

S. HRG. 106-264

**NONPROLIFERATION, ARMS CONTROL, AND  
POLITICAL-MILITARY ISSUES**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON FOREIGN RELATIONS**  
**UNITED STATES SENATE**  
ONE HUNDRED SIXTH CONGRESS  
FIRST SESSION

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## NONPROLIFERATION, ARMS CONTROL, AND POLITICAL-MILITARY ISSUES

TUESDAY, APRIL 27, 1999

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met at 2:44 p.m., in room SD-562, Dirksen Senate Office Building, Hon. Jesse Helms (chairman of the committee) presiding.

Present: Senators Helms, Biden, Kerry, and Feingold.

The CHAIRMAN. Good afternoon. I am the late Jesse Helms. The committee will come to order.

The committee's hearing today, of course, as everybody here knows, will be devoted to a discussion with Assistant Secretary of State Eric Newsom and Assistant Secretary of Energy Rose Gottemoeller—is that roughly—

Ms. GOTTEMOELLER. Yes, sir.

The CHAIRMAN. That is in the ball park. Regarding various arms control, nonproliferation, and political-military issues.

Now then, at the outset, I am obliged to make clear my concern with the State Department's reluctance to approve a sale to Taiwan of two defensive radar systems. And I view support for these sales by the administration as a litmus test for the administration's adherence to the legal requirements of the Taiwan Relations Act, which has just seen its 20th anniversary.

Now, Taiwan, quite reasonably, has requested much-needed and well-deserved help from the United States regarding early warning and air defense systems. Specifically, Taiwan has asked for the long range early warning phased array radar.

Now then, when China fired missiles off Taiwan's coast in 1996, Taiwan was caught completely by surprise. Our ally did not even know that those missiles had been fired until several minutes after they splashed down. Now, this is particularly troubling since one of China's primary objectives is to use short-range missiles to disable Taiwan's air force on the ground before the planes can get into the air.

Accordingly, Secretary Newsom, I will urge that you ensure that this radar be sold to Taiwan in a timely fashion and with the requisite capabilities. In addition to increasing the survivability of Taiwan's air force, it would give Taiwan's citizens 5 to 10 minutes advance warning in order to take cover from an impending missile attack.

Now then, the second item that I understand the State Department also is concerned about is the evolved advanced combat sys-

tem for naval anti-aircraft defense. A recent Pentagon report to the Congress on the military balance in the Taiwan Strait makes clear that China is making rapid strides in establishing air superiority over Taiwan, and this defense system will help rectify an increasingly desperate situation.

Now, sale of these two radar systems cannot be blocked by the administration without betraying the legal obligation to provide defensive—and I stress the word “defensive”—weapons to Taiwan.

Now, as some may know from my recent introduction of the Taiwan Security Enhancement Act, I believe we need to do more, not less, in addressing a growing military imbalance between Red China and our key ally and partner Taiwan. And I look forward to your response to these concerns that I have stated, Secretary Newsom.

Now, a second issue, ma’am, is the administration’s plan to build a mixed oxide nuclear fuel plant in Russia. Now, while I share the administration’s desire to ensure that Russian nuclear weapons do not fall into the wrong hands, I am convinced that this program will not accomplish the stated objective. Rather, by encouraging Russia and others to utilize MOX fuel, the administration is virtually guaranteeing that weapons grade plutonium is spread around the globe, except that this will happen under the guise of “peaceful nuclear cooperation.” Now, given Russia’s nuclear supply relationships with countries such as Iran and India, I find this idea to be exceedingly unwise, if not ridiculous.

Moreover, the MOX, as they call it, option will undercut the decades-long, bipartisan effort by the United States to make clear that plutonium use for commercial power generation is a no-no. The administration intends to establish an infrastructure here in the United States to burn excess weapons plutonium in civilian power plants, and if this is done, our decades-old nonproliferation policy will begin to unravel with, I imagine, perilous consequences.

I strongly object to the MOX plan. It would be far more prudent to pursue immobilization of Russian weapons material so that it cannot ever, ever be retrieved. As for whether the United States has excess plutonium to spare, I will reserve judgment until the administration proves that it has considered the impact this will have on the stockpile stewardship program and the nuclear deterrent. I hope, of course, that you will respond to my concerns during your comments, Madam Secretary.

Now then, Senator Biden.

Senator BIDEN. Thank you very much, Mr. Chairman. I want to thank you for having this hearing today and keeping the committee as active as you have.

To state the obvious, we have been a little preoccupied with the Balkans and, in particular, Kosovo, Yugoslavia. But even now there are actually more important objectives. As involved as I have been and you have been in dealing with that policy, that may be the most immediate, but there are other broader issues that are even more important to our long-term security than the fate of Yugoslavia.

The United States has been working hard to maintain strategic stability and stem the flow of materials or technology that would contribute to developing weapons of mass destruction. When NATO

decided to begin its air strikes in Kosovo and in Yugoslavia, Prime Minister Primakov turned back from a scheduled meeting with Vice President Gore, but Russia's Minister of Atomic Energy stayed in Washington to work out agreements relating to the disposition of weapons grade uranium.

The reason I bother to point that out is both nations at least at the moment seem to understand that, notwithstanding their significant disagreement on Yugoslavia, that they are keeping contact on those things which most directly impact their long-term and vital interests. It seems to me that this shows the United States and Russia can still remember and act upon shared objectives.

We too have to act on those objectives and I hope our first witnesses will discuss how we can do that.

Just a word about the witnesses, Mr. Chairman. It is not my place, but because I have known Eric for as long as I have, Eric is a former Foreign Service officer and served as minority staff director on the Intelligence Committee and then as chief staffer for the minority on the Foreign Operations Subcommittee of the Appropriations Committee. I am pleased to welcome you back, Eric.

I would say Secretary Gottemoeller has also had a distinguished career, although I do not think she has ever experienced the raw power and exhilaration of being an Appropriations Committee staffer.

That is sheer, undiluted power. And I might add you will note, those of you who are observers, on the floor, whenever there is an appropriations bill, the only people that Senators directly speak to and plead with on the floor, including other Senators, are they seek out the appropriations staffers. That is absolute power. They wield more power than any Member of the Senate at that moment does. So, I doubt, Madam Secretary, you have ever experienced that exhilaration.

But the truth of the matter is that you have taken on an incredibly difficult job, nonproliferation programs that deal with loose nukes in the former Soviet Union, and also the President's expanded threat reduction initiative to extend programs so as to reach still more Russian weapons, experts who might otherwise decide that there is a place to sell their wares and sell their skills.

In February, Madam Secretary, the General Accounting Office issued a report, commissioned by our chairman, that found that the Energy Department program Initiatives for Proliferation Prevention, or IPP, to be "in our national interest." The GAO also found management shortfalls of that program and made some important recommendations.

I think the IPP program is actually a success story, considering that in 5 short years, it has reached out and assisted thousands of former Soviet scientists who may be wandering in other places. But I agree that the time has come to tighten management. That is why I have joined the chairman in mandating an action plan to implement the GAO's recommendations.

We did that in the authorization bill that this committee marked up just last week under the leadership of the chairman, and I have every hope that the Energy Department will improve the management control and maximize the funds actually reaching former So-

viet scientists. And if so, I think the IPP program will get strong congressional support for the next 5 years.

Again, Mr. Chairman, there's much to speak about. I have only touched on a few issues.

Let me close by suggesting that there are a lot of things that can be said about the chairman, and one is if he is your friend, he is your friend. And Taiwan has never had a better friend, except maybe as good a friend in Barry Goldwater. I want to tell you something. Nothing is going to go very much off the mark. There are only a few things I find, Mr. Chairman, that get your absolute, undivided, immediate attention and focus, and that is one of them. So, when the chairman indicates that he hopes that you all will listen, he is a southern, courtly gentleman. Translated in an Atlantic Senator's words, I would pay a hell of a lot of attention because a lot else is hanging in the balance here.

At any rate, I thank you for being here and look forward to your testimony. I have other subjects I would like to raise. I am sure my colleagues will as well.

The CHAIRMAN. Thank you, Senator Biden.

Eric, Joe is exactly right about the reverence with which we treat the officials of the Appropriations Committee. It is not true, however, that I injured my two knees by kneeling, begging.

But you were always very helpful to me and I shall not forget it.

Senator BIDEN. Translated another way, Mr. Chairman, Eric, you do not have nearly as much power here as you did then.

The CHAIRMAN. Well, in any case, let us practice ladies first and invite you to go first, please, ma'am.

