We know too well—I know too well—the challenges of reaching agreement on a final report or other document when so many countries are involved, when the agenda is so broad and consensus, as has been pointed out, is the order of the day.

We expect, however, that the large majority of NPT parties will participate at this meeting in good faith and share our interest in revalidating the treaty's indispensable contribution to global security, but the United States is not approaching the review conference as an end in itself. It is a critical milestone in the broader international effort to strengthen the regime, but it will not solve all the problems or answer all the tough questions.

The hard work of maintaining and reinforcing the international nonproliferation regime will continue for years to come, and the discussions that take place in New York in 2 weeks and the ideas that are put forward there can contribute valuable momentum to our efforts at the IAEA in Vienna, the Conference on Disarmament in Geneva and the United Nations, and that will remain a key U.S. objective for the review conference

Thank you again, Chairman Berman and members, and I look forward to answering your questions.

[The prepared statement of Ms. Burk follows:]

**AMBASSADOR SUSAN F. BURK
SPECIAL REPRESENTATIVE OF THE PRESIDENT FOR
NUCLEAR NONPROLIFERATION**

**Statement to the Committee on Foreign Affairs of the U.S. House of
Representatives
April 21, 2010**

Thank you, Chairman Berman and members of the Committee, for giving me the opportunity to appear before the Committee today and to explain what the United States is doing to prepare for the Eighth Review Conference of the Nuclear Non-Proliferation Treaty (NPT), which will be held at the United Nations headquarters next month. I also want to describe what the United States hopes to accomplish at the Review Conference.

Importance of the NPT

Let me begin by highlighting the importance of the Treaty itself and the role it has played in supporting U.S. nonproliferation objectives for the past forty years. As the principal legal barrier to nuclear weapons proliferation, the NPT serves as the cornerstone of the global nuclear nonproliferation regime. It has established a strong standard of nonproliferation and a foundation upon which the international community has developed additional measures, such as strengthened export controls and strengthened safeguards, to reinforce the barriers to proliferation. In his speech last year in Prague, President Obama stressed the NPT's role in contributing to the conditions that make progress on nuclear disarmament possible. He called the basic bargain of the NPT "sound: Countries with nuclear weapons will move towards disarmament, countries without nuclear weapons will not acquire them, and all countries can access peaceful nuclear energy." This basic bargain reflects the three, mutually reinforcing pillars of the Treaty – nonproliferation, disarmament and peaceful uses of nuclear energy. Nearly 190 countries are Party to the Treaty, which puts a premium on cooperation as we work with others to achieve common goals.

Preparations for the Review Conference

Although I want to focus principally on our recent preparations for the Review Conference, I should acknowledge that our current preparations

benefit from the groundwork laid by United States during three Preparatory Committee meetings, in 2007, 2008, and 2009. The Third Preparatory Committee meeting, in May 2009, was able to reach agreement on an agenda for the Review Conference, an accomplishment that should facilitate the work of the Conference.

The NPT and the global nuclear nonproliferation regime have been under great stress in recent years as a result of, among other things, the growing availability of sensitive nuclear technology, as demonstrated by the activities of AQ Khan; North Korea's announcement of its intention to withdraw from the NPT while in noncompliance with its NPT safeguards obligations and the announced tests of nuclear explosive devices in subsequent years; the continued defiance by North Korea and Iran of efforts to bring them into compliance with their international nonproliferation obligations; and the limitations some states continue to impose on the verification role of International Atomic Energy Agency (IAEA) safeguards, including Syria's and Iran's concealment from the IAEA of their construction of a covert nuclear reactor and a covert enrichment facility, respectively.

As a result, the United States is not approaching the upcoming NPT Review Conference in any "business as usual" spirit. President Obama has put a strengthened NPT at the center of American nonproliferation diplomacy, and the United States is taking a series of steps to help achieve that goal. But I use the word "help" here very deliberately. The United States cannot realize the NPT vision on its own. It will take all Parties working together, setting aside stale debates and perspectives that have too often led to gridlock.

We have made clear that we are prepared to work with our NPT partners to conduct a balanced review that addresses the three pillars of the Treaty. To achieve that balance, we are prepared to have a full discussion of the progress that has been made to realize the disarmament provisions of the NPT. The Review Conference also must carry out a careful and thorough assessment of how well the nonproliferation and peaceful uses objectives of the Treaty have been fulfilled, and identify measures that the Parties can take in the future to improve implementation in each of the three pillars.

Toward this end, I have spent the last ten months engaging NPT parties from all regions – more than 70 countries at last count --to gauge

how best to do that. These consultations have revealed a broad range of views on the NPT and on the upcoming Review Conference. All of the meetings have been valuable in gauging the priorities and concerns of other Parties, and, of course, they have enabled us to share our Government's perspectives.

One common view expressed to us that transcends whatever differences may exist among Parties on individual issues is the firm conviction that the NPT is critical to the maintenance of regional and international peace and security, that it is, in fact, the cornerstone of the international nonproliferation regime. This, certainly, is a view that the United States strongly shares. We are encouraging other NPT Parties to approach the Review Conference as a real opportunity to focus on common goals and renew the collective commitment to the principles and basic bargain of the Treaty. A Review Conference that looks honestly at the issues and works constructively to strengthen the Treaty will require the cooperative participation of all Parties at the Review Conference, and for all Parties to recognize their shared responsibilities.

Goals for the Review Conference

So what are the issues which we want the Review Conference to address and the outcomes that we seek?

The NPT is, first and foremost, a Treaty aimed at preventing the further spread of nuclear weapons, while ensuring that the peaceful benefits of nuclear energy are made available to States fulfilling their nonproliferation commitments. But the Treaty's negotiators understood that non-nuclear-weapon states would be more likely to foreswear nuclear weapons permanently, if the five states that possessed them at that time pledged in good faith to seek to eliminate them. This understanding holds true today.

We are making clear that we take our obligations under the NPT seriously and are stepping up efforts to fulfill them. We have a particularly good story to tell in this regard. Recent actions, including the signing of the New START Treaty and the release of a Nuclear Posture Review reducing the levels and roles that our nuclear weapons will play in our national security, clearly demonstrate the U.S. commitment to fulfilling its disarmament responsibilities under Article VI of the NPT. As the President

pledged last year in Prague, we will seek the advice and consent of the U.S. Senate for ratification of the Comprehensive Nuclear Test-Ban Treaty (CTBT). The United States is committed to pursue negotiations immediately at the Conference on Disarmament on a verifiable treaty banning the production of fissile material for use in nuclear weapons (FMCT). We are extremely disappointed that the Conference on Disarmament has failed to launch such negotiations.

We also will continue to emphasize that a robust and reliable nonproliferation regime is a necessary condition for significant progress on disarmament, and we will work to leverage international support for our own efforts in this regard to gain broad support for our nonproliferation goals.

In this regard, all parties, nuclear weapon states and non-nuclear weapon states alike, have a responsibility to support the Treaty's nonproliferation goals, including by strengthening the IAEA and its safeguards system, which under Article III of the NPT verifies non-nuclear-weapon state Parties' compliance with their NPT nonproliferation commitments, and by dealing honestly and seriously with cases of noncompliance. Although not required to do so under the NPT, the nuclear-weapon-state NPT Parties also have entered into safeguards agreements with the IAEA.

The United States believes that one of the best ways to ensure full compliance with the NPT's nonproliferation goals is by ensuring that the IAEA has the tools and authority to carry out this mission effectively. The Review Conference is an opportunity to reaffirm the IAEA's central role in NPT verification and compliance and the goal of universal adherence to the Additional Protocol, which together with comprehensive safeguards agreements are essential for verification of the NPT.

It is not enough to detect violations, however. Noncompliance with nonproliferation obligations erodes confidence in the Treaty and in the global nuclear nonproliferation regime and must be met with real consequences, including, as necessary, actions by the UN Security Council. The UN Security Council last September emphasized in Resolution 1887 its role in determining whether a situation of non-compliance with nonproliferation obligations constitutes a threat to international peace and security, and its primary responsibility in addressing such threats.

The United States, together with a number of other countries, has been considering how the Treaty Parties might address the issue of abuse of the NPT's withdrawal provision -- specifically, how to dissuade and respond to the possibility of an NPT Party withdrawing from the Treaty while in violation of its NPT obligations. We have been discussing this concern with Treaty partners many of whom appreciate the stake they have in discouraging countries from using the withdrawal provision as a way to evade penalties for Treaty violations. Real progress toward this end was made last year with the passage of UN Security Council Resolution 1887, which affirms that States will be held responsible for any NPT violations committed prior to their withdrawal. We will work to ensure that this issue is addressed fully at the Review Conference.

Finally, we are looking forward to contributing to a constructive discussion about international cooperation in the peaceful uses of nuclear energy consistent with the NPT's fundamental nonproliferation undertakings, and with international standards of safety and security. Here, too, a strong and reliable nonproliferation regime is essential for the fullest possible access to nuclear energy for peaceful purposes.

For many years, nations have harnessed the atom for peaceful applications in agricultural, medicine, mining, manufacturing and industry. Such non-power applications are vitally important to the social and economic development of many countries in all regions of the world. The United States is the largest contributor to the IAEA's Technical Cooperation Fund, which administers the bulk of the IAEA's assistance in those areas. Over the years, the United States has supported such cooperation with nearly 100 countries. We will document this record in May. There is, of course, a safeguards component to such assistance, as the IAEA Statute authorizes the Agency, "To establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose." As demand for nuclear energy for peaceful purposes grows, so, too, does the burden of the IAEA in carrying out the application of safeguards in order to assure the international community that fissile material in peaceful nuclear programs is not being diverted to military uses. This is why it is so important that the IAEA is given the resources and authorities that it needs to fulfill its safeguarding mission.

Taking steps to strengthen the peaceful uses pillar is especially important today in view of the renewed interest in civil nuclear power that has risen worldwide in response to concerns about climate change and energy security. More than 60 countries have informed the IAEA of their interest in launching new nuclear power programs. As a result, international cooperation aimed at civil nuclear infrastructure development is flourishing, both bilaterally and through the IAEA. We will continue to highlight U.S. efforts in this field to emphasize the great importance we place on facilitating access to peaceful uses.

To address the increased risk of proliferation that could accompany an expansion of nuclear fuel-cycle capabilities, the IAEA Member States have been discussing measures to help these newcomers manage their nuclear programs responsibly and without increasing the risk of proliferation. This includes proposals for multilateral fuel assurances, including nuclear fuel banks that could be established to provide a backup source of nuclear fuel and obviate any need to develop indigenous nuclear fuel cycle capabilities. The United States has strongly supported these mechanisms, and will continue to do so at the Review Conference. The Review Conference is not expected to reach any conclusions on these issues, but it can encourage the IAEA to continue its deliberations with a view to addressing constructively the many questions that have been raised.

Looking broadly at our goals for the Eighth NPT Review Conference, we will strive for a recommitment by the Parties to the three pillars of the treaty and to the Treaty itself. We also will seek an outcome to the conference that helps set a new course in the direction of the greater fulfillment of the vital objectives of the NPT — stemming proliferation, working toward the peace and security of a world free of nuclear weapons, and sharing the benefits of nuclear energy for sustainable development. The United States will work hard with our Treaty partners to seize this opportunity we have to revalidate the Treaty's indispensable contribution to the maintenance of international peace and security.

We are keenly aware of the challenges of reaching agreement on a final report or other document when so many countries are involved, the agenda is so broad, and consensus is the order of the day. We expect that the vast majority of nations will participate in good faith and share our interest in revalidating the Treaty's indispensable contribution to global security. We know, of course, that not all nations necessarily share that

perspective. As a result, the United States is not approaching the NPT Review Conference as an end in itself, but as a critical milestone in the broader international effort to strengthen the international nonproliferation regime. It will not solve all the problems or answer all the tough questions. The hard work of maintaining and reinforcing the international nonproliferation regime will continue for years to come. But the discussions that take place in New York in May, and the ideas that are put forward there can contribute valuable momentum to our collective efforts at the IAEA, the Conference on Disarmament, and the UN. That will remain a key U.S. objective for the Review Conference.

Thank you, Chairman Berman and members of the Committee, for this opportunity to appear before you today.

Chairman BERMAN. Thank you very much, Ambassador. Ambassador Jenkins, we look forward to hearing from you. Your entire statement will be part of the record as well.

STATEMENT OF THE HONORABLE BONNIE D. JENKINS, COORDINATOR, THREAT REDUCTION PROGRAMS, U.S. DEPARTMENT OF STATE

Ambassador JENKINS. Thank you, Chairman Berman and Ranking Member Ros-Lehtinen and esteemed members of the committee, for the opportunity to report on the strides and the efforts that the Department of State is making to reduce the chances of an attack by terrorists armed with nuclear weapons.

I would like to request that my prepared testimony be included in the record of today's hearing, and I will present a shorter version here in my oral statement.

Last spring, President Obama called for international cooperation and pledged American leadership in the effort to prevent nonstate actors from acquiring weapons of mass destruction. As Coordinator for Threat Reduction Programs, I am pleased to share with you the underlying goals of the Nuclear Security Summit, some results from the summit, including commitments made by the participants, and thoughts for initial steps following the summit to meet the President's vision to secure all vulnerable nuclear material in 4 years.

At the largest gathering of world leaders ever convened in Washington, 50 leaders representing various nations and international bodies came together to recognize the following: It is increasingly clear that the danger of nuclear terrorism is one of the greatest threats to our collective security; terrorist networks such as al-Qaeda have tried to acquire the material for a nuclear weapon, and if they ever succeeded they would surely use it; and were they to do so it would be a catastrophe for the world, causing extraordinary loss of life and striking a major blow to global peace and stability.

The consensus on these topics was the impetus for the joint communiqué and work plan agreed upon at the summit. To present such catastrophic consequences, the solution is to keep the essen-

tial ingredients of nuclear bombs—plutonium and highly enriched uranium—out of the hands of those with a level of intent.

The communiqué commits leaders to principles of nuclear security and if implemented would lead to efforts to improve security and accounting of nuclear materials and strengthened regulations. The communiqué also launches a summit work plan issued as guidance for national and international actions that carry out the pledges of the communiqué.

In addition to the communiqué work plan, several nations made significant commitments, which will strengthen the global effort to maintain nuclear security and nonproliferation. For example, Ukraine agreed to get rid of all of its highly enriched uranium within 2 years, and Canada has agreed to return a large amount of spent highly enriched uranium fuel from their medical isotope production reactor to the United States. The United States and Russia reached an agreement on plutonium disposal which commits both countries to eliminate enough total plutonium for approximately 17,000 nuclear weapons.

This summit was intended to lay the groundwork for activities to improve security for vulnerable nuclear materials by 2013. We anticipate and welcome working with as many nations as possible on this critical effort, and this international initiative will continue in the future. South Korea has already pledged to hold the next security summit in 2012. The summit shepherds will consult on the precise timing of follow on events at their next meeting later this year.

Overall, the summit was a call to action for countries around the world. It provided an unprecedented forum to raise awareness of the threat of nuclear terrorism to the highest levels of foreign government. It reinforced the importance of existing nuclear security mechanisms and urged additional participation in mechanisms that already exist.

The summit emphasized the need for the strongest possible political commitments by each state to take responsibility for the security of the nuclear materials under its control, to continue to evaluate the threat environment and strengthen security measures as changing conditions may require and to exchange best practices and practical solutions for doing so.

The summit also stressed the principles that all states are responsible for ensuring the best security of their own nuclear materials, for seeking assistance to do so if necessary and providing assistance if asked.

We must work urgently to reduce the risk of terrorist criminal organizations or extremists getting their hands on nuclear weapons or all the materials, expertise and technology necessary to build them. We cannot afford to be divided in this endeavor. By bringing together our allies and other states around the globe at the summit and in other future forums, we will ensure that we bring every resource to bear on meeting this important challenge.

Thank you for the opportunity to speak today, and I look forward to your questions.

[The prepared statement of Ms. Jenkins follows:]

**Testimony of the Coordinator for Threat Reduction Programs,
U.S. Department of State,
Ambassador Bonnie D. Jenkins
House Foreign Affairs Committee**

**“Stopping the Spread of Nuclear Weapons, Countering Nuclear Terrorism:
The NPT Review Conference and the Nuclear Security Summit”**

21 April 2010

Thank you, Mr. Chairman Berman, Ranking Member Ros-Lehtinen, and other esteemed members of the Committee, for the opportunity to report on the strides that the Department of State is making to reduce the chances of an attack by terrorists armed with nuclear material. In his speech in Prague last year, President Obama explained the inter-related pillars that are needed to achieve the goal of a world free of nuclear weapons: disarmament, nonproliferation, peaceful nuclear energy, and nuclear security. President Obama pledged American leadership in this effort, and as Coordinator for Threat Reduction Programs, I am pleased to share with you both the underlying goals of the Nuclear Security Summit, some of the results from the Summit, including commitments made by the participants, and thoughts for initial steps following the Summit to meet the President’s vision to secure all known vulnerable nuclear material in four years.

The specter of nuclear terrorism is one of the most challenging threats to global security today. We know Al Qaeda has tried to obtain or develop a nuclear attack capability to use against the United States. And we also know that nuclear materials—that is, highly enriched uranium and separated plutonium—exist in large quantities around the world. While it is impossible to predict the likelihood of a nuclear attack by terrorists, they have openly declared their desire to launch mass casualty attacks on civilian population centers. The bombings in Bali, London, Madrid, Mumbai, Islamabad and recently Moscow, show that the target set is truly a global one. Given the catastrophic and perhaps existential political and economic repercussions of a nuclear strike anywhere in the world, nations everywhere share a common interest in establishing the highest levels of security and protection for nuclear weapons-usable material. The international community also shares a common responsibility to strengthen national and international efforts to prevent nuclear smuggling of these materials, and to detect and intercept nuclear materials in transit. In an increasingly globalized world, today’s threats are indeed diffuse, adaptable, and evolving; all of which makes confronting them even more essential.

That is why the President is pursuing an international effort to secure all known vulnerable nuclear material in four years. We gained valuable momentum and international cooperation towards this effort last week at the Nuclear Security Summit, attended by more than 47 nations, as well as the Director General of the International Atomic Energy Agency (IAEA), the Secretary General of the United Nations (UN), and the President of the European Union’s (EU) European Council.

The Summit was a call to action for countries around the world. It provided an unprecedented forum to raise awareness of the threat of nuclear terrorism to the highest levels of foreign governments. It reinforced the importance of existing nuclear security mechanisms and urged additional participation in mechanisms that already exist. The Summit also emphasized the need for the strongest possible political commitments by each State to take responsibility for the security of the nuclear materials under its control, to continue to evaluate the threat and strengthen security measures as changing conditions may require, and to exchange best practices and practical solutions for doing so. The Summit also stressed the principle that all States are responsible for ensuring the best security of their own nuclear materials, for seeking assistance to do so if necessary, and providing assistance if asked.

Through the joint Communiqué agreed upon at the Nuclear Security Summit, the participants demonstrated a determination to answer the charge to secure the nuclear materials under their control. In the Communiqué, States established that they will:

- Reaffirm the fundamental responsibility of States, consistent with their respective international obligations, to maintain effective security of all nuclear materials, which includes nuclear materials used in nuclear weapons, and nuclear facilities under their control; to prevent non-state actors from obtaining the information or technology required to use such material for malicious purposes;
- Work cooperatively as an international community to advance nuclear security, requesting and providing assistance as necessary;
- Recognize that nuclear materials require special precautions and agree to promote measures to secure, account for, and consolidate these materials as appropriate, and encourage the conversion of reactors from highly enriched to low enriched uranium fuel;
- Endeavor to fully implement all existing nuclear security commitments and work toward acceding to those not yet joined, consistent with national laws, policies and procedures;
- Support the objectives of international nuclear security instruments, including the Convention on the Physical Protection of Nuclear Material, as amended, and the International Convention for the Suppression of Acts of Nuclear Terrorism, as essential elements of the global nuclear security architecture;
- Reaffirm the essential role of the International Atomic Energy Agency in the international nuclear security framework and will work to ensure that it continues to have the appropriate structure, resources and expertise needed to carry out its mandated activities;
- Recognize the role and contributions of the United Nations as well as the contributions of the Global Initiative to Combat Nuclear Terrorism and the G8-led Global Partnership Against the Spread of Weapons and Materials of Mass Destruction within their respective mandates and memberships;
- Acknowledge the need for capacity building for nuclear security and cooperation at bilateral, regional and multilateral levels for the promotion of nuclear security culture through technology development, human resource development, education and training, and stress the importance of optimizing international cooperation and coordination of assistance;
- Recognize the need for cooperation among States to effectively prevent and respond to incidents of illicit nuclear trafficking; and agree to share, subject to respective national laws and procedures, information and expertise through bilateral and multilateral

mechanisms in relevant areas such as nuclear detection, forensics, law enforcement and the development of new technologies;

- Recognize the continuing role of nuclear industry, including the private sector, in nuclear security and will work with industry to ensure the necessary priority of physical protection, material accountancy, and security culture;
- Support the implementation of strong nuclear security practices that will not infringe upon the rights of States to develop and utilize peaceful nuclear energy and technology and will facilitate international cooperation in the field of nuclear security; and lastly,
- Recognize that measures contributing to nuclear material security have value in relation to the security of radioactive substances and encourage efforts to secure those materials as well.

The Communiqué also launches a Work Plan, which was issued as guidance for national and international actions to actualize the pledges contained in the Communiqué. These steps include:

- Recognizing the importance of the International Convention for the Suppression of Acts of Nuclear Terrorism as an important legally binding multilateral instrument addressing threats posed by acts of nuclear terrorism;
- Recognizing the importance of the Convention on the Physical Protection of Nuclear Material as the only multilateral legally binding agreement dealing with the physical protection of nuclear material in peaceful uses, and the value of the 2005 Amendment to the convention in strengthening global security;
- The need to fully implement UN Security Council Resolution 1540 (2004) on preventing non-State actors from obtaining weapons of mass destruction, their means of delivery and related material, in particular as it relates to nuclear material;
- Recognizing that the IAEA is facilitating the development by member States, in the framework of the Nuclear Security Series, of guidance and recommendations relating to the prevention and detection of, and response to, theft, sabotage, unauthorized access and illegal transfer, or malicious acts involving, inter alia, nuclear material, and associated facilities, and is providing guidance in developing and implementing effective nuclear security measures;
- Recognizing States' rights to develop and use nuclear energy for peaceful purposes, and noting the responsibility of each State for the use and management of all nuclear materials and facilities under its jurisdiction and recognize that highly enriched uranium and separated plutonium are particularly sensitive and require special precautions;
- States must be mindful of the responsibilities of every Participating State to maintain effective nuclear security and a robust domestic regulatory capacity;
- Understanding the large role of the nuclear security industry, including the private sector in nuclear security and recognizing that national governments are responsible for standard setting within the State. Emphasizing the importance of the human dimension of nuclear security, the need to enhance security culture, and the need to maintain a well-trained cadre of technical experts; and,
- Underscoring the value of exchanging accurate and verified information, without prejudice to confidentiality provisions, to detect, prevent, suppress, investigate and prosecute acts or attempted acts of nuclear terrorism.

We anticipate and welcome working with as many nations as possible on this critical effort. This Summit was intended to lay the groundwork for activities to improve security for vulnerable nuclear materials in four years. It succeeded in this goal, as evidenced by the unanimous agreement on the Communique and Work Plan, as well as the various announcements of new national commitments toward nuclear security by several of the States in attendance. But the real work lies with each nation that attended the Summit and others around the world. The Summit spearheaded real progress as evidenced by the National Commitments made by many participating nations, including:

- Armenia: Ratified the International Convention on the Suppression of Acts of Nuclear Terrorism; passed new export control law
- Argentina: Joined the Global Initiative on Combat Nuclear Terrorism; and is moving toward the ratification of the International Convention on the Suppression of Acts of Nuclear Terrorism and 2005 Amendment of the Convention on Physical Protection of Nuclear Materials. Also signed an MOU with the United States to initiate cooperation on the Megaports Initiative.
- Australia: Moving toward the ratification of the International Convention on the Suppression of Acts of Nuclear Terrorism
- Belgium: Contributing \$300,000 to International Atomic Energy Agency's Nuclear Security Fund
- Canada: Returning a large amount of spent highly enriched uranium fuel from their medical isotope production reactor to the United States; championing the extension of the G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction; funding highly enriched uranium removals from Mexico and Vietnam; hosting and funding a World Institute of Nuclear Security best practices workshop in Ottawa; unveiling \$100 million in new bilateral security cooperation with Russia
- Chile: Removed all highly enriched uranium (18kg) in March 2010
- China: Announced cooperation on nuclear security Center of Excellence
- Egypt: Passed new comprehensive nuclear law in March 2010 that includes nuclear security, criminalization of sabotage and illicit trafficking provisions as well as envisaging an independent regulatory authority
- France: Ratifying the 2005 Amendment to the Convention on Physical Protection of Nuclear Materials; inviting an International Physical Protection Advisory Service security review from the International Atomic Energy Agency; incorporating training in nuclear security at the European Nuclear Safety Training and Tutoring Institute and the International Nuclear Energy Institute
- Finland: Invited an International Physical Protection Advisory Service security review from the International Atomic Energy Agency
- Germany: Moving toward ratifying 2005 Amendment of the Convention on the Physical Protection of Nuclear Materials
- Georgia: Signed instrument of approval for the International Convention for the Suppression of Acts of Nuclear Terrorism on April 7, 2010
- India: Announcing the creation of a Nuclear Energy Center with a nuclear security component

- Italy: Signed a Megaports agreement (to install detection equipment at ports) with the U.S.; establishing a school of nuclear security in Trieste, in collaboration with the Abdus Salam International Center for Theoretical Physics and the International Atomic Energy Agency, to train personnel from developing countries
- Japan: Launching an integrated regional support center; research and development on detection and forensics; contributing new resources to International Atomic Energy Agency's Nuclear Security Fund; hosting and funding a World Institute of Nuclear Security best practices conference
- Kazakhstan: Converting a highly enriched uranium research reactor and eliminating remaining highly enriched uranium; cooperative work on BN-350 reactor shutdown and fuel security; hosting a Global Initiative to Combat Nuclear Terrorism activity in June; considering an International Nuclear Security Training Center
- Malaysia: Passed new export control law
- Mexico: Converting a highly enriched uranium research reactor and eliminating remaining highly enriched uranium working through IAEA
- New Zealand: Contributing to International Atomic Energy Agency's Nuclear Security Fund; contributing to the U.S. Nuclear Smuggling Outreach Initiative
- Norway: Contributing \$3.3 million over the next four years to the IAEA Nuclear Security Fund; contributing \$500,000 in additional support to Kazakhstan's efforts to upgrade portal monitors to prevent nuclear smuggling as part of the Global Initiative to Combat Nuclear Terrorism
- Philippines: Joining the Global Initiative to Combat Nuclear Terrorism
- Republic of Korea: Hosting 2012 Nuclear Security Summit; hosting a Global Initiative to Combat Nuclear Terrorism activity
- Russia: Signing Plutonium Disposition protocol; ending plutonium production; contributing to International Atomic Energy Agency's Nuclear Security Fund
- Saudi Arabia: Hosting a UNSCR 1540 conference for Gulf Cooperation Council
- Thailand: Joining the Global Initiative to Combat Nuclear Terrorism
- Ukraine: Removing all highly enriched uranium by next Summit – half of it by year's end
- United Arab Emirates: Signed a Megaports Agreement with the U.S.
- United Kingdom: Contributing \$6 million to International Atomic Energy Agency's Nuclear Security Fund; inviting an International Physical Protection Advisory Service security review from the International Atomic Energy Agency; ratification of the international Convention on the Suppression of Acts of Nuclear Terrorism and 2005 Amendment of the Convention on Physical Protection of Nuclear Materials
- Vietnam: Converting a highly enriched uranium research reactor; joining the Global Initiative to Combat Nuclear Terrorism
- IAEA: Completing final review of the next revision of INFCIRC 225, the IAEA nuclear physical security guidance document
- For the United States, President Obama has requested \$1.6 billion in the Federal Budget for fiscal year 2011 for cooperative international nuclear security activities, a 31% increase over fiscal year 2010. The United States will also pursue its own Summit commitments through the enhancement and coordination of existing activities between the Department of State, (DOS), the Department of Energy (DOE), and the Department of Defense (DOD).

