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“National Strategy for Countering Biological Threats: Diplomacy and International Programs”

Subcommittee on Terrorism, Nonproliferation and Trade
Committee on Foreign Affairs
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Mr. Chairman, Congressman Royce, Members of the Subcommittee, I appreciate this opportunity to testify again before your subcommittee. The last time I appeared, it was as an official of the State Department, but in 2007 I left government to rejoin the private sector. In 2008 I was appointed by the House Leadership to the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, and I welcome this opportunity to report to you on some of our Commission’s conclusions and recommendations regarding bioterrorism.

The mandate of our Commission extended to all weapons of mass destruction (WMD), but we chose at the outset of our work to concentrate on the two types of WMD with respect to which we judged there was the greatest risk of use by terrorists seeking to inflict mass casualties in the United States. So we focused on nuclear weapons and biological weapons. We further judged that if there is a WMD attack by terrorists, it is more likely to involve biological weapons rather than nuclear weapons.

The basis of this judgment was our belief that the widespread and growing availability of biotechnology, combined with the relative lack of security awareness in the life sciences community as compared to the nuclear industry, makes biological weapons the more attractive and readily available weapon of mass destruction for terrorists. Accordingly, of our 13 recommendations, the first two related to the prevention of bioterrorism.

Our first recommendation related to measures that should be taken domestically to reduce the risk of bioterrorism, the second to measures that should be taken internationally. Because of the topic of today’s hearing, I will direct most of my remarks toward our second recommendation. First, however, I wish to make several points about biological weapons generally.

Differences Between Biological and Nuclear Weapons

Biological weapons are very different than nuclear weapons. The destruction inflicted by nuclear weapons manifests itself the moment such weapons are used, and is irreversible. Therefore it is absolutely essential to prevent nuclear weapons from being used. Mitigation of

the damage after a nuclear attack is of very limited utility. Deterrence has long been a key component of our strategy for preventing the use of nuclear weapons—essentially the threat that if someone uses such weapons against us, we will retaliate against them with our nuclear weapons. And because the technology needed to produce the fissile material required for nuclear weapons is still relatively expensive and hard to come by, export controls and international inspections of nuclear facilities continue to provide meaningful—though certainly not complete—protection against nuclear weapons proliferation.

Biological weapons, by contrast, do not kill instantaneously. It is possible, therefore, with proper preparation and with effective detection and monitoring, to mitigate the damage caused by a biological attack. Indeed, highly effective response capabilities are probably our most effective means of preventing a biological weapons attack. If terrorists or other potential attackers are satisfied that any biological attack on us will likely fail, in the sense that it can be expected to cause few or no casualties due to our ability to rapidly detect and mitigate the effects of the attack, they will be much less interested in attacking us with such weapons.

At the same time, the traditional deterrence model is much less effective against biological weapons. We have renounced the right to possess or use biological weapons, so any retaliation against a biological attack would have to be with other types of weapons, most likely nuclear. Even if the Obama Administration does not abandon the option of responding to a biological attack with nuclear weapons, as press reports suggest it is considering as part of the ongoing Nuclear Posture Review, this is a threat of limited utility against terrorists.

It is hard to imagine terrorists obtaining nuclear weapons without the assistance of a state, and therefore there would likely be a state we could hold accountable for a nuclear attack. But if a single scientist acting alone could perpetrate the 2001 anthrax attack in the United States, as the FBI tells us was the case, then it is certainly plausible that a terrorist group could launch a biological attack without the active assistance of a state.

This is largely a function of the wide diffusion of biotechnology and the very small scale of production required to manufacture biological weapons. These facts also explain the relative ineffectiveness of export controls and international inspections in the biological area as compared to the nuclear area.

Domestic Measures to Prevent Biological Weapons Attack

As suggested by the foregoing, our Commission's most important recommendation overall with respect to bioterrorism was to enhance America's capabilities for rapid response to biological attacks in order to be able to prevent such attacks from inflicting mass casualties. In January of this year, the Chairman and Vice Chairman of our Commission, former Senators Bob Graham and Jim Talent, issued a report card that gave the U.S. Government an F for its efforts in this area subsequent to the December 2008 release of our Commission report. I concur in the

criticisms they expressed regarding the deficiencies of U.S. Government planning and preparation in this area.