**STATEMENT OF HON. ROSE E. GOTTEMOELLER, ASSISTANT SECRETARY OF ENERGY FOR NONPROLIFERATION AND NATIONAL SECURITY, DEPARTMENT OF ENERGY**

Ms. GOTTEMOELLER. Thank you, Mr. Chairman.

Mr. Chairman, Senator Biden, and other members of the committee, I would like to thank you for the opportunity to appear before you today and present this statement for the record on the work of the Office of Nonproliferation and National Security. If I may, Mr. Chairman, I would like to summarize my statement and have the rest placed in the record.

The CHAIRMAN. The entire statement will be printed in the record.

Ms. GOTTEMOELLER. Thank you, sir.

The CHAIRMAN. Thank you, ma'am.

Ms. GOTTEMOELLER. It has been stated many times, but it bears repeating: The world we face today is vastly changed from the one we lived in during the cold war. The challenges are more varied and less predictable. None of these is more serious than the proliferation of weapons of mass destruction to rogue states and, even more worrisome, to terrorist organizations.

Within the Department, the Office of Nonproliferation and National Security is unique in the range of our contributions to national security and nonproliferation policy. The office is responsible for national security missions in both domestic and international settings. Our programs are part of the broader Clinton administra-

tion's nonproliferation efforts and have been fully coordinated as part of the President's expanded threat reduction initiative with the Department of State and the Department of Defense.

In Russia, Department of Energy employees and laboratory experts are on the ground and actively working to improve the security of hundreds of tons of plutonium and highly enriched uranium at dozens of facilities. We are also working with thousands of former Soviet Union weapons scientists to provide them with non-weapons jobs and prevent them from straying into work with countries of proliferation concern.

Here at home, we are accelerating our efforts to harness the skills of the national laboratories to meet the growing threats of chemical and biological weapons and the very serious risk that such weapons will be used on U.S. territory. In addition, my staff is ensuring the protection of U.S. nuclear materials and of DOE sites and preparing for emergencies that could affect the DOE complex.

I would like to first turn to the Department of Energy's programs to reduce the risk of brain drain in the former Soviet Union, and in this regard, I will address some of the issues that Senator Biden raised.

Through our Initiatives for Proliferation Prevention program, we have worked with over 170 institutes and sponsored collaborative scientific efforts with over 6,100 ex-Soviet nuclear, chemical, and biological weapons experts. This work has helped keep these experts in Russia and the Newly Independent States as opposed to selling their know-how to rogue regimes, criminal groups, or terrorist organizations.

We are embarking on a much more challenging enterprise which also seeks to develop alternative, non-weapons jobs for weapons scientists, this time as part of our Nuclear Cities Initiative. We are pleased that Russia is finally taking steps to reassess and restructure their nuclear complex and has approached us about helping to develop new jobs for weapons scientists who will lose their defense work as weapons facilities close.

The Initiatives for Proliferation Prevention is a classic brain drain program, focused on the elite of the Russian scientific establishment and working to keep them at work in their scientific laboratories. By contrast, the Nuclear Cities Initiative is building off a Russian Government decision to downsize and restructure its own nuclear weapons complex. It is designed for scientists and technicians who are losing their jobs in the weapons complex and are at risk of long-term unemployment in the crisis-ridden Russian economy.

The Department of Energy and my office in particular, have taken note of the concerns expressed in the General Accounting Office's recent report on the IPP program, and we have also taken note of the action plan that was put forward by this committee. We are working aggressively to implement their recommendations and believe that adoption of their comments will greatly improve what is already a successful enterprise. Mr. Chairman, Senators, I want to underscore that we have welcomed these recommendations and we are eager to work together with you to ensure that the recommendations are fully implemented. These include a strength-

ened review process to ensure that no Initiatives for Proliferation Prevention projects have any potential benefits for Russian military programs and an increased effort to refocus available funds so that more money reaches Russian and NIS scientists, rather than staying in DOE labs.

I will next turn to our Materials Protection, Control, and Accounting Program.

The members of this committee are keenly aware of the importance that Russia plays in our overall nonproliferation strategy. For several years we have been building up a legacy of trust and personal relationships that has allowed us to cooperatively pursue security upgrades throughout the Russian nuclear weapons complex. The importance of this work, carried out under our MPC&A program, cannot be overstated. We have completed security upgrades for 30 tons of weapons-usable nuclear materials and expect to bring a total of 100 tons under complete security systems by the end of the year 2000. We have made considerable progress with regard to improving the security of nuclear materials in Russia, but we understand that there is much still to be done. Particularly, the situation has been exacerbated by Russia's economic collapse in Russia, and we have seen among our Russian colleagues an increased awareness of the insider threat from the Russian nuclear complex.

I would like to say just a word, if I may, about the absolutely incredible men and women who have been working on this program day and night for the past several years. The image of the civil servant and Government bureaucrat is sometimes impugned, but I would like to say that members of our team are working constantly throughout the nuclear complex of the former Soviet Union in some of the most remote and least hospitable sites in the world. They spend weeks away from their families and make repeated trips to such locations, and they are really doing a fantastic job to facilitate and complete their assignments in that regard.

Sir, if I may, Mr. Chairman, I would like to say a few words about your comments with regard to MOX and immobilization and Pu disposition, plutonium disposition.

As you are aware, we have been pursuing a very firm policy with Russia to get them to the negotiating table on plutonium disposition. This is an area where in the past it was rather difficult to get them to the negotiating table and get them to face up to the many issues that must be addressed with regard to disposal of the enormous amount of weapons plutonium that they have available in their system. We have found that by pursuing a dual-track strategy involving both MOX and immobilization and they have, indeed, been willing to work with us. It has brought Russia to the table and gained their commitment to active disposition of plutonium.

I would just take note of the fact that in the Department of Energy, the lead on this issue is Ms. Laura Holgate in the Office of Materials Disposition. Of course, the overall negotiations are led by the Department of State by Mr. John Holum.

I think, Mr. Chairman, with that I will close my remarks only to say that, indeed, we view nonproliferation challenges as addressing an entire spectrum of problems, ones that stem from problems in the former Soviet Union in Russia, in the nuclear weapons com-

plex. We work there on potential sources of the problems, and in the domestic context, we are constantly working in the DOE complex, as well as with the overall community concerned with the potential chemical and biological, as well as weapons of mass destruction terrorism. We will continue to do so. We are quite focused on the necessity of approaching the nonproliferation problem as a broad spectrum problem that requires attack. It requires solutions at many levels, and we are fully committed to engaging at many levels.

Thank you, sir.

[The prepared statement of Ms. Gottemoeller follows:]

PREPARED STATEMENT OF HON. ROSE E. GOTTEMOELLER

INTRODUCTION

Thank you, Chairman Helms, Senator Biden and other members of this Committee, for the opportunity to appear before you today to present this statement for the record on the work of the Office of Nonproliferation and National Security.

It has been stated many times, but it bears repeating: the world we face today is vastly changed from the one we lived in during the cold war. The challenges are more varied and less predictable. None of these is more serious than the proliferation of weapons of mass destruction to rogue states and, even more worrisome, terrorist organizations. The President has declared the threat of weapons of mass destruction proliferation to constitute a "national emergency" and I am proud of the role the Department of Energy, and my Office in particular, is playing in responding to that emergency.

Within the Department, the Office of Nonproliferation and National Security is unique in the range of our contributions to national security. The Office is responsible for national security missions in both domestic and international settings. Our programs are part of the broader Clinton Administration's nonproliferation efforts and have been fully coordinated as part of the President's Expanded Threat Reduction Initiative. Moreover, they have been coordinated and prioritized within the inter-agency, including the Departments of State and Defense. In Russia, Department of Energy employees and laboratory experts are on the ground and actively working to improve the security of hundreds of tons of plutonium and highly enriched uranium at dozens of facilities. We are also working with thousands of former Soviet Union weapons scientists to provide them with nonweapons jobs and prevent them from straying into work with countries of proliferation concern. Here at home, we are accelerating our efforts to harness the skills of the national laboratories to meet the growing threats of chemical and biological weapons and the very serious risk that such weapons will be used on U.S. territory. In addition, my staff is ensuring the protection of U.S. nuclear materials and of DOE sites, and preparing for emergencies that could affect the DOE complex.

