Statement of Senator Bob Graham, Chairman,
Senator Jim Talent, Vice-Chairman, and
Dr. Graham Allison
of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism
Before a Hearing of the House Armed Services Committee
January 22, 2009

Thank you, Chairman Skelton and Congressman McHugh for this opportunity to address the House Armed Services Committee.

As you are aware, House Resolution 1 of 2007, the legislation that established the Commission, wrote into law some of the main recommendations of the 9/11 Commission report. The 9/11 Commission determined that "[t]he greatest danger of another catastrophic attack in the United States will materialize if the world's most dangerous terrorists acquire the world's most dangerous weapons," and found that preventing the proliferation of such weapons warranted "maximum effort." Accordingly, Congress created a follow-on commission to address the grave threat that the nexus of international terrorism and the proliferation of weapons of mass destruction poses to the security of the United States and the world. The Congress asked our Commission to assess the U.S. government's current activities, initiatives, and programs aimed at preventing WMD proliferation and terrorism, and to lay out a clear, comprehensive strategy for the President and Congress—including a set of practical, implementable recommendations.

The nine Commissioners—five Democrats and four Republicans—were selected by the majority and minority leadership of the House and Senate. The mandate of our Commission was broad and the timeline short—only about six months from start to finish. The Commissioners were determined to produce a consensus, bipartisan report, and we succeeded in doing so.

Early on, the Commission decided to focus its inquiry and recommendations on nuclear and biological weapons because these two categories of WMD have the greatest potential to cause massive casualties.

We began by conducting a survey of existing U.S. government policies and programs to prevent WMD proliferation and terrorism, including interviews with more than 250 government officials and outside experts, as well as research trips to Sandia National Laboratory in New Mexico and to London, Vienna, and Moscow. In September we were on our way to Islamabad, Pakistan, to gather information for our report when the Marriott Hotel where we planned to stay was blown up in a terrorist attack, killing sixty people, only hours before our arrival. This shocking incident brought home to all of us the reality and immediacy of the terrorism threat emanating from Pakistan.

The bottom line of the Commission report is that, despite our prevention efforts to date, our margin of safety against WMD terrorism is shrinking, not growing. Indeed, we believe that unless urgent preventive action is taken, a terrorist attack involving a weapon of mass destruction—nuclear, biological, chemical, or radiological—is more likely than not to occur somewhere in the world in the next five years.

Our report concludes that although an incident of nuclear terrorism would be catastrophic, a biological attack that inflicts mass casualties is more likely in the near term because of the greater availability of the relevant dual-use materials, equipment, and know-how, which are spreading rapidly throughout the world. Accordingly, we argue that U.S. government efforts to combat bioterrorism should place a greater priority on preventive measures, in addition to enhancing existing U.S. government efforts in the areas of response and consequence management.

Pakistan

Pakistan is a major focus of our report because of its terrorist networks, history of instability, and nuclear arsenal of several dozen warheads. Indeed, were one to map terrorism and WMD today, all roads would intersect in Pakistan. Not only does that country have a history of unstable governments, but parts of its territory—the Federally Administered Tribal Areas (FATA)—are currently a safe haven for al Qaeda and other terrorists. Moreover, given the tense history of Pakistani-Indian relations, including a series of wars over Kashmir, India and Pakistan's buildup of nuclear weapons is exacerbating the prospect of a dangerous nuclear arms race in South Asia that could lead to a nuclear conflict.

Pakistan is a U.S. ally, but many government officials and outside experts believe that the next terrorist attack against the United States—possibly with weapons of mass destruction—is likely to originate from within the FATA in Pakistan. The Commission agrees. As a major nexus of proliferation and terrorism, Pakistan must top the list of priorities for the next administration. The Commission recommends that the President and Congress pursue a comprehensive policy that works with Pakistan and other countries to (1) eliminate terrorist safe havens through military, economic, and diplomatic means; (2) secure nuclear and biological materials in Pakistan; (3) counter and defeat extremist ideology; and (4) constrain a nascent nuclear arms race in Asia.