International Measures to Prevent Biological Weapons Attack

In the international area, one of the most important issues addressed by the Commission was the proper role of the Biological Weapons Convention (BWC). We concluded that the BWC remains a central element of our international strategy for combating biological weapons, and therefore we called for a concerted U.S. effort to achieve both universal adherence to, and effective international implementation of, the Convention. This recommendation is embraced in the Obama Administration's November 2009 National Strategy for Countering Biological Threats. Accordingly, in their January report card, Senators Graham and Talent gave the U.S. Government a B+ for its efforts in this area. They commented that in order to raise this grade to an A, the Department of State would have to develop a full action plan for increasing international adherence to and implementation of the BWC.

The Commission also addressed the highly controversial question whether the BWC should be augmented with a verification protocol, something which the Convention has never had, but which was the subject of intense international negotiations for almost seven years. Those negotiations ended in 2001, when the Bush Administration announced its opposition to the protocol. I became intimately familiar with passions surrounding this issue as head of the U.S. delegation to the continuation of the Fifth Review Conference of the BWC in 2002.

Following our own review of the issue, the Commission unanimously endorsed the decision of the Bush Administration on the protocol as "fundamentally sound." The Commission went on to recommend that the next U.S. Administration reject any effort to restart negotiations on a BWC verification protocol.

I am pleased that this recommendation has been accepted by the Obama Administration. In December 2009, Under Secretary of State Ellen Tauscher announced in Geneva:

We have carefully reviewed previous efforts to develop a verification protocol and have determined that a legally binding protocol would not achieve meaningful verification or greater security. It is extraordinarily difficult to verify compliance. The ease with which a biological weapons program could be disguised within legitimate activities and the rapid advances in biological research make it very difficult to detect violations. We believe that a protocol would not be able to keep pace with the rapidly changing nature of the biological weapons threat. Instead, we believe that confidence in BWC compliance should be promoted by enhanced transparency about activities and pursuing compliance diplomacy to address concerns.

This decision was no-doubt unpopular in some quarters, and therefore with even greater reason I believe the Obama Administration deserves credit for coming to the right decision on the issue of the protocol.

Also in the international area, the Commission recommended that the U.S. Government take such steps as strengthening global disease surveillance networks, conducting a global assessment of biosecurity risks, and pressing for an international conference of countries with major biotechnology industries to promote biosecurity.

Last year's National Strategy for Countering Biological Threats calls for expanding America's international engagement on the first two of these issues.

At least as measured by funding levels, there has been progress on global disease surveillance. The Center for Disease Control's Global Disease Detection Program received almost a 50% increase in funding last year.

Helping other countries strengthen their capacity to detect and respond to infectious disease outbreaks can blunt the initial affects of a biological attack, and afford a head start on distributing vaccines and medicines before terrorists have a chance to reload. Further, because it will be very difficult, if not impossible, to distinguish for quite some time a natural epidemic from one perpetrated by terrorists, helping countries strengthen public health surveillance offers many public health benefits as well. For instance, if we had detected that the H1N1 virus was circulating in Mexico a just a few months earlier, governments across the world may have been able to adjust their seasonal flu vaccine to include the new virus instead of waiting months for an H1N1 vaccine that showed up after the outbreak was largely over.

In accordance with our call for a global assessment of biosecurity risks, the Office of the Director of National Intelligence is doing a study on such risks. Our Commission received several progress reports on this effort.

Finally, with regard to our call for an international conference to promote biosecurity, I am not aware of any movement in that direction by the Obama Administration.

So overall, while there are some signs of progress in the international area, much more work remains to be done.

I commend this subcommittee for its interest in the international dimensions of the bioterrorism problem, and look forward to responding to your questions.

Thank you, Mr. Chairman.