INITIATIVES FOR PROLIFERATION PREVENTION AND NUCLEAR CITIES INITIATIVE

Let me first turn to the Department of Energy's programs to reduce the risk of "Brain Drain" in the former Soviet Union. Our efforts to engage and orchestrate alternative employment for underemployed and unemployed ex-Soviet weapons scientists is a critical part of the Clinton administration's approach to the threat posed by the break up of the former Soviet Union's nuclear complex. Through our Initiatives for Proliferation Prevention program, we have worked with over 170 institutes and sponsored collaborative scientific efforts with over 6,100 ex-Soviet nuclear, chemical and biological weapons experts. This work has helped keep these experts in Russia and the Newly Independent States, as opposed to selling their know how to rogue regimes, criminal groups or terrorist organizations.

We are embarking on a much more challenging enterprise which also seeks to develop alternative, non-weapons jobs for weapons scientists, this time as part of our Nuclear Cities Initiative. The ten closed nuclear cities in Russia are the jewels in the Russian nuclear crown. We are pleased that Russia is finally taking steps to reassess and restructure their nuclear complex and has approached us about helping to develop new jobs for weapons scientists who will lose their defense work as weapons facilities close. We are approaching this endeavor with a mixture of commitment and pragmatism, realizing that such efforts will take time. But the goals

of keeping the Russian weapons scientists at home, and helping to reduce the size of the Russian nuclear infrastructure, contribute directly to U.S. security.

The Initiatives for Proliferation Prevention is a classic "brain drain" program, focused on the elite of the Russian scientific establishment and working to keep them at work in their scientific laboratories. It is geared toward projects with a high science and technology content, increasingly with an emphasis on commercial application. By contrast, the Nuclear Cities Initiative is building off a Russian government decision to downsize and restructure its own nuclear weapons complex. It is designed for scientists and technicians who are losing their jobs in the weapons complex and are at risk of long-term unemployment in the crisis ridden Russian economy. This program is focused on creating new jobs in the Russian nuclear cities, whether technology-based or not. Both programs share the goal of keeping ex-Soviet weapons know how from aiding the weapons of mass destruction acquisition programs in other countries.

The Department of Energy, and my Office in particular, have taken note of the concerns expressed in the General Accounting Office's recent report on our Initiatives for Proliferation Prevention program. We are working aggressively to implement their recommendations and believe that adoption of their comments will greatly improve what is already a successful enterprise. These include a strengthened review process to further ensure that no Initiative for Proliferation Prevention projects have any potential benefits for Russian military programs and an increased effort to refocus available funds so that more money reaches Russian and Newly Independent State scientists.

The Department of Energy also contributes to other science-based engagement programs in the former Soviet Union. The International Science and Technology Centers, which are administered by the Department of State and rely on the technical expertise of the Department of Energy's national laboratories to review and assess proposed projects with ex-Soviet weapons scientists. This interaction is a clear example of how the United States Government agencies are working together and pooling U.S. assets to achieve the greatest possible security benefit for the American people.

#### MATERIAL PROTECTION, CONTROL AND ACCOUNTING

Next I will turn to the situation in Russia with regards to the protection of nuclear materials. The members of this committee are keenly aware of the importance Russia plays in our overall nonproliferation strategy. For several years, we have been building up a legacy of trust and personal relationships that has allowed us to cooperatively pursue security upgrades throughout the Russian nuclear complex. The importance of this work, carried out under our Material Protection, Control and Accounting program, cannot be overstated. Our programs have been key to international efforts to prevent the acquisition of nuclear weapons by terrorists or would-be nuclear states. We have completed security upgrades for 30 tons of weapons-usable nuclear materials and expect to bring a total of 100 tons under completed security systems by the end of the year 2000. In this goal, we have made considerable progress, but we have recognized that the task before us is much greater than we understood when this program began in 1994. Russia's economic collapse in August has forced us to re-evaluate our methods and priorities and brought, from the Russians themselves, a renewed sense of urgency to our cooperation. This now includes an increased awareness of the "insider threat" of nuclear materials diversion and an understanding that the size, and geographic scope of the nuclear enterprise is larger than had been appreciated in 1994.

A word, if I may, about the absolutely incredible men and women who have been working on this problem night and day for the past several years. The image of the civil servant and government bureaucrat has been impugned for years in our society. I know that the members of this committee are well aware that the average civil servant is motivated and hardworking, but I have been struck since I became director of the Nonproliferation and National Security office by the absolute dedication of our Material Protection, Control and Accounting task force and the almost superhuman level of their efforts. Their work sites in the nuclear complex of the former Soviet Union include some of the most remote and least hospitable locations in the world. They spend weeks away from family and basic comforts and make repeated trips to such locations in order to facilitate and complete their assignments. The work load for the average Task Force member is extreme, as we had sought to limit the task force size to one appropriate for a limited duration project. This is an issue that we are examining extremely closely at the present time, in the expectation that the team will become larger and longer range in its organizational outlook.

While we still have considerable work ahead of us to upgrade security around Russian nuclear materials, we are also striving to address other sources of proliferation risk and concern in the former Soviet Union. We consider our work at nuclear sites to be the first line of defense against the proliferation of nuclear weapons. The second line of defense is the internal borders of Russia, and helping to ensure that any stolen or misappropriated materials cannot leave the country. Our Second Line of Defense program has already installed nuclear material detectors at the main international airport in Moscow and at the Caspian seaport of Astrakhan. We have identified 22 additional border crossings that for tactical or strategic reasons warrant the installation of similar equipment. This is yet another example of how a relatively small investment can help protect ourselves and our friends against the greatest of threats.

#### DOE'S ROLE IN THE INTER-AGENCY PROCESS

The Department of Energy is an active and full participant in the U.S. Governmental inter-agency process. Working together with the Departments of State, Defense, Commerce, the intelligence community and the National Security Council, DOE provides critical technical and policy inputs into the development of U.S. arms control, nonproliferation and national security policy.

DOE is able to bring its considerable technical and policy assets to bear on acute national security threats in the international arena. In the former Soviet Union, the implementation of effective security over nuclear materials and our work to support inter-agency efforts to end the production of plutonium, construct a storage facility for nuclear materials released from weapons, ensure the disposal of 50 metric tons of weapons-usable plutonium, and pursue new and more effective means for reducing the nuclear legacy of the cold war are indicators of the integral role DOE plays in the inter-agency process.

In addition, the Department of Energy works continually with the other national security agencies within the government to design, evaluate and implement effective policies to control the export of materials and technology useful in the acquisition and use of weapons of mass destruction. Our role in maintaining the Nuclear Suppliers Group, the Zangger Committee, and the Wassenaar Arrangement is a vital piece of the inter-agency's role in these effective international export control arrangements.

In the international negotiation and verification of arms control agreements, DOE is again a key participant. Our unparalleled understanding of nuclear materials and weapons will become increasingly important when the United States and Russian negotiate to pursue lower levels of deployed nuclear weapons in the strategic arms reduction (START) process, and as START begins to consider more challenging areas of monitoring, including those related to actual warhead dismantlement. Moreover, our contributions in the area of arms control verification, including but not limited to our work on the Comprehensive Test Ban Treaty and efforts to negotiate a ban on the production of fissile materials for nuclear weapons, have been critical additions to the negotiation and policy formulation processes.

I am very proud of the role that DOE plays within the Clinton administration's overall nonproliferation and national security activities. As the main repository of technical skills and capabilities within the government, in many cases DOE is where the rubber meets the road. DOE contributes its technical skill in numerous areas, including the protection of nuclear materials in Russia, the canning of spent fuel in Kazakhstan and North Korea, the transshipment of abandoned highly enriched uranium in Georgia or Kazakhstan, development of verification tools for the Comprehensive Test Ban Treaty, and detection equipment for chemical and biological agents, and assessment of proposed export licenses and recommendations for modifying international export control lists.

By providing a technical set of skills to the inter-agency discussion of key security issues, the Department helps define what is possible and helps expand the envelope of what can be achieved in the international field. This is a critical component to defining and implementing effective policy decisions. In addition, as an experienced party on the ground in many of the countries where the United States is working on security and nonproliferation problems, DOE can bring a special understanding to inter-agency discussion on international policy.

#### NATIONAL SECURITY CHALLENGES

Our work in Russia, as important as it is, must not and does not distract our attention from our critical and considerable domestic activities. The changed situation abroad is matched by a changing picture at home. The President highlighted his concerns about new domestic threats in January at a National Academy of Sciences

event in which he stated that “The enemies of peace realize they cannot defeat us with traditional military means. So they are working on two new forms of assault: cyber attacks on our critical computer systems, and attacks with weapons of mass destruction—chemical, biological, potentially even nuclear weapons. We must be ready—ready if our adversaries try to use computers to disable power grids, banking, communications and transportation networks, police, fire and health services—or military assets.”