The Department of State will spearhead international diplomacy efforts in support of the Four Year Effort, including the G8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction (GP), which has become the major international financial mechanism for reducing WMD threats around the world, including securing nuclear material. The GP was launched by G8 Leaders at the G8 Summit in Kananaskis, Canada in 2002 as a \$20 billion commitment over ten years (2002-2012), of which the U.S. has pledged half. Eight years later, the 23 GP members have now allocated more than \$18 billion and, by 2012, we will exceed the original \$20 billion commitment. To date, the GP has undertaken complex and challenging projects in Russia and across the Former Soviet Union to dismantle or eliminate former weapons programs, whose impact has been significant. Efforts are underway to extend the GP for an additional ten years with more funding, and to expand its scope to other countries in line with the current mandate to expand GP projects to regions that present the highest risks for proliferation and terrorism. The U.S. strongly supports extending the G8 Global Partnership beyond 2012 to address the full range of WMD threats worldwide, and we plan to provide up to \$10 billion in continued funding during the period of 2012-2022 for threat reduction efforts, subject to Congressional appropriations. The GP supports the Four Year Effort by providing a mechanism to work with and provide assistance to other nations to secure nuclear material, as well as other material and expertise that could be utilized for WMD.

DOS also leads U.S. participation in the Global Initiative to Combat Nuclear Terrorism (GICNT), which is a cross-cutting strategic framework of 77 partners and four official observers (IAEA, EU, INTERPOL and UNODC) with the purpose of enhancing individual, regional and collective capabilities to combat the shared threat of nuclear terrorism. Other significant DOS efforts that are consistent with the Four Year Effort include the Nuclear Smuggling Outreach Initiative (NSOI), which seeks to establish partnerships and action plans with key governments to enhance their ability to prevent, detect, and respond effectively to nuclear smuggling attempts; as well as efforts to coordinate United States contributions to UNSCR 1540 in order to help countries meet their obligations to prevent WMD, delivery means, and related materials from getting into the hands of terrorists.

The Department of Energy (DOE) provides the largest United States contribution in terms of capital and programmatic capability to worldwide threat reduction efforts. DOE provides the first line of defense against nuclear theft and terrorism at dozens of the most vulnerable sites via its Materials Protection, Control and Accounting program. DOE's Global Threat Reduction Initiative (GTRI) seeks, reduces, and protects vulnerable nuclear material located at civilian sites worldwide by converting research reactors from the use of highly enriched uranium (HEU) to low enriched uranium (LEU); removing and disposing of excess and vulnerable nuclear materials, thereby achieving permanent threat reduction at civilian sites; and increasing physical protection at sites with vulnerable nuclear material to reduce the risk of theft until such time as the material can be safely removed. DOE's Second Line of Defense Program will continue to work with international partners to enhance their capabilities to detect, deter, and interdict the illicit trafficking of nuclear and other radioactive materials as they move across international borders. DOE's Office of Nonproliferation and International Security also co-leads with DOS efforts to develop international (HEU) guidelines to minimize HEU in civilian nuclear applications, similar to the existing International Plutonium Management Guidelines document. This effort helps reduce the prospect of terrorist access to, and use of, fissile material. DOE will also lead efforts to implement the amended Plutonium Management and Disposition Agreement

that was signed on April 13th which calls for the United States and Russia to each dispose of no less than 34 metric tons of surplus weapon-grade plutonium – enough material for approximately 17,000 nuclear weapons.

The Department of Defense (DOD) will support the Four Year Effort through several existing and proposed programs within its Cooperative Threat Reduction program, including Nuclear Weapons Storage Security/Transportation Security, which enhances the security, control and accounting of nuclear weapons stored in Russia. In conjunction with DOE, DOD also contributes to the President's Four Year Effort by working toward the establishment of regional Centers of Excellence for Nuclear Security in partner nations which will assess equipment and manpower, provide material security training, and demonstrate enhanced security procedures and processes. Through such Centers of Excellence, lessons learned could be provided and discussed without requiring direct site access to sensitive facilities. DOD will also explore new initiatives, such as providing best practices to countries and regions outside of the Former Soviet Union.

I would also like to highlight several themes that were repeated by the States attending the Nuclear Security Summit. First, all participants agreed that the Four Year Effort, as reflected in the Communiqué and Work Plan, was a worthy goal. Many States emphasized the need for strong, global, nuclear security architecture, as typified by the various existing international treaties and regimes discussed in the Summit documents. Some States emphasized the importance of increasing funding for the IAEA's Nuclear Security Program without negatively impacting its technical cooperation program. All States also agreed that the nuclear security agenda should not remain confined to the attending States but should involve all countries around the world. Several States emphasized the importance of nuclear security "peer review" and highlighted a need for enhanced information exchange and intelligence-sharing.

To draw some conclusions for the Committee, the Summit fostered a common understanding of the threats posed by nuclear terrorism and the potential vulnerabilities of nuclear material. Summit participants also pledged to be responsible stewards of nuclear material through the various actions described in the Work Plan. The United States plans to broaden the conversation by reaching out to countries not represented at the Summit and inviting them to join forces with us in ensuring the security of nuclear materials by 2013. Finally, all States agreed on the need for at least one additional, if not more, follow-on Summits, and South Korea will host the next Summit in 2012. The Summit Sherpas will consult on the precise timing of follow-on events at their next meeting later this year.

Conclusion

The Nuclear Security Summit focused on the issue of securing nuclear material leaving broader issues of disarmament, nonproliferation, and peaceful uses of nuclear energy to the NPT Review Conference, which my colleague, Ambassador Susan Burk, will speak to. I believe that the spirited international cooperation and momentum that the Summit has generated will contribute to achieving a successful NPT Review Conference in May, because nuclear security is an essential foundation for progress in disarmament, nonproliferation, and peaceful uses of nuclear energy.

I will conclude by stating that the task set before the global community by the Nuclear Security Summit is clear: we must work urgently to reduce the risk of terrorists, criminal organizations, or extremists getting their hands on nuclear weapons, or the materials, expertise and technology necessary to build them. We cannot afford to be divided in this endeavor. By bringing together our allies and other States around the globe, at the Summit and in other future forums, we will ensure that we bring every resource to bear on meeting this important challenge.

Thank you for your attention. I look forward to your questions.

Chairman BERMAN. Thank you both very much, and I will now yield myself 5 minutes to begin the questioning.

Ambassador Burk, you mentioned the Additional Protocol, and you talked of making more serious consequences for breaking out of the treaty. You did not describe what you thought the consequences should be, but could you address those two issues in the context of why this review conference matters?

It does not amend the treaty. What is our hope in terms of success from this conference, and how does it execute itself or how does what comes out of that conference get implemented in terms of the real world? I mean, Iran, I believe, at one point accepted the Additional Protocol and never ratified it and doesn't allow it to be utilized.

What makes this conference a meaningful conference, and where does the conduct of both North Korea and Iran stand in the context of this conference? How is that going to be addressed?

Ambassador BURK. Do I have 15 minutes?

Chairman BERMAN. 3 minutes and 30 seconds.

Ambassador BURK. Those are the \$64,000 questions. Why does it matter? I think it matters. You know, it is a review conference. It happens every 5 years, and we keep reminding people that there is no operational consequence. It is not taking a decision, as it did in 1995, to extend the treaty.

But it matters I think this year because the regime, as I said, is under such challenge and there are so many questions about the viability of the treaty, whether it is overtaken by events, has it outlived its usefulness.

I think our view is that it is more important than ever because you need that fundamental rule of law as a platform in order to move forward on a lot of these other activities. So it matters because it comes at a time when the regime is under siege. It comes at a time—

Chairman BERMAN. But why does what they do become the rule of law, as opposed to the Young Democrats passing a resolution?

Ambassador BURK. Okay. Well, I am not the lawyer. I am just saying the treaty itself has almost universally adhered to sets of certain international legal standards. You have international lawyers who can speak to that.

Chairman BERMAN. Okay.

Ambassador BURK. I think it is the barrier. So it matters because it provides an opportunity for states collectively to reaffirm their support for the treaty, which is an important political signal.

It provides an opportunity to discuss steps that could be taken in other fora, in the IAEA and elsewhere, to strengthen implementation. It provides an opportunity to talk about the importance of compliance and the damage that noncompliance does. They can have that sort of discussion.

On success, I think what we are looking for is broad affirmation of the treaty by most parties, if not all parties. We are looking for a discussion that will identify steps that could be taken, commitments that states are prepared to take. That may not be a unanimous commitment, but if the vast majority of states make it clear that they are prepared to accept certain commitments, strengthen safeguards and so forth that is important and we will take that and we will take it to the IAEA.

And on North Korea and Iran, I think the issue there is just to continue to draw attention to the very debilitating effects of non-compliance on the regime and to encourage the parties to see it for what it is and to make a strong commitment to deal with non-compliance, and I think that is where we have come up.

We have been talking to other partners about how do we deal with the problem of a state that violates the treaty and then announces it is withdrawing as a way to evade penalties. We think that the parties could agree to take some steps in that regard that would signal clearly that a state will remain accountable for those violations, even if it chooses to withdraw.

Chairman BERMAN. A number of people left government service from the arms control nonproliferation bureaus on the shakeup during the previous administration. Are you at a point now where you feel adequately staffed to both do your review conference obligations, and all the other charges you have, in terms of non-proliferation?

Ambassador BURK. For the review conference we have gotten ourselves staffed up, and I am feeling comfortable about that now. I think it is a rebuilding process that will take some time, but we are well on the way.

Chairman BERMAN. Okay. I am going to cut myself short by 7 seconds and recognize the ranking member for 5 minutes.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. A few questions. Number one, very few people believe that a new U.N. Security Council resolution will be strong enough to even deter Iran, so regardless of whether or not there is a new resolution what else is the administration planning to do next to apply pressure on Iran?

Secondly, in his speech in Prague in April 2009, President Obama said, "We will support Iran's right to peaceful nuclear energy with rigorous inspections." So on that, is the U.S. position that Article IV of the NPT that Iran and other countries claim give them an absolute right to all aspects of a nuclear program actually conditioned on their agreeing to rigorous inspections?

Thirdly, related to that, does that mean that the U.S. believes that the exercise of any right under Article IV is contingent upon the ratification and implementation of the Additional Protocol by Iran and other countries? Thank you, Ambassadors.

Ambassador BURK. On the issue of Iran sanctions, I am not in the position to address that question. I would be happy to take it back and provide an answer. I just don't know what more we are doing. We are clearly pursuing a dual pressure track and consulting with the P5-plus-1 on sanctions, but I don't have insight into any of the specifics there, so if I could take that back and respond, please?

On Article IV, I think we have made it very clear that Iran has essentially forfeited its rights to technical assistance and nuclear cooperation because it is in violation of its NPT obligations, and there are a number of Security Council resolutions that pertain, and it is not accepting rigorous inspections.

As you mentioned, it has suspended or reverted back to an earlier form of the Additional Protocol and so I think that takes it off the table on that issue. Our view is that we do not encourage or

promote development of sensitive technologies. As a matter of policy, I think from the beginning of the nonproliferation era we haven't encouraged or promoted or provided assistance in sensitive technologies.

Any such assistance that would be undertaken would have to be undertaken under the strictest nonproliferation conditions, and I think at this point we are working with many of our partner and our nuclear supplier partners to encourage the adoption of the Additional Protocol as the new standard of verification and ultimately a condition of supply, but we are not there yet.

Ms. ROS-LEHTINEN. Ambassador Jenkins? I don't know if you wanted to add anything to that.

Ambassador JENKINS. Thank you. No. I probably would just back what Ambassador Burk has said about taking it back and getting some more information to you and getting a response as fast as possible.

Ms. ROS-LEHTINEN. That would be welcome. Thank you. And then lastly, the Nuclear Posture Review's limitations on U.S. deterrence policy undermine the U.S. nuclear umbrella that defends many of our allies from attacks.

Are you concerned that calling that protection into question will persuade these countries to develop their own nuclear arsenal to provide for their own defense?

Ambassador BURK. Congresswoman, my understanding is that we consulted extensively and very closely with our allies and partners throughout the development of the Nuclear Posture Review.

I was not personally involved. I believe that it was made clear in the statements when this was rolled out that our extended deterrent guarantees continued to be intact and remain in effect.

Ms. ROS-LEHTINEN. And then since I still have some time, the Russian Government is adamant that the recently signed START agreement links reductions in strategic nuclear forces to restrictions on strategic missile defense. The Obama administration says this is not so.

Are the Russians lying? Why would they repeatedly say this and the Obama administration to believe it to be true, our good partners? Why haven't we insisted that they stop saying it if it is not true, as the Obama administration believes it is not true?

Ambassador BURK. I don't know the answer to that, but I believe what the administration is saying about this issue.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

Chairman BERMAN. The gentleman from California, Mr. Sherman, is recognized for 5 minutes.

Mr. SHERMAN. One last sentence from my opening statement, and that is that smart sanctions are dumb. The idea that we are going to get Iran to abandon its nuclear program by adopting sanctions that don't affect the Iranian economy, but somehow a few of the leadership, is absurd. Ahmadinejad isn't going to give up nuclear weapons just so he can visit Disney World.

Now, Ambassador Burk, you have a difficult job. You use all your persuasive abilities to try to get countries to treat these issues the way we would like them to, but sometimes persuasion isn't enough. Have you been able to tell any country that American aid to that country or trade with that country will be affected even slightly by

how they behave at the review conference and on nonproliferation issues in general?

Ambassador BURK. Thank you. That is a great question. I have to say that although we can invite who we want to the review conference because we have been pretty successful in gaining broad international membership, I have been pretty selective in who I have talked to, and I would have to say that I have found a tremendous amount of support for the U.S. posture and U.S. proposals in my consultations.

Mr. SHERMAN. You have complimented me on my question, but you are evading it. Have you been able to tell any country that aid or trade is conditioned at least in some part on their behavior at the review conference?

Ambassador BURK. I have not because I haven't had to.

Mr. SHERMAN. So every nation coming to the review conference is going to agree with us on all the important issues?

Ambassador BURK. No, not every nation, but I am only talking about the nations that I have personally engaged with.

Mr. SHERMAN. Speak on behalf of the administration in general. Has the administration secured the cooperation and agreement of every nation to all of our policies? Obviously not. Has anyone with the administration told those companies that have not fully embraced our positions on important issues that aid or trade could be affected?

Ambassador BURK. I am not personally aware that we have done that. No.

Mr. SHERMAN. I think you are absolutely assured that we are going to fail to achieve all of our important objectives at this conference, and you have just identified the reason.

Now, let me see. The ranking member has brought up the issue of whether the administration is trying to pressure Israel to sign the NPT. I would just say that friends don't ask friends to commit suicide and so I hope you are not doing so.

As long as there are countries in the world calling for the destruction of a state, it is hard to ask that state not to develop whatever it thinks it might need to do to protect itself from total annihilation. Nobody is threatening the total annihilation of China or Russia or Britain or France, and yet they have nuclear weapons.

The final concern I have is do you in the foreign policy establishment—I will ask this to Ms. Jenkins—have an obligation to report to this country that our nonproliferation efforts are failing and that we should develop a robust civil defense program?

I believe that a firefighter does great damage if he or she gives the illusion that they are going to put out the fire and so the adjoining neighbors don't evacuate or take protective action. Is that in effect what you are doing, giving us the illusion that you may be able to prevent proliferation and thereby lulling us into not having effective civil defense?

Ambassador JENKINS. Thank you for that question. I will just speak just in terms of what I have been working on, which is securing nuclear material.

I think that having the summit, which had 47 nations and three international organizations, was in fact a call to the community, to the United States and the world that there is a problem that we

need to address and that there is a problem with 2,000 tons of highly nitrated plutonium that we have to ensure is secure.

It is a call saying that there is something that has to be fixed, and by having this summit we actually showed an effort, an international effort and a multilateral effort, to try to do something about that issue.

Mr. SHERMAN. I thank you for your answer, and it is long past time that we start bargaining, offering concessions and/or threatening other nations with loss of trade in order to achieve our objectives here. I yield back.

Chairman BERMAN. Speaking of time, the gentleman's time has expired and the gentleman from New Jersey, Mr. Smith, is recognized for 5 minutes.

Mr. SHERMAN. Thank you very much, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Chairman. Ambassador Jenkins and Ambassador Burk, as we all know weapons of mass destruction are by definition unthinkable and unconscionable, but since Hiroshima and Nagasaki and the addition of several nuclear states, including the PRC, Russia, Pakistan, India, Britain and France, efforts to responsibly mitigate the threat, including a myriad of treaties like the NPT, are among the strategies that successive administrations have pursued. Provided we can assist on adequate verification, it seems to me those treaties are extremely useful.

In the 1980s I voted against, and I am sure Mr. Berman remembers this very well, the U.S. binary weapons efforts that were made. Ed Bethune offered the amendments, and I, like so many others, unalterably opposed the creation, stockpiling and use of biological weapons.

It is worth noting that the U.S. gave up its bioweapons program in 1969, and the United States has some 31,000 tons of chemical weapons and is currently destroying stocks of mustard gas, Sarin DX and blister agents, and current policy is to destroy all of it, 100 percent, by 2012.

As we all know, during the Cold War the Soviet war planners knew that even a massive conventional attack against Western Europe would likely provoke a nuclear response from the West, especially with the use of tactical nukes. That policy, coupled with Mutual Assured Destruction or MAD, the use of a triad of delivery means—bombers, subs and ICBNs—frustrated Soviet planners and therefore deterrents worked.

That said, I am concerned that the President may be substantially weakening U.S. deterrents from biological and chemical attack. Policy and words do matter. On January 12, 1950, Dean Acheson said that he did not include South Korea within our defensive perimeter. Kim Il-Sung took note, and historians have debated this thereafter, but many think that that gave the green light for North Korea to invade South Korea.

Now, in looking over the President's new policy is it true that if we are attacked by biological or chemical weapons, but those states happen to be in compliance with the NPT, U.S. will not use nuclear weapons against that state?

I thought Charles Krauthammer did an excellent job in his op ed in The Washington Post on the 9th of April, and it was headlined "Obama administration's Nuclear Doctrine Bizarre, Insane." He

points out—imagine this scenario—hundreds of thousands are lying dead in the streets of Boston after a massive anthrax or nerve gas attack. The President immediately calls in the lawyers to determine whether the attacking state is in compliance with the NPT.

If it turns out that the attacker is up to date with its latest IAEA inspections, well, it gets immunity from nuclear retaliation. Our response is then restricted to bullets, bombs and other conventional munitions. However, if the lawyers tell the President that the attacking state is NPT noncompliant, we are free to blow the bastards to nuclear kingdom come. This is quite insane.

So my question would be, is that really the policy? Are we talking about since we don't have a credible biological or chemical capability, and again I absolutely renounce and I am sure everybody on this panel wouldn't want that ever used. I remember the talk about what the plume would actually look like if chemical munitions were used and the huge amount of suffering and death that would be visited upon people.

But if you take away all legs of our deterrence capability and say that is off limits, is that really what the administration is saying? Ambassador BURK or Ambassador JENKINS?

Ambassador BURK. Yes. I think what Secretary Gates said when I watched the roll out was that we were making this assurance not to use nuclear weapons, but in the event of a chemical or biological attack we reserve the right to respond with overwhelming conventional force, and I believe—

Mr. SMITH. Shock and awe? I mean, we had that in Iran.

Ambassador BURK. No. No. I am just repeating to you what the senior Defense Department have said, what I heard them say publicly. But there was also, my understanding, a provision that they reserved the right to revisit this policy in the event that the biological problem, if that developed in ways that had not been foreseen.

Mr. SMITH. But to a rogue state or to a group of individuals, terrorist organizations who might be holed up in Afghanistan or somewhere else, a nuance policy does not clearly convey massive retaliation in my opinion, and I would appreciate your opinion, not necessarily what senior staff says or what Gates says. Doesn't that make us more susceptible to that kind of attack, and does that take away the deterrence capability or at least weaken it in any way?

Ambassador BURK. My opinion isn't—

Chairman BERMAN. One sentence.

Ambassador BURK [continuing]. Worth a whole lot compared to Secretary Gates, but no. I would have to say I don't believe so, and I do believe that he made a very clear statement about what the U.S. would do, what its options were as a response in that event, and I think he was quite clear.

Chairman BERMAN. The time of the gentleman has expired. The gentleman from Georgia, Mr. Scott, is recognized for 5 minutes.

Mr. SCOTT. Thank you very much, Mr. Chairman. I think in response to Congressman Smith's point, which is a very good point, and my hope is that that position will be clarified, but I would think that if we recall the administration has that caveat of revis-

iting that situation and with the clear understanding that in no way would our policies ever put this country at any risk.

I also think that in many respects as you are moving on this issue and when you are in the position of leadership that it is important that we lead from a point of nonproliferation, from a position of where we want to be. But certainly it has been clear time and time again with this administration that we reserve the right to revisit this issue based upon the circumstances that present themselves and that no way does the Obama administration stand on any position other than to move with all means to make sure that the United States of America is protected.

Let me ask you this. In your knowledge, do either of you know of anybody anywhere that does not think that Iran is after nuclear weapons?

[No response.]

Mr. SCOTT. So then the answer to this question is that everybody—

Chairman BERMAN. Are you saying yes or no?

Ambassador BURK. I don't know anybody who doesn't think that that is something they aspire to.

Mr. SCOTT. Right. So that certainly includes Russia big time. The issue is that Russia is the only declared nation that has been the ultimate sponsor of Iran's nuclear program. This is especially true in the 14 years that they have been working with the Bushehr plant.

Wouldn't it be a good starting point to hold Russia to a tight area of responsibility to make sure that the spent nuclear fuel from that plant that could be used to move toward the development of a weapon is disposed of?

The other point that I wanted to ask is given the fact that we know this—that, as you said, you know of no one that does not believe they are after a weapon—and we are saying the world cannot be secured if they get it and runs directly counter to our whole efforts of nonproliferation that this ought to merit a move to dramatically move to boycott on an international basis the importation of refined gasoline into this country.

I don't care what kind of sanctions we put on for everything else. That is the one issue in my estimation. That is the last resort on a peaceful means of stopping them from acquiring this nuclear weapon because if they do that is going to throw the entire balance of that region and the world into a very precarious position.

What is the hesitancy here of moving with that kind of effort and sanction on that entity—they produce all this, but they have to bring this refined gasoline in—and especially given the internal dissent that is going on in Iran?

That would be a very significant way of capitalizing it because I am convinced that the only way that we are going to solve this problem is by causing an emergence of revolution as maybe we say within the country of Iran to recapture its sanity from these extremists that are controlling the country.

So I guess what I am trying to say is that since you say everybody knows this is happening—3 seconds maybe?

Chairman BERMAN. Well, I think the time of the gentleman has expired. I think I would just intervene here to point out on the

issue of Iran and Iran sanctions, I take it that is not Ambassador Burk's portfolio. Undersecretary Burns, several officials in the NFC, are sort of leading that particular effort.

Ambassador BURK. That is correct, but I am happy to—we will take back these comments and these questions as well. I am sorry. We will make sure to pass this back to let the appropriate people who are seized with this on a day to day basis know of the concerns and the proposals, and I will faithfully report that back.

Mr. SCOTT. I didn't know my time went so fast. I am sorry. I just wanted to make the point.

Chairman BERMAN. The gentleman from California, Mr. Rohrabacher, is recognized for 5 minutes.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman. This is of course a very complex and very significant hearing today, and I appreciate your leadership, Mr. Chairman, and I would pledge to work together with you to make sure that we are all doing the right thing.

Let me note that maintaining a large nuclear arsenal and the delivery systems for those weapons, that is a very expensive proposition and it consumes limited resources which prevents us then from actually investing our limited resources in other weapons that we need and we expect to be used.

We would hope that nuclear weapons would never be used, and it costs a certain amount of money to maintain those weapons, and if we spend that money that way we don't have the money for the weapons that our troops depend on every day, so it behooves all of us to take this very seriously as to what level of nuclear weapons is sufficient for the security of the United States.

In the past, large arsenals of nuclear weapons were totally necessary because during the Cold War we depended on mutually assured destruction, which means we needed a level of nuclear weapons not only to strike at an enemy, but to have a counterstrike after we had already absorbed a nuclear attack.

Well, the Cold War is over, the Soviet Union no longer exists, and the need for a counterattack of that magnitude is no longer necessary. Thus, we can reduce our nuclear arsenals on both sides further down and still have security, and if we don't we are wasting money that should go to other national security interests.

So it will take a lot of work on our part to make sure we are very serious about the issue, but what makes this issue not serious and dangerous is this talk of nuclear disarmament. What is that all about?

I mean, we can reduce the number of nuclear weapons clearly, but for us to even hint that we are willing to some day go to zero nuclear weapons and as if that is going to impress leaders in North Korea and Iran and other rogue states that this is the reason that we have to reaffirm that our goal is total disarmament.

Chairman BERMAN. Will the gentleman yield?

Mr. ROHRABACHER. As long as I get it off my time, sure.

Chairman BERMAN. Well, it won't be. It will be on your time, so maybe you don't want to yield.

Mr. ROHRABACHER. Yes, Mr. Chairman.

Chairman BERMAN. But it will just be 10 seconds.

Mr. ROHRABACHER. Go for it.

Chairman BERMAN. Number one, in the second panel it will be drawn out more clearly. There is a belief that the nonproliferation and disarmament goals are connected, but, secondly, there is this matter of this treaty that President Nixon led us into that we signed where we committed to that as the goal.

Mr. ROHRABACHER. Well, I would suggest reaffirming that that is a legitimate goal and is dangerous to our national security. It does not convince rogue nations whatsoever that they shouldn't develop their nuclear weapons. In fact, it encourages them to do so.

Just as I would say the talk that we have heard recently from the administration that Mr. Smith brought up that calls into question our willingness to use a nuclear weapon and leaves that very vague is actually dangerous to our national security as well.

