

Committee on Government Reform

**Subcommittee on National Security, Emerging Threats
and International Relations**

**"Weapons of Mass Destruction:
Current Nuclear Proliferation Challenges"**

**Prepared Statement of Jack David
Deputy Assistant Secretary of Defense for
Combating WMD and Negotiations Policy**

September 26, 2006

Chairman Shays, Ranking Member Kucinich, members of the subcommittee, it is an honor to appear before you today. I thank you for the opportunity to testify on **"Weapons of Mass Destruction: Current Nuclear Proliferation Challenges."**

President Bush is committed to countering the threat that nuclear proliferation poses to international peace and security. The Department of Defense takes its guidance for performing its role in this effort from the President's 2002 National Strategy to Combat Weapons of Mass Destruction and 2006 National Security Strategy. DoD's goal is adopted in its entirety from those words by President Bush in his January 20, 2004, State of the Union address, which said: "America is committed to keeping the world's most dangerous weapons out of the hands of the most dangerous regimes."

The National Strategy to Combat Weapons of Mass Destruction encompasses three pillars of which nonproliferation is one. Through active nonproliferation diplomacy the strategy embraces multilateral arms control and nonproliferation treaties and regimes as key components. The Nuclear Nonproliferation Treaty (NPT) is at the forefront of those. The NPT is intended to make the world a safer and more secure place for all of us erecting a number of barriers against the proliferation of nuclear weapons. Last year, in recognition of the treaty's 35th anniversary, President Bush called the NPT "a critical contribution to international security."

The NPT entered into force in 1970. This was an historic event. The nations of the world agreed to a treaty to prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of nuclear energy, and to further the goal of peace through the steady reduction of nuclear weapons stockpiles. At the time, many experts predicted that there would be a multiple of the then existing five Nuclear Weapons States by the end of the twentieth century. The fact that nothing like this happened is a testament to the substantial success of the treaty. The NPT is the

principal element of an expanding legal framework devised to curb the development of nuclear weapons programs through its nonproliferation obligations. NPT member states, of which there are 189—are promised the availability of assistance to use nuclear energy and materials in peaceful pursuits as long as they adhere to these nonproliferation obligations. Member states can take advantage of nuclear fuel sharing that will facilitate the development and use of nuclear power even if they do not have the resources to develop their own nuclear fuel cycles. They can also avail themselves of opportunities to share in the benefits of nuclear research in areas like medicine, nuclear safety, agriculture and many other applications of nuclear technology. The benefits of adhering to the NPT's nonproliferation objectives and abiding by its rules can expand in the future, by participation in efforts like President Bush's Global Nuclear Energy Partnership.

The United States has sought to strengthen the NPT, especially in recent years. In February 2004 President Bush, addressing an audience at the National Defense University on curbing WMD, offered proposals to enhance the NPT regime's ability to deal with nuclear proliferation issues. Among these proposals, the President urged the creation of a new committee specifically mandated to concentrate on Safeguards and Additional Protocol issues, thereby increasing the IAEA's ability to police compliance with safeguards required under the Treaty. The Departments represented on this panel worked hard to make this proposal a reality by fostering the creation of a new IAEA Committee on Safeguards and Verification (CSV).

The CSV had its first meeting in December 2005. We are working hard to energize the CSV to work to strengthen the IAEA's ability to oversee members' compliance with their safeguards agreements by developing new technologies to detect activities in violation of their agreements, increasing the use of special inspections, and maintaining an adequately sized technical staff. We continue to press for increased accountability for those NPT States that violate their agreements, and expect the work of the CSV increasingly will help that effort.

In the same February 2004 National Defense University speech in which the President proposed the CSV, the President urged that all members of the NPT not only complete and adhere to Safeguards agreements, but that they also join the IAEA's Additional Protocol. Moreover, in the same speech, President Bush proposed that a condition of a state receiving support for its civil nuclear program be its signing the Additional Protocol.

The Additional Protocol is a very important nuclear nonproliferation tool. The Additional Protocol improves the IAEA's ability to detect cheating by increasing reporting requirements about nuclear fuel cycle activities, and by adding significantly to the IAEA's authority to conduct inspections where it suspects irregularities on the part of member States. In response to member States' concerns that such intrusive monitoring would jeopardize proprietary information, the Additional Protocol sets forth an obligation

on the part of the IAEA to maintain a stringent regime to ensure effective protection against disclosure of commercial, technological and industrial secrets. This regime is to be approved periodically by the Agency's Board of Governors, on which the U.S. sits.