President Clinton, and his entire national security team, are increasingly concerned about these threats. We are, at the President’s direction, making concerted and coordinated efforts to meet these growing challenges. Let me explain what DOE and NN are doing in this area.

#### CHEMICAL AND BIOLOGICAL THREATS

Among the Secretary’s top priorities is responding to the growing threat of chemical and biological attacks inside the United States. The Department of Energy, drawing upon the diverse and extensive expertise of the national laboratories, has extraordinary assets in the fields of biology and chemistry, pursued for both the pure and applied scientific value. With relatively modest sums of money, the Department is seeking to leverage these skills and experience to improve our ability to detect and identify biological and chemical agents.

To pursue this work, we are requesting a total of \$32 million, which is a \$13 million or 70 percent increase over our 1999 appropriations. The focus of these efforts is to better equip first responders with the tools to identify and categorize chemical and biological agents. The tools we seek to develop must be portable, fast, accurate and simple, so that they can be put to immediate use in the field, serving to protect the American public from hoaxes or, worse, actual attacks.

Again, Mr. Chairman, defining the challenge is as simple as answering it is complex. There is, on average, one anthrax threat in the United States every day. In January, the shortcomings of our current capabilities were made glaringly clear, when an anthrax threat was directed at the 7th floor of the Department of State. While this, fortunately, turned out to be a hoax, we need to do better in fielding smart systems capable of detecting potential chemical and biological agents. Today, there are no simple, portable and reliable detection and identification tools for biological agents available to those officials who are assigned the role of getting to the scene of a chemical or biological attack first. Delays in assessing the credibility and severity of specific incidents create confusion, waste resources, and, in the event of a real attack, costs lives. In sum, our limited abilities in this area actually increase the “terror” effect of such attacks or hoaxes, thus inviting additional events. The sooner we can field the types of portable detection equipment we are working on, the sooner we will be able to deter and reduce the number of such attacks.

There are questions raised from time to time about why involve the Department of Energy—whose weapons expertise is focused in the nuclear arena. To be direct, the Department of Energy and its laboratories have a broad range of ongoing programs in biological and chemical areas which provide it with a unique set of skills to apply to this problem. Although originally developed in the service of our primary nuclear mission, these world-class capabilities can be leveraged for critical chemical and biological detection work. Programs such as the human genome mapping project or chemical spill remediation efforts are also being drawn upon to better protect our citizens against the most insidious of attacks.

The Department recognizes, however, that it does not have operational responsibilities for protecting the public from chemical or biological attack. As a result, our work is focused on meeting the needs of our customers, namely agencies within the government responsible for directly responding to such threats. An example of this close relationship is the work we are engaged in with the Defense Threat Reduction Agency to conduct a joint demonstration of our modeling and detection technologies at the upcoming Winter Olympics in Salt Lake City.

#### RESEARCH AND DEVELOPMENT

The larger part of our research and development program, for which we are requesting \$221 million in total, is dedicated to other ground breaking and vital efforts to improve our national security. Within my office, our Research and Development activities are working to ensure the early detection of proliferation-related activities and to improve our ability to verify existing or planned international treaties. We are pursuing a number of important avenues which will help detect, with increasing reliability, efforts to produce and refine nuclear materials, as well as new and better ways to detect and characterize nuclear tests and activities contrary to international norms or U.S. security interests.

In addition to our efforts on the chemical and biological weapons detection systems mentioned above, our program is focused on developing and demonstrating: sensor systems for remote detection of effluent signatures indicative of proliferation activities using active and passive optical techniques; sensor systems for remote detection of physical signatures indicative of proliferation activities using radar, multispectral, optical, and radio frequency techniques; nuclear radiation detection sensor systems to enhance nuclear material accountability and control as well as deter nuclear smuggling activities; and developing and producing ground and satellite-based sensors and systems to enable effective U.S. monitoring of nuclear test ban treaties.

Requirements for the Department of Energy's Nonproliferation Research and Development Program are derived from Presidential and Congressional direction and from our customers within the interagency community. The program is closely coordinated at the working level with operational users and other developers, and is reviewed at the more senior level by interagency bodies like the Counterproliferation Program Review Committee and the Nonproliferation and Arms Control Technology Working Group. An example of the close interagency cooperation is the program's Multispectral Thermal Imager small-satellite scheduled for launch in early FY 2000. The demonstration satellite developed by the DOE is being launched as part of the Air Force Space Test Program, with the Air Force paying for the launch costs.

#### DOMESTIC SECURITY

Our domestic responsibilities within the DOE complex also play an important part in our overall nonproliferation activities. DOE's Office of Safeguards and Security sets policy and reviews implementation of physical and information security within the Department of Energy. In full cooperation with the Department's counter intelligence office and the Secretary's initiatives to further improve the security situation at the national laboratories, the Department is meeting its responsibilities to protect what are among this nation's most important national security assets.

Ongoing developments in this field are having a dramatic impact on the way we do business at the national laboratories. Secretary Richardson and the entire Department of Energy is committed to ensuring that we have the best possible security at these critical facilities. As the Secretary has stated, however, these facilities cannot operate in a vacuum if they are to remain the pre-eminent scientific establishments that exist today. With proper precautions, we can and will ensure that the laboratories fulfill their many critical national security missions.

#### EMERGENCY RESPONSE

Even as we prepare to address the risk of attack here at home, including our CBW detection efforts and our domestic security work, we are constantly preparing for how to respond should an emergency develop. The Office of Emergency Response is a critical resource for the Department and the United States Government as a whole. This extensive communications network and dedicated staff are vital assets, and enable the Department's leadership to receive and process updates and help manage the response to a large variety of contingencies. These include environmental concerns associated with the management of DOE sites, to the more extreme cases of attack or sabotage. As with the other offices within my responsibility, I have been extremely impressed with the professionalism and dedication of the staff within this program office. Their efforts help reduce the likelihood of a crisis and enable us to reduce the consequences, should one arise. Their efforts are generally underappreciated in the eye of the public, largely due to their skill and success in their jobs.

#### CONCLUSION

I would like to end where I began, and thank the Chairman and the entire Committee for their support for the Department and my Office as we address the nation's critical national security missions. I look forward to our continued work together. Thank you.

The CHAIRMAN. Thank you very much.

**STATEMENT OF HON. ERIC D. NEWSOM, ASSISTANT SECRETARY OF STATE FOR POLITICAL-MILITARY AFFAIRS, DEPARTMENT OF STATE**

Mr. NEWSOM. Thank you, Mr. Chairman, Senator Biden. I appreciate those kind words. When people in the State Department ask me what it was like to change from working as a Senate staffer to coming down there, I say that I was a powerful, influential staffer on the Senate Appropriations Committee and now I am an Assistant Secretary of State. I have to have 20 people sign off on everything that I do. The contrast is actually very sharp.

Mr. Chairman, Senator Biden, members of the committee, I am pleased to appear before you today, along with my friend, Rose Gottemoeller. I just would deliver a short statement and if I could ask that my full statement be inserted in the record.

The CHAIRMAN. Without objection, it certainly will be.

Mr. NEWSOM. Sixteen months ago, the Senate confirmed me as Assistant Secretary of State for Political-Military Affairs, and I would like to express my very strong appreciation to this committee for taking the time at the end of what I know was an extraordinarily busy session to deal with my confirmation. I appreciate the confidence that you expressed in me by that act, and I am very grateful to the President and the Secretary of State for appointing me to this position.

One piece of business I left unfinished at that time was my appearance before you, and so I look forward today to discussing with you the range of issues covered by the Political-Military Bureau.

Of course, a significant event has occurred since my confirmation, that is, the merging of the Arms Control and Disarmament Agency into the State Department. Before April 1, the Political-Military Bureau dealt with a wide range of important national security issues. Now, its former arms control and nonproliferation responsibilities have been placed into new bureaus. In this sense, the reorganization has brought the Political-Military Bureau back around full circle, closer to its original mission when it was first set up in the early 1960's.

The main functions of Political-Military Affairs at that time were twofold: to be the Secretary of State's principal resource on significant political-military matters and to be the Department of State's primary liaison with the Department of Defense.

With the loss of arms control and nonproliferation responsibilities in this reorganization, once again the Political-Military Bureau's primary focus is on regional security policy issues, arms transfer policies, and on coordination with the Defense Department on a broad range of security matters, including planning for contingencies.