Now, if we are going to take care of the security interests of the United States of America, we have to do it seriously. I will have to say that this talk from the administration about disarmament and this talk about being very vague about when we would use nuclear weapons is damaging rather than helping our national security.

One last note. Mr. Sherman was correct when he said that a nuclear weapon could well be smuggled into another country. Yes, that is true. That does not negate, however, missile defense. At a time when we are lowering our arsenals, our nuclear arsenals, missile defense becomes even more important because countries like North Korea or Iran may well at a time of crisis or a time of chaos put their nuclear weapon on a missile and could actually use it in a time of crisis rather than smuggling it into Israel or smuggling it into another country.

Yes. We need to take care of the smuggling potential by having a very aggressive intelligence community and a well funded intelligence effort that will permit us to uncover those kinds of plots, but, Mr. Chairman, we also need a missile defense system that will protect us in time of crisis from these type of monstrous rogue states that could launch a missile toward Israel or toward the United States or any other country. Thank you.

Chairman BERMAN. The gentlelady from California, Ms. Woolsey, is recognized for 5 minutes.

Ms. WOOLSEY. Thank you, Mr. Chairman. Like almost probably every member of this committee, I strongly oppose a nuclear Iran. Nuclear weapons I believe can only serve to destabilize this already delicate balance of the Middle East. So knowing that, we have to hold all nations in the region to nonproliferation standards.

So my question is how does Israel's possession of nuclear weapons affect the security of the region and the stability of nonproliferation regime, and how does this affect our ability to negotiate for a stronger NPT presence in the Middle East? I mean, probably both of you I would like to have answer that.

Ambassador BURK. That is an important question. I think, first of all, Israel has always said it won't be the first to introduce nuclear weapons into the Middle East, and I just have to make that point.

But there has not been the concern in the Middle East about this issue for decades until Iran's program came out into the open, and you could argue that that is what has gotten the countries in the

region very, very anxious is Iran's activities, which have now been discussed in great detail at the IAEA.

And clearly there is a point we hear all the time about universal adherence to the NPT and all parties need to be in the treaty. There are three that have never joined—Israel, India and Pakistan.

Clearly, universality in the Middle East has been severely complicated by lack of compliance by the states who are in the region, and I think the compliance issue now has made universality a much more far distant goal I would say, and that is something we continue to emphasize here.

Ambassador JENKINS. Thank you. Ambassador Burk really pretty much talked to the issue of the NPT, which is her expertise, but I guess in relation to the work that I do, which is security of nuclear material, what I can say in that respect is that, as you know, Israel did attend the Nuclear Security Summit and they agreed with the other participants on the intent to work domestically and work internationally to ensure that nuclear material are secure.

They were at the summit, and they expressed a concern that was expressed by the other countries about the global issue of securing these nuclear weapons. I mean nuclear material. So in terms of my area and working on security it is important, the materials, and ensuring they do not get into the hands of nonstate actors and terrorists. They were very much on board with that, and that is what I can add about that issue.

Ms. WOOLSEY. Okay. Thank you. In 2008, Congress approved a nuclear deal with India, and I was part of the Minority opinion—we were in the Minority as Democrats at that time—and opposed this deal because I thought it clearly violated the intent, if not the letter of the law, of the NPT.

So I just question how can the United States stand up to other nations demanding that they comply with the NPT after we did an end run around it, and what can we do to gain back our credibility?

Ambassador JENKINS. Well, on the matter of the United States-India deal I wasn't involved in nonproliferation at the time it was negotiated, but I do understand that it was negotiated very, very carefully with a very close eye to ensuring that it did not in any way violate U.S. obligations under the NPT, so that is the fact as I understand it.

I think the way we explain this issue is that it was an attempt to recognize a fact here, expand safeguards on a program, on the India nuclear program, and in fact bring them closer to the nonproliferation regime than they had been before, and that was the goal and I think that is what we are achieving through that arrangement.

Ms. WOOLSEY. But isn't it true that when you have to explain what you have done you kind of undermine what you are doing in the first place? I mean, explaining why we went end run around something that we thought was important.

Ambassador JENKINS. That is how I explain it when I am asked about it.

Ms. WOOLSEY. All right. Thank you very much.

Chairman BERMAN. The time of the gentlelady has expired. The gentleman from California, Mr. Royce, is recognized for 5 minutes.

Mr. ROYCE. Yes. Thank you, Mr. Chairman. I think just to begin with the basic premise here, I think much of the conversation—I think a lot of the administration’s thinking—is premised on the assumption that other countries are positively impressed by our reducing our weaponry. That is probably true in many cases. Canada probably is.

But the reality is that too many parts of the world have a different set of premises, and in those parts of the world what the administration sees as leadership and what a lot of people applaud as their leadership is read as a sign of weakness.

I would like to ask Ambassador Jenkins a question. The administration points to China’s attendance at last week’s Nuclear Security Summit as a diplomatic coup. How so? Because China “announced cooperation on a Nuclear Security Center of Excellence.” Now, I wasn’t sure what that was. I see if you Google it that according to the Chinese party paper Hu Jintao is considering this center in order to play a bigger role in regional nuclear security.

Now, I don’t think I have to remind the members here that have been here while we have watched China proliferate, while we watched China send the ring magnets to Pakistan, while we watched China help Pakistan develop its nuclear arsenal, while we watched China play interference for North Korea, something that they could have shut down, but did not, but instead decided to run interference.

I have been in meetings in Beijing where this has been discussed ad nauseam. It is just phenomenal. I mean, the members here don’t have to be reminded that China has assisted Iran’s missile program, and continues to do so, by the way. So is this Center of Excellence all we have to show for our diplomacy with China?

Ambassador JENKINS. Thank you for your question. The Center of Excellence idea is one that is still in development. It is one that has been launched where DOE and DOD are working right now with developing what the Center of Excellence will be doing specifically, but it will be working in the area of nuclear security. What is positive about it is it is going to be a regional center and so it will work with countries in the region and focusing on the importance of nuclear security.

What is positive again is not only that we are able to—it took a lot of diplomacy to actually work with China to begin this center. And what we are trying to do is have countries who attended the summit be regional players and be regional leaders on the issue of nuclear security so that after the summit and years after even the second summit these countries can continue to promote the goal of ensuring that nuclear material remains secure and not vulnerable to nonstate actors.

So in a very real sense this is an important step in ensuring not only that we have something that follows the summit that can actually take it forward and be real after 1½ days of meetings or 2 days of meetings, but that we have an important part, like China, that is actually engaged in this issue and that we stay engaged with China in the next few years as we develop this center and for many years after that.

Mr. ROYCE. Well, we are engaged with China, but, as I said in my opening statement, the only thing worse than not getting co-

operation from China and others is to think you are getting it when you are not.

I am looking through your list of promises made at the Nuclear Security Summit, and I don't see any mention of countries contributing or bolstering their proliferation security initiative contribution, and I was just going to ask. Am I mistaken on that? Was anyone asked?

Was anybody asked to financially bolster their contribution or to step up to the plate on the Proliferation Security Initiative, for instance, or any of the programs, the hard programs that we try to use to interdict weaponry and proliferation?

Ambassador JENKINS. Thank you.

Mr. ROYCE. I am glad that Finland invited some international bureaucrats from the IAEA to Helsinki. As I go down the list I see they have done that, but again to the point at hand. I am just looking for the success where somebody was asked to step up to the plate, put money in to help on this. Go ahead.

Ambassador JENKINS. Thank you.

Chairman BERMAN. I am sorry, but the time of the gentleman has expired. You will have to keep looking. I am sorry. The gentlelady from Texas, Ms. Sheila Jackson Lee, is recognized for 5 minutes.

Ms. JACKSON LEE. Thank you for this hearing, and thank you for the witnesses that are present. We are always grateful for our chairman and our ranking member for being timely.

Across the street is a hearing that I am also engaged in in Homeland Security that involves a report by former Senator Graham and former Senator Talent—you may be aware of that—that speaks about the risks in terms of nuclear utilization, so I would like to just simply start by saying when you have a meeting that was held last week that focuses on the crisis of nuclear materials getting into hands of terrorists, I think that is an important step.

I think it is an important step when you sign a new arms treaty with Russia, who has for a long period of time obviously through the Cold War with the Soviet Union, been our nemesis as it relates to these issues.

But there is no doubt that we should be cognizant that nuclear powers such as Russia, China and France have not moved behind the issue of global disarmament. But who is to say that we are not supposed to be the leader, and I would hope the Senate will approve the new Strategic Arms Treaty with Russia because I believe it is important, and I would like to be able to assume that we made sufficient progress even in spite of Iran and North Korea last week.

So let me pose questions regarding the meeting that I believe is forthcoming, the Non-Proliferation Treaty, which is credited with keeping the lid on the spread of nuclear weapons for decades and what we perceive our goals are and are we going to achieve our goals. I would hope as well, just for the record, that we look at this in a bipartisan manner.

There is no one with common sense that does not view Iran, for example, as a threat to the world, not just to the United States, and I cannot imagine that the administration is not doing everything it can to assess how we address the question of Iran, but we

must do that provocatively, but also with diplomacy, so that in addition to what we do the United Nations can also be part of it.

Ambassador BURK, if you would, tell me what progress you think you made. I think you are the expert on last week. Okay. Tell me what progress you expect to make on the conference next week, because you are on the NPT. Yes.

Ambassador BURK. Next week?

Ms. JACKSON LEE. Next week, yes. I got it. I know. So I just decided to stay with Ambassador BURK.

Ambassador BURK. Yes.

Ms. JACKSON LEE. My time is rolling because I did want to put comments on the record, but if you could quickly answer that, please?

Ambassador BURK. All right. What progress we are going to make next week?

Ms. JACKSON LEE. Yes. Your goals.

Ambassador BURK. Well, our goals are to see if we can't get a strong reaffirmation of support for the treaty by as many parties as possible, the vast majority we would hope, and we are looking to have a serious and constructive review of all the issues on the disarmament piece and operation piece and the peaceful use of—

Ms. JACKSON LEE. Are you going to seek some consensus on Iran and North Korea?

Ambassador BURK. I think what we are seeking is consensus on the importance of compliance and the need to deal seriously with noncompliance. I think the difficulty in getting consensus on Iran per se is that this is a consensus body. The meeting rule operates by consensus, and Iran is in the room.

If we can get Iran to agree to language like that we will have consensus, but otherwise I think we will have to find some other—

Ms. JACKSON LEE. Well, then I will take the word consensus away and just have an instruction and say I think we should be enormously forceful, detailed and not hesitant in calling on our other allies in the room to focus on a strong statement and strong action.

I am going to move to Ambassador Jenkins on last week's, which I think was an enormous step, as a member of the Homeland Security Committee, in protecting loose materials. Can you just give me your thought on what we got done last week?

Ambassador JENKINS. Very briefly. Thank you for the question. Very briefly, I think one of the most important things that we were able to achieve was to get an agreement by the participants, all 47 nations and the three IOs, international organizations, on the threat and the fact that there is a threat of multiple nuclear materials being taken or illicitly taken by nonstate actors.

Ms. JACKSON LEE. Do you think any area is more vulnerable than the next, such as the Africa and Pakistan border or Israel, Palestine, on these potential transfers of loose materials?

Ambassador JENKINS. I think the vulnerability areas differ because of the type of situations.

Ms. JACKSON LEE. Do you have any in mind that have been made public?

Ambassador JENKINS. Well, I mean, I think if you look, for example, at the African region the issues there are going to be border issues. They are going to be coastlines and trying to deal with export controls and making sure that the weapons are not elicited through those kind of border areas.

If you look at other areas that don't have that, you are more concerned about actually the facilities themselves.

Chairman BERMAN. The time of the gentlelady has expired.

Ms. JACKSON LEE. I yield back. Thank you, Mr. Chairman.

Chairman BERMAN. The gentleman from Virginia. No. I am sorry. The gentleman from Indiana, Mr. Burton, is recognized for 5 minutes.

Mr. BURTON. You know, unless we have an embargo that blocks Iran completely and puts so much pressure on the regime things aren't going to change. We have been talking about this for 5 or 6 years.

I have been in Congress 27 years. I am going to tell you. We just talk and talk and talk and nothing happens, and they just thumb their nose at us and keep going on. It is absolutely insane for the United States to rule out any kind of a weapon in the event we go to war. War is conducted to protect America and to win. That is it.

You know, one of the things that is very interesting is when the first Gulf War took place there was a great deal of concern that Saddam Hussein was going to use biological or chemical weapons because he did on the Kurds. He killed tens of thousands of Kurds using chemical weapons.

I was on a television show and they asked me about tactical enhanced nuclear weapons, and I said we shouldn't rule those out. I was criticized about it, and about 2 weeks later President Bush I said we are not ruling anything in or out. They said does that include tactical nukes, and he said yes.

As a result, there was no chemical or biological weapons used, and we won the war in a short period of time. Now, those things have very little radioactive fallout so there wouldn't have been a holocaust like you saw at Hiroshima or Nagasaki, but nevertheless it let Saddam Hussein know there was a terrible price to pay.

If you want to go to the major nuclear weapons, if we had invaded Japan in World War II, and I don't know if you know much about history. The estimate was we would have lost 500,000 Americans. Because we used the bombs at Hiroshima and Nagasaki we stopped the war and we saved 500,000 American lives. It was a horrible thing to do, but war is hell anyhow.

For Secretary Gates, for whom I have a great deal of respect, to say we are going to rule out nuclear weapons, that is crazy. You don't know what Iran is going to do. They are developing nuclear weapons right now and a delivery system. What if they use them? You know you use whatever you have to. And what if they don't use them? Let us just say they start using biological weapons or some other enemy does. We have to have the ability to retaliate in any way possible to protect America.

The number one responsibility of the Congress of the United States and the administration is to protect this country against enemies, both domestic and foreign, and that means doing whatever

is necessary to protect this country. To allow somebody to have immunity as far as nuclear weapons are concerned really bothers me.

Now, I have a couple other things I would like to just say here. Iran has been thumbing its nose at the rest of the world. They are not stopping their nuclear program. All these meetings aren't going to cut it. The only thing that is going to stop them is to put so much pressure on them as far as energy is concerned, not getting any gasoline or whatever it takes to kill that economy and force the people to force them out of office. That is the only thing that is going to work because they are going to go ahead.

Their number one objective is to destroy the state of Israel. I haven't heard that mentioned here at all today, but we have BBnet and Yahoo coming into this country, and it is virtually ignored by the President. I think that is terrible. They are our strongest ally in the Middle East, and Iran is going about its merry way developing nuclear capability and their number one objective, stated objective, is to destroy Israel. And so we need to be saying very clearly we are going to support Israel in any way possible and we are going to do everything we can to stop Iran from developing nuclear weapons.

Let me just say a couple of other things here. Iran is a terrorist state. They are a terrorist state. The President has indicated for peaceful purposes we would allow Iran to have nuclear material. They don't need it. Iran has got plenty of energy right there in oil, and since they are a terrorist state we ought to do everything we can do to stop them from getting any nuclear material for any purpose that might be able to be converted into a nuclear weapon.

Now, the other thing I want to talk to you about real quickly is I have talked to a lot of the Gulf States. I am the senior Republican on the Middle East Subcommittee, and I have talked to a lot of the people there and they say two things will happen if there are nuclear weapons developed in Iran.

Number one, all the states around them will be concerned and they will be intimidated and they will start moving toward Iran because they don't want to be at odds with a nuclear power in their neighborhood. Second, a lot of them are going to want nuclear weapons.

These are things that we ought to be concerned about as Members of Congress and we ought to be talking about them and we ought to put the hammer to Iran in every way possible to stop nuclear technology from evolving into nuclear weapons.

Chairman BERMAN. The time of the gentleman has expired. The gentleman from Virginia, Mr. Connolly?

Mr. CONNOLLY. Thank you, Mr. Chairman, and thank you for holding this hearing. I thank our panelists. I would ask unanimous consent that my full statement be entered into the record.

Chairman BERMAN. Without objection.

Mr. CONNOLLY. Let me just say I think the whole question of nuclear proliferation and the proliferation of radiological material getting into the hands of the wrong parties is perhaps the single most troubling challenge we face in U.S. foreign policy, and that is why I think both the summit the President held and this hearing are terribly important as we explore the best ways to protect our country and our allies.

Speaking of which, let me ask each of the Ambassadors. Why did this summit not cover radiological sources, which some European officials believe pose the largest terrorist threat?

Ambassador JENKINS. Thank you. Yes, that question came up often during our discussions, and the majority of states realized—we made it clear from the very beginning—that we recognize and understand that radiological sources are an important issue, a very important issue, but for the purposes of the summit we felt it was necessary to really address what President Obama has already said was the largest threat, which is the nuclear materials getting into the hands of nonstate actors and terrorists, which is plutonium and highly enriched uranium.

So that was the focus of what we really wanted to have the summit really address because that is a big task in itself is trying to secure all the nuclear material. However, the radiological is important. We mentioned it both in a communiqué, and the work plan has issues that could be addressed.

We also stated at our meetings prior to the summit with the Sherpas that countries are more than capable of having summits that address the radiological issue. This was addressing nuclear material, but radiological sources are something that can be another source, another potential for another summit, so we left that open.

And also just one last thing. The U.S. Department of Energy, for example, still does work on radiological, securing those materials for—

Mr. CONNOLLY. Right. Because when you look at source points, there are so many more source points in terms of radiological material. You are quite right. We have reason to be concerned about fissionable material and stockpiles thereof, spent or unspent, but radiological material in terms of the use for a dirty bomb can keep you up at night in terms of nightmares.

In the 2010 edition of *Securing the Bomb*, analyst Matthew Bunn rates Pakistan and Russia as countries at the highest risk of theft of nuclear materials. Would you agree, Ambassador Burk or Ambassador Jenkins?

Ambassador BURK. I would like to turn that to Ambassador Jenkins because I think that may have been—

Mr. CONNOLLY. Ambassador Jenkins?

Ambassador JENKINS. I would actually like to refrain from actually naming any particular countries as the most vulnerable. I would just like to just focus on the fact that this is a global problem, and we really want all countries to really play a role in this.

I think that is what we were really trying to promote at the summit. It is a global issue, and all countries need to work on it together and we need to assist each other in assuring that everyone has what they need, the resources or whatever, in order to secure all of the nuclear material.

At the summit we refrained from and all during the process we refrained from pointing fingers at any one country and saying this country is more vulnerable than another because it really is a global problem, and that is what we think the attention should be focused on.

Mr. CONNOLLY. A diplomatic answer if there ever was one. Will there or should there be anything in the RevCon final document on the issue of stopping the spread of enrichment and reprocessing technology in facilities?

Ambassador BURK. I will take that one. I don't know whether we are going to have a RevCon final document or not because again it is consensus, but we think we will be prepared certainly to discuss and we know other countries will discuss as well the need to constrain the spread of enrichment and reprocessing technologies, the sensitive technologies, and assure that any pursuit of enrichment of technology—I mean, we have a number of our allies that have enrichment and reprocessing technologies—is only done under the strictest safeguards conditions.

Mr. CONNOLLY. Thank you. Mr. Chairman, I am going to yield back my time, but I do want to add my voice to praise the Obama administration and President personally for showing leadership on this very important issue and bringing together many in the world community to make sure it gets addressed. I thank the chairman.

Chairman BERMAN. The time is yielded back. The gentleman from Texas, Mr. McCaul, is recognized for 5 minutes.

Mr. MCCAUL. Thank you, Mr. Chairman. I apologize for being late. I was at a Homeland Security Committee hearing on this exact same topic.

Chairman BERMAN. Did you see Sheila?

Mr. MCCAUL. I did. I did. That is where she is right now, but she may be on her way.

Thanks to the witnesses for being here. This is an issue that has been of grave concern for a long time, certainly since 9/11. My concern has always been Pakistan, where terrorism meets the nuclear weapons, and how that is being safeguarded and what we are doing to safeguard their nuclear arsenal; Iran, which according to most reports is maybe a year away from having a nuclear weapon.

Time is running out, and I hope we have a sanctions Act that passes, but I am concerned that the clock is going to run out. As Prime Minister Netanyahu told us that once they have the bomb they have it and you can't really take it back like when Pakistan got it. So that is a real concern.

What I am also concerned about, though, is the nexus between Iran and its alliance in our own hemisphere with Hugo Chavez and Venezuela. So when we talk about proliferation or the smuggling of nuclear materials, we are obviously concerned not only over in that part of the world, but the connection it could have to this part of the world. We have a border—I am from the State of Texas—that is very porous, and we are very concerned about that kind of material crossing into the United States.

So if either one of you would like to comment on those points and tell me what your plan is specifically to address that, realizing I have thrown quite a bit out at you, but I would like to get your response.

Ambassador JENKINS. Just very briefly because I am not as familiar. I am getting more familiar now with all of the work that DHS is doing domestically on that, but I do know that DHS, and you just sat through the hearing, is very engaged in that issue and trying to work on the issues of that kind, the borders, porous bor-

ders and what can be brought into the porous borders into the United States.

You make a very good point about the global nature of the issue and being concerned about what can happen far away, but even closer to us in Venezuela or wherever and so I just have to reiterate what I have been saying this morning already about the global nature of this and the fact that it really is a global issue that all countries must be engaged in trying to prevent because it really does have no borders.

Mr. MCCAUL. Ambassador Burk?

Ambassador BURK. Well, all I would say is that you have hit on some really important issues and some big concerns, and I think from my narrow focus on the NPT part of the effort through me is to try again globally to get as many countries to understand that these things are problems and do whatever they can regionally, globally to contribute to steps that will address these kinds of issues.

I think that is the idea. We have to all be on the same page, and there has to be broad agreement on what the problems are.

Mr. MCCAUL. And my understanding is that Iran is a signatory?

Ambassador BURK. They are a party and they will be in New York—

Mr. MCCAUL. Okay.

Ambassador BURK [continuing]. Yes, at the review conference.

Mr. MCCAUL. Okay. That will be a very interesting discussion. Tell me about your efforts with China and Russia to get them on board with sanctions.

Ambassador BURK. I can't give you any specific details, Congressman, because I am not personally involved in that. I know that we are working with the P5-plus-1—I keep getting the sixth party in; I am trying to get all these groups—and that we are working very closely with Russia and China, and any Security Council action would be contingent upon their support.

Mr. MCCAUL. I agree. We are going to hopefully pass this in the Congress that applies to the United States, but the U.N. is going to have to come forward with a sanctions bill that would have teeth, and I am concerned to get Russia and China on board.

It probably won't have that necessary enforcement, and therefore we are going to be faced with a nuclear Iran, which can be a very I think dangerous scenario. They are a signatory, but under the President's policy he will not use nuclear force if someone is a signatory to the NPT, but they also have to be in compliance with that. Is that correct?

Ambassador BURK. No. It was very clearly stated that what we call the negative security assurance was only granted to countries who were in compliance.

Mr. MCCAUL. In compliance.

Ambassador BURK. And I think Secretary Gates said quite explicitly again, as I watched him on the roll out, that the countries who were not in compliance—Iran and North Korea—this assurance would not apply to them.

Mr. MCCAUL. Right.

Ambassador BURK. So I think it was quite clear.

Mr. MCCAUL. I think it is good to make that very clear that that policy would not affect what we do with Iran. With that, I think my time has expired.

Chairman BERMAN. Your time is expired. I won't ask whether he included Syria as a noncompliant party. I am not going to ask that.

I want to thank both of you very much. We appreciate it. We have a second panel that is going to follow on. Good luck next week. Good luck with the follow on to last week.

Ambassador JENKINS. Thank you.

Chairman BERMAN. While the panels are coming up, Mr. Rohrabacher, I just wanted to read one paragraph from what George Shultz, Henry Kissinger and a few other guys wrote: "Ronald Reagan called for the abolishment of all nuclear weapons, which he considered to be"—all nuclear weapons is his quote—"totally irrational, totally inhumane, good for nothing but killing, possibly destructive of life on earth and civilization."

Mr. ROHRABACHER. Mr. Chairman, if I could, just one retort to that is that would be the one thing I disagreed with President Reagan on.

Mr. BURTON. Would the gentleman yield real quickly while we are having the other panel come up?

Chairman BERMAN. You didn't work for Reagan.

Mr. BURTON. You know, if every person in the world, every country, did away with nuclear weapons that would be one thing, but you don't disarm yourself if there is any possibility that you are going to be retaliated against and be attacked.

Chairman BERMAN. As our panelists are sitting down, I will just say there is nothing I know in anything in that Nuclear Posture Review or what President Obama said at Prague that would indicate we have intention—any intention—of disarming ourselves of nuclear weapons without knowing that all other nuclear weapons have been disarmed and that a system is in place to ensure that is true.

Mr. BURTON. If the gentleman would yield one more time real quickly? And that is this. Let us say a country has complied, saying it will never use nuclear weapons and they have disarmed, but they use chemical and biological weapons to a large degree and blow up Boston and kill hundreds of thousands of people. We don't retaliate with nuclear weapons?

Chairman BERMAN. That is why I was addressing Mr. Rohrabacher and not you.

Mr. CONNOLLY. Couldn't the gentleman have picked a city in Indiana?

Chairman BERMAN. We are very pleased to have our next panel, and I will now introduce them. David Albright is president of the Institute for Science and International Security in Washington, DC. In case you want to know, if you remember that attack on the Syrian reactor and we saw these vivid pictures in the paper before, after and then this plowed field like it was going to the bread basket of the world? Those were his pictures.

He regularly publishes and conducts scientific research, is frequently mentioned in major print and broadcast outlets and has written numerous assessments on secret nuclear weapons pro-

grams throughout the world. His most recent book is *Peddling Peril: How the Secret Nuclear Trade Arms America's Enemies*.

Kenneth Luongo is president of the Partnership for Global Security. Mr. Luongo previously served as senior advisor to the Secretary of Energy for Nonproliferation Policy, director of the Office of Arms Control and Nonproliferation at the U.S. Department of Energy and as a staffer for the House Armed Services Committee.

He also serves on the Steering Committee for the Fissile Materials Working Group, a coalition of more than 40 leading experts and NGOs in nuclear security and nonproliferation, which held its own nuclear security summit last week. That was not the one in Tehran. No. Okay.

Christopher Ford is the director of the Center for Technology and Global Security and Senior Fellow at the Hudson Institute. Mr. Ford served, until September 2008, as United States special representative for nuclear nonproliferation and prior to that as principal deputy assistant secretary of state responsible for arms control, nonproliferation and disarmament verification and compliance policy.

Prior to joining the Bush administration, Dr. Ford served as minority counsel and then general counsel to the U.S. Select Committee on Intelligence. He is also a lieutenant commander in the U.S. Navy Reserve.

Mr. Albright, why don't you start off?

**STATEMENT OF MR. DAVID ALBRIGHT, PRESIDENT,
INSTITUTE FOR SCIENCE AND INTERNATIONAL SECURITY**

Mr. ALBRIGHT. Mr. Chairman Berman and Ranking Member Burton, thank you very much for holding this hearing. I think we all agree just how important the Non-Proliferation Treaty Review Conference can be and kind of a road or pathway to strengthening the nonproliferation regime. I think it has been clear from the discussion so far we recognize just how profound the challenges are to the Non-Proliferation Treaty today. Iran's and North Korea's nuclear programs, if not reversed, could severely damage this treaty.