Biological Threat and Recommendations

For those of you who are not familiar with the biological weapons issue, these weapons are disease-causing microbes (chiefly bacteria and viruses) and toxins (poisonous substances produced by living creatures) that have been harnessed for the purpose of incapacitating or killing humans, livestock, or crops. The process of turning a natural pathogen into a WMD begins with acquiring a sample of a disease-causing microbe from a natural source, such as a sick animal, or stealing it from a laboratory or culture collection. Because most pathogens and toxins are not effective weapons in their natural state, they must be processed or "weaponized" and then combined with a delivery system to make them capable of being dispersed as an aerosol cloud that is capable of producing large numbers of casualties.

Although no states admit to possessing biological weapons, about a half-dozen countries are suspected of pursuing such programs in secret. Biological weapons may also be attractive to terrorists because of their potential to inflict mass casualties and to be used covertly. In addition, as demonstrated by the anthrax letter attacks of fall 2001, even small-scale attacks of limited lethality can elicit a disproportionate amount of terror and social disruption.

At present, given the difficulty of weaponizing and disseminating significant quantities of a biological agent as an aerosol cloud, government officials and outside experts believe that no terrorist group has the operational capability to carry out a mass-casualty attack. But they could develop that capability quickly if they were able to recruit technical experts with experience in national bioweapons programs. Accordingly, the Commission concluded that the United States should be less concerned that terrorists will become biologists and far more concerned that biologists will become terrorists.

In addition to the current threat of bioweapons proliferation and terrorism, a set of over-the-horizon risks is emerging, associated with recent advances in the life sciences and biotechnology and the world-wide diffusion of these capabilities. One area of intense activity, based on the availability of automated machines that can synthesize long strands of DNA, is known as "synthetic genomics." By piecing together large fragments of genetic material, scientists have been able to assemble infectious viruses. As DNA synthesis technology continues to advance, it will soon become feasible to synthesize nearly any virus whose DNA sequence has been decoded, such as the smallpox virus, which was eradicated from nature in 1977. The only way to rule out the harmful use of advances in biotechnology would be to stifle their beneficial applications as well—and that is not a realistic option. Instead, the dual-use dilemma associated with the revolution in biology must be managed on an ongoing basis.

The Commission divided its biological recommendations into domestic and international measures. On the domestic side, we call for: (1) conducting a

comprehensive review of the domestic program to secure dangerous pathogens to ensure that this program is effective without harming life-saving research or international collaborations, (2) developing a national strategy for advancing bioforensic capabilities to help trace the source of the pathogen used in a bioterrorist attack, (3) tightening U.S. government oversight of high-containment laboratories that work with the most dangerous pathogens, and (4) promoting a "bottom-up" culture of security awareness in the life sciences community.

In addition, despite our mandate to focus on prevention, the Commission stresses the importance of enhancing the nation's capabilities for rapid response to prevent biological attacks—particularly with anthrax, considered the most likely near-term threat—from inflicting mass casualties. Such enhanced response capabilities can have a deterrent effect by thwarting the objectives of would-be bioterrorists.

On the international side, the Commission calls on the United States to press for an international conference of industrialized and emerging countries with major biotechnology industries to discuss the norms and safeguards needed to keep dangerous pathogens out of the hands of terrorists and to ensure that the global revolution in the life sciences unfolds safely and securely. Second, we recommend that the Department of State lead a comprehensive effort to prevent the emergence of new biological threats, as well as reduce existing threats. This initiative would involve conducting a global assessment of pathogen security, developing a prioritized list of countries where poorly secured collections of dangerous pathogens are at risk of theft or diversion, and devising a comprehensive strategy for assisting these countries to upgrade their pathogen security measures. Third, we call on the U.S. government to help strengthen global networks for epidemic detection and response, which can provide an "extended defense perimeter" for the United States by making it possible to detect and contain outbreaks of contagious diseases, whether natural or human-caused, before they reach U.S. shores.