Despite this now more sharply focused agenda of the Political-Military Bureau, its mission remains daunting and we must now meet these demands with a much reduced staff. That will, of course, require careful setting of our goals, and I would like to outline to you what I see as the principal priorities of this new Political-Military Bureau.

First, the arms transfer policy and decisionmaking process. Arms transfers are a key tool in protecting U.S. national security. Ensuring that our allies and friends have the military capabilities to play

their part in protecting shared values and interests is vital to our own national security and to ensuring that we need not do so alone. But as this committee knows so well, an effective arms transfer policy has additional benefits. Relationships built by supporting our friends and allies with appropriate systems for legitimate national defense serves our national security interests as well. And there are also important economies which accrue to the Department of Defense.

I am firmly committed to continued high quality decisions in this area and to improvements in the complex process and to close consultations with this committee, which I believe have been very constructive.

Confidence and security building measures. Reducing the threat of war and supporting peaceful means for managing and resolving conflicts has long been a major American leadership characteristic and a contribution to international security. Confidence and security building measures, or CSBM's, are an important tool for increasing regional security and stability. They have a direct impact on everything from threat perception to peacekeeping operations to arms transfer decisions. So, I intend to pursue conventional arms related CSBM's as a high priority for the new Political-Military Bureau.

Critical infrastructure protection. This is a very new field, but one which we believe is becoming incredibly important to our national security. We are all aware of the advantages that technology has given us, but we are also vulnerable in the information age to attacks on our critical infrastructure by hostile states, terrorists, or hackers. Under the President's directive of last year, PDD-63, the State Department is responsible for international outreach on this issue. Our goal is to work with other countries to develop policies and procedures designed to promote political and military and defense cooperation on protection of critical infrastructures where we share common dependencies or where infrastructure stability is critical to U.S. interests.

Defense analysis. In this complex and changing global environment, it is more important than ever for our foreign policy and national security goals to be closely in harmony. I am working closely with OSD, the Joint Staff, the regional CINC's to try to further this goal through developing capabilities in P&M and relationships with senior levels of those agencies to look at how Department of Defense plans, programs, and activities might be better integrated into our overall foreign policy goals. We need to do a better job in this area, and I think you will find persons from the Defense Department, the uniformed services, and within the State Department who will say up front that this is an area which needs a great deal of attention.

Humanitarian demining. Eliminating the scourge of land mines from past wars and regional conflicts is of great importance to regional security around the world. This program has expanded considerably in the past few years and now we are supporting programs in 26 mine-afflicted nations and another 4 or 5 are likely to join the program in the next year. Our support, along with that of other donors, is making a substantial difference. Land mines are coming out of the ground. Casualty rates are going down. Refugees

are returning to their villages. Roads and highways are being cleared. Businesses and industries are restarting. We have enjoyed considerable support from Congress and in particular from this committee, Mr. Chairman, for which I express our thanks. We hope that working together we can continue to make substantial additional progress in this area.

Contingency planning. Secretary Albright has spoken of two key policy requirements for peacekeeping and crisis response: We must do the right thing, and we must do the thing right. Almost 2 years ago, the President mandated the establishment of a process for interagency planning for peacekeeping and for other complex political-military operations to ensure that we do the thing right.

The Bureau of Political-Military Affairs, charged as the leader in the Department of State on this process, works closely with the Department of Defense, the NSC staff, and others in the interagency community to do political-military planning in anticipation of future contingencies so that we do not have to decide in the midst of a crisis how to handle ourselves, what the relationship between the military and the civilians will be in a given situation.

Regional security. For success in our goals of economic prosperity and democratic values, the world must be safe and secure. Regional security and stability are key building blocks of this aspect of our foreign policy. I chair an interagency working group on Persian Gulf security issues and, along with my two Deputy Assistant Secretaries, conduct over 20 security dialogs each year with countries in every region of the world addressing regional security issues. In these dialogs, we take a special effort with the emerging democracies of Central Europe and the former Soviet Union. In addition to the Gulf, regional security in the Aegean, the Caucasus, and East Asia remain areas where we continue to focus a large part of our efforts.

In an increasingly austere fiscal environment, maximizing the use of our scarce resources is critical. Over time, security assistance has become a smaller and smaller tool in our foreign policy toolbox. That is why, more than ever, we must make sure these funds are applied to our highest priorities and used to maximum effect in pursuing those priorities. I believe that the International Military Education and Training program, or IMET, gives America the biggest bang for the security assistance buck. We do not fully appreciate how IMET and similar programs impart American values to the recipients in foreign militaries both directly and indirectly.

I am going to curtail the rest of this and just simply close by saying, Mr. Chairman, that this reorganization, while it did take away a major part of the responsibilities of the Political-Military Bureau and shifted them to other places, I believe it does give us an opportunity now to focus more on very important missions for security policy and the integration of security policy with diplomatic policy. Of course, the political-military, arms control, and nonproliferation issues cannot be totally separated, and all three of these bureaus now will continue to work closely together, just as we did when it was ACDA and P&M in the past.

So, I thank you again, Mr. Chairman and members of the committee, for the opportunity to appear before you here today, and I look forward to your questions.

[The prepared statement of Mr. Newsom follows:]

PREPARED STATEMENT OF HON. ERIC D. NEWSOM

Mr. Chairman and Members of the Committee: I am pleased to appear today before this Committee, along with DOE Assistant Secretary for Non-proliferation and National Security, Rose Gottemoeller.

It has now been over six months since the Senate confirmed me as Assistant Secretary of State for Political Military Affairs. I would like to express my appreciation to you, Mr. Chairman, and the rest of the Committee for taking the time at the end of the last Congressional session—a period which is always very busy—to address my confirmation. I appreciate the confidence you have expressed in me, and I appreciate the confidence expressed by the President and the Secretary in appointing me to this position.

One piece of business left unfinished at that time was my appearance before you. I look forward today to discussing with you the range of issues covered by the Bureau of Political Military Affairs.

Of course, a significant event has occurred since my confirmation: the merging of the Arms Control and Disarmament Agency into the Department of State. Planning for the reorganization leading up to April 1, and getting the reorganized Bureau of Political-Military Affairs running smoothly since then, has taken up much of my time and that of my colleagues. The changes have been more than merely shuffling personnel and changing the names of offices. It also has resulted in a much more sharply focused mission for the Bureau.

Before April 1 the Bureau of Political-Military Affairs dealt with an exceptionally wide range of issues important to our national security. Now, however, the arms control and nonproliferation portfolios have been placed into new bureaus. In a sense, this reorganization has brought the Bureau of Political-Military Affairs full circle to its original mission, when the Office of Politico-Military Affairs first became a bureau in 1969.

The main functions of that Bureau were two-fold: to be the Secretary's principal resource on key political-military matters, and to be the Department's primary liaison with the Department of Defense. In preparing for this reorganization, I have consulted widely and given a great deal of thought to the goals and mission of the new Bureau of Political Military Affairs.

I believe this Committee and the Bureau of Political Military Affairs have together resolved some very difficult and serious issues concerning the foreign policy and national security of the United States. Mr. Chairman, I look forward to continuing to work closely and collaboratively with you and the other Members of the Committee.

PRIORITIES OF THE BUREAU OF POLITICAL MILITARY AFFAIRS

Despite the more sharply focused responsibilities of the new Bureau, its mission remains daunting. In addition to a broad range of political-military issues, we face a number of conflicts around the world. And we must meet these demands with a much-reduced staff. This problem will, of course, require a careful setting of our goals. The following is what I see as our key priorities.

*Arms Transfer Policy/Process*

Arms transfers are a key tool in protecting U.S. national security. Ensuring that our allies and friends have the military capabilities to play their part in protecting shared values and interests is vital to our own national security, and to ensuring that we need not do so alone. But as you know well, Mr. Chairman, an effective arms transfer policy has additional benefits. For a number of reasons beyond our control, the United States today may not have the same ability to influence countries around the world that we have enjoyed in the past. The relationships that result from supporting our friends and allies with appropriate systems for legitimate national defense, are significant. So are the economies accrued to the Department of Defense. However, no other Committee in Congress knows better than this one the efforts my Bureau goes to make the very best transfer decisions, often under difficult circumstances. I am firmly committed to continued high quality decisions and improvement in process in consultation with this committee.