The treaty's effectiveness is also haunted by Syria's secret construction of a nuclear reactor and its bombing by Israel in September 2007. Likewise, the A.Q. Khan network's proliferation to Iran, Libya and North Korea highlighted the ease with which dangerous nuclear technology spreads largely undetected. Currently Iranian and North Korean smuggling networks actively seek, often illegally, nuclear dual use goods for their nuclear programs. Their smuggling operations indicate an intended or actual violation of the Non-Proliferation Treaty or U.N. Security Council resolutions.

In addition to these proliferation concerns, many non-nuclear weapon states are frustrated by the lack of progress on key nuclear disarmament steps that are intrinsic to the NPT. It is the only treaty where the United States has committed itself to achieving nuclear disarmament, but I think it is clear that that is a long road, but nonetheless it remains a goal of that treaty.

However, the commitment of the nuclear weapons states to disarmament is not seen by the non-nuclear weapons states despite President Obama's much lauded 2009 speech in Prague and agreement on a New START treaty. Nonetheless, many countries have

a strong interest in the success of the Non-Proliferation Treaty Review Conference, and that success, I think as Ambassador Burk noted, is by no means certain and will typically be judged whether there is a final document, after essentially what will be 4 weeks of negotiation.

As she noted, consensus makes it a very difficult problem. With almost 200 nations there, which include Iran, Cuba, Venezuela, and well known members of the NAM or the Non-Aligned Movement, any consensus is difficult to reach. However, it is important to remember that this conference is just one step in the process of strengthening the nonproliferation regime. If it succeeds, and there is a document, many efforts will gain momentum, and the treaty will be further legitimized.

If it doesn't succeed and there is no document, these same efforts that are going to be discussed at the conference will continue. The United States and other states will certainly have to work harder, but in the end the ways to strengthen the nonproliferation pillar of the treaty will be achieved through a variety of unilateral, bilateral and multilateral initiatives, many of which are quite far along.

Despite these difficulties, I think the United States is right to prioritize the strengthening of the nonproliferation pillar of the NPT. Clearly it is going to be a major challenge. I would say disarmament is an easier challenge in the present climate, but the real work has to concern the nonproliferation pillar.

Ambassador Burk pointed out that making withdrawal from the treaty more costly has to be a primary goal. North Korea essentially withdrew from the treaty, not in compliance with its obligations, and essentially got away with it. The treaty has no mechanism to deal with that. We unfortunately expect Iran will try the same thing.

IAEA safeguards need strengthening. Syria avoided signing the Additional Protocol in order to build its secret reactor. Libya, to protect its secret effort with the A.Q. Khan network, did not sign the Additional Protocol. Iran withdrew from implementing the Additional Protocol or acting as if it was in force.

For too long we have not demanded that it be a condition of any nuclear assistance or supply. I think it is clear it should be a condition in the Nuclear Suppliers Group that the supply of nuclear items require it. But it needs to be broader than that. It is how countries cheat. They simply refuse to sign the Additional Protocol or bring it into force and then are relatively free to pursue secret programs.

Another item for the conference, which is even less popular, is that the conference should explore agreements to thwart illicit nuclear trade. It should recognize that the danger posed by illicit nuclear trade is a fundamental threat to the NPT because unfortunately that is the way countries are getting nuclear weapons and that has been going on for several decades. They are not building them on their own. They are depending in essence on the profit motive and secret help from irresponsible countries or people.

I mentioned the disarmament pillar of the treaty. Certainly the United States is going to have to be creative in finding a compromise at the conference on the obligations of the nuclear weapons states to meet their Article VI commitments, but, as I said, I think

the prospects for achieving such a compromise appear better today because of President Obama's activities.

I would also say that the United States should elevate the importance of this treaty. As far as I have heard, President Obama does not plan to visit or to address this conference. I would say that I think the chances of improving success could be elevated if he did attend. He can really work the crowd in a sense to try to build a better consensus for the United States.

He should also be ready to call other leaders. Much of the negotiations happen behind the scenes. There are a lot of land mines in this conference, and a lot of that can be addressed by calling on other leaders, many of whom he met at the Nuclear Security Summit, to convince them of the need to make strong commitments. So I think high level participation would reflect also continued U.S. leadership of the nuclear disarmament and nonproliferation agenda.

And I think we recognize—we, the American public—that the Obama administration wants to stop nuclear proliferation, reduce the risk posed by nuclear weapons in the hands of states and terrorists and find ways to eventually eliminate all nuclear weapons, which I would say is an important goal. Nuclear weapons in essence, if used, kill in many cases what are envisioned tens or hundreds of thousands of people, innocent people, and therefore the use of nuclear weapons should be avoided at all costs.

I think the NPT Review Conference, while not the most important initiative of the Obama administration, is certainly an important opportunity to further all these goals, but succeeding in this conference will require more from the United States. Thank you.

[The prepared statement of Mr. Albright follows:]

ACHIEVING SUCCESS AT THE 2010 NUCLEAR NON-PROLIFERATION REVIEW CONFERENCE

Prepared testimony by David Albright, President,
Institute for Science and International Security (ISIS),
before the House Committee on Foreign Affairs

April 21, 2010

The upcoming 2010 Review Conference of the Nuclear Non-Proliferation Treaty (NPT) is an important opportunity for long overdue strengthening of the treaty. A successful conference would add legitimacy to the treaty at a time when its effectiveness is in doubt because of Iran's and North Korea's nuclear programs. It would also build momentum for several efforts to reduce the risk posed by nuclear weapons and make nuclear proliferation more difficult to accomplish. But the conference faces challenges. To obtain success, the Obama administration will be tested.

Tough Challenges to the NPT

The NPT faces several profound proliferation challenges. These challenges require immediate action and a fundamental strengthening of the treaty.

Iran, an NPT signatory, continues to enrich uranium in violation of IAEA and UN Security Council resolutions. Few doubt anymore that the Iranian regime is on a trajectory to decide whether it will build nuclear weapons within the next few years. If Iran builds nuclear weapons, proliferation is expected to accelerate among its neighbors, placing the value of the NPT in serious doubt and leading others to cheat or withdraw from the treaty.

North Korea's 2003 announcement to withdraw from the treaty was first accompanied by a pledge to pursue only peaceful activities, followed subsequently by the construction of a small nuclear arsenal. North Korea has shown that there is a fundamental flaw in the NPT—methods to enforce compliance are few, and the withdrawal article is easily abused.

Syria's purchase of a secret nuclear reactor from North Korea reminds the international community again of the weakness of IAEA inspections absent the Additional Protocol and the unreliability of national intelligence agencies to consistently detect secret nuclear facilities early in their construction. Although Israel's bombing of the reactor in 2007, soon before it would have gone into operation, is widely seen as a harsh criticism of the existing non-proliferation regime, the use of military force offers only short-term success in setting back nuclear ambitions. There is no assurance that Syria will not try again. Moreover, bombing is more of a desperate act of last resort and does not contribute to establishing a system in which confidence can exist that countries are not violating their NPT commitments.

The A. Q. Khan network's proliferation to Iran, Libya, and North Korea highlighted the ease with which sensitive nuclear technology spreads largely undetected and the threats posed by illicit nuclear trade. Currently, Iranian and North Korean smuggling networks actively seek, often illegally, nuclear dual-use equipment for their nuclear programs from suppliers in many countries. Their smuggling operations indicate an intended or actual violation of the NPT and UN Security Council resolutions.

At the same time, many non-nuclear weapon states (NNWS) are frustrated by the lack of progress on key nuclear disarmament steps. Article VI of the treaty requires the Nuclear Weapon States (NWS) to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament." NPT Review Conferences and their preparatory committee meetings have historically provided a platform for non-nuclear weapon states (NNWS) and the Non-Aligned Movement (NAM) in particular to air their grievances at the lack of progress by nuclear weapon states toward disarmament. This conference is unlikely to be different in that respect. Many states remain frustrated with the nuclear weapon states for failing to press harder for disarmament during the past two decades, notwithstanding President Obama's much-lauded 2009 speech in Prague and agreement to a follow-on START treaty. Moreover, other nuclear weapon states, such as France and China, have not embraced President Obama's vision of a world free of nuclear weapons. Pakistan and India, both nonparties to the NPT, are increasing their stocks of nuclear explosive materials for weapons and the number and sophistication of their weapons.

Nonetheless, President Obama has raised hopes about nuclear disarmament among many NNWS. The Obama administration will be helped in achieving a successful outcome at the Review Conference by its commitment to disarmament and its recent success with the new START treaty and the Nuclear Security Summit. However, several states in the NAM have stated that U.S. willingness to make progress on Article VI does not mean that concessions can be expected on efforts to strengthen the non-proliferation aspects of the treaty.

A Conference Document

The primary focus of a review conference has traditionally been to produce a final consensus document that takes stock of the treaty and advances policies and proposals relevant to the broad interests of the treaty. The conference debates all three interconnected pillars of the NPT—disarmament, non-proliferation, and the peaceful use of nuclear energy. If a document emerges, it would add legitimacy to the NPT and strengthen non-proliferation efforts in other international bodies, including the UN Security Council, the IAEA, the Nuclear Suppliers Group, and the Conference on Disarmament. However, since a document is achieved by consensus, it is never guaranteed. The 2005 conference could not achieve a document, and the lack of success there has raised the stakes of this upcoming Review Conference. Even so, we should be realistic about what the United States can achieve in a gathering of almost 200 nations where consensus is required for a final document.

Many countries, including moderate elements in the Non-Aligned Movement, have an interest in achieving a consensus this time, despite reports of wide differences over the language in the disarmament and the non-proliferation pillars. Several states are expected to strive for a "balanced" outcome in a final document, and like at earlier successful conferences, some states may play useful bridging roles. However, because of the goal of the NAM to achieve stronger disarmament commitments and its intention to focus on perceived inaction on disarmament by the nuclear weapon states over the last two decades, the United States is already at a disadvantage on harvesting benefits from its Article VI accomplishments and obtaining support for its non-proliferation strengthening initiatives.

Strengthening the Non-Proliferation Pillar

The United States' priority should be strengthening the non-proliferation pillar. Despite its central importance, nuclear disarmament among the acknowledged NWS is unlikely to decide the fate of the NPT during the next decade, particularly if the Obama administration continues with its step-by-step approach toward a world free of nuclear weapons. Congress can strengthen the U.S. commitment to disarmament by ratifying the new START Treaty and the Comprehensive Test Ban Treaty (CTBT). Moreover, while the peaceful uses pillar is controversial, often pitting supplier states against developing countries on the sensitive question of plutonium separation and uranium enrichment facilities, that pillar is unlikely to derail the NPT, especially in light of agreements to increase access to nuclear power and establish international fuel banks. During the next decade, the treaty's fate rests on whether Iran obtains nuclear weapons, North Korea moves away from nuclear weapons possession, illicit nuclear trade abates, IAEA verification improves, and non-compliant countries suffer meaningful consequences for violating their treaty commitments. Those challenges require a significant strengthening of the non-proliferation pillar of the NPT.

Opposition to strengthening this pillar will be intense from several countries in the NAM and elsewhere. Iran is expected to wage many fights to stop key language from being included in the document. It is already attempting to disrupt U.S. and Western efforts to insert strong language on the withdrawal issue. Some countries may even lend support to Iran as a way to weaken the treaty in anticipation of exploring their own options in case the future sees Iran with a nuclear arsenal.

Key Goals

The Review Conference will address many difficult issues. The following are a few that should be key goals.

Making withdrawal more difficult. A priority is obtaining agreement on rules that can dissuade a country from withdrawing from the NPT, in particular a country that is non-compliant with its obligations under the NPT. U.S. officials have summarized this issue by stating that a country "can't leave its sins behind," as North Korea has attempted to do and Iran may try to do in the coming years. The parties of the NPT should recognize

withdrawal while non-compliant as a significant problem and address this issue directly. UN Security Council resolution 1887 established an agreement among states to “[identify] modalities under which NPT States Parties could collectively respond to notification of withdrawal.” The Review Conference should confirm the role of the Security Council in addressing withdrawal, at least in the presence of non-compliance. Another approach is to call upon nuclear suppliers to attach conditions that require the return of items if the recipient withdraws from the NPT when it is non-compliant. Countries should also agree as a condition of supply that in the event of withdrawal safeguards apply in perpetuity on any nuclear equipment, facilities, and materials obtained while a party to the NPT.

Strengthening IAEA safeguards. All states should ratify the Additional Protocol, an advanced safeguards agreement that gives the IAEA tools to detect undeclared nuclear facilities and materials. Although it currently appears highly unlikely that the conference will endorse requiring the Additional Protocol as a condition of nuclear supply, the United States should seek to build support for this initiative and obtain agreement among NPT parties that this goal should be achieved by the next review conference in 2015.

Finding better ways to thwart illicit nuclear trade by certain states aimed at creating the wherewithal to make nuclear weapons. The unfortunate reality is that countries that seek nuclear weapons or build unsafeguarded nuclear facilities rely heavily on illicit nuclear trade to advance their objectives. The international community’s ability to detect and stop this trade remains limited. Countries like Iran protest that they are being denied their “rights” under the NPT and actively seek to break other countries’ laws prohibiting the sale of items that would contribute to nuclear proliferation. Iran and North Korea currently seek “dual-use” goods for their nuclear programs in violation of UN Security Council resolutions. **The Conference needs to recognize the danger posed by illicit nuclear trade as a fundamental threat to the Article II non-proliferation pillar of the NPT.**¹ It needs to affirm that nuclear export controls are a legitimate, necessary and desirable means of implementing obligations of all States parties under Article III of the treaty, in order not to contribute to nuclear explosive activity, unsafeguarded nuclear fuel cycle activity, or acts of nuclear terrorism. Another key goal is obtaining support for UN Security Council resolutions 1540 and 1887, which aim for the institution in all countries of appropriate national measures to strengthen and implement export controls, to prevent proliferation shipments and use of their countries for transshipment or diversion, and to prevent the exploitation of their territories by entities and individuals engaged in illicit trade. Moreover, the conference should recognize that the further development and expansion of nuclear energy requires the pursuit of an effective and universal system of trade regulation. Countries like Iran should not be allowed at the conference to draw a false parallel between preventing proliferation through illicit trade and restricting access to peaceful nuclear energy.

¹ In particular, under Article II, NNWS commit “not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.”

Achieving multilateral, long-term action on disarmament. Many countries have voiced their opinion that the nuclear weapon states need to make new commitments on nuclear disarmament. Several countries, including those in the NAM and others outside it, have advocated for nuclear weapon states to agree to time-bound disarmament commitments. One method to incorporate time commitments is to include language to achieve treaties on key parts of nuclear disarmament by fixed dates. Although these dates are not mandatory, they would serve to prioritize concrete steps toward disarmament, such as the CTBT, a Fissile Material Cutoff Treaty, and a follow-on to the new START Treaty. At the very least, countries should strengthen the language agreed to in disarmament commitments laid out in the 13 Practical Steps from the 2000 Review Conference. Several countries have indicated support for this measure.

Making progress on implementing a Middle East Nuclear/WMD Free Zone. For many review conferences, a complex issue has been Israel's nuclear arsenal and demands for progress on a Middle East WMD free zone. Many non-nuclear weapon states will remind participants that indefinite extension was achieved in 1995 through a compromise that led to the Middle East WMD free zone resolution. Egypt is advocating an international conference on this issue under the UN Secretary General that would report back to the next Review Conference. Russia has proposed a coordinator dedicated to work on this issue. These proposals have merit and can represent practical political steps to support a Middle East WMD free zone and include Israel in a useful way. But a conference should recognize that Israel will not give up its weapons until pressing regional security issues are settled, particularly Iran's nuclear program.

The Review Conference is expected to face other complicated issues. Some of these challenges are outside the power of the conference to solve, but they could undermine its success and should be anticipated as potential spoilers.

Issues to Watch and Manage

The timing of an Iran sanctions resolution:. The P5 plus One are currently considering a draft sanctions resolution on Iran. Many countries believe that having a successful Review Conference requires addressing the Iran nuclear issue, but they also believe that Iran has the potential to play spoiler at the conference in retaliation for a new round of Security Council sanctions and could urge others to refrain from reaching consensus on substantive issues. Diplomats have cautioned that adoption of a new sanctions resolution before or during the conference would complicate the Review Conference and could preclude agreement on a final document.

Negative ramifications of the U.S.-India agreement at the conference: Several countries have expressed their frustration with the U.S.-India nuclear cooperation agreement. They argue it has undermined the universality of the NPT and ironically opened the door to more proliferation because of its rewarding of a non-member of the NPT. Those who sacrificed nuclear technologies or gave up nuclear weapons programs are particularly concerned and believe that they should have more say in non-member

countries receiving exemptions for access to nuclear technology. Any agreement with Israel or Pakistan on nuclear cooperation would serve to further solidify their views.

Some countries have threatened that this agreement will affect their actions at the Review Conference, regardless of the fact that the new U.S. administration was not responsible for the agreement's passage. They in essence will use their frustration with the U.S. - India agreement to justify refusing to accept non-proliferation constraints, such as the Additional Protocol. The United States will need to defend this choice of *realpolitik* over principle and wrestle with the more fundamental issue of rewarding adequately those who fulfill their NPT obligations or sacrifice nuclear capabilities for the sake of non-proliferation.

U.S. Faces a Tough Conference

With the widely divergent views among parties to the NPT, it will be difficult to achieve a final conference document with hard-hitting language that addresses all the three pillars. The United States may need to do more outreach at a senior level to achieve a successful outcome.

To increase the chances of an effective outcome, the Obama administration should take several steps. Before the conference, the administration should quietly address the Middle East WMD issue, perhaps lending support to Egypt's initiative to hold a conference on the WMD Free Zone resolution. At its highest levels, the Obama administration should work behind the scenes to ensure that Middle Eastern countries, particularly Egypt, are convinced that the United States takes seriously the establishment of a Middle East free of nuclear weapons and other WMDs, while conveying that the United States will remain a strong supporter of Israel.

Top U.S. officials, including the President himself, should attend the conference. The Secretary of State in particular should participate, either at its beginning or near its end. An address or visit by President Obama would dramatically raise the visibility of the conference and make it easier to achieve compromises favorable to the United States. High level participation would reflect continued U.S. leadership of the nuclear disarmament and non-proliferation agenda. The negotiations are expected to be tough and drawn-out; the President should be ready to call on other leaders, many of whom he met at the Nuclear Security Summit, to convince them of the need to make strong commitments.

The Obama administration seeks to stop nuclear proliferation, reduce the risk posed by nuclear weapons in the hands of states and terrorists, and find ways to eventually eliminate all nuclear weapons. The NPT Review Conference is an important opportunity to further these goals. Succeeding at this conference will require more from the United States.

Chairman BERMAN. And Mr. Luongo?

Mr. LUONGO. Thank you, Mr. Chairman.

Chairman BERMAN. Your entire statement will be in the record.

Mr. LUONGO. Okay. Thanks very much.

**STATEMENT OF MR. KENNETH N. LUONGO, PRESIDENT,
PARTNERSHIP FOR GLOBAL SECURITY**

Mr. LUONGO. Thank you for the opportunity to testify before your committee today. I think this is a very important hearing. It is extremely timely. I am going to focus on the Nuclear Security Summit and its results and where do we go from here. I thank the chairman very much for mentioning our Fissile Materials Working Group summit last week. It was very successful. We had over 200 international and domestic experts. It was quite useful.

I consider the Nuclear Security Summit to be a significant success. It certainly was an unprecedented event. It brought together 47 nations and three international organizations, and it focused high level attention on a very important subject that hasn't had a lot of high level attention focused on it and which requires high level attention to move it forward.

The communiqué in particular, as your previous witnesses have underscored, highlighted the consensus on the threat of nuclear terrorism, which had been a difficult issue to get a lot of countries to focus on, and it also endorsed the President's goal of securing all vulnerable nuclear materials within 4 years, so that is now an international objective, not just a domestic objective.

In addition, it underscored the importance of maintaining effective security over all nuclear materials on whatever territory it may reside, encouraged the conversion of reactors that use highly enriched uranium fuel to use low enriched uranium fuel and recognized the importance of a number of different international conventions and agreements.

And finally, the communiqué emphasized the need for international cooperation on this agenda and the importance of capacity building and responding to requests for assistance in order to make sure that these materials are adequately secured wherever they may reside.

Accompanying the communiqué was a work plan. The work plan focused on implementing some of the commitments that were made—a number of the commitments that were made—inside of the communiqué, including U.N. Security Council Resolution 1540, emphasizing support for the Global Initiative to Combat Nuclear Terrorism, and the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction.

It underscored the need for robust independent nuclear regulatory capabilities in all countries, the need to prevent trafficking in nuclear materials and technology and the need for improvement in nuclear detection and forensics. It further highlighted the fundamental role of the nuclear industry in the nuclear security agenda and the importance of sharing best practices and the human dimension of nuclear security.

And in this regard I would just also note that the nuclear industry held their own meeting the day after the nuclear summit to dis-

cuss how the industry could contribute to the nuclear security mission.

I think that perhaps the most far-reaching objectives of the work plan focused on three items. One was the consolidation of sites where nuclear materials are stored within the borders of individual countries, the removal and disposal of nuclear materials no longer needed for operational activities and the conversion of HEU fuel reactors to LEU fuels. Of course, as others in the hearing so far have mentioned, all of these objectives were voluntary. There was no mandatory implementation.

Then supplementing the activities of the work plan, individual countries, 29 in all, made commitments to improve nuclear security at home, and I think the major ones have been well reported on—the Ukraine, Canada, Russia, India and China—but there also were some pledges of funding—\$6 million by the United Kingdom and \$300,000 by Belgium—for the IAEA's Nuclear Security Fund, \$100 million from Canada for security cooperation with Russia, and then the President called for \$10 billion more for the G-8 Global Partnership over the next 10 years.

In my opinion, there were three areas where the summit could have done more. The first was on funding. I really had hoped for more international funding for the nuclear security mission. The IAEA was focused on as an institution that needs to do more in this area, and their Nuclear Security Office is really underfunded. What they get from the actual budget of the IAEA is quite small and then it is supplemented with voluntary contributions. So funding would have been one area.

The second is—I understand why the focus was on nuclear materials—but radiological materials are prevalent, estimated at hundreds of thousands to millions around the globe, and I know that a number of countries raised this question. I hope that in the lead up to the 2012 summit in the Republic of Korea that the radiological issue will get a lot more attention because while the impact of its use is lower than the nuclear weapon, its probability of being used is higher.

And finally, there were no new initiatives that were announced at this summit, and I think part of the reason is that there is international fatigue with the current set of activities, but when combined, I find that the current set of activities and programs and initiatives that we have in play right now are inadequate to the task of effectively preventing nuclear terrorism, and I have a number of suggestions for improvement in my testimony.

I consider 2010 to be a particularly critical year for this agenda, and I really would hope that both ends of Pennsylvania Avenue will take this seriously. The nuclear summit, obviously bolstered by the START treaty and also by the Nuclear Posture Review, was one major opportunity. The NPT Review Conference is the second.

The third is coming up in June, which is the meeting of the G-8 and the G-20 in Canada, and I would hope that the G-20 nations would become more involved in these issues and that we could get more contributors to the G-8 Global Partnership.

And then the final issue in 2010 that I consider to be quite important is the budget that the President submitted for this set of activities, which is roughly \$3.1 billion and represented an increase

of about \$320 million for this agenda. I think if the Congress could act positively on that request it would make itself a very strong partner in the process of preventing nuclear terrorism.

So where do we go from here? I mean, obviously we will have a lot of activity in the lead up to the next summit in 2012, and I have outlined a number of different post-summit activities and initiatives for the Congress and others to consider, but one thing I would just like to underscore is I think we have a lot of disconnected pieces of the puzzle that need to be packaged together in some kind of a framework that talks about what the danger is to mankind from nuclear material, recognizes all the existing conventions and agreements and Security Council resolutions and ad hoc activities that are going on and then legitimizes all of that in a package that countries can't pick and choose from.

In other words, this would be the set of activities which is considered to be standard, a standardized checklist, if you will, for countries to be serious about nuclear security. I would add to that the inclusion of a minimum standard for nuclear and radiological security. A lot of people have talked about a "gold standard," but I think if we have a minimum standard that everyone could understand that would be very useful.

And then I would like to see it encourage public/private partnerships. I think last week in addition to what the President accomplished really did bring the nongovernmental expert community and the industry into the discussion in a more serious way and an integrated way. And finally, I think that this kind of a framework agreement, while it needs to be universal, could be initiated by a coalition of the committed to begin with.

Chairman BERMAN. I think we are going to have to wind up.

Mr. LUONGO. I am sorry. That is fine. I can end there.

Chairman BERMAN. Okay.

Mr. LUONGO. Thank you.

[The prepared statement of Mr. Luongo follows:]

**THE NUCLEAR SECURITY SUMMIT:
ACHIEVEMENTS AND AGENDA FOR ACTION**

KENNETH N. LUONGO
PRESIDENT, PARTNERSHIP FOR GLOBAL SECURITY

TESTIMONY BEFORE THE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

APRIL 21, 2010

Mr. Chairmen and members of the committee, thank you for the invitation to testify before you today on the need to stop the spread of nuclear weapons. I am pleased to offer my testimony on the results of the recently held Nuclear Security Summit and to suggest some steps that would move us beyond the summit's results as we look forward to the second summit to be held in the Republic of Korea in 2012.

I am currently President of the Partnership for Global Security (PGS), which is a non-profit research organization dedicated to preventing the spread of nuclear and biological weapons and materials. PGS works closely with many governments and international experts to develop new security initiatives and to ensure the timely and effective implementation of existing programs. I also serve as the co-chair of the Fissile Materials Working Group which convened a summit of over 200 international non-governmental experts the day before the official summit. This event, titled, *Next Generation Nuclear Security*, helped to educate the press and public on the importance of the effort to secure nuclear weapons materials and prevent nuclear terrorism.

I applaud the committees for holding this hearing. The proliferation of nuclear weapons and materials remains a significant, central threat to U.S. and international security. The global effort to stem this threat requires the high-level political attention that the committee is providing today.

Mr. Chairman, I will summarize my formal statement, and ask that the full text of my testimony be included in the official record of the hearing.

Results of the Nuclear Security Summit

The April 12-13, 2010 Nuclear Security Summit in Washington, D.C. was an unprecedented event. It also was a significant success. It brought together 47 nations and three international organizations to discuss how to prevent nuclear terrorism by improving global nuclear material security. It included 38 heads of state, plus the Secretary General of the United Nations, the Director General of the International Atomic Energy Agency (IAEA), and the President of the European Union. There has never been such a gathering of high level political officials to discuss this subject. And, high level political attention is essential to motivate rapid action on this important agenda.