Finally, the Commission notes that the 1972 Biological Weapons Convention is the legal and normative foundation of international efforts to prevent the use of disease as

a weapon by any government, terrorist group, or individual. As such, the Convention and its member states must play a prominent role in future initiatives to combat biological proliferation and terrorism. We concluded that the U.S. decision in 2001 to withdraw from BWC protocol negotiations was fundamentally sound and that this previous effort should not be resumed; however we believe it is essential that the next administration reaffirm the critical importance of the Convention and lead member states beyond the lingering malaise of the failed protocol negotiations.

History has shown that it is extraordinarily difficult to verify compliance with the BWC because virtually all biological materials, equipment, and facilities are dual-use. This verification problem has been compounded by the spread of advanced biotechnology around the world. The well-intentioned effort by the United States during the 1995–2001 protocol negotiations to promote confidence-building "transparency" was undone by the unrealistic view of European and other allies that compliance with the BWC could be verified by an international organization, and by the determination of Iran, Russia, and others to exploit the protocol to undermine international nonproliferation efforts and the convention itself.

At the same time, we recognize that U.S. policy on biological weapons cannot rest solely on opposition to the BWC protocol. To signal the political importance that the United States attaches to preventing biological weapons proliferation and terrorism, we call on the next administration to send a senior-level U.S. official to address the Seventh BWC Review Conference in 2011. During the two years leading up to the review conference, we recommend that the United States work with allies and other parties to develop new initiatives aimed at achieving universal adherence to the BWC and promoting effective national implementation, especially with respect to the prevention of bioterrorism.

Nuclear Threat and Recommendations

The world today confronts a growing nuclear risk. Some states seek to acquire nuclear weapons, while others are looking to expand their arsenals. One reason for growing concern about the spread of nuclear weapons is the prospect of a large increase in nuclear power generation to meet world energy demands—the so-called "nuclear renaissance." Of particular concern is the interest by some states in acquiring a nuclear fuel cycle, particularly Iran's efforts to build uranium-enrichment facilities and North Korea's efforts to reprocess the plutonium associated with spent nuclear fuel. If such facilities spread, so will the number of states with the knowledge and capability to produce nuclear weapons. Such facilities would also increase the risk that fissile materials could be diverted to, or stolen by, terrorist groups.

Over the past several years, the United States, Russia, France, and Britain have significantly reduced their arsenals of nuclear weapons. At the same time, however, Pakistan, India, and China have increased their nuclear capabilities, along with the role played by nuclear weapons in their strategic postures.

The emergence of this new kind of arms race in Asia increases the risk of a regional nuclear incident whose effects would be catastrophic, both regionally and globally. Analysts estimate that a nuclear exchange between India and Pakistan that targets cities would kill millions of people and injure millions more. The risk of a nuclear war between the two neighbors is real, given their ongoing dispute over Kashmir and the possibility that terrorist attacks by Pakistani militant groups could ignite a military confrontation – the recent attacks in Mumbai underscore this point.

With respect to the threat of nuclear terrorism, al Qaeda is judged to be the sole terrorist group currently intent on conducting a nuclear attack against the United States. U.S. government officials and leading experts assess that al Qaeda probably does not currently have the nuclear materials or the technical expertise necessary to produce a nuclear weapon. Nevertheless, they warn that the terrorists' ability to produce such a device could increase dramatically should they recruit just one or two individuals with access to nuclear materials and knowledge of nuclear weapons designs. It is therefore

imperative that national authorities secure all nuclear weapons and materials at the source.

To address the growing problem of nuclear proliferation and terrorism, the Commission made three key recommendations. The first focuses on how to revitalize the nonproliferation regime, which has the Nuclear Nonproliferation Treaty (NPT) and its implementing organization the International Atomic Energy Agency (IAEA) at its core. In recent years, the effectiveness of the NPT has been eroded by the international community's inability to halt the nuclear weapons programs of North Korea and Iran, and by a shortfall in the resources of the IAEA, which has been burdened with an expansion of its existing safeguard functions and a growing mandate.