### *Confidence and Security Building Measures*

Reducing the threat of war and supporting peaceful means for managing and resolving conflict has long been an American contribution to international security. Confidence and security building measures (CSBMs) are an important tool for increasing regional security and stability. CSBMs have a direct impact on everything from threat perceptions to peacekeeping operations to arms transfer decisions. Traditional, conventional arms-related CSBMs are a high priority for the new Bureau of Political-Military Affairs. Together with other bureaus in the Department, we will share our expertise and experiences with other countries in the areas of conventional weapons nonproliferation, arms reduction, military transparency, and confidence and security building measures. We will design specific security solutions for regional problems when requested by affected states, and build constituencies for regional arms control and support for negotiated security agreements. While we have routinely discussed CSBM issues in our security dialogues and in making arms transfer decisions, I am directing additional resources into these efforts. The Bureau of Political Military Affairs is an active participant on CSBM issues on a global basis, particularly contributing to CSBM work through the Organization of American States and the Organization of African Unity.

### *Critical Infrastructure Protection*

The relentless development of more sophisticated information technologies, as well as the increasing dependence of the U.S., with other countries on these technologies, have been a blessing and a curse. We are all aware of the advantages of technology. We are also all vulnerable in the information age to attacks on our critical infrastructures by hostile states, terrorists, or hackers. Under the President's directive, known as PDD-63, the State Department is responsible for international outreach on the issue. As part of this effort, I chair an interagency group focusing on the political-military and defense aspects. Our goal is to develop policies and procedures designed to promote political-military and defense cooperation on CIP issues in countries with which we share critical dependencies or whose infrastructure stability is critical to U.S. interests.

### *Defense Analysis*

In this complex and changing global environment, it is more important than ever for our foreign policy and national defense goals to be in harmony. I am working closely with OSD, the Joint Staff, and the CINCs to further this goal through a serious analysis of how we are preparing to use the Department of Defense to advance our foreign policy goals. Not only does my staff engage their Defense counterparts on a daily basis, but I meet regularly with the senior leadership in OSD and the Joint Staff, as well as directly with the CINCs. We need to do a better job in this area.

### *Humanitarian Demining*

Eliminating the scourge of landmines from past wars and regional conflicts—returning land to productive use and people to peaceful and productive lives—is of great importance to countries around the world. The Secretary has personally embraced this goal. Responsibility for managing the U.S. Humanitarian Demining Program has been placed in the Bureau of Political-Military Affairs. This program has expanded considerably in the past few years, and we are now fully engaged in supporting 26 mine afflicted nations, with another four or five likely to join the U.S. program in the next year. The objectives of the program are to reduce the number of civilian landmine casualties; to return to their homes refugees and internally displaced persons who have been denied access to them by landmines; and to enhance the political and economic stability of nations affected by landmines. Our support, along with that of other international donors, is making a difference. We are making progress; landmines are coming out of the ground; casualty rates are going down; refugees are returning to their villages; roads and highways are being cleared; and businesses and industry are restarting. We have enjoyed considerable support from the Congress, and particularly this committee, Mr. Chairman, and we thank you for that support. We hope that, together, we can continue to make progress.

### *Contingency Planning*

The Secretary has spoken of two key policy requirements for peacekeeping and crisis response: we must “do the right thing,” and “do the thing right.” Almost two years ago the President mandated a process for interagency planning for peacekeeping and other complex political-military operations. His Directive (PDD-56) aims to ensure that when the United States is the lead or a key actor in such operations we “do the thing right.” The Bureau of Political Military Affairs works with the Defense Department, NSC staff, and others in the interagency community on

political-military planning for complex contingencies. Sometimes we lead the process. At other times, we draft a section of the plan or work in tandem with the Joint Staff on the military aspects. In every case, a core mission of this Bureau is to contribute to the “unity of effort” necessary for effective U.S. leadership and participation in complex operations—to do the thing right.

#### *Regional Security*

For the United States to successfully pursue its goals of economic prosperity and democratic values, the world must be a safe and secure place. Regional security and stability are key building blocks of this aspect of our foreign policy. We conduct nearly thirty security dialogues each year with countries in every region, of the world. These dialogues include special efforts with the emerging democracies of Central Europe and the Former Soviet Union. Most recently, we have focused priority attention on Persian Gulf security issues. Regional security in the Aegean, the Middle East, the Caucasus, and East Asia remain areas where we continue to direct a major part of our efforts.

#### *Security Assistance*

In an increasingly austere fiscal environment, maximizing the use of our scarce resources is critical to advancing our political-military goals. Over time, security assistance has become a smaller and smaller tool in our foreign policy toolbox. That is why, now more than ever, we must make sure that these funds are applied to our highest priorities, and used to maximum effect in pursuing those priorities. I continue to see International Military Education and Training (IMET) as the security assistance that gives America the biggest bang for the buck. I believe, for the most part, we do not fully appreciate how IMET and similar programs impart American values to the recipients in foreign militaries, both directly and indirectly. The stability we saw in military forces around the world during recent radical decrease in defense budgets in previous years would have resulted in coups which today never materialized, in part because of the learned respect for civilian control of the military.

#### *Small Arms*

Earlier I addressed the need for regional stability. While most arms control efforts are focused on Weapons of Mass Destruction and heavy conventional weapons, small arms and light weapons designed for military use have done most of the killing in the post-Cold War era. This is especially so for civilians, and particularly in Africa, where Kalashnikov rifles are considered weapons of mass destruction. The uncontrolled proliferation of these weapons exacerbates conflict, contributes to regional instability, facilitates crime, and hinders economic development. In many countries, non-secure stocks are often stolen for use by indigenous criminal gangs, paramilitaries, or insurgents, or sold for use in zones of conflict. I am making stockpile security and destruction a focus of our international small arms policy. Securing active stocks and destroying excess weapons is cheap, often costing pennies a weapon for large stocks, and would pay great dividends by decreasing crime, encouraging development, and permitting reconstruction of societies attempting to recover from civil war and ethnic conflict.

#### *Theater Missile Defense*

Theater missile defense supports, and presents significant implications for, our regional security objectives. As I know you are aware, Mr. Chairman, U.S. forces abroad, as well as our allies, face an increasing threat from offensive missile proliferation. For this reason many states have a growing interest in acquiring protection against theater ballistic missiles. Working closely with DOD, the Bureau of Political-Military Affairs must determine which regions and allies are most vulnerable to this threat, and how best to assist in providing the protection necessary for our shared security objectives. As you can imagine, not all states will share our judgments. Thus, the Bureau of Political-Military Affairs must assess and respond to the new diplomatic requirements and opportunities created by the introduction of TMD into already complicated regional security architectures.

In closing, State’s recent reorganization gives the Bureau of Political-Military Affairs the opportunity to focus more clearly on what I see as our primary and original mission. Of course, political-military, arms control, and nonproliferation issues cannot be totally separated, and my bureau will continue to work closely with our colleagues in the new Arms Control and Nonproliferation bureaus, just as the Bureau of Political-Military Affairs and ACDA did before the reorganization.

Mr. Chairman, I would like to reiterate my appreciation for the time and effort taken last year by you and the other Members of the Committee to approve my nomination. I also wish to thank you for the opportunity to address the Committee

today and look forward to continuing to work closely with you. I would be pleased now to address any questions you may have.

The CHAIRMAN. Mr. Secretary, the main reason I was a bit late today is because of the surprising interest in these two nominations by other chairmen, other Senators, who were present at our weekly policy luncheon, and part of my questioning may reflect some of the bewilderment of the others. But in any case, I know you both will respond fully and without hesitation.

The first thing I want to ask you, what is—we are going to have 7 minutes per Senator.

I want you to describe for me the State Department's policy on direct contact with officials of pariah states. Can you do that?

Mr. NEWSOM. I will give you my best understanding. This is not an area of my specific responsibility and I would like to supplement, Mr. Chairman, with a written answer.

Essentially we do not maintain direct contacts with officials of the pariah states. I understand that there may be certain unavoidable situations such as a U.N. meeting where they will be present, but it is at least my understanding that our general policy is that we do not engage in direct contacts with their officials. But I would like to supplement that, if I may, with a written response.

The CHAIRMAN. All right. Include in that statement, if you do not already know it, when was this policy established, by whom, and under what authority. Do you know the answer to that?

Mr. NEWSOM. I do not, Mr. Chairman.

The CHAIRMAN. Be sure you include that in your response.

Mr. NEWSOM. I will.

The CHAIRMAN. And I suppose your response will be the same to my next question. How was the policy presented and promulgated?

Mr. NEWSOM. I will have to provide that to you too, sir.

The CHAIRMAN. All right. Maybe you can help now from your own memory. Which states are considered for the purpose of this policy to be pariah states?

Mr. NEWSOM. Well, certainly Iran, Iraq, North Korea, Libya. I believe those would be considered the pariah states.

The CHAIRMAN. Well, the thing that created a problem in my mind when I was discussing it earlier was that the Foreign Relations Committee, now just inquiring about this, has not been informed of this policy, and I wonder why we were not. If you do not know the answer to that, I will invite you to put that in the written response.

Mr. NEWSOM. Yes. I think it is safest to be clear that this is not an aspect of our policy that I am personally engaged in, and anything that I say would be likely to be wrong and get me in hot water. I would like to provide it all in writing for you, sir.

The CHAIRMAN. Could you do that fairly rapidly?

Mr. NEWSOM. I will endeavor to respond promptly.

[The information requested follows:]

TOPIC: STATE DEPARTMENT POLICY ON CONTACT WITH "PARIAH STATES"

There is no definition in law or regulation for the term "pariah state" and the Department does not designate any state as a pariah country.

There are states with which the United States does not maintain diplomatic or consular relations. As of today, these include: Cuba, Iran, Iraq, North Korea, and

FRY (Serbia and Montenegro). Guidance on contacts with officials of these states is provided as needed by the appropriate regional bureau in the Department.

The CHAIRMAN. Now, do you believe that sections 3(a) and 3(b) of the Taiwan Relations Act take precedence over the arms sale clauses of the August 1982 communique signed with Communist China?

Mr. NEWSOM. Senator, I believe that United States law takes precedence over other non-legally binding instruments, and so I have to take the position that duly enacted laws of the United States would supersede another instrument that did not have the effect of law.

The CHAIRMAN. But the Taiwan Relations Act has the effect of law. So, you are saying in response to my question that it has precedence.

Mr. NEWSOM. Yes. I am acknowledging that as the law of the United States, that it is legally binding.

The CHAIRMAN. Well, what weapons systems are we prepared to provide Taiwan?

Mr. NEWSOM. Well, sir, consistent with the Taiwan Relations Act and policies of this and previous administrations, we are prepared to provide Taiwan with weapons to meet its legitimate defense requirements.

The CHAIRMAN. Does that include an early warning system?

Mr. NEWSOM. Mr. Chairman, that is a topic which has been under active consideration in connection with the current round of discussions with Taiwan on their arms sales requests. With all possible respect, Mr. Chairman, I have to state that by agreement with Taiwan, those exchanges are confidential and I am not able to go into them in the open session, although I will be happy to do so in a closed session.

The CHAIRMAN. I will think about recessing this session and getting an answer to my question because I want it. Or would you prefer that we go ahead with the meeting and then afterwards both sides meet with you privately?

Mr. NEWSOM. Mr. Chairman, I am at your disposal.

The CHAIRMAN. Or would you prefer to go back and check with your folks and put it all in writing?

Mr. NEWSOM. Mr. Chairman, I am prepared to do as you require, if you wish to go into executive session or if you wish me to remain behind. I am simply not able to do it in a public setting.

The CHAIRMAN. Well, will you be able to do it in writing within 24 hours and have it delivered to me?

Mr. NEWSOM. I believe I could do that, yes.

The CHAIRMAN. All right. Maybe we could stay after this meeting is over for a few minutes to discuss it.

My time is just about up, so I am not going to start a question. Senator Biden.

Senator BIDEN. Thank you, Mr. Chairman.

Madam Secretary, you indicated the Russians approached you or your agency regarding civilian employment for Soviet scientists. It may be useful in non-Washington speak—not that you have done that, but literally how did that happen? Who approached whom? How do you get to the point where we are working closely enough with the Russians that you actually get approached with an idea

from Russia saying, hey, look, help us employ our scientists? How did that happen? And if you can make it brief in light of my time, I would appreciate it.

Ms. GOTTEMOELLER. Certainly, sir. Perhaps I'll just review for the committee the inception of the Nuclear Cities initiative.

Senator BIDEN. No, no. Don't review it because I understand the conception. Tell me, how did it happen? Was somebody at a meeting? Did they walk up to you? Was it an official communique? Did Gore get a letter from Primakov or Chernomyrdin? I mean, how did it happen? I am an eighth grade student. You are trying to explain to me how Russians and Americans work together in this, how did we get contacted.

Ms. GOTTEMOELLER. Summer before last, we received our initial inklings that the Russians were beginning to decide to downsize their nuclear complex. We heard from the NGO community specifically that the Russian Government was beginning to talk seriously about this. They had never done so in the past.

When I visited Moscow soon after arriving at the Department of Energy in February 1998, I was approached—well, it was actually my scheduled meeting with the then Minister of Atomic Energy, Mr. Mikhailov, and he said that in fact the Russian Government had begun to look at downsizing the nuclear complex and that they were interested in learning from the experience that the United States had had over the previous 3 decades and would we be willing to work with them on an initiative with regard to their 10 nuclear cities.

So, that is really the beginning of the Nuclear Cities initiative, and I would like to underscore, sir, the link between the kind of information and cooperation we have with the non-governmental community and our very close cooperative relationship, of course, with the Russian Government on such projects.

Senator BIDEN. Well, I think it is important sometimes to explain to the American people exactly how this works in everyday life, that there is this notion that there is some kind of a divine intervention that occurs and all these big programs that we talk about, acronyms we use that nobody but those of us in this room understand. So, the point is that they had a problem and someone said, hey, look, to you. Your counterpart said, you have been through this. You have downsized your defense establishment. How do you do it? Can you help? Is that—

Ms. GOTTEMOELLER. Precisely, Senator. That is exactly what happened.

Senator BIDEN. The second question is that the plutonium disposition, a fancy word for saying get rid of the plutonium. Now, this program that the chairman is critical of—in plain English that average Americans can understand, what is the deal here? They have got a lot of plutonium because they have broken down all of these weapon systems they have agreed to break down, and you have got weapons grade stuff sitting out there. Right? That they own, right?

Ms. GOTTEMOELLER. Yes, sir, that is exactly right.

Senator BIDEN. It is theirs. It was sitting on top of missiles, on warheads that were aimed at us to blow us and other people up. Right?

Ms. GOTTEMOELLER. Yes, that is exactly right, sir.

Senator BIDEN. And so, with Nunn-Lugar, we went in there and we just started chopping up these missiles, but you have taken out the yolk of the egg here. You are taking out the heart. The stuff that is left over—after you breakup all the metal and the steel and the titanium, is you have this stuff that is weapons grade material. Right?

Ms. GOTTEMOELLER. Yes, sir, that is correct.

Senator BIDEN. Now, the Russians own that. Right? Or do we own it?

Ms. GOTTEMOELLER. No. The Russians.

Senator BIDEN. The Russians because it was theirs. It was in their missiles. Right?

Ms. GOTTEMOELLER. That is correct.

Senator BIDEN. It is not anything we sold them. Right?

Ms. GOTTEMOELLER. Correct.

Senator BIDEN. Now, the issue is what are they going to do with that. Right?

Ms. GOTTEMOELLER. That is right, sir.

Senator BIDEN. Are they going to go out and sell it to somebody else? Are they going to sell it to the Iranians? Are they going to sell it to the Iraqis? Are they going to sell it to the North Koreans? Are they going to give it to their friends? Or are they going to use it to build more missiles? Right?

Ms. GOTTEMOELLER. Sir, I think basically the concern is very long-term storage by the Russian Government that could result in, at some point, theft or diversion and it could end up in the wrong hands.

Senator BIDEN. In other words, they are going to put it away somewhere. They have got to literally stockpile it. It is in a pile somewhere, not literally a pile, but it is stockpiled somewhere. And we are worried that it is either not going to be adequately controlled because they are not as management oriented as maybe we are or we are worried that it is going to get in the wrong people's hands. Right?

Ms. GOTTEMOELLER. Yes, sir.

Senator BIDEN. So, what did you decide to do about it? What is the negotiation you are talking about?

Ms. GOTTEMOELLER. Again, we worked with the Russians, beginning back in the mid-1990's, and at the April 1996 Moscow summit, we agreed with them on an approach that would involve both immobilization, that is, putting the plutonium in mixture with glass or some other material and storing it so it could not be used, it could not in any way be easily taken out and turned into weapons, and also fabricating plutonium into mixed oxide fuel, so-called MOX fuel, which would then be burned up in nuclear power plants. So, two different approaches to disposing, to getting rid of the plutonium agreed between the two sides to be effective in this regard.

Senator BIDEN. But the idea was to get rid of the plutonium.

Ms. GOTTEMOELLER. Absolutely, sir.

Senator BIDEN. You ought to just say that because the way it sounds, understandably to people, when you hear of this program, it sounds like we are somehow giving them plutonium in order to be able to burn in their nuclear reactors for civilian purposes that

they can divert to military use, when in fact it is military use plutonium, military ready plutonium that they own that we are worried they are not going to control. And just like with the scientists, we are trying to figure out how to actively get it used in a way that is not a danger to us. Right?

Ms. GOTTEMOELLER. Yes, sir.

Senator BIDEN. Or the least danger.

Ms. GOTTEMOELLER. And that will get rid of it forever.

Senator BIDEN. All right. And because to burn it up, it is gone, and they have gotten some benefit from it and we have gotten some benefit from it.

Ms. GOTTEMOELLER. Yes, sir.

Senator BIDEN. If it were a perfect world and they had no plutonium, we would not be sending them any to burn in their nuclear reactors, would we?

Ms. GOTTEMOELLER. No, sir.

Senator BIDEN. Well, I am not being facetious because most people—you all do this so much, you forget that average people are pretty damned smart, but they do not understand all the acronyms. And what they think is, what most people think—and maybe even some of my colleagues think—somehow this is our plutonium, we are giving it to them to help them with their energy needs. It is their plutonium that they can control. We are worried they are not going to control it, so we are going to help them burn it rather than keep it stored. Right?

Ms. GOTTEMOELLER. Yes, sir.

Senator BIDEN. Is that a fair statement?

Ms. GOTTEMOELLER. To get rid of it forever.

Senator BIDEN. I am available as your press person.

Ms. GOTTEMOELLER. Thank you.

Senator BIDEN. I am available to make your case for you because you all ain't making it very well, quite bluntly. It is not being made well because that is what it is.

Now, it may be a bad idea at that, but that is what it is. It may not be the best way to do it, but that is what it is. It is not what a lot of people think it is.

My time is up and I will come back in a second round, if the chairman permits, to ask a few more questions. Thank you, Mr. Chairman.

The CHAIRMAN. You are welcome.

Senator Feingold.

Senator FEINGOLD. Thank you, Mr. Chairman, for holding this hearing. The issues of nonproliferation and arms control are among the most important issues that face this committee and, indeed, the full Senate.

I just want to use a couple minutes of my time to say again that I have been a strong supporter of prompt Senate action on the Comprehensive Nuclear Test Ban Treaty ever since President Clinton submitted the treaty to the Senate for its advice and consent on September 22, 1997. It has been signed by more than 150 nations and prohibits the explosion of any type of nuclear device, no matter the intended purpose.

India's and Pakistan's recent nuclear tests only underscore the importance of the CTBT and serve as a reminder that we should

redouble our efforts to bring the entire community of nations into this treaty. While I am pleased that both of those countries have agreed to sign the treaty, they have done so only after intense international pressure and only after they conducted the tests they needed to become declared nuclear states.

We have to do more to ensure that no further nuclear tests take place. And, Mr. Chairman, I know you and I respectfully disagree about this treaty, but I urge you to begin its consideration in earnest at the earliest possible date. The United States has to lead the world in reducing the nuclear threat, and to do that, we have to become a full participant in a treaty of this kind that we help craft.

Mr. Chairman, now I would like to turn to Mr. Newsom and just ask a couple of questions about the treaty.

Many observers believe that the administration does not have a strategy for promoting the Senate ratification of the CTBT. How would you respond to that criticism?

Mr. NEWSOM. Senator, I think the President and the Secretary have made clear that getting the CTB ratified in this session is one of the top priorities. I believe that they seek every opportunity that they can to press that point on the Members of the Senate, pointing out that ratification of the treaty, and especially ratification of the treaty this year, is increasingly urgent for the United States.

On the one hand, there is the dialog that we have been engaged in with India and Pakistan that you mentioned, and one of the things that we have been pressing them very hard to do in complying with the benchmarks that were laid down by the U.N. Security Council is to commit to sign the CTB by September. And we have secured that commitment from those two countries.

As we approach the fall, there is going to be a conference pursuant to article 14 of the treaty which will examine measures and actions to help bring the treaty into force. The United States really should be a full state party by the time of that conference because we need to be there as a leader. If we have not ratified by then, we will be permitted to be present as an observer, but it will not be in the same role that we would have, had we ratified the treaty.

I think another point that we really have to bear very much in our minds is that the next NPT review conference is coming up in the year 2000. Getting a CTB done was one of the major agenda items of the first review conference. It is seen as part of the nuclear powers obligation under article 6 of the NPT to take reciprocal actions for disarmament. I think it is so fundamentally, so profoundly in our interests to maintain the NPT regime, strong and stable and permit no challenges to it, that our having ratified the CTB will, I believe, be a very important demonstration to these other countries that the United States and other nuclear powers are moving ahead with the agreed agenda in responding to their willingness under the NPT to give up the right to have nuclear weapons, that we are going ahead and doing the things that we are required to do, that is, a CTB, hopefully get the START II treaty ratified, well into START III negotiations. All of these things are going to be very important to us in managing what could be quite a difficult review conference for the NPT.

So, I echo your words and I think that the administration is fully committed to making every reasonable effort it can to get the treaty through this year.

Senator FEINGOLD. I appreciate the answer and the renewed commitment.

I would like to ask Secretary Gottemoeller a different kind of question. A number of my constituents have contacted me about and are very active in the sister city relationship between the Fox Valley region of Wisconsin and the city of Kurgan, Russia. Through this relationship, they are working to help the people of that region adjust to the construction of a chemical weapons disposal facility in their area. Participants in this program have made several trips to Russia and a number of the folks from Kurgan have also visited Wisconsin. My constituents hope that their efforts to foster community development in Kurgan in such areas as health care, women's leadership training, democracy and civil society programs, and infrastructure initiatives can be replicated in the other nuclear cities that you mentioned throughout the former Soviet Union.

Just say a bit about the relationship between weapons destruction and disposal and community development and whether you can really have one without the other.

Ms. GOTTEMOELLER. Yes, sir. In fact, I am well aware of the activities of your constituents. They have played a very important role, particularly in looking at the overall health situation in Kurgan and working with local hospitals in the area and medical doctors and so forth. So, they have made a very important contribution overall.

I would like to say that I consider their activities actually as a kind of model for the kind of partnership that we would like to develop between the government and organizations, regional and state organizations, in building up relationships that will enable the downsizing and restructuring of the complex to occur as the Russian Government has hoped because, as we are well aware in the DOE complex, having accomplished a downsizing over the past 30 years, it is necessary to pay attention to a wide range of factors, including the health of the population and including the overall social situation in the area.

And these are areas that, in fact, organizations in the private sector and at the State and local level can make a great contribution to. We have already developed a very good relationship, for example, with the AID-sponsored sister cities program which draws in sister cities from around the country to work in the nuclear cities of Russia. There are many things that the Government cannot and should not do. I believe that areas such as those your constituents have been involved in in working particularly the health problems are very valuable and will help us essentially to take care of the whole spectrum of problems as we are working in the downsizing of these nuclear facilities.

Senator FEINGOLD. I thank you for that answer. Both of my questions, I want you to know, come really from a strong interest on the part of my constituents in these matters. It is not a Washington issue. People are very worried about these matters in Wisconsin, and I thank you both for your work in this area.

Thank you, Mr. Chairman.

The CHAIRMAN. Madam Secretary, a year ago this past January, somewhere along the 15th or 12th or something, the President certified to Congress that China had provided the United States with "clear and unequivocal assurances" that China will not assist any non-nuclear weapons state either directly or indirectly in acquiring nuclear explosive devices. Are you aware of any information suggesting that China, in fact, has subsequent to that provision of the aforementioned assurances, assisted such a country either directly or indirectly, in acquiring a nuclear explosive device?

Ms. GOTTEMOELLER. I am not aware, Mr. Chairman, of any such actions.

The CHAIRMAN. Do you think if it happened, you would be aware? Are you saying that it did not happen?

Ms. GOTTEMOELLER. I am saying, sir, that in fact we have a very great interest as a Government and as an administration in this issue overall and that we are very attentive to such issues. So, yes—

The CHAIRMAN. I do not want to be rude, and I am not trying to lead you into a trap. But less than a month after President Clinton certified China for nuclear cooperation with the United States, the Pakistan press announced that the military plutonium production reactor at a place called K-u-s-h-a-b, Kushab, had been brought on line. Now, where do you think Pakistan got the heavy water needed for this operation? Do you have any interest in that?

Ms. GOTTEMOELLER. Well certainly, sir, we have a continuing interest in proliferation