The participants agreed to a communiqué which highlighted the global importance of preventing nuclear terrorism and endorsed President Obama's goal of securing all vulnerable nuclear material in four years. Additionally they underscored the importance of maintaining effective security over all nuclear materials on their territory; encouraged the conversion of reactors that use highly-enriched uranium (HEU), a weapon useable nuclear material to low-enriched uranium (LEU); and recognized the importance of the Convention on the Physical Protection of Nuclear Material as amended and the International Convention for the Suppression of Acts of Nuclear Terrorism as essential elements of the global nuclear security architecture. Finally, the communiqué emphasized the need for international cooperation on this agenda including the importance of capacity building and responding to requests for assistance in order to secure these materials globally.

The work plan accompanying the communiqué focused on improving and universalizing existing nuclear security agreements and programs. In addition to the conventions mentioned in the communiqué, the work plan also notes the need to fully implement U.N. Security Council Resolution 1540, and support the Global Initiative to Combat Nuclear Terrorism and the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction. It also recognizes the continuing importance of the IAEA and its guidelines. It underscores the need for robust and independent nuclear regulatory capabilities in all countries, the requirement for the prevention of nuclear trafficking, and the improvement in nuclear detection and forensics. It further highlights the fundamental role of the nuclear industry in the nuclear security agenda and the importance of sharing best security practices and the human dimension of nuclear security. Perhaps the most far reaching objectives of the work plan included the consideration of the consolidation of national sites where nuclear material is stored, the removal and disposal of nuclear materials no longer needed for operational activities, and the conversion of HEU-fueled reactors to LEU fuels. In keeping with the need to maintain consensus on these high level objectives the work plan offers many caveats including allowing individual nations to implement many of these objectives "as appropriate".

In addition to the work plan, 29 individual countries made commitments for improving security at home. The highlights of these commitments included the removal of all the remaining HEU in Ukraine by 2012, including half by the end of this year; Canada agreeing to return a large amount of spent fuel containing HEU to the U.S.; the U.S. and Russia signing an agreement to implement the plutonium disposition agreement; and the decisions by India and China to establish nuclear security centers of excellence.

Finally, there were some funding commitments that were made at the summit. These included a pledge of \$6 million by the U.K. and \$300,000 by Belgium for the IAEA's Nuclear Security Fund, \$100 million from Canada for security cooperation with Russia, and a call by President Obama for an additional \$10 billion for the G-8 Global Partnership.

While all of these achievements are important, there are three areas where the summit could have done more. The first is on the funding issue. I had hoped for more international funding for the nuclear security mission. At the very least, the IAEA's nuclear security office is in need of significant additional funding. Second, the issue of radiological material security was not afforded a high priority at the summit. While it was referenced in both the communiqué and the work plan, my understanding is that a number of countries would have liked to have seen that issue be a higher priority. This could be on the agenda for the 2012 summit. Finally, there were no new initiatives announced. While there may be some international fatigue with the current set of activities, when combined, they are still inadequate to the task of effectively preventing nuclear terrorism. At the very least there is a need for a nuclear security framework agreement that incorporates existing and new activities in a coherent and organized document that can address the transnational nature of the challenge and forcefully drive international action.

Why 2010 is Important

This year the Obama administration and the Congress will have four unique opportunities to strengthen America's defense against nuclear terrorism and expand the global coalition that can support the President's goal of securing all vulnerable nuclear materials around the globe in four years. This objective received a bipartisan standing ovation at the State of the Union speech. But, if both ends of Pennsylvania Avenue follow a business as usual approach, we could end up less secure as a result.

The first opportunity was last week's Nuclear Security Summit. It was preceded by the new START agreement with Russia to further reduce deployed nuclear arsenals and address the legacy of the Cold War, and the Nuclear Posture Review which addresses how we will configure and use the U.S. nuclear arsenal. Taken together these were important steps that could help bolster the goals of the U.S. to strengthen the global effort to prevent new nuclear weapons states and enforce the Nuclear Non-Proliferation Treaty (NPT).

The second opportunity is the NPT Review Conference. NPT is the foundation for nuclear nonproliferation efforts around the world and the international community will gather in May in New York for an assessment of the treaty. Here, the focus will likely be more on the disagreements among nations than their common challenges, particularly as it relates to nuclear disarmament and the Iranian nuclear program. But it is an opportunity to address a number of global nuclear challenges including nuclear material security dangers. The NPT has broad international legitimacy which is critical and an institution in the form of the IAEA that is heavily relied upon by many nations. But the NPT and the IAEA have never been perfect barriers against nuclear leakage and weaponization. This is why the nuclear material security mission is such an essential corollary to the NPT.

The next opportunity is the joint meeting in Canada of the G-8 and G-20 nations. The G-8 Global Partnership will be a subject of discussion at the meeting and I hope that this initiative will be re-shaped, re-energized, and re-financed so that its focus is global and its

implementation effective. Additionally, the G-20 nations, now solely addressing economic issues, should become more concerned with global security issues (including nuclear dangers), and offer their contributions to the effort.

The final opportunity rests with the Congress. The president has requested a \$320 million increase for nuclear security activities in the FY11 budget and the Congress will need to act on that request beginning this Spring.

Need for Robust Funding

Last year President Obama made a very bold pledge to “secure all vulnerable nuclear materials around the world within four years” in order to prevent a nuclear terrorist attack, but he then offered up a budget for 2010 that was less than the last budget of the Bush administration. The fiscal year 2011 (FY11) budget request of \$3.1 billion for international weapons of mass destruction (WMD) security programs gives a significant boost to nuclear and biological security programs. It also corrects some of the shortfalls of the FY10 budget. These included a decline in overall National Nuclear Security Administration (NNSA) program funding and limited growth in the budget and mission of the Department of Defense (DoD) Cooperative Threat Reduction (CTR) program.

Notably, the FY11 budget includes an additional \$320 million over FY10 to support the four year effort to secure all vulnerable nuclear materials around the world. This includes: a sizable funding increase for NNSA’s Global Threat Reduction Initiative’s (GTRI) nuclear removal program; a modest increase in NNSA’s International Nuclear Materials Protection and Cooperation (INMPC) program; and funding for a new nuclear security initiative in the DoD CTR budget.

Among all of the U.S. agencies, there is just one new initiative, CTR’s Global Nuclear Lockdown program at a requested \$74 million. The remainder of the budget mainly accelerates existing activities, but it doesn’t expand their scope. There are a number of new initiatives that the Administration could have proposed that would have both justified higher spending and improved the nuclear security effort. I will detail some of these options later in my testimony.

There are two key programs in NNSA that are carrying out the bulk of the four year commitment – the International Nuclear Materials Protection and Cooperation (INMPC) program and the Global Threat Reduction Initiative (GTRI). In the INMPC budget the biggest FY11 increase (\$34 million) is to continue security upgrade work at Russian nuclear weapons related facilities, a mission that the Department of Energy (DoE) has been engaged in since 1994. Today, as has historically been true, the overwhelming percentage of the nuclear material protection funding in this program’s budget (about \$300 million in FY10) is directed at Russia. There is little for other efforts around the globe.

The biggest FY11 increase is in the GTRI budget for nuclear material removals (\$211 million). This funding is in part slated to increase the removals of highly-enriched uranium in 2011 and to plan for even more accelerated removal in 2012. This is

extremely important work but perhaps not as dramatic as the President's "global" pledge might indicate. The handful of countries targeted for this accelerated removal, at least in 2011, have dangerous nuclear material that is better off removed. But some of these countries, while high priorities, may not be considered the highest priority nuclear dangers on the globe (they include Mexico, South Africa, Germany, Slovakia, Ukraine, and Belarus).

Similarly, the DoD Global Nuclear Lockdown program, which is a \$74 million new initiative for CTR, supports the President's four year objective. But, what's really new here is a request of \$30 million for Nuclear Security Centers of Excellence. The first of these, if approved, will likely be outside the Russia/former Soviet Union region. But the remainder of the \$44 million in this initiative is slated for activities in Russia mostly supplementing activities that NNSA and CTR already have been doing.

The requested State Department budget to combat WMD proliferation and promote global threat reduction is down over \$5 million, or by about 3 percent. This includes a substantial \$18 million cut in the Nonproliferation and Disarmament Fund (NDF). This can in part be explained by the fact that the NDF was until this year the only program in this area that had "notwithstanding" authority, which meant it could spend its funding as circumstances dictated without receiving congressional approval, including funding projects implemented by other government agencies. But in the current year, the Congress granted limited notwithstanding authority to a number of threat reduction programs. But State is a valuable partner with NNSA and DoD and at the very least its funding should match that of FY09, which would require a \$34 million increase. However, one notable addition to the Department of State's FY11 request is \$3 million to support the implementation of UN Security Council Resolution 1540 which requires countries to implement supply-side controls on equipment and materials relevant to nuclear, chemical, and biological weapons and criminalize proliferation activities within their territories.

Also in the NNSA account, what is not made clear in the budget documents is that the radiological protection budget in particular has been sacrificed to some degree in the short term to pay for the nuclear security initiative. It's a little tricky to figure this out and it requires analyzing past years budgets as well as past and present out year spending projections. But the radiological protection budget has dropped each year since 2009 and it spikes in the out years seemingly to compensate for its lower priority now. The radiological removal budget, is boosted in the FY11 request (in part to compensate for a congressional reduction in FY10) but could be higher given the plethora of sources at home and around the globe and the higher likelihood (though significantly lower impact) of a dirty bomb attack over a nuclear attack.

The nuclear detection budget in DHS is roughly steady compared to the FY10 level, despite that agency being tasked with the development of a global nuclear detection architecture.

Despite the limitations of the proposed budget, some in Congress have questioned the NNSA budget increase and whether it can all be spent in fiscal year 2011. This is not an idle challenge in a tough budget year, especially since any reductions by one committee can set the tone for others.

But, the real question should be whether we can afford *not* to aggressively finance the President's four year goal. Compare the budget for locking down nuclear weapons and materials with another global challenge like climate change. In 2007, climate change funding was at \$6.5 billion –over triple what we spend today on nuclear security. And nuclear security spending is only about one-third of 1% of the total defense budget this year.

I would argue that the Congress should be the strongest possible partner in the global nuclear security process by not only fully funding the FY11 budget request but going beyond it.

First, it should correct the FY10 budget shortfalls by providing supplemental appropriations funding of \$115 million. At the very least the FY10 cut to the GTRI program should be reversed and its funding restored at least to the FY09 level of \$395 million (an addition of \$62 million). This could help boost the radiological mission at a minimum. Similarly, the INMPC budget should be closer to \$625 million (an addition of about \$53 million) to allow for additional activities outside of Russia.

Then the FY11 budget should be front loaded to ensure adequate funding for existing and new opportunities. In order to accomplish the President's four year goal, a more realistic budget for both the INMPC and GTRI programs needs to be constructed. For INMPC funding of about \$650 million in FY11 and then growth up to an average of about \$700-\$750 million per year for FY12-15 seems warranted. Half of this amount could be directed to nuclear security improvements in Russia, the former Soviet states, and other regions and countries of concern. The other half of the funding could be used for the second line of defense. In order for GTRI to accelerate the removal of high priority nuclear and radiological materials and meet its research reactor conversion objectives its FY11 budget should be in the \$560-600 million range. It should then grow to about \$700-\$750 million per year for FY12-13 and then top out at over \$800 million per year in FY14 and 15. This would reduce some of the bubble-like growth in the program's currently projected FY14 budget and allow it to ramp-up its activities more effectively in support of the President's objectives.

In addition, the radiological security mission should be boosted. A large numbers of radiological sources exist in the United States, and many are in public buildings. Hundreds of thousands of these sources can be found abroad. As a result, the challenge of securing all radiological materials is significant, but it can seem too unwieldy. The administration at the very least, should commit to secure all the radiological sources in public buildings, beginning with major metropolitan hospitals, in the U.S. on an accelerated timetable.

Further, the congressional limit on nuclear security spending in Russia and the former Soviet states begins in FY12. This needs to be modified so that the Russia-focused programs can continue. This is especially important not just because the job will not have been completed in that country by that date, but also because security equipment installed at the start of this cooperation in the early and mid-1990s is nearing the end of its life expectancy and is becoming obsolete. Improvements on the original security measures, therefore, may be required.

And finally, the President should leverage the momentum created by the Nuclear Security Summit at the June meeting of the G-8 and G-20 countries to generate support for a global fund for WMD security that should total \$2.5-3.0 billion per year over the next ten years. This would underscore the need for continued multilateral involvement in this area and make clear to recipient nations that there is a renewable WMD security investment fund that they can utilize.

At the end of the day the President's four year goal is may not be met in the timeframe he has endorsed for budgetary, bureaucratic, and diplomatic reasons. But, incrementally funding the fight against nuclear terrorism is a prescription for making it more likely rather than reducing its likelihood. If nuclear terrorism occurs the cost of the response will dwarf the cost of its inadequately funded prevention.

Where Do We Go From Here

The President has taken an important step forward in establishing global fissile material security as a top-level international objective. But, this mission will require actions beyond the current mechanisms and the international consensus that has been generated around them. New policy initiatives will be required to achieve this objective. Below are some proposals for post-summit activities and new initiatives that can be addressed domestically and internationally.

In the post-summit period it will be important to keep the dialogue among nations moving, expand the engagement beyond just the summit attendees and also to report on progress. Therefore several activities should be initiated:

- **Regular Technical Dialogue:** These could be semi-annual bilateral and multilateral meetings among specialists from participating countries, as well as private sector and civil society representatives, when appropriate to assess progress on summit commitments and discuss new initiatives.
- **Annual Reporting on Implementation Progress:** The summit nations could issue annual public reports on steps taken to implement summit commitments.
- **Generate Support from All Nations:** Use the summit as a starting point for initiating and continuing regional security dialogues with countries not attending as well as drawing new private sector and nongovernmental partners into the nuclear security discussion.

In addition, there needs to be a **Fissile Material Security Framework Agreement**. At present there is no international framework agreement on fissile material security and, as

a result, no organizing force to drive this complex transnational issue. This framework agreement would identify the threats to humankind from vulnerable fissile materials, especially the threats posed by terrorists, and list actions required to mitigate them. A framework agreement would allow the subject to be acknowledged at a very high political level as a global priority and then require the adherents to take specific steps to achieve the agreement's objectives.

The framework could include a number of items and usefully package them so that its norms are unified, clear, and cohesive. For example, the framework could recognize all the relevant existing conventions, agreements, and Security Council resolutions, including conventions on the suppression of acts of nuclear terrorism and of terrorist financing and bombings. It could underscore the legitimacy of the ad hoc nuclear security mechanisms such as the CTR program, the Global Partnership, the Proliferation Security Initiative, the Global Initiative to Combat Nuclear Terrorism, and others. It could identify a minimum standard for nuclear and radiological material security based on IAEA standards, while encouraging implementation of the highest possible security standards through an intensive, global best-practices engagement process. In addition, it could encourage public-private partnerships in support of nuclear security and recognize the important role that the civil society sector plays in this area. This agreement should be universal, but it could begin with support from a coalition of the committed. Models for the framework include prior U.N. Security Council Resolutions the U.N. Framework Convention on Climate Change.

In the United States, the Congress and Administration could take a number of useful actions, including:

- **Secure All Radiological Sources in Public Buildings Beginning with Metropolitan Hospitals:** Radiological sources, which are in use in every major metropolitan hospital in the world, pose a danger if they fall into the wrong hands. The NNSA has completed a pilot project with the Hospital of the University of Pennsylvania to make all the hospital's radiological sources more secure and to initiate cooperation with the local authorities. In the United States, approximately 500 major metropolitan hospital buildings use radiological sources. At a cost of roughly \$250,000 per building, the total cost of securing all of them would be about \$125 million. The U.S. should commit to take this course of action and its partners should take similar actions in their countries.
- **Create a Nonproliferation Enterprise Fund:** Similar to past partnerships between the federal government and research universities to aggressively fund basic science research, this fund could support U.S. government partnerships with NGOs and universities for nonproliferation analysis and also provide support for the next generation of nonproliferation and technical nuclear security experts. The education and training support could be in exchange for some government service by the recipient. This project could begin with a modest initial investment of \$25 million.

- **Create a Nuclear Energy Industry Nonproliferation Fund:** Steps should be taken to ensure that the nuclear energy industry becomes a strong partner in the nuclear material security process. The nuclear industry held their own nuclear security conference the day after the official summit, entitled, *The Role of the Private Sector In Securing Nuclear Materials*. One idea for further integrating the industry into the material security agenda is to have them contribute to a security fund. For example, the President has proposed \$54 billion in loan guarantees for nuclear power construction. A small percentage of the underwriting costs (0.1%) of those guarantees should be devoted to nonproliferation funding, similar to the nuclear waste fee that industry now pays. Such a requirement would link the nuclear industry into the security debate, increase the pool of nuclear security funding, and offer a reputational benefit to the power sector. Of course, the industry may have other equally important alternative ideas in this area.
- **Elevate the Use of Financial Tools to First-Tier Nonproliferation Option:** The Treasury Department's "smart" sanctions program is a new tool in the U.S. nonproliferation arsenal that recognizes the reality of integrated global financial networks and utilizes them to combat proliferators. Better analysis of the economic leverage points (both punitive and incentive) that can be used on an national, regional, and global basis are needed and the economic component of the nonproliferation architecture needs to be better understood and utilized.
- **Modernize Metrics of Success:** The FY10 Defense Authorization Act directs the Secretary of Defense to "develop and implement" metrics for measuring CTR's "impact and effectiveness" and provides up to \$1 million for the Secretary to work with the National Academy of Science on this. The value of the softer, more intangible benefits of the threat reduction approach, such as cooperation and engagement, must be legitimized and formally integrated into modern metrics for success.

The following ideas could have resonance within the international community:

- **Strengthen the IAEA:** Developed countries should increase their voluntary contributions for 4 years and earmark the funds for the IAEA Nuclear Security Fund (with a goal of +\$150 million per year – equal to the IAEA safeguards budget). Key countries also should agree to train a specific number of additional nuclear security specialists for assignment at the IAEA.
- **Establish a Multilateral WMD Emergency Rapid Reaction Force:** Based on the success of the Proliferation Security Initiative, this proposal would establish a multilateral force that could be rapidly deployed to address an urgent nonproliferation or disarmament opportunity. It would delineate roles and responsibilities among nations; require dedicated funding for operations, transport, and training; and ensure that the necessary legal authorities are in place to allow for the rapid protection, extraction, and return of nuclear materials and

technology. This new initiative should also have a domestic U.S. corollary that includes policy objectives, funding needs, specific agency responsibilities, and success metrics. It should specifically assign roles and responsibilities to individual agencies for emergency/contingency nonproliferation operations (for example, requiring DoD to provide and pay for airlift in a timely fashion and identifying national laboratory technical specialists for missions).

- **Install Satellite Uplinks on Portal Monitors and Perimeter Security Equipment:** The IAEA manages an Incident and Emergency Center to monitor nuclear reactor safety around the globe but the reporting is not done in real-time. This allows for sharing information on nuclear dangers, but it does not allow for real-time rapid reaction to threats. This existing concept could be expanded to the nuclear material security mission. It could include satellite uplinks on all portal monitors and perimeter security equipment that would provide real-time reporting on its operational status and immediately log security alerts and breaches at all civilian facilities that are monitored by the IAEA. A monitoring center could be manned by rotating international experts. But, the goal would be constant real-time monitoring of all nuclear facilities under safeguards and rapid global alerting and response to security breaches. This idea could also be expanded to nuclear weapons states that are not subject to IAEA monitoring. Because of the sensitive location of much of the security equipment in these states the information could be downloaded to a P-5 monitoring center that could be manned jointly by specialists from all five nations.
- **Create a Multi-Party Nuclear Security Hotline:** The satellite uplink effort could be supplemented with a multi-party nuclear security hotline that would allow for immediate communication surrounding suspicious incidents. Such a connection already exists between the United States and Russia to reduce the risk of a nuclear exchange stemming from accident, miscalculation, or surprise attack. These proposals are likely to meet stiff resistance from the nuclear bureaucracy in many states but that should not deter action in support of greater nuclear security.
- **Create a Global Nuclear Security “Gold” Standard:** Despite the detailed technical information that is provided by the IAEA for the safeguarding of nuclear facilities and the other domestic and international conventions and regulations that govern nuclear material protection, no universally accepted standard exists for securing nuclear materials and weapons. In advance of the 2012 summit nations should agree to the establishment of a minimum, but effective, nuclear security standard that all nations can work toward.
- **Accelerate Efforts to Consolidate and Eliminate Global HEU and Plutonium Stockpiles:** There are 1600 metric tons of HEU and 500 metric tons of plutonium around the globe and these stockpiles are growing. To address this danger there should be rapid implementation of the summit commitment to consolidate the number of locations at which the materials are stored. Countries should also

consider extending international monitoring over all civilian stockpiles and, in nuclear weapon states, over declared excess military fissile material as well.

- **Minimize and then Eliminate the Use of HEU:** There is general agreement within the technical community that HEU is the most attractive fissile material for a terrorist nuclear weapon. The Obama administration has a policy of encouraging the minimization of the use of this material and the summit communiqué called for its replacement with LEU in reactor operations. This should be a starting point but not the end point and ultimately there should be an agreement on a timetable for a phase-out and ultimate ban on the civil use of HEU.
- **Generate More Funding Commitments for the G-8 Global Partnership and Domestic Activities:** The G-8 Global Partnership does not limit its contributions to G-8 members. Over 20 nations now contribute through this mechanism. A number of the countries that participated in the nuclear summit are not Global Partnership donors and should be called upon to help provide the resources needed to operationally expand the Global Partnership's activities. Also, countries should be encouraged to spend more at home on nuclear security and receive credit from the international community for it. The goal should be to have an annual global fund of \$2.5-3.0 billion.

Conclusion

The Washington Nuclear Security Summit has significantly raised the public profile of the nuclear material security and nuclear terrorism prevention issues. It also has resulted in some new commitments and actions that will be taken by participating nations. But the status quo for protecting the globe against nuclear terrorism is inadequate and additional steps need to be taken. First, the commitments made at the summit need to be implemented as rapidly as possible. By setting another meeting in the Republic of Korea for 2012, the summit participants have built in a forcing mechanism that will require them to fulfill their commitments. But, new initiatives need to be debated and implemented. Nuclear terrorism and nuclear security are complex transnational issues. Right now we have many disconnected components and there is no cohesive and integrated driving mechanism. The key to success in driving collective and unified action on this agenda in the wake of the summit is to integrate all the necessary tools into a comprehensive, flexible, legitimate, and globally focused next generation nuclear material security framework.

Chairman BERMAN. Dr. Ford?

STATEMENT OF CHRISTOPHER FORD, PH.D., DIRECTOR, CENTER FOR TECHNOLOGY AND GLOBAL SECURITY, SENIOR FELLOW, HUDSON INSTITUTE

Mr. FORD. Thank you, Mr. Chairman, members of the committee. It is a pleasure to be here, and I thank you for the opportunity. I would like to ask that my longer remarks be put into the record if that is possible.

Chairman BERMAN. They will be included in their entirety.

Mr. FORD. Thank you, sir. I will keep my oral remarks as short as I can.

The upcoming NPT Review Conference I think needs to be seen against the backdrop of a general failure of nonproliferation compliance enforcement. Without fully appreciating those dynamics, it is hard to see where a lot of the initiatives that one hears talked about in the RevCon come from.

Simply put, the international community's response to present day challenges in Iran, places such as Iran and the DPRK, hasn't been terribly impressive. No one seems to disagree with that here today. Even where multilateral steps have been taken, they have done too little and they have come to look to have the desired impact on the cost/benefit calculations and the strategic decision making of their intended targets.

Some in the disarmament movement have argued for years that a critical reason for such problems in the NPT is that we have not moved fast enough in getting rid of our nuclear weapons. The way to turn around today's crises of nonproliferation and noncompliance, it has been claimed, is for the U.S. to disarm faster, and if we do so the rest of the world will heave a great sigh of relief and finally rally to the flag of nonproliferation in ways that they have been reluctant to do hitherto.

I have been very skeptical of this credibility thesis, but it is not, and I should emphasize this. It is not because I think that nonproliferation and disarmament are entirely unconnected. Indeed, in my view the coherence of the disarmament enterprise really requires some kind of linkage to nonproliferation insofar as I think that nuclear weapons elimination by today's possessors would make no sense as a policy choice if they could not be assured that the international community could keep newcomers out of that line of work.

With regard to the RevCon though, I think it is significant to note that the Obama administration seems to believe that there is a further linkage as well, a linkage in the other direction between disarmament on the one hand and the possibility of nonproliferation on the other. This is the linkage of what I call the credibility thesis, and it presumes a causal connection between movement on disarmament and nonproliferation success in the diplomatic arena.

One window into the credibility of this credibility thesis as it were will I think come with this RevCon and we will be able to see a little bit the degree to which this theory plays out in practice. My suspicion is that Washington is going to have a hard time capitalizing upon the very public disarmament friendly position that the President has been taking.

Part of this is a problem of expectations. After a year of playing to the disarmament grandstands with Prague and the Nobel Prize and all that sort of thing, I think the intended audience for some of this credibility thesis disarmament positioning will be struck perhaps more powerfully by the degree to which in the current Nuclear Posture Review, for example, many, if not most, of the positions and things articulated represent continuity rather than transformation of U.S. policy and things that from the disarmament community's perspective are entirely unwelcome, although I am certainly not complaining about them.

With regard to the New START treaty, in addition to this in terms of its raw numbers it is not, frankly, that much of a change. Indeed, it may not be a change at all with regard to deployed warheads. There are problems with it, in my view—linkages to missile defense, restrictions upon global strike, the failure to cover Russian rail mobile missiles, loss of telemetry data.

I mean, you can go into the details of it, but in terms of the raw numbers, which is all that the disarmament community really looks at, this is not something that is terribly easy to sell as a dramatic step forward as it has been billed.

I think for all of its sort of self-congratulatory media splash, last week's Nuclear Security Summit also represents a policy of general continuity. It builds only incrementally, if at all, upon the nuclear security policies that were developed by Bill Clinton and George W. Bush.

These are not complaints from my perspective. I think generally that incremental, cautious progress is probably a wiser idea in this very complicated world than assuming that we can sort of remold reality to our whims and good intentions, but this is not something that will necessarily be sellable very easily amongst those whom it is the ambition of the credibility thesis most to influence.

Let me say also I think the administration is basically right that the modernization focused elements that are stressed in the NPR with respect to our nuclear infrastructure, for example, are indeed consistent with a sincere commitment to disarmament.

In my view, during whatever period it is that the Obama administration envisages occurring before some hypothetical future zero, and that period is likely to be very long even by their account, we will need to rely upon a smaller and ever smaller number of nuclear weapons and rely very much and more intensively upon any individual system.

The alternative to modernization in that context and over that period is either de facto disarmament before it is wise or sane to take that step or in fact to let our lack of modernization become a break upon further progress, so even from the perspective I think of the Obama administration's supporters on the left, it ought to be on its substantive merits quite sellable that this position is in fact consistent with disarmament.

My suspicion, however, is that it will be very difficult to make that sale. The optics are all wrong from the perspective of the global disarmament community, and my suspicion is that the credibility thesis, even if you accept its logical premises, which I don't, will be very hard to implement in practice.

That said, I think provided that the issue of the Middle East or Iran doesn't in some fashion pop up to preclude consensus that at next month's RevCon I think it is likely they will produce some kind of consensus document. Many will take that production alone as the index of success. That I think would be a mistake. I don't think anybody here has any illusions that we should be looking to something a little bit more serious in order to judge whether the conference has been a success.

I would encourage us of course to look at the underlying issue of whether it is in fact contributing to stopping the proliferation of nuclear weapons in the world. I was very struck, Mr. Chairman, by your comment at the very beginning describing a successful review conference as one that is united in its condemnation of Iran's nuclear program.

That is a very substantive and very focused criterion for success that goes just beyond the sort of anodyne diplomatic production of a document that says nothing upon which everyone agrees. I would encourage that kind of thinking in how we approach evaluating whether or not the review conference has indeed made progress.

I doubt that the Obama administration's gamble that our disarmament movement will produce some kind of a nonproliferation revolution in international diplomacy will get many results. I would, however, be very happy to be proven wrong.

It is very, very late for countries around the world to start getting serious about nonproliferation compliance enforcement, and since we seem to be tying ourself to that credibility thesis train as a matter of U.S. policy right now, I dearly hope that it gets some results. It would be tragic were the entire thesis to end up being as hollow and empty as I fear that it is. Thank you, sir.

[The prepared statement of Mr. Ford follows:]



**Testimony before the Committee on Foreign Affairs
U.S. House of Representatives**

by

Dr. Christopher A. Ford
Senior Fellow
Hudson Institute

21st April 2010

Mr. Chairman, Madame Ranking Republican Member, and members of the Committee, thank you for the chance to testify here today. I will try to keep my oral remarks short as a brief summary of my views, and hope it will be possible to enter the written version in the hearing record.

This time next month, delegations from around the world will be meeting in New York during the penultimate week of the 2010 Review Conference (RevCon) of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). I appreciate the chance to discuss the upcoming RevCon, and to offer my perspective upon the challenges it faces.

I. *The Crisis of Nonproliferation Compliance Enforcement*

The RevCon needs to be seen against the backdrop of a generalized modern failure of nonproliferation enforcement since the end of the Cold War. During the period of U.S.-Soviet global rivalry, a number of countries had nuclear weapons programs, but many of them were persuaded to abandon such work. There were also some nonproliferation successes in achieving “rollback” of nuclear weapons programs during the transition from the Cold War to the post-Cold War eras. The prospect of regime change and the dissolution of the perceived Soviet threat helped lead South Africa to dismantle its program, for example, and some former Soviet republics were persuaded to relinquish the weapons stranded upon their soil by the collapse of Soviet imperial power.

For its part, Iraq's nuclear weapons program was, rather inadvertently, smashed by force of U.S. arms in 1991.

With the exception of Libya, however – for which the multilateral aspects of the nonproliferation regime deserve little credit, with Muammar Qaddafi having decided to put his weapons of mass destruction (WMD) programs on the negotiating table as U.S. forces massed against Iraq again in early 2003, this time on very publicly WMD-related grounds – the nonproliferation regime has struggled with compliance enforcement. North Korea signed the NPT in bad faith, immediately violated it, and apparently continued its violations without interruption until finally withdrawing in 2003. Today it has nuclear weapons. Iran violated the NPT during this same period, was publicly caught in 2002, but remains today defiantly committed to its nuclear program. Today, Tehran already has or will soon acquire the technical option of building nuclear weapons – either overtly or shrouded in a policy of deliberate formal ambiguity while perhaps even remaining corrosively within the NPT.

Syria has been caught in secret nuclear work in conjunction with the North Koreans on what seems to have been a Yongbyon-style plutonium production reactor, but continues simply to deny the available evidence and obstruct the collection of more by the International Atomic Energy Agency (IAEA). Meanwhile, the secretive and paranoid military junta that rules Burma has made itself a worrisome question mark these days as well – with Secretary of State Hillary Clinton warning about North Korean military links to the Burmese regime, and unnamed experts leaking stories to the press about possible cooperation in dual-use nuclear technology.

The international community's response to these problems has not been impressive. President Obama echoed many years of U.S. policy when he said in Prague in April 2009 that “[r]ules must be binding. Violations must be punished. Words must mean something,” and when he proclaimed that “[w]e need real and immediate consequences for countries caught breaking the rules.” But except where certain actors have taken things upon themselves – as with efforts to deal with Iraq and Syria, or with the successful tripartite Libya WMD negotiations – the nonproliferation regime in the post-Cold War era has had worryingly little success in giving life to these grand principles. It is not precisely that the multilateral diplomatic community has entirely *failed* to mount responses to nuclear proliferation provocations. The problem is, rather, that what responses have occurred have been uniformly weak. Even where multilateral steps have been taken, they have done too little and come too late to have the desired effect upon the cost-benefit calculations and strategic decision-making of their targets.

Make no mistake, Mr. Chairman, I don't mean to suggest that the problem is *solely* one of multilateral diplomatic approaches being able to provide only “too little, too late” responses to proliferation provocations. It is by no means necessarily the case that more vigorous steps, taken earlier, would have entirely turned the tide in influencing determined troublemakers such as North Korea and Iran. I do think, for instance, that the world rather shamefully passed up a potential opportunity to affect Iranian decision-making in 2003 by allowing European enthusiasms for poking a post-Iraq finger in Uncle

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Sam's eye to undermine the multilateral pressure that was building in reaction to revelations about Tehran's secret nuclear work. But changing the fundamental calculations of such regimes regarding nuclear weapons may well *always* have required more than diplomacy could in itself provide. Nevertheless, the diplomatic community has largely passed up the few opportunities it had to even *try* seriously to influence such regimes' choices.

We need to bear in mind this backdrop of the failure of nonproliferation compliance enforcement if we wish to understand the subterranean dynamics of the 2010 RevCon. With this predicate, let me say a few words about one of the most interesting diplomatic challenges facing the United States in connection with this upcoming meeting: the linkage between nuclear disarmament and nonproliferation.

II. *Disarmament and Nonproliferation*

Some in the international community affiliated with the global disarmament movement have argued for years that a critical reason for the NPT's problems today is that the United States and the other NPT nuclear weapons states (NWS) have not moved fast enough in getting rid of their nuclear weapons. The way to turn around today's crisis of nonproliferation noncompliance, it has repeatedly been said, is for the NWS – or at least the United States, which often seems to be the only state many in the disarmament community really care about disarming – to disarm faster. If we do so, we are told, the world will heave a great sigh of relief and finally rally to the cause of nonproliferation.

The notion that improvements in our disarmament “credibility” will lead the other countries of the world to start taking nonproliferation compliance enforcement seriously is fundamental to Obama Administration policy. This idea – which I call the “credibility thesis” – seems to have been explicitly introduced as U.S. policy by Assistant Secretary of State Rose Gottemoeller, who delivered remarks on behalf of President Obama at the May 2009 NPT Preparatory Committee meeting to the effect that the United States was now finally committing itself to “initial” steps towards “a world free of nuclear weapons.” By embarking on this path, it was declared, “we will strengthen the pillars of the NPT and restore confidence in its credibility and effectiveness.” The credibility thesis is also articulated in the Obama Administration's new Nuclear Posture Review (NPR), which explicitly states – twice, no less – that that the new U.S. “negative security assurance” (NSA) on non-use of nuclear weapons is intended to “persuade non-nuclear weapon states party to the Treaty to work with the United States ... to adopt effective measures to strengthen the non-proliferation regime.”

I have been skeptical of this credibility thesis, Mr. Chairman, but this is not because I think nonproliferation and disarmament are entirely unrelated. Indeed, in my view, the coherence of the disarmament agenda *requires* some linkage to nonproliferation, insofar as nuclear weapons elimination by today's nuclear weapons possessors would make no sense without significant improvements in nonproliferation compliance enforcement. After all, it would be remarkable to suppose that today's possessors would – or even

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should – eliminate their own arsenals unless it were clear that newcomers would be kept out of the nuclear weapons business. A regime that cannot enforce its own core nonproliferation rules is not a regime capable of sustaining any serious push for disarmament.

To its credit, the current administration insists upon this sort of linkage. Echoing policy statements repeatedly made by the Bush Administration in NPT fora and at the Conference on Disarmament in 2007 and 2008, the Obama Administration’s new NPR proclaims that among the “very demanding” set of “conditions that would ultimately permit the United States and others to give up their nuclear weapons without risking greater international instability and insecurity” is “success in halting the proliferation of nuclear weapons.” The recognition of a causal arrow between nonproliferation and the possibility of disarmament – that is, of disarmament’s fundamental unintelligibility without robust nonproliferation compliance enforcement – is rooted in basic logic, and clearly transcends political party and presidential administration.

But the Obama Administration seems to believe in a *further* linkage, too: a linkage in the other direction, between disarmament and the possibility of nonproliferation. This is the linkage of the credibility thesis – specifically, the causal connection it presumes between disarmament movement and nonproliferation success. Having more of the former, we are asked to believe, will give us more of the latter.

Especially given the degree to which our elimination of many thousands of weapons and delivery systems since the end of the Cold War – cuts amounting to something like three quarters of our arsenal – had little apparent effect in catalyzing effective multilateral compliance enforcement against North Korea and Iran, betting the store on the credibility thesis today seems to me unwise. But I could be wrong. In short order, we will have a chance to test which side is right about this.

One window into the credibility of the credibility thesis will come with the 2010 RevCon. I doubt that we’ll see much of a significant change in the willingness of States Party to articulate robust positions against Iranian noncompliance, or in favor of controlling the spread of fissile material production technology, or in support of rapid and credibly-verified denuclearization in North Korea. But I will nonetheless be watching and hoping for signs of some kind of turnaround now that the United States, led by a disarmament-focused Nobel Laureate, claims to be leading the global charge toward nuclear weapons abolition.

Make no mistake, however: the diplomatic challenges in this regard for the administration will not be trivial even under the best of circumstances. Fundamentally, even if the credibility thesis *were* a sound one supported by historical evidence—a proposition about which I have my doubts – Washington may have a hard time capitalizing on President Obama’s high profile disarmament posture.

Part of this is a self-inflicted problem of expectations. Even a casual reader of the Obama Administration’s Nuclear Posture Review will be struck by the degree to which –

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rhetorical flourishes aside – many of the fundamental elements of our *new* nuclear policy actually represent a continuation or even advancement of Bush Administration policy: nuclear weapons complex modernization; development of successor strategic delivery systems; enhancing U.S. nuclear warhead designs with advanced safety and security features and improved reliability with the integration of elements from past designs; accelerated warhead dismantlement; reductions to the minimum level consistent with strategic deterrence and alliance reassurance requirements; maintenance of a robust and effective nuclear deterrent for as long as nuclear weapons exist; commitment to improved missile defenses; and the development of better *non*-nuclear weapons with strategic reach and near-real-time impact.

At the same time, the much-vaunted “New START” agreement with Russia is not – in its raw numbers, at least, though other details are more problematic – much different than one might have seen had the Bush Administration been around to conclude the post-START talks that it itself began with Russia in 2006. The new treaty imposes only relatively small cuts to strategic delivery systems, does not touch aggregate warhead stocks at all, and may not even reduce the number of deployed warheads in the slightest. Furthermore, except for its self-congratulatory media splash, the recent Washington Nuclear Security Summit builds only incrementally, if at all, upon the substance of nuclear security initiatives developed under Bill Clinton and George W. Bush.

I say this not by way of complaint, Mr. Chairman, for I am generally of the view that cautious, incremental movement is wiser – in this world of complex feedback relationships and deep unpredictability – than the ambitious and often dangerous vanity of assuming that the world can be reshaped, wholesale, to our whims and good intentions. If the Obama Administration is learning to approach national security issues with more caution than “transformational” conceit, I applaud them for it.

Let me also say that I believe that the administration is basically *right* that the modernization-focused elements of its nuclear strategy are consistent with a sincere commitment to disarmament. Even if we do not require as many nuclear weapons as in past years, we clearly *do* still continue to require *some* of them – both for strategic nuclear deterrence and perhaps indeed also for other purposes explicitly or implicitly recognized in the Obama Administration’s new declaratory policy (*e.g.*, deterring or potentially responding to conventional, biological, and/or chemical attack by at least some countries). Even to hear the administration tell it, we will also continue to need nuclear weapons for quite a long time.

During this period, if we are serious about continuing reductions, we will necessarily be asking more of our remaining warheads, delivery systems, and infrastructure. If we are safely to manage the potentially very long transition imagined on the way to some possible future “zero,” we thus cannot avoid the issue of modernization. (The alternative to modernization is either *de facto* disarmament before it is safe or sane for us to take such a step, or – precisely for this reason – to see our *lack* of modernization become a brake upon disarmament progress.) In this sense, therefore, I think administration officials are correct to argue that their talk of modernization is in no

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way inconsistent with seriousness about disarmament. If anything, in fact, they understate the case for modernization – a point which conservatives are sure to drive home in ratification debates over the “New START” deal.

But the intended foreign audience for U.S. disarmament posturing pursuant to the “credibility thesis” will be very unlikely to see things this way, and generations of near-theological antipathy to the very *idea* of nuclear deterrence in some quarters will make these reasonable arguments exceedingly hard to sell. Whatever the substantive merits, the political “optics” of the debate seem quite lopsided. It may in fact *be* consistent with disarmament rectitude to pursue the sort of “Bush Lite” nuclear arms agenda the Obama Administration seems to be developing – leavened for the political left only by more “zero”-focused rhetoric, a commitment to an increasingly unlikely test-ban ratification, and a confusing and still notably ambiguous declaratory policy – but it does not *look* that way to those whom the proponents of the credibility thesis presumably most wish to influence. This will be a tough diplomatic nut to crack, especially since the Obama Administration’s efforts to play to the disarmament grandstands during his first year in office raised the disarmament community’s expectations to a fever pitch.

II. *Judging “Success”*

Provided that the issue of the Middle East does not pop up – as it did in the endgame of the 2005 NPT RevCon – to derail efforts to develop consensus, and provided that Iran and its supporters do not deliberately impose procedural obstacles as they have sometimes tried to do in the past, I think it likely that this RevCon will produce an agreed final document. For some, this will presumably be considered proof of the RevCon’s “success.”

I would encourage the committee to have higher standards, however, and to look beyond just the question of the existence (or non-existence) of a final document as a measure for assessing RevCon “success.” The *content* of any such document is far more important than its existence *per se* – for while a good consensus document is nice, a bad one can be worse than no agreement. More important still is the underlying question of whether the RevCon advances or retards progress in addressing the fundamental challenges of nonproliferation noncompliance that are today sending cracks snaking through the foundations of the NPT, and even of the broader nuclear nonproliferation regime itself.

We should not pretend that NPT meetings can do more than they can do. Fortunately, it does not fall to this RevCon to “save” the NPT or the nonproliferation regime, and no one expects that it will do anything direct or even enormously significant to turn around the regime’s decay. What it *can* do, however, is to begin demonstrating that the international community really cares about nonproliferation. States Party need not merely to declare themselves opposed to bad things. They must somehow signal a willingness to *prioritize* enforcing nonproliferation rules and creating conditions that disfavor the spread of nuclear weapons – and they must signal a real willingness to bear

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specific and meaningful, as opposed merely to rhetorical and symbolic, burdens in support of this objective as the world struggles with the challenges at hand.

I have my doubts, Mr. Chairman, that more emphatic public posturing on disarmament – or even faster U.S. nuclear reductions themselves, on top of the extraordinary cuts the United States achieved under the previous four presidents – will make much difference in affecting the international community's willingness to rally to the flag of nonproliferation compliance enforcement and the crafting of sensible technology controls keyed to proliferation risk. I would, however, be delighted to be proven wrong. If the proponents of the credibility thesis are right, we should now be able to elicit dramatic progress in bringing recalcitrant countries over to the cause of nonproliferation seriousness. I wish the Obama Administration good luck and rapid progress in this, for it is perilously late.

Thank you, Mr. Chairman.

* * *

Chairman BERMAN. Well, thank you all very much. I will yield myself 5 minutes.

I can't help but comment on the irony that I have listened to a number of my colleagues, on the other side, talk about the massive and dramatic change in our nuclear posture and the criticism attendant to that massive change and then to hear Dr. Ford—a member of the previous administration, chosen by the Minority—point out, ironically, that there is more continuity than dramatic change in the context of the Nuclear Posture Review and the agenda and the linkage between the disarmament goal as part of achieving the nonproliferation, the strategy basically.

I would be interested in getting Mr. Albright's sort of response to some of your points, but is it your contention—I mean, you talk about betting the store on the credibility thesis. Are we really betting the store? Is it your contention that the administration has bet the store on this strategy?

It has been involved in an arduous process that we don't know how it will end, but at least has Russia and now China negotiating the text of a Security Council Resolution, which we hope will lead to a much more robust level of sanctions by an EU and coalition of like minded countries that might create the kind of economic pressure that at least it is plausible to think could change behavior, although certainly not guaranteed.

In other words, a lot of this stuff wasn't just done to have a nicer consensus statement at a Nuclear Review Conference in the upcoming couple of weeks, so when you talk about the Nuclear Posture Review being a continuation of—well, I guess two questions I would have is what multilateral successes via-à-vis Iran did the previous administration have?

And, secondly, based on your notion that this is pretty much a continuation of policies of the Clinton and Bush administration doesn't that at least imply that the sort of dramatic criticisms of these policies are not accurate?

Mr. FORD. Well, if I might, sir? With respect to the NPR itself, the things that I like about it are things that represent continuity and indeed sort of hedging positions against future challenges and so forth.

With regard to the credibility thesis and the belief that we are betting the store and particular things, one of the areas of the NPR that I think I like least is the new declaratory policy, and we have heard some of that talked about today.

Twice in the NPR document it is stressed that that declaratory policy was adopted in order to—one of the two reasons that is given for its adoption is in order to persuade other countries to cooperate with us more on nonproliferation, so that is sort of the crystallization of the credibility thesis right there.

With respect to nonproliferation successes, in the past obviously no one has—

Chairman BERMAN. Your point is that that is not going to work?

Mr. FORD. I think that is unlikely to work. Yes, sir. With regard to past nonproliferation successes, I am certainly not here to tell you that the Bush administration solved the Iran problem. No one in their right mind would suggest that.

The international community generally for many years has struggled with this unsuccessfully, and one of the things I think that has been most frustrating is the degree to which after much criticism—I say this as a former Bush administration person.

After much criticism for taking so-called unilateral approaches with regard to Iraq, we regarded ourselves as doing precisely what our critics had asked us to do when it came to Iran, trying to pursue it through the IAEA and multilateral fora, take it to the Security Council, which is the institution designed to deal with this, and only to find our steps at every point undercut by those who regarded that multilateralism as somehow being offensive simply by virtue of the fact that it was the U.S. that was trying it.

Chairman BERMAN. One could draw two very different conclusions from that failure though.

Mr. FORD. My conclusion is that I wish we had tried harder earlier, and if we had actually stuck to diplomatic multilateral pressure in mid 2003 instead of letting European enthusiasms to poke Uncle Sam's eye lead to a different approach we might have had more results out of Tehran.

Chairman BERMAN. My time has expired. I may want to get back to this if we have a chance to another round. Mr. Burton is recognized for 5 minutes.

Mr. BURTON. You know, Mr. Chairman, I don't care who did what in the past. It makes no difference to me. What bothers me is that Iran and Korea continue down the path toward developing nuclear weapons that endanger that entire region and ultimately the United States of America. That is all I give a damn about. I don't care who had what for dinner yesterday. It makes no difference to me.

What I am concerned about is where we are today and where we are going, and I think it is extremely important that we adopt a policy, whether it is at these summits, and I am not as optimistic about the summit that we had. I know they talked about a lot of things and that is good, but as far as coming up with some kind of a conclusion on how to deal with the terrorist states that are developing nuclear weapons, I didn't see anything that came out of it that was really tangible.

And so my goal is to have experts like the gentlemen who are there at that table to come up with some solutions or recommendations that we can implement that will put so much pressure on Iran and North Korea that we will be able to stop their development program and get them to start to comply with nuclear non-proliferation.

I know that we tried during the Clinton administration. I know the President worked very hard to work out some solutions, but North Korea thumbed their nose. They took advantage of it and thumbed their nose at us. I am not blaming Clinton for that. He tried. I think the things that were tried in the Bush administration and there has not been a success.

The thing I wish we would start focusing on is Iran has money in banks. Iran has assets around the world. Iran imports all kinds of gasoline because they can't produce it themselves. They produce oil, but not the final product. What we ought to do is we ought to come up with a plan to block them from getting anything and any

of our allies that aren't complying with us, we ought to put pressure on them to work with us. We have trade agreements. We have all kinds of agreements with them that could be utilized to put additional pressure on them.

Every day that goes by that these countries continue to develop nuclear weaponry the world comes a little closer to a major conflagration. Ahmadinejad is telling all these people that are blowing themselves up and he is sending weapons in to Iraq and elsewhere and saying that they are going to go to Valhalla or wherever it is and get 70 virgins if they blow themselves up and people are doing that. Think what is going to happen if they get a briefcase nuke and they come within six blocks of this place. We will all be toast.

And so it is extremely important that we do whatever is necessary quickly to stop the proliferation of nuclear weapons, particularly where terrorist states are involved, and I am talking now about Iran and Korea and potential other states.

And so I really appreciate you gentlemen for being here, and I am not asking any great questions, but this is what I would like to see all of the intellectual experts, and you are among them, to focus on. What can we do to really put the hammer down—the hammer down—on these people?

I mean, having a nuclear summit and everybody talking about long-term nonproliferation and things that we ought to be doing collectively to solve the problem, that is great. That ain't solving the problem. Iran is going down that road. They are thumbing their nose at everybody else. They are not changing.

North Korea, they have been thumbing their nose and they have been making agreements and then violating them. I don't think you can trust these people. And so what you have to do with a bully in a schoolyard or in a world theater is you have to let them know that if they continue down the path their bloody nose is going to be worse than what they are going to do to somebody else, and I think that is what we have to get across.

I know I am putting this in very strong laymen's terms. I am not using the hyperbole that our intellectual community is really used to, but I grew up in a tough area and I know one thing; that bullies only understand one thing and that is the fear of retribution and the fear of really getting clobbered, and that is what we need to do.

We need to get down to the nitty-gritty and let Iran know that they are going to suffer dramatically economically and every other way if they don't stop this and that they know that if they continue there will be retaliation, which will be unthinkable. And that is why I say I don't think we should rule out anything when we are talking about dealing with any of these countries.

I know the President didn't rule out that with Iran, but I think that we ought to keep everything on the table because we don't know what is going to happen in the future. That is the end of Burton's sermonette for the day.

Chairman BERMAN. Perfect timing. The gentleman from California, Mr. Sherman?

Mr. SHERMAN. My sermon will be short. Here in Congress we try to find partisan divides so we can yell yea for our team. The fact

is, for the past 10 years, three administrations, we have seen continuity and failure with regard to North Korea and Iran.

With North Korea we have stopped pretending that we are trying to do anything, and with Iran we have shown the capacity to generate big headlines about the modest possibility of enacting tiny sanctions, so this is something that both parties are united in, at least the administrations of both parties. I am speaking now of proliferation and North Korea and Iran. Obviously the Nuclear Security Summit was an important step that the President deserves credit for.

Mr. ALBRIGHT. China has apparently agreed to disregard the guidelines of the Nuclear Suppliers Group and construct two new reactors in Pakistan, even though the guidelines prohibit such trade with a country without comprehensive safeguards on its nuclear activities with the exception, specifically, of India.

I understand China claims that these new reactors were grandfathered in the contracts for the first two it built before it joined the Nuclear Suppliers Group. Is that even factually accurate? Is it legally accurate that you can say well, we are joining the Nuclear Suppliers Group, but we get to violate it to the extent we have any preexisting contractual relationship, and should this issue come up at the NPT RevCon?

Mr. ALBRIGHT. I am sure China can make the argument about grandfathering. It has been used many times. Russia has used it. I don't think we have, but it is an unfortunate reality.

I would actually share your sentiment on China. Let me give you an example. Iran and North Korea get many of the things they need for their nuclear program—machine tools, materials, all kinds of equipment—via China, and the reason is simple. China has export control laws, but they don't enforce them.

I think one of the things that certainly is something that should be done on Iran is convincing China to just enforce its laws. We see over and over again cases of Iran and North Korea buying vital things—centrifuge related equipment—in China. If the United States was able to, and its allies, convince China to stop that, live by its laws, it could seriously impede Iran and North Korea's ability to expand their nuclear programs.

Mr. SHERMAN. We will do that right after they adhere to their laws on intellectual property.

Mr. ALBRIGHT. But it can be done.

Mr. SHERMAN. It can be done, except China has learned that it has total access to U.S. markets, total domination of the American political system and strong alliances with Wall Street and Wal-Mart and so they don't have to do anything they don't want to do, including enforce their own laws. Let me move on to the next question.

Mr. ALBRIGHT. Let me disagree with that.

Mr. SHERMAN. Let me move on to the next question.

Mr. ALBRIGHT. All right.

Mr. SHERMAN. What are the prospects for agreement among the NPT states that all members should sign and bring into force an Additional Protocol for safeguards with the IAEA? Mr. Albright and any of the other witnesses as well?

Mr. ALBRIGHT. Yes. It is great disappointment. I mean, we were up in New York visiting many delegations a couple weeks ago, and it is not good. It is very disturbing because it is a massive loophole in the system that allows countries to cheat.

I think the IAEA actually made a huge mistake by making the Additional Protocol a voluntary endeavor, and I think we are going to suffer consequences because of that. I am encouraged that the United States and many other nations—

Mr. SHERMAN. Is there any feeling among any of those delegations that they could lose any trade or aid with the United States if they take a position that is an anathema to the security of people in the San Fernando Valley?

Mr. ALBRIGHT. I would hope that as the conference goes on that threats will be made. I mean, it is not quite the time.

Mr. SHERMAN. But so far no. Let me move on to the second witness.

Mr. LUONGO. I am sorry?

Mr. SHERMAN. Can you address the question, Mr. Luongo?

Mr. LUONGO. I am not an expert on the NPT Review Conference.

Mr. SHERMAN. Okay.

Mr. LUONGO. I would pass.

Mr. SHERMAN. Mr. Ford?

Mr. FORD. I think it is very distressing that no further countries have accepted the AP. Indeed, there are countries that have yet to accept even basic safeguards agreements, which is also depressing and indeed required by Article III. There is a very, very long way to go on all these points, and I am aware of no threats at all, sir.

Mr. SHERMAN. It is time for civil defense. I yield back.

Mr. ALBRIGHT. Can I? No?

Chairman BERMAN. We will get back to you. Mr. Rohrabacher?

Mr. ROHRABACHER. Thank you very much, Mr. Chairman, and I would certainly like to identify myself with the remarks of Mr. Sherman, who always astonishes me with his very realistic approach to some of these things, and let me just note especially about China. Just a few comments on some of the testimony we heard today.

A reduction in raw numbers in terms of the raw numbers of nuclear weapons is a good deal. I mean, actually if it saves us money to have raw numbers at a lower level and permits us to use that money for perhaps some other things that are important to our national security then the reduction of raw numbers is a good thing even if it is not a balanced agreement that leads to that reduction of raw numbers, meaning that we have given up more than someone else, as long as what remains among those raw numbers is an adequate force to ensure our national security, and that is what it is all about.

In terms of continuity, as was pointed out by our chairman and by Mr. Ford, again I agree with Mr. Sherman that continuity doesn't mean a damn thing if it is the continuity of policy that has led us to the mess that we are in right now. And the challenges especially in Korea and in Iran show that a continuity of that policy is a mistake, is wrong, and we should have the courage to face that and try to come at these things with a different approach.

But to that continuity it appears to me, Mr. Chairman, yes, there is a continuity of policy of this administration, but now we have added idealistic rhetoric about disarmament, reaffirming again some things and stating this, which I believe is dangerous because it gives people, evil people, the idea that oh, yes, these guys are idealistic enough to disarm.

We have also added ambiguity. This administration has added ambiguity about the use of nuclear weapons, which again is dangerous. Idealism is fine, but idealism if it is expressed by people in power could very well encourage evil realists, and there are evil realists in this world.

The evil realists are the ones who murder their own people to stay in power. The evil realists of this world could care less about agreements that they have or treaties that they sign because they are willing to murder their own people to stay in power. Who cares whether they are lying or not. They certainly don't.

Chairman BERMAN. Would you yield for 1 second on that point?

Mr. ROHRABACHER. I certainly will, sir.

Chairman BERMAN. Thank you. I thought the criticism of the Nuclear Posture Review is that it went away from ambiguity, that our previous posture was what we would do in response to different kinds of attack was not clear. We essentially reserved many different options and never indicated our thinking about what we might do.

Mr. ROHRABACHER. Mr. Chairman, the ambiguity I am talking about of course is the expressions that we have heard from the administration officials recently about whether or not we would use nuclear weapons.

Chairman BERMAN. But they have gotten clearer. It may not be right, but it is clearer.

Mr. ROHRABACHER. I think from what we have heard as an answer today indicates that it is not clearer and that there is ambiguity that has been added.

What we are really talking about, by the way, when we talk about nuclear weapons and whether or not the goal should be elimination of nuclear weapons, what we are really talking about is mass killing. It is not a nuclear weapon in and of itself is an evil, an immoral weapon system any more than a machine gun. We are talking about mass killing and we need to stop the potential of mass killing of Americans in terms of nuclear weapons.

We need a missile defense system that can deal with a threat from an evil person who has power in another country in order to conduct mass killings. We also need a robust intelligence system. Both of those are prerequisites to dealing with this threat.

One last note, and that is China. I would suggest that Mr. Sherman is exactly correct and that we have an establishment, a financial and economic establishment, in this country that is making a profit from a relationship with China and it has prevented us from dealing with those policies that China is following that are harmful to our national security. Thank you, Mr. Chairman.

Chairman BERMAN. The time of the gentleman has expired. The gentlelady from California is recognized for 5 minutes.

Ms. WOOLSEY. Well, thank you, Mr. Chairman. I am going to have a little different twist on all of this actually talking about un-

less we have more the United States will be at risk. We will be at risk if we don't build up and if we let people know that we are diminishing our nuclear arms, et cetera, et cetera.

I think the world is at risk. I think humanity is at risk unless we find a way to do away with all nuclear weapons period. I believe it with all my heart and soul. It may not be—well, it won't be—in our lifetime, but it will be in somebody's, and that will be the end of it.

So for several Congresses now I have introduced resolutions to reform our international security policies. One is H. Res. 363, which is a resolution calling for the adoption of a smart security platform for the 21st century, and the other is H. Res. 333, a resolution recognizing nonproliferation options for nuclear understanding to keep everyone safe. No nukes it is called, so obviously you know what that is about.

These resolutions seek to promote a more effective national strategy focused on nonproliferation, conflict prevention, international diplomacy and multilateralism over military and nuclear threat because the way we have been doing it ain't working. It is not going to work.

Every day it becomes more dangerous, not less dangerous, and until we get on the way to think about dealing with humanity in a smarter way I just—I mean, we can sit here and work on our little years that we will be on this earth, but I will tell you we are not doing anything enough to take care of the future of all of humanity.

So my question would be to you will the upcoming conference and will the treaty ratifications fit into a smarter security platform? Gulp.

Mr. ALBRIGHT. No. I think again the Non-Proliferation Treaty Review Conference from an outsider's perspective—

Ms. WOOLSEY. Yes.

Mr. ALBRIGHT. I mean, we will be observers there. I have gone or my organization people have gone since 1985. You are trying to build support. I mean, for example, for us the Additional Protocol is critical and what we would like to see is more support among nations that that is the international norm.

The next step is to encourage more countries like Australia. They just said look, you want our uranium? You better have an Additional Protocol or you don't get it. So in a sense unilateral initiatives.

The United States has taken a bilateral initiative that we are going to have nuclear cooperation with an NPT party that is a non-weapons state. They have to have an Additional Protocol in place. With UAE we insisted no reprocessing or enrichment. Multilaterally, we have to push much more strongly in the IAEA that it is a condition or it is a norm to have the Additional Protocol, not just some favor—

Ms. WOOLSEY. Right.

Mr. ALBRIGHT [continuing]. That you are doing the international community. I could go into other issues where you can pick up the strain. It happens before the conference. Kind of a lot of these things converge in the conference and it is a good opportunity to

build support for these things and then you go out into the other places and try to implement them.

Ms. WOOLSEY. Mr. Luongo?

Mr. LUONGO. Thank you. I would say I think we are building a smarter security platform. I mean, this spring we have dealt with the issue of nuclear weapons in the United States and Russia in the START treaty, which is in part a holdover from the Cold War and in part will help us I hope with the NPT Review Conference.

We have then dealt with this very difficult issue of keeping nuclear material out of the hands of terrorists. I don't think we have dealt with it completely adequately, but we have really raised the profile of that issue around the world, and I think that that is really important because that is a 21st century threat.

And then finally the NPT Review Conference I think is going to be, as everyone has said, a very, very difficult lift, but that is really about states getting nuclear weapons. I am less worried about states getting and using nuclear weapons than I am about terrorists getting and using nuclear material.

Ms. WOOLSEY. Doctor?

Mr. FORD. If I might add also, with respect to the utility of the review conference sometimes negative information is good to have as well. It is fundamentally about building support in a political sense, but it is also sometimes very nice to know when there isn't support nonetheless.

I mean, if we come together after all of this preparation to make a big pitch that everyone should now cooperate because we make a big show of acting like we are disarming faster and they still don't cooperate, that may actually give us some very useful information about where the shared values really aren't and perhaps lead us to think a little bit more broad mindedly about how to deal with building a truly smart security platform in light of that in the future too.

Ms. WOOLSEY. Thank you.

Chairman BERMAN. I am going to recognize myself for one more round if you guys aren't so hungry that you can't stay here anymore.

No one talks about amending the NPT. You are talking about strengthening the IAEA hopefully based on something in the conference review file document if that is possible, but in any event is the IAEA doing something that will require countries to accept the Additional Protocol. What is the IAEA's power to do that and how would they enforce a desire to do that?

Mr. ALBRIGHT. The IAEA would act strictly at the level of the Secretariat, the Director General. It would just be saying that without it I can't do much. I mean, you ask me to inspect. Without that in place I can't do anything.

Chairman BERMAN. All right.

Mr. ALBRIGHT. So you need those kinds of statements and recognitions at the IAEA and I think with Mohammed ElBaradei sort of gave up. I mean, he was moving toward that because how many times do you have to get burned before you see the inevitable conclusion? We are hoping that with the new DG that there will be more support for that.

Chairman BERMAN. All right. So the Secretariat and the new Director General says that. And then what happens?

Mr. ALBRIGHT. Well, first of all you would like it at the Nuclear Suppliers Group. One thing that happened in the 1990 conference was Foreign Minister Genscher came from Germany, representing one of the last holdouts said look, if we are going to be supplying nuclear items countries have to have full scope or comprehensive safeguards. They can't just pick and choose and get the safeguards on what they get and ignore safeguards on the rest.

And so his statement at the NPT was a recognition that the time had come to implement that and then it was implemented at the Nuclear Suppliers Group. So, the NPT can serve as a way to solidify consensus and then stimulate action. And certainly as it has been pointed out, it has no real power by itself.

On the Additional Protocol at the IAEA, I don't know the legal mechanisms they could use. They are probably limited, but they can start making it tougher, for example, for countries to get technical assistance. They can start raising questions much more aggressively about where they are lacking the ability such as in Syria.

Syria refuses to cooperate with the IAEA. They are not held in noncompliance. I personally think the IAEA should be much more aggressive with Syria and perhaps threaten them with noncompliance.

Chairman BERMAN. And I guess the Bush administration got the IAEA to go to the Security Council and make referrals to the Security Council. What we got from the Security Council was pretty minimal, but there was a process there which—

Mr. ALBRIGHT. For both Iran and North Korea.

Chairman BERMAN. Right.

Mr. FORD. If I might add, sir? It is also worth pointing out I think that there are ways to make progress that don't require necessarily going through—on some issues that don't require going through all the procedural formal hoops too.

I mean, all of what David said I think is quite right, but many members this morning mentioned the issue of Article IV and how the peaceful uses component of the NPT has sort of been weirdly twisted around in recent years to become a weapon against the nonproliferation core of that same treaty.

One can make progress on those issues to a degree without going through the difficult and perhaps impossible process of actually amending the treaty simply by creating a counter narrative, and so far I think to our shame the United States Government has not created a counter narrative on Article IV. There are things to be said to attack the Iranian inspired interpretation.

Chairman BERMAN. The conditionality of the right to have nuclear energy.

Mr. FORD. Right. The fact that this does not entail a right. Everyone in the world can have a full fuel cycle if they wish to. That kind of sharing of benefits needs to be understood through the prism of proliferation good sense.

Chairman BERMAN. But the Nuclear Suppliers Group could do that in a nanosecond, if they wanted to.

Mr. FORD. The Iranians have made the argument that it is somehow a violation of Article IV for there even to be nuclear export controls and yet the developed countries who one would think would have a little more good sense on such matters have been very much afraid of taking up public positions to contradict the narrative that there is an inalienable right to any kind of nuclear technology one wishes as long as it is used for peaceful purposes.

Chairman BERMAN. Do you agree with that?

Mr. FORD. We don't have to concede that.

Mr. ALBRIGHT. No. It is a big problem. In fact, one of the reasons we started a project a couple years ago which led to this book, *Peddling Peril*, which thank you for mentioning, was that we really do need to think about this differently.

Iran has gotten to the point internationally, particularly in the developing world, where it justifies nuclear smuggling, breaking our laws on Article IV. It is just we denied them the right. Therefore, they have the right to steal from us.

So I think the narrative does have to be changed. I think there are two parts to it. One is that we have to recognize that these countries don't build nuclear weapons on their own. They are dependent on us in a sense—our suppliers, our companies—to pull this off. And the other is that it is illegal. It is a horrible action. It is very dangerous and only worsens our security and the international security for all of us.

I think that we have to in that sense really change the narrative and put it out as in a sense illegal activities that violate Article I and Article II of the Non-Proliferation Treaty, or at least show that they intend to violate them.

Chairman BERMAN. Mr. Burton?

Mr. BURTON. Yes. I just have a couple of questions. If we pass a very, very strong Iran sanctions bill that has teeth in it that says that there are going to be penalties for people doing business with Iran because of their nuclear program do you think it is possible—I mean, in the final analysis do you think it is possible—for us to pass legislation here in the Congress that will be effective enough to choke off the materials that they need to develop a nuclear weapons program, or does this have to be international in scope?

Mr. ALBRIGHT. It has to be international. They look for gaps.

Mr. BURTON. Okay. So if it has to be international this is an opinion I am asking for. Do you think it is possible that we can put enough teeth in there to put pressure on our allies who do business with Iran to choke off the materials that they need?

Mr. ALBRIGHT. I think the Europeans are helping quite a bit. I mean, there was a recent case of—

Mr. BURTON. I know, but that is not the answer. The answer I am looking for is—

Mr. ALBRIGHT. Can we do it?

Mr. BURTON [continuing]. Do you think it is possible to put enough pressure on them to choke—

Mr. ALBRIGHT. Yes. Yes. No. But it has to include countries like China too. It can't just be European allies. But, yes, I think it is—

Mr. BURTON. How would you do that with China?

Mr. ALBRIGHT. Well, one is no one has even asked them, as far as I can tell. I mean, this isn't sanctions. This is enforcing the existing laws on nuclear items and nuclear dual use items. There has not been much visible—

Mr. BURTON. Well, China in the past—

Mr. ALBRIGHT [continuing]. Requests to them by—I would even say by the United States of making it a priority.

Mr. BURTON. China in the past has not been—

Mr. ALBRIGHT. I guess you are disagreeing, but I—

Mr. BURTON. No. I am saying China in the past has not always been ready to acquiesce and work with us on issues of this magnitude, North Korea and so forth, so what can we do or what do you think we could do to entice China to change its policy so that they wouldn't be doing business with those countries?

Mr. ALBRIGHT. Well, I think one is I would say make it a public issue with them and make it an issue that you raise every time you meet them. The other is show how they are failing.

We are engaged in efforts with companies to say look, here is Iran trying to get things. You should stop your own company that is involved in that.

Mr. BURTON. In other words, talk to American companies who are doing business with China and try and do it that way?

Mr. ALBRIGHT. Well, making sure that American companies understand they should be hyper suspicious about some of the orders they are getting in China and to make sure that they follow through with due diligence so that it doesn't end up where they may see it as a domestic sale that actually it is ending up in North Korea or in Iran.

Mr. BURTON. Well, do you know what I would like to have? If the chairman agrees, I would like to have something in writing from you on things that you think we can do to put pressure on these—

Mr. ALBRIGHT. Sure.

Mr. BURTON [continuing]. Because we are going to be going—

Mr. ALBRIGHT. I would like the opportunity.

Mr. BURTON [continuing]. To conference here pretty quick on this Iran sanctions bill.

Chairman BERMAN. Can I just—

Mr. BURTON. Sure. I would yield to my colleague.

Mr. FORD. Might I add a cautionary note too on this?

Chairman BERMAN. There are two separate issues that we might be conflated here. One is a sanctions regime that is designed to put such a squeeze on Iran that it changes its mind.

The second is what you have now referred to several times, which is to this day Iran is getting centrifuge technology and other things from other countries, which sound to me like it is illegal in terms of—

Mr. ALBRIGHT. It is illegal even under Chinese law in many cases.

Chairman BERMAN. Right.

Mr. FORD. In that regard, sir—

Chairman BERMAN. Because that latter part, I have to tell you, I would like to hear more about that because I have assumed that notwithstanding the horrible record China has had on proliferation

recently that has not been the issue with China or Russia recently, that whatever they were giving, whoever they were training, whatever in terms of their institutes with technology and know-how that that area—you are telling me that that is not so?

Mr. ALBRIGHT. Well, it is not a conscious government policy of China—

Mr. FORD. That is my precautionary note.

Mr. ALBRIGHT [continuing]. To provide items. It is that Iran and North Korea find it very easy to go to China and acquire the items they need, and it could be from a European or U.S. supplier who has a subsidiary there, and the Chinese Government is not enforcing its laws.

Chairman BERMAN. Well, and A.Q. Khan talked about all kinds of European companies that were—

Mr. ALBRIGHT. Well, other countries have faced the same problem.

Chairman BERMAN. Yes, sir.

Mr. FORD. I don't think it is a completely foregone conclusion that these things are happening entirely without the knowledge or at least tacit consent of the governments in question. I don't know the answer, but there is a narrative that says it is just a sort of an oops situation with respect to Chinese enforcement. That may be true.

I was always struck, though, when I had some perspective, which I don't today, into the intelligence information on this sort of thing and who was actually making these transfers why one didn't see oops moments with regard to proliferation transactions to countries that China somehow considered to be a potential or actual strategic rival.

You saw these things with Pakistan and Iran. You didn't see them with India, for example, or American companies, for that matter, getting sensitive goods from the Chinese.

Chairman BERMAN. Because these are patriotic Chinese rogue companies?

Mr. FORD. I don't know the answer, but I always worried that there was an element in this, and I think we ignore the possibility at our peril that China and Russia for that matter may somewhere in the back of their mind think it is kind of cool to mess with U.S. global strategy by in a sense at least turning a blind eye, if not actually facilitating the development of nuclear or near nuclear capabilities by countries that are perceived generally as being a problem for the United States in terms of its global strategy.

Mr. ALBRIGHT. Yes. I think that is always worth keeping in mind, but I think China several years ago was willing to put the pressure on the Chinese suppliers or trading companies to stop sales to North Korea and they did it to the point where North Korea even in a bilateral, according to a very senior Chinese official I talked to, complained that you were really cutting things off.

Mr. FORD. It is a policy rheostat of theirs, and the trick is to get them to turn it down, but it is not an entirely autonomous—

Mr. ALBRIGHT. Yes. Well, let me give an example. Germany. Germany in the 1980s was a major supplier for proliferant states, and their government certainly knew it was happening. They didn't particularly have an interest in Iraq having nuclear weapons or

Libya having chemical weapons, but they knew it was taking place and they wouldn't stop it.

I would say that to first order right now we are dealing with China in that way. I think there is some interest in China that I would agree with Dr. Ford would like to see this, but I don't think it is Chinese Government policy at the highest levels to do this, and I think it is time that China be held accountable for this and press to stop it.

If then they won't then we may have exposed a very fundamental problem with China, which I think we would have to address, but right now I think that to me it is a case of a country turning a blind eye and letting suppliers do things that they are not allowed to do legally.

Mr. BURTON. If the chairman would yield me a little extra time? Chairman BERMAN. It is your time.

Mr. BURTON. Well, my time has run out, but if you could just be a little lenient I would appreciate it.

First of all, China is a totalitarian state. For somebody to tell me that they don't know that—

Mr. ALBRIGHT. It is a wild west.

Mr. BURTON. Come on.

Mr. ALBRIGHT. No. It is.

Mr. BURTON. Naiveté is running rampant sometimes. I don't believe that. I believe that they know what is going on and that they probably have the ability to turn a blind eye and they probably do, but here is the thing. I would like to have, and I am sure the chairman would share in this.

I would like to have any suggestions you have on things that we could do to put pressure on Russia, China or any of our allies that are doing business with Iran or Korea that is endangering the security of the region and the United States of America. I think it would be great because we have gone through this whole hearing, and what we are talking about right now is one of the most relevant parts of the hearing. It is how are they getting this stuff and how do we stop it and what kind of steps can we take to stop it.

I have one more question real quick, and then I will let you guys go have lunch. It is a little late, but I wish you well. And that is I had a number of televised meetings with one of my colleagues that used to be close to the Russian Duma, Curt Weldon, who is no longer in Congress, and he brought before me a mockup of a briefcase nuclear weapon that the Russians had perfected that weighed about 40 pounds, and it could destroy eight square blocks—make it all a cinder—if it was utilized.

They have never been able to account for about 50 of those. I just wonder if any of those got into the hands of, and you may not be able to answer this. If they got into the hands of the Iranians. I understand they have to be upgraded and additional materials have to be put in them, but are they capable?

Are they in the process or could they be in the process of developing these nukes that could be put in a backpack or briefcase that could get into the United States and do as much damage in the short run as a major nuclear weapon?

Mr. LUONGO. Well, the Russians developed very small, tactical nuclear weapons that could be man portable. They had atomic

demolition mines and other things. It is true that the material in those weapons, just like in other Russian weapons, deteriorates at a more rapid pace than say other countries. I don't know how many have not been accounted for. The Russians have not been particularly transparent.

Mr. BURTON. Well, we talked to people in the Duma and the KGB, Mr. Weldon did, and he assured me there were about 85 to 100 produced and they can only account for about 35 to 40 of them.

Mr. LUONGO. Yes. I am familiar with former Congressman Weldon's statements on the subject. The Russians I think have assured the United States Government that they are not floating around. That is my understanding at least.

Mr. ALBRIGHT. Yes. If I could add? On Iranian capabilities, according to the IAEA reporting both internally, and we have put some of the sort of internal documents that were linked out on our Web site. They are looking for a warhead that is about .6 meters across. It is not that big. It will weigh several hundred kilograms.

But still, they are shooting for a small warhead and the assessments by the IAEA are that they can do that. It may not be reliable, and they have some work to do to finish that, but essentially their focus is on smaller weapons.

Mr. BURTON. Would that be portable, something that could be carried?

Mr. ALBRIGHT. Well, sure. It is not going to be carried on someone's back, but it is not hard to transport that kind of thing.

If you are talking about unsophisticated delivery systems, you have to worry a great deal about Iran having enough highly enriched uranium for a nuclear weapon. We shouldn't just think of it as they have the material and then somehow we have 3 or 4 years before they could actually mount it on a missile.

The problems of putting it on the missile are quite a bit more than if you just wanted to put together a smaller nuclear weapon that would not have to survive the harsh environment that a missile would have to go through, so I think we do have to worry that if Iran does make a move to get HEU and it gets it that we have to worry a great deal about unsophisticated delivery systems.

Mr. FORD. If I might add, sir, on the note of Iranian acquisition of material, there are some famous problems with sort of the infamous 2007 national intelligence estimate on Iran that the U.S. intelligence community put out, but one of the interesting and much overlooked comments in there was the assessment or the suspicion with a degree of certainty—I have forgotten how probable they thought it was, but it was believed, as I recall, that Iran had indeed acquired through sort of smuggling links or something, had acquired some quantity of fissile material.

Not weapons. That was not the statement, but the idea was that they probably had not acquired enough to use that material in a weapon, but that there had indeed been essentially smuggling derived acquisition of fissile material by the Iranian regime probably from the former Soviet Union, but I don't think it was explicitly said.

But quite apart from the issue of backpack nukes, I mean, there was already stuff out there about Iran having acquired fissile material on presumably international black markets.

Mr. BURTON. Thank you, Mr. Chairman.

Chairman BERMAN. I will close with just this article dated today on NPR. It is on their Web site anyway. Algeria, Egypt, Kuwait, Libya and Syria and others made it clear at a disarmament meeting at the U.N. General Assembly that they would oppose a series of U.S. backed measures, including a proposal to strengthen U.N. scrutiny of countries' nuclear energy programs designed to reign in nuclear proliferators like North Korea and Iran.

There is mistrust, said Egypt's U.N. Ambassador, chairman of the Non-Aligned Movement. Speaking for the General Assembly debate entitled Disarmament of World Security, the Egyptian envoy said the five major nuclear powers are seeking to impose new demands on non-nuclear powers while failing to fully live up to their own disarmament obligations and permitting a special group of actors—Indian, Israel, Pakistan—a free pass to produce nuclear weapons without having to abide by the obligations of signatories.

The Ambassador thought to turn the tables on the big powers, demanding the nuclear states submit themselves to U.N. inspections under their nuclear programs and commit to the total elimination of atomic weapons by a certain date and indicated his opposition to a series of Western-backed initiatives to punish countries who withdraw from the NPT and plan to establish a U.N. fuel bank to supply nuclear non-nuclear states.

Maybe an argument for your theory of the credibility issue here in terms of what we are doing, but I am curious. Is this just sort of ideological and stick your thumb in our eye, or for Egypt, let us say, is this a hedge based on what Iran might achieve to give them sort of the flexibility to make their own moves in response?

Mr. FORD. I have made that suggestion publicly myself, what you are just suggesting, and I was intrigued to hear it from Ambassador Burk here a little while ago. She chastised me at a conference last fall for having the bad manners to articulate that theory to the Egyptian representative present, but I am glad to see that it is in fact an Obama administration concern as well that we share that.

I am very worried about this. The Egyptians in particular, but not exclusively, have been laying the groundwork for a diplomatic campaign to raise the Israeli issue for some time. We have seen that over the past several years with what gives every appearance of being a very systematic campaign to prepare for some kind of an ultimatum of sorts, whatever you want to call it, in connection perhaps with this RevCon.

What they demand has never been particularly clear to me. What they would consider to be resolution of the problem in practical terms, as opposed to pie in the sky terms, has never been very clear to me, and it is very possible that the coincidence of all of these issues having been raised in the wake of the outing of Iran's secret nuclear work in 2002 is no coincidence at all and that this is in fact some kind of a hedge.

I can't say that that is the case. I worry about it very much, and I am glad that it is actually publicly being talked about.

Mr. ALBRIGHT. I think both are going on. This is the rhetoric you run into at this conference, and it is the job of the United States

and its allies to come up with decent language that serves U.S. and nonproliferation interests.

In fact, I can tell you that senior Egyptian officials have said who are in the government—they claim they are talking privately, but they said look, if this plays out with Iran getting nuclear weapons, nothing is done about Israel, then we will probably withdraw. And then they add, of course, that of course we won't build nuclear weapons.

I didn't think to remind them at the time that when North Korea withdrew in 2003 it said we will only do peaceful activities. So, I mean, I think we are heading to a very bad time potentially, and whether this nonproliferation regime continues is going to be based on what we do about Iran.

Mr. BURTON. I would like the other ideas.

Chairman BERMAN. Great. We are very receptive to your ideas, but try to get them in before they have the nuclear weapon.

The hearing is adjourned. Thank you all very much for your interest.

[Whereupon, at 1:02 p.m. the committee was adjourned.]

A P P E N D I X



MATERIAL SUBMITTED FOR THE HEARING RECORD

FULL COMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

Howard L. Berman (D-CA), Chairman

April 14, 2010

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at <http://www.hcfa.house.gov>)**:

DATE: Wednesday, April 21, 2010

TIME: 10:00 a.m.

SUBJECT: Stopping the Spread of Nuclear Weapons, Countering Nuclear Terrorism: The NPT Review Conference and the Nuclear Security Summit

WITNESSES: Panel I

The Honorable Susan F. Burk
Special Representative of the President for Nuclear Nonproliferation
U.S. Department of State

The Honorable Bonnie D. Jenkins
Coordinator
Threat Reduction Programs
U.S. Department of State

Panel II

Mr. David Albright
President
Institute for Science and International Security

Mr. Kenneth N. Luongo
President
Partnership for Global Security

Christopher Ford, Ph.D.
Director, Center for Technology and Global Security
Senior Fellow
Hudson Institute

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE HEARING

Day Wednesday Date 4/21/10 Room 2172 RHOB

Starting Time 10:05 A.M. Ending Time 1:03 P.M.

Recesses (to)

Presiding Member(s) Howard L. Berman (CA), Chairman

CHECK ALL OF THE FOLLOWING THAT APPLY:

Open Session Electronically Recorded (taped)
Executive (closed) Session Stenographic Record
Televised

TITLE OF HEARING or BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*
Stopping the Spread of Nuclear Weapons, Countering Nuclear Terrorism: The NPT Review Conference and the Nuclear Security Summit

COMMITTEE MEMBERS PRESENT:
see attached

NON-COMMITTEE MEMBERS PRESENT:

HEARING WITNESSES: Same as meeting notice attached? Yes No
(If "no", please list below and include title, agency, department, or organization.)

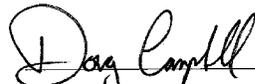
STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*
n/a

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

| <u>Subject</u> | <u>Yeas</u> | <u>Nays</u> | <u>Present</u> | <u>Not Voting</u> |
|----------------|-------------|-------------|----------------|-------------------|
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TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED 1:03PM



Doug Campbell, Deputy Staff Director

**Attendance - HCFA Full Committee Hearing:
Stopping the Spread of Nuclear Weapons, Countering Nuclear Terrorism: The NPT Review
Conference and the Nuclear Security Summit
Wednesday, April 21, 2010 @ 10:00 a.m. , 2172 RHOB**

Howard L. Berman (CA)
Brad Sherman (CA)
William D. Delahunt (MA)
Diane E. Watson (CA)
Albio Sires (NJ)
Gerald E. Connolly (VA)
John S. Tanner (TN)
Gene Green (TX)
Lynn C. Woolsey (CA)
Sheila Jackson-Lee (TX)
Shelley Berkley (NV)
David Scott (GA)
Jim Costa (CA)

Ileana Ros-Lehtinen, (FL)
Christopher H. Smith (NJ)
Dan Burton (IN)
Dana Rohrabacher (CA)
Edward R. Royce (CA)
Mike Pence (IN)
John Boozman (AR)
Jeff Fortenberry (NE)
Michael T. McCaul (TX)
Ted Poe (TX)
Bob Inglis (SC)

April 21, 2010

Verbatim, as delivered

Chairman Berman's opening remarks at hearing, "Stopping the Spread of Nuclear Weapons, Countering Nuclear Terrorism: The NPT Review Conference and the Nuclear Security Summit"

We are all very fortunate that nuclear weapons have not been used for nearly 65 years. For most of that time, these fearsome weapons were confined to a handful of states. Their use was limited – although sometimes just barely – by the Cold War doctrines of deterrence and Mutual Assured Destruction.

But the world has changed dramatically over those six decades. As President Obama noted in his Prague speech last spring, I quote:

"Today, the Cold War has disappeared, but thousands of those weapons have not. In a strange turn of history, the threat of global nuclear war has gone down, but the risk of a nuclear attack has gone up. More nations have acquired these weapons. Testing has continued. Black market trade in nuclear secrets and nuclear materials abound. The technology to build a bomb has spread. Terrorists are determined to buy, build or steal one. Our efforts to contain these dangers are centered on a global non-proliferation regime, but as more people and nations break the rules, we could reach the point where the center cannot hold.", unquote.

In short, the global nuclear nonproliferation regime faces three fundamental challenges: enforcement; a crisis of confidence; and the three "T's" – theft, trafficking, and terrorism.

To be effective, the regime's obligations and norms must be enforceable, with swift and sure punishment for serious sanctions.

As we all know, North Korea was able to accumulate several bombs-worth of plutonium and build crude nuclear devices – and likely began a uranium enrichment program, aided by A.Q. Khan's nuclear trafficking network.

And Iran's secretly built multiple uranium enrichment facilities – also with assistance from Khan. According to official estimates, it could produce enough weapons-grade uranium for one bomb within one year of expelling IAEA inspectors – assuming Iran doesn't have a covert enrichment program.

Both nations pursued these clandestine activities while they were members of the Treaty on the Non-Proliferation of Nuclear Weapons, the corner-stone of the global nuclear nonproliferation regime.

If these states are able to escape significant punishment – in the form of crippling sanctions, international isolation, or other decisive action – until their nuclear weapons capabilities and ambitions are halted and reversed, the result could well be a cascade of new nuclear aspirants, and the collapse of the NPT and the entire regime.

The second challenge springs, in part, from the first: the NPT and the nuclear nonproliferation regime are facing a "crisis of confidence" on many fronts. Both developed and developing states – especially those threatened by North Korea and Iran – question whether the regime can really prevent, punish or roll-back nuclear proliferators.

And developing countries wonder if the regime really will promote their access to civil nuclear applications, while fostering the eventual disarmament of the five recognized "Nuclear Weapon States."

The third challenge to the regime is one it was never designed to counter: the actions of criminals and terrorists to steal or traffic in the means to produce and to use a nuclear or radiological weapon. Unsecured or poorly-secured nuclear-weapons-related material and radioactive material are abundant worldwide.

Today's hearing is intended to assess how the United States and the international community can counter these threats through multilateral cooperation. We will focus on two events: the just-concluded Nuclear Security Summit and the NPT Review Conference to come next month.

At last week's global Nuclear Security Summit, 47 countries committed to securing all sensitive nuclear materials from theft and use by terrorists in four short years.

The communiqué and work plan issued at the conclusion of the Summit constitute a necessary first step – but only the first step – in accomplishing this ambitious goal. There will be a formal follow-up meeting six months from now, and a second Summit in two years.

Some have dismissed the Nuclear Security Summit for accomplishing too little in two days. But these critics confuse the first step with the journey itself.

The second major focus of this hearing will be the NPT Review Conference that begins in less than two weeks.

This convocation of all 189 members of the NPT happens once every five years. As often as not, these meetings have been riven by controversy, deepening the crisis of confidence in the efficacy of the nuclear nonproliferation regime as a whole. A successful conference – particularly one united in its condemnation of Iran's nuclear programs – is absolutely essential.

To accomplish this requires leadership, especially from the United States. And an essential part of credible leadership is practicing what one preaches.

For many years, other states have been able to duck their own responsibilities in sustaining the nonproliferation regime by claiming that the United States has not done enough to reduce its own nuclear weapons arsenal to fulfill its commitment under the NPT toward disarmament.

These states will have a tougher case to make after the other events of the last two weeks.

We've witnessed the long-anticipated signature of a new U.S.-Russia strategic arms reduction treaty that cuts the arsenals of both countries by about 30%, and re-establishes and streamlines the crucial monitoring and verification regime that terminated when the START I treaty expired in December.

We've also seen the issuance of a new U.S. Nuclear Posture Review Report that for the first time elevates halting the spread of nuclear weapons and preventing nuclear terrorism to a core mission of U.S. nuclear strategy. The NPR also strengthened the U.S. assurance not to use or threaten use of nuclear weapons against NPT countries that were compliant with their obligations under that treaty.

Critics have complained that the "New START" treaty does too much, or too little; that the Russians got more from it than we did – although many Russians claim the reverse; and that it will limit our ballistic missile defenses – except that it doesn't.

Critics of the Nuclear Posture Review have also complained that it does too much or too little, although the respected Democrat and Republican statesmen who led the Congressional Commission on the Strategic Posture of the United States, former Secretaries of Defense James Schlesinger and William Perry, have pronounced it, "just right."

We have taken these steps because it's in the U.S. national security interest to do so. The U.S., and Russia, are better off with fewer nuclear weapons – a position strongly supported by Defense Secretary Gates and Admiral Mullen, Chairman of the Joint Chiefs of Staff. And the U.S. – and Russia, and France, the U.K. and China – have all pledged not to use nuclear weapons against non-nuclear states because these "negative security assurances" helps us build international support to strengthen the nuclear nonproliferation regime.

Committee on Foreign Affairs
“Stopping the Spread of Nuclear Weapons, Countering Nuclear Terrorism: The NPT Review
Conference and the Nuclear Security Summit

April 21, 2010

Rep. Mike Pence:

Thank you, Mr. Chairman. Today’s hearing on the threat of nuclear terrorism and the continuing danger it poses to the United States and our allies around the world is timely and certainly a welcome opportunity to discuss the challenges this country faces with our distinguished panel. Mr. Chairman, your continued leadership and that of the Ranking Member, in this committee and this Congress on matters of nuclear proliferation is appreciated and I commend you both for calling today’s hearing.

President Obama’s goal of keeping these weapons out of the hands of terrorists and to secure all nuclear materials by 2012 is certainly an admirable goal that, presumably, along with every Member of this committee, I share. Terrorist groups are actively pursuing such weapons for use against our homeland or interests abroad. The nuclear aspirations of rogue regimes threaten the peace and stability of their respective regions and indeed the world. It is critical that we do whatever it takes to keep nuclear technology out of the hands of terrorists and menacing regimes while maintaining our own deterrent force.

However, I must say the administration’s actions are not matching its rhetoric. I was troubled by the developments of the recent Nuclear Security Summit and the Administration’s release of the Nuclear Posture Review. The NPR emphasizes the President’s goal of a nuclear weapons-free world, led by a dramatic disarmament of the United States, a dramatic shift from the policy that has successfully prevented a nuclear attack against us or our allies for more than six decades.

In the face of growing nuclear threats, the Administration is seeking to establish a policy of maintaining our aging ground-based assets rather than modernizing them to adapt to the latest threat environment, all after scrapping the planned missile defense systems in Europe.

These factors will incentivize countries like Iran and North Korea to continue the development of their own nuclear weapons and the means to deliver them. Furthermore, countries like Russia and China, who have committed to the modernization of their nuclear arsenals, would enjoy a technological advantage over the United States under this administration’s proposal.

Certainly, Iran’s steady progress towards a nuclear program represents a clear threat to American national security interests and an existential threat to our most cherished ally, Israel.

Without decisive leadership on behalf of President Obama, Iran’s ability to employ a nuclear weapon in the near future will lead to the proliferation of these weapons throughout the Middle East and beyond.

The global non-proliferation regime currently in place will be threatened and with increased nuclear proliferation, terrorist groups like Hamas and Hezbollah would be strengthened by the belief that a nuclear Iran would be able to deter outside powers from responding to their actions.

I recently worked with Congressman Jesse Jackson Jr. and an overwhelming bipartisan majority of more than 360 House Members in sending a letter to President Obama urging him to immediately impose crippling sanctions on the government of Iran. It is clear that the will of the people and their elected representatives in the People's House is to move forward decisively.

As President Obama noted in Prague last year, a nuclear Iran will "increase insecurity for all." The prospects of a nuclear armed Iran are certainly frightening, and that is why it is imperative the Administration deny the Iranian regime a nuclear weapons capability.

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

STATEMENT OF
THE HONORABLE ENI F.H. FALEOMAVAEGA
CHAIRMAN

before the
COMMITTEE ON FOREIGN AFFAIRS

“Stopping the Spread of Nuclear Weapons, Countering Nuclear Terrorism:
The NPT Review Conference and the Nuclear Security Summit”

APRIL 21, 2010

Mr. Chairman, the proliferation of nuclear weapons and the threat of nuclear terrorism present grave dangers to the United States and to peace and stability around the world. In April last year in Prague, President Obama succinctly described those dangers. With the end of the Cold War, he said, “the threat of global nuclear war has gone down, but the risk of nuclear attack has gone up. More nations have acquired these weapons. Testing has continued. Black market trade in nuclear secrets and nuclear materials abound. The technology to build a bomb has spread.”

In his speech in the Czech Republic, the President also laid out a bold vision for reducing the nuclear threat in calling for a recommitment by the United States and global community to a world without nuclear weapons. To move toward that goal, he outlined steps to reduce U.S. and Russian nuclear warheads and stockpiles, to strengthen the Nuclear Non-Proliferation Treaty (NPT) and to enhance efforts to secure vulnerable nuclear materials around the world.

The vision of a nuclear-weapons free world is far from a utopian dream. Indeed, it is a goal embedded in the NPT, the cornerstone of the

global nuclear non-proliferation regime. It is also a goal that was embraced by President Dwight Eisenhower in his 1953 “Atoms for Peace” address and sought aggressively by President Ronald Reagan in his 1986 summit with Mikhail Gorbachev in Reykjavik. Reagan called for the abolishment of “all nuclear weapons” because he considered them, “totally irrational, totally inhumane, good for nothing but killing, possibly destructive of life on earth and civilization.”

More recently, a bipartisan group of statesmen led by George Shultz, William Perry, Henry Kissinger and Sam Nunn laid out the case for a world free of nuclear weapons. As they argued in a prominent article in *The Wall Street Journal* in 2007, unless that is the objective, the United States “soon will be compelled to enter a new nuclear era that will be more precarious, psychologically disorienting and economically even more costly than was Cold War deterrence.”

In the twelve short months since he outlined his approach in Prague, President Obama has made remarkable strides. On April 6, 2010 the Administration released its Nuclear Posture Review, which rules out a U.S. nuclear attack against non-nuclear-weapon states complying with the NPT.

It also renounces the development of new nuclear weapons and details how deterrence can be strengthened through the effective use of intelligence and the greater precision of conventional weapons rather than an over-reliance on nuclear warheads.

Last week, building on previous treaties negotiated by Presidents Reagan and George H.W. Bush, President Obama signed a new START agreement with Russian President Medvedev, committing both countries to reducing their deployments of strategic warheads by nearly one-third and their launchers by one-half.

Just as significant, the President's Nuclear Security Summit – the largest international gathering convened by a U.S President since the founding of the United Nations in 1945 – resulted in a pact among the 47 participating states to “lock down” insecure nuclear materials that could otherwise be diverted for use in weapons of mass destruction. In this respect, I would like to note previous leadership toward this end provided by one of the countries participating in the Summit, Kazakhstan. That country demonstrated to the international community its commitment to nuclear disarmament and nonproliferation when it voluntarily renounced the world's

fourth largest nuclear and missile arsenal and shut down the Semipalatinsk nuclear test site. That decision enhanced global security, reduced the threat of weapons of mass destruction falling into the hands of terrorists and showed the sort of vision embraced by the Summit.

In working to fulfill the promise of Prague, President Obama's "nuclear spring" has laid the groundwork for next month's crucial NPT review conference, which is aimed at strengthening the treaty ratified by more countries than any other arms agreement. Gaining consensus to strengthen the NPT will not be easy. But President Obama's comprehensive and sustained diplomacy has already resulted in tangible, positive steps toward reducing the terrible threat posed by loose nuclear materials and nuclear weapons.

HCFA Full Committee Hearing April 21, 2010
NPT Review Conference and the Nuclear Security Summit
Opening Statement- Judge Ted Poe

When it comes to nuclear policy, the Administration doesn't get it. On April 6, 2010, the Administration released a delayed Nuclear Posture Review (NPR)—a mandatory evaluation of U.S. nuclear policy, capabilities and requirements for the next five to ten years. The NPR emphasizes the president's desire to achieve a nuclear weapons-free world.

If we could rewind science and go back 60 years, we might be able to consider such a world. But that's not the world we live in—man did invent nuclear technology and now it's up to us to handle it responsibly. Up until now, the only thing that has prevented this world from being blown apart is mutual deterrence. You have nukes. I have nukes. Let's not nuke each other.

Here's my problem with the President's NPR: if we take him seriously and really move towards a world without nukes, in the end we have to rely on trust. Let's say that we get all the known nuclear weapon states together and all agree to destroy our nukes, who's going to be the first one to destroy their nukes? And how do we prevent someone from secretly storing one, "just in case."

We won't ever be able to know for certain that every nuclear state truly followed through on their promise. If an evil dictator rises to power in a state that secretly held on to its nuclear weapon, who is going to deter him then? Or what about the non-nuclear states? Every state was once in that category, yet was able to develop the capability to do so. What if Iran, who has promised to wipe Israel off the map, develops nuclear weapons, what deterrence does a nuclear-free United States of America have then? Or what if terrorists, like al-Qaeda, become nuclear capable? Who is going to protect the free world then? That's why the Administration's new nuclear strategy makes no sense. It gives up one of the main tools this country has to protect the free world from those who wish to do it harm.

Instead of taking options off the table, we should be putting more on. Iran is in clear violation of the Nuclear Non-Proliferation Treaty. Everyone knows it. Iran needs to know that we will flat out not accept it becoming a nuclear weapon state. Yet the Administration has no policy, but just drifting with the current. In a secret three-page memorandum to national security adviser Gen. James L. Jones, Defense Secretary Robert M. Gates warned that the United States does not have an effective long-range policy for dealing with Iran's steady progress toward nuclear capability. That's it—right from the horse's mouth. We don't have a policy. Last week the President had 42 heads of state in town. That's right, 42. Here was a unique opportunity to lead, to bring the world along and develop a unified coalition against Iran. But Iran was not even on the agenda.

When is the White House going to start taking Iran seriously? When are we going to see some sort of policy? What's our plan? I want to know when the US is done talking and ready to take action. Just yesterday a new 12 page unclassified report prepared by the Department of Defense on the Iran Military Threat said that "With sufficient foreign assistance, Iran could probably

develop and test an intercontinental ballistic missile (ICBM) capable of reaching the United States by 2015." So if being able to wipe Israel off the map wasn't enough to get the President to start taking Iran seriously, how about the complete destruction of a major US city? The time for talk is over—the US needs to stand up with a coalition of the willing and lead.



**OPENING STATEMENT OF
THE HONORABLE RUSS CARNAHAN (MO-03)
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES**

**Hearing on
*Stopping the Spread of Nuclear Weapons, Countering Nuclear Terrorism:
The NPT Review Conference and the Nuclear Security Summit*
Wednesday, April 21, 2010, 10:00 a.m.
2172 Rayburn House Office Building**

Chairman Berman and Ranking Member Ros-Lehtinen, thank you for holding this hearing regarding the recent Nuclear Security Summit and the upcoming Non-proliferation Treaty (NPT) Review Conference. I appreciate the attention that is being given to this topic and hope that we can work towards achieving a peaceful, secure, and nuclear weapon-free world.

Nuclear proliferation continues to pose very serious domestic and international security threats. While more nations continue to acquire and test nuclear weapon technology, non-state terrorist groups also engage in black market trade and theft in efforts to mount their own nuclear arsenal. Global cooperation in non-proliferation is essential to accomplishing real progress toward reducing the world's nuclear weapons arsenals, and the U.S. must take a leading role in driving international non-proliferation efforts.

I am encouraged that the Obama Administration has not only pledged to launch "a new international effort to secure all vulnerable nuclear material around the world within four years," but has already taken significant steps towards achieving this goal through multilateral engagements. Recent actions, including gathering leaders from 47 countries in Washington, D.C. for the Nuclear Security Summit, the signing of the New START Treaty with Russia, and the release of a Nuclear Posture Review clearly demonstrate the U.S.'s commitment to fulfilling its disarmament responsibilities under the NPT. I am interested in hearing from the witnesses today on how our strengthened multilateral relationships will enhance our objectives of nuclear non-proliferation. Particularly, I hope the witnesses will speak to how the U.S. can leverage the international community at the upcoming NPT Review Conference to address the dangers posed by North Korean and Iranian weapons programs. I would also like to hear about our efforts to buttress peaceful nuclear power that has risen as a means to help combat climate change and ensure energy security.

In closing, I'd like to thank the panelists for their testimonies and presence here today. I hope that your answers and opinions will further our understanding of the challenges to achieving nuclear non-proliferation.

The Honorable Gerald E. Connolly (VA-11)

**HCFA Hearing: Stopping the Spread of Nuclear Weapons, Countering Nuclear Terrorism: The NPT Review Conference and the Nuclear Security Summit
Wednesday, April 21, 2010
10am**

The security of our borders is dependent on our engagement with other nations on arms control. The growing nuclear ambitions of North Korea and Iran, coupled with the potential threats from unsecured nuclear material, display the need for the United States to reprioritize arms control and note the actions that past Presidents from both parties undertook with regard to nuclear weapons.

President Obama's recent renegotiation of the New Strategic Arms Reduction Treaty (New START) is a welcome continuation of the legacy of nuclear cooperation between Washington and Moscow. Our two nations, which together hold more than 90% of the world's nuclear weapons, agreed to reduce nuclear arms by 30%. Moreover, New START places no limits on the United States' missile defense systems and plans. This treaty establishes a nuclear agreement between the two major nuclear weapons states, and allows the US, Russia, and other nations, to address threats posed by emerging nuclear ambitions from nations like North Korea and Iran.

Earlier this month, the United States hosted a Nuclear Security Summit in which 47 countries participated. The summit concluded with a joint communiqué in which attendees stated their "commit[ment] to strengthen nuclear security and reduce the threat of nuclear actions." The Nuclear Security Summit acknowledged the importance of concepts that are complementary to U.S. national security objectives. For example, the attendees "recognize[d] that highly enriched uranium and separated plutonium require special precautions and agree[d] to promote measures to secure, account for, and consolidate these materials." Perhaps most notably, the communiqué also "recognize[d] the need for cooperation among States to effectively prevent and respond to incidents of illicit nuclear trafficking." Given the growing threat to our borders from non-state actors over the past decade, this last declaration lays the foundation for future international cooperation with regard to nuclear trafficking. The United

States ought to cooperate with its allies to prevent nuclear proliferation to maximize the positive national security outcome.

President Obama's actions follow a long-established precedent for the United States' leadership on nuclear cooperation. The Reagan Administration outlined negotiating positions to address intermediate-range missiles, long-range strategic weapons, and ballistic missile defenses. During his second term in 1987, President Reagan signed the Intermediate-Range Nuclear Forces Treaty (INF), which eliminated all nuclear-armed ground-launched ballistic and cruise missiles with ranges between 300 and 3,400 miles and their infrastructure. The momentum continued with President George H.W. Bush, who continued to pursue the first Strategic Arms Reduction Treaty (START), which the U.S. and Soviet Union signed in 1991. In order for the United States to have credibility and authority on international nuclear issues, continued engagement and cooperation are necessary.

The United States' convening and hosting of the Nuclear Security Summit, coupled with its recent negotiation of New START with Russia, places the United States in a unique negotiating position ahead of the upcoming Review Conference of the NPT. At the May conference, the United States will have reserves of credibility and goodwill essential to gaining allies in addressing the looming threats from North Korea and Iran's nuclear ambitions. With regard to Iran, Chairman Berman and this committee have shown exceptional leadership, and I look forward to supporting further action on the Iran sanctions bill this week on the Floor.

I welcome the testimony from our witnesses today on how the United States can work with other nations to take concrete action to address nuclear threats.

Congressman Keith Ellison
Statement on Nuclear Security Summit and NPT
April 21, 2010

Let me start by thanking Chairman Berman and Ranking Member Ros-Lehtinen for holding this important hearing. I want to commend President Obama for his leadership on nuclear nonproliferation. It is clear that when it comes to nuclear security, a unilateral foreign policy approach does not protect us from the threat of nuclear war and nuclear terrorism. As President Obama understands, and I agree, international cooperation works.

In 2002, the Bush Administration decided to withdraw unilaterally from the Anti-Ballistic Missile (ABM) Treaty. This action seriously undercut one of the primary pillars of the Nuclear Nonproliferation Treaty. The NPT was based on the promise that the United States, with other nuclear powers, would lead the world in promoting effective arms control. As the landmark treaty between two nuclear superpowers, the ABM Treaty was the central agreement communicating this promise. When the United States simply abandons an effective arms control treaty, it loses legitimacy in telling other countries that they must comply with international rules about proliferation.

Mr. Chairman, we know that international cooperation works. Nuclear-capable countries that have renounced active nuclear weapons programs -- Argentina, Brazil, South Africa, Kazakhstan, the Ukraine, and Belarus -- have all done so in the context of international support and collaboration and growing democratization. Each of these countries decided, with the support of the International Atomic Energy Agency and the international community, that common security would be enhanced by a decision not to rely on nuclear weapons for conflict prevention.

Finally, as President Obama has noted, the United States has an unparalleled nuclear arsenal and is the only country to ever use nuclear weapons in war. We have a moral responsibility to demonstrate that we practice what we preach when we ask other countries to work collaboratively to reduce the unacceptable risk posed by nuclear weapons. I commend President Obama for pushing the importance of multilateralism on this issue, a theme that I fully endorse.

**Questions for the Record Submitted to
Ambassadors Susan Burk and Bonnie Jenkins by
Representative Russ Carnahan
House Foreign Affairs Committee
April 21, 2010**

Question:

This April's Nuclear Security Summit produced an agreement by 47 countries on better safeguarding nuclear material. How can the U.S. leverage its relationships within the international community to build on that and work together to ensure this May's Nuclear Non-Proliferation Treaty Review Conference is a success?

Answer:

The Nuclear Security Summit maintained a narrow focus on nuclear security and the risk of nuclear terrorism. The leaders of 47 nations came together to advance a common approach and commitment to nuclear security at the highest levels. Leaders in attendance renewed their commitment to ensure that nuclear materials under their control are not stolen or diverted for use by terrorists, and pledged to continue to evaluate the threat and improve the security as changing conditions may require, and to exchange best practices and practical solutions for doing so. The Summit reinforced the principle that all states are responsible for ensuring the best security of their materials, for seeking assistance if necessary, and providing assistance if asked. While there was no direct linkage between the Summit and the NPT Review Conference (RevCon), we believe the momentum generated by the success of the Summit, which was attended by a broad cross-section of countries, will carry over and serve as a constructive example of multilateral engagement on important, substantive issues as we work with our NPT partners to foster a successful NPT Review Conference.

The scope of the NPT is much broader – and correspondingly our outreach to our NPT interlocutors is much more diverse. With this in mind, at the NPT RevCon, the United States will pursue an outcome that strikes a balance among the NPT's three pillars of nonproliferation, disarmament, and peaceful uses. With the success of the Nuclear Security Summit in mind, the United States will engage with many NPT Parties, groupings of NPT Parties (such as the Non-Aligned Movement – NAM) to ensure this May's NPT RevCon is a success. The United States will work with its partners to enhance the IAEA's ability to verify states' compliance with their safeguards obligations (including by promoting universal adherence to the Additional Protocol), seek tighter restrictions on transfers of sensitive technologies, adopt stronger measures of enforcing NPT compliance, and seek measures to dissuade Parties from abusing the Treaty's withdrawal provisions.

Question:

One of the NPT's three main objectives is addressing guidelines for the peaceful use of nuclear energy. President Obama has proposed a new framework for civil nuclear cooperation that would include international fuel banks. Please elaborate on how this framework would encourage the pursuit of nuclear energy while also addressing the proliferation risks posed by certain portions of the nuclear fuel cycle.

Answer:

The United States, working along with like-minded nations, is taking steps to build an international framework for civil nuclear cooperation to ensure that countries have access to nuclear energy for peaceful purposes while minimizing the risks of proliferation. Such a framework could rely on a combination of government and industry commitments to reassure states in compliance with their nonproliferation obligations that all of their nuclear fuel servicing needs can be met by the commercial marketplace without fear of disruption.

As part of a broader strategy to encourage reliance on international markets rather than development of indigenous fuel cycle technologies, a multilateral fuel bank could play an important role in persuading countries not to pursue an indigenous uranium enrichment capability. Developing such capabilities is very expensive. Some, most notably Iran, have argued that to ensure energy security a state relying on nuclear power must develop an enrichment capability so that it can make its own nuclear reactor fuel. However, the uranium enrichment technology used to manufacture reactor fuel can also produce material for a nuclear weapon. The creation of one or more reliable fuel banks or other forms of reliable supply mechanisms could reassure countries that they do not need to develop a costly enrichment capability in order to receive the benefits of the peaceful use of nuclear energy.