The Commission recommends:

- imposing a range of penalties for NPT violations and withdrawal from the NPT, including shifting the burden of proof to the state under review for noncompliance; and
- strengthening the IAEA, to include identifying the limitations to its safeguarding capabilities and providing the agency with the resources and authorities needed to meet its current and expanding mandate

We also need to build support for halting the spread of nuclear fuel-cycle facilities and the associated technical information, both of which are key to producing fissile material for nuclear weapons. Our recommendations in this area include:

- ensuring access to nuclear fuel, at market prices to the extent possible, for non-nuclear states that agree not to develop sensitive fuel-cycle capabilities and are in full compliance with international obligations;
- orchestrating an international consensus that there will be no new states, including Iran and North Korea, possessing uranium-enrichment or plutonium-reprocessing capability; and
- discouraging to the extent possible the use of financial incentives for the promotion of civil nuclear power.

The Commission also recommends the expansion and strengthening of other nonproliferation and counterproliferation measures that are not directly related to the NPT. These measures include:

- counterproliferation initiatives, such as the Proliferation Security Initiative and the Global Initiative to Combat Nuclear Terrorism;
- cooperation with other states to promote and maintain a moratorium on nuclear testing; and
- a more stringent international definition of "appropriate" and "effective" systems for nuclear security and accounting.

The Commission's report also addresses the security of nuclear weapons and fissile materials. Together, the United States and Russia possess about 95 percent of the world's nuclear material. Since the breakup of the Soviet Union, the United States has spent billions of dollars securing nuclear weapons, materials, and technology in Russia and other former Soviet republics. In recent years, however, the world has changed, and the Cooperative Threat Reduction (CTR) program must adapt to these new realities. The Commission recommends that the new President undertake a comprehensive review of cooperative nuclear security programs in order to develop a new strategy that addresses the worldwide expansion of the proliferation threat and Russia's transition from being a recipient of CTR assistance to becoming a full partner in these efforts.

In its final recommendation in the nuclear area, the Commission focused with special urgency on the nuclear proliferation designs of Iran and North Korea. We believe that the nuclear aspirations of these two countries pose an immediate and urgent threat to the nonproliferation regime, and that their acquisition of nuclear weapons stockpiles would trigger a cascade of proliferation that could lead to the unraveling of the NPT. For this reason, the Commission believes that the United States, together with other nations, must develop a combination of incentives and disincentives to address these two problem cases and ensure the permanent cessation of all nuclear-weapons-related efforts.

Because of the dynamic international environment, the Commission chose not to address the precise tactics the next administration should use to achieve the strategic objective of halting the nuclear weapons programs of Iran and North Korea. If, as appears likely, the next administration decides to engage directly with the Iranian and North Korean governments, it must do so from a position of strength, emphasizing both the benefits of abandoning their nuclear weapons programs and the enormous costs of failing to do so. Such engagement must be backed by the credible threat of direct action in the event that diplomacy fails

Russia

One of the most difficult issues facing the next administration will be relations with Russia. Over the past decade, the post-Soviet promise of a democratic Russia has not materialized, and concerns about how Russia is pursuing its interests in Eastern Europe and the states of the former Soviet Union are increasing. Of all of America's interests involving Russia, none is more vital than reducing the risk of the accidental or intentional use of nuclear and biological weapons against our nation and its allies from a source in Russia.

As great powers with sometimes divergent interests, the United States and Russia inevitably will have disagreements. But both governments have a responsibility to prevent their disagreements from interfering with their critical mutual interests—preventing the proliferation and use of nuclear and biological weapons, and keeping WMD out of the hands of terrorists. The two countries also have a common interest in pursuing further strategic nuclear reductions.

To this end, the Commission believes we should emphasize these areas of common interest and work together to prevent WMD proliferation and terrorism. Examples of areas in which the United States and Russia can develop joint initiatives include:

- extending the essential verification and monitoring provisions of the Strategic Arms Reduction Treaty;

- advancing the Global Initiative to Combat Nuclear Terrorism, United Nations Security Council Resolution 1540, and the Proliferation Security Initiative;
- sustaining security upgrades at sensitive sites in Russia and elsewhere, and finding ways to further reduce stockpiles of highly enriched uranium;
- encouraging China, Pakistan, and India to announce a moratorium on the production of fissile materials and to reduce their existing nuclear stockpiles; and
- offering assistance to other nations, such as Pakistan and India, in developing nuclear confidence-building measures like those between the United States and the Soviet Union during the Cold War.

Government Reorganization

With respect to government organization, we recommend that the next Congress amend Public Law 110-53 to eliminate the requirement to establish an office of the U.S. Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism. At the same time, Congress should preserve the mandate to appoint a senior White House advisor whose sole responsibility is to serve as the President's advisor and overseer of the policy nexus between WMD proliferation and terrorism. To be effective, the senior advisor must be seen as speaking for the President by all relevant departments and agencies, as well as the White House. In the view of the Commission, the position of senior advisor should not be Senate-confirmed, as currently required by law, and could be placed within the NSC structure or within the Office of the Vice President, or made the head of a separate White House office.

Another of the Commission's major recommendations deals with the current organization of the Executive Branch with respect to the prevention of WMD proliferation and terrorism. Today, the President's national security policymaking is overseen by two parallel councils: the National Security Council and the Homeland Security Council. Over the past several years, having two separate councils and staffs has caused redundancy and diffused accountability through multiple, often conflicting Policy Coordinating Committees. The Commission proposes to create a more efficient and

effective policy coordination structure by consolidating the NSC and HSC staffs under the NSC framework and eliminating existing redundancies.

The Commission also calls on Congress to reform its oversight structurally to better address intelligence, homeland security, and crosscutting 21st century national security missions such as the prevention of WMD proliferation and terrorism. Specifically, we believe that both the House and Senate should establish independent intelligence appropriations subcommittees with authority over the intelligence budget (specifically, both the National Intelligence Program and Military Intelligence Program) and that only the homeland security committees should have jurisdiction over the Department of Homeland Security and its constituent agencies.

Congress should also establish an office to provide technical and scientific advice on cross-cutting national security issues, similar to the Office of Technology Assessment, which served this function for over twenty years, and Congress should work with the next administration to ensure that key aspects of U.S. law are followed with respect to required assessments of nuclear proliferation risks and the relative economic cost of civilian nuclear projects overseas.

With regard to the intelligence community, the Commission recommends that the Director of National Intelligence accelerate the integration of effort among the counterproliferation, counterterrorism, and law enforcement communities to address WMD proliferation and terrorism issues; strengthen expertise in the nuclear and biological fields; prioritize training and retention of people with critical scientific, language, and foreign area skills; and ensure that the threat posed by biological weapons remains among the highest national intelligence priorities for collection and analysis. We also call on the President and Congress to build a national security workforce for the 21st century; we need to attract and retain people with critical scientific, technical, cultural and linguistic skills in all agencies.

The Commission also recommends that U.S. counterterrorism strategy counter the ideology behind WMD terrorism. We call on the president to develop a more coherent and sustained strategy and the capabilities for global ideological engagement to prevent future recruits, supporters, and facilitators of terrorism.

Finally, the Commission strongly believes that the next administration must work to openly and honestly engage the American citizen, encouraging a participatory approach to meeting the WMD challenges of the new century. There should not be a wall between the government and its citizens—instead we need citizens to serve in the government and share their knowledge and expertise, and the government to empower citizens to bolster federal, state and local government efforts.

========

In conclusion, although the Commission believes that WMD proliferation and terrorism pose an urgent and growing threat to U.S. national security, we also believe that a WMD attack is a "preventable catastrophe," and that the next administration and Congress can undertake a series of practical and implementable steps that will make us safer. We hope that the House Armed Services Committee can take action at the beginning of the 111th Congress on the recommendations specifically pertaining to congressional reform. In addition, we believe that quick action can and should be taken, in concert with the new administration, on the WMD Coordinator, Homeland Security Council, tightening domestic biosecurity, and on a new Pakistan strategy. We pledge to work with you and your staff to develop further concrete steps to implement our other recommendations.