The United States has joined the other nuclear weapons states in signing an Additional Protocol and the Congress is considering implementing legislation currently.

US efforts to address the threat of nuclear proliferation go beyond supporting and trying to improve compliance with the NPT. In May 2003 President Bush launched the Proliferation Security Initiative (PSI), which now boasts more than 75 participating States. Additionally, the United States played a leading role in the April 2004 UN Security Council passage of Resolution 1540, which acts against proliferation and proliferators of weapons of mass destruction, including nuclear weapons, by requiring all States to adopt domestic legislation to govern exports of WMD, their means of delivery and related material, including by establishing criminal or civil penalties for export violations and to prohibit the manufacture possession or proliferation of the same.

On May 18, 2006 the United States tabled a draft Fissile Material Cutoff Treaty at the Conference on Disarmament in Geneva. This draft treaty is complementary to the NPT. It provides for definitions for fissile material and the processes used to make it. It proscribes the production of new fissile material for the purpose of use in nuclear weapons and explosive devices. The draft treaty provides a mechanism for addressing cheating that includes referral to the UN Security Council. The draft will be discussed in negotiations with other nations in the Conference on Disarmament, with a view toward arriving at a final text at the earliest possible time.

The Cooperative Threat Reduction Program (CTR), administered by the Department of Defense, is yet another major US effort to protect against nuclear proliferation. At the outset of the program, it focused on preventing proliferation of WMD including nuclear materials, warheads and their delivery systems by helping to eliminate their delivery systems and account for and improve security at the places where these materials are located to ensure that WMD would not fall into the hands of terrorists. Since 2003 the CTR has been expanded to address WMD "on the move" by including border portal programs to detect illicit movement of nuclear materials as well as programs to move WMD to central locations where they can be secured. These programs work closely and in concert with DOE and State programs.

Over the years, CTR programs have included the following successful efforts:

- DoD helped former Soviet States such as Belarus, Kazakhstan, and Ukraine, return nuclear weapons located in their territories to Russia.

- Starting in February 2000 DoD helped Russia provide security for the transshipment of trainloads of nuclear weapons to dismantlement and storage facilities. So far, CTR has provided assistance for the security of at least 315 trainloads.
- DoD and the Department of Energy together helped upgrade security at nine permanent and three temporary nuclear weapons storage sites in Russia, fulfilling commitments made by President Bush in Bratislava on February 24, 2005. DoD and DoE have concluded agreements with Russia to complete security upgrades of an additional ten permanent and three temporary sites by the end of 2008.
- In 2002, the DoD initiated the CTR-supported Proliferation Prevention Initiative (PPI). This program, complementary to similar DOE programs, helps partner countries to build nuclear detection capabilities at portals through which such materials may pass.
- The PPI enhances prospects for interdicting nuclear materials in the Black and Caspian Sea basins. Currently, PPI is working in Ukraine, Uzbekistan, Kazakhstan, Moldova and Azerbaijan.

The nuclear nonproliferation measures we and other countries have supported could be strengthened. Rogue regimes, unscrupulous profiteers, and non-state actors have traded in nuclear materials and technology, sometimes successfully. The A. Q. Khan Network, which provided important assistance to Libya's nuclear program is a notorious example. And, as we all know, the Iranian regime is working assiduously to gain nuclear weapons with which to advance its hegemonic ambitions in defiance of its NPT and IAEA obligations. The nonproliferation initiatives, policies, and programs I have described, such as PSI and the Additional Protocol, can help to curb these unwelcome aspects of the global marketplace.

We live in an era where economic pressures combined with the competition for fossil fuels make nuclear energy an important alternative to guaranteeing world prosperity. Along with the use of nuclear energy comes the immense responsibility of safeguarding nuclear technology and materials from uses that can bring about terrible consequences. State and non-state actors with bad motives are ever ready to create a nightmare out of what should be the ingredients fulfilling the good dream of energy sufficiency. It is to prevent such an outcome that we must do all we can to prevent proliferation of nuclear weapons through transfers of nuclear equipment, technology and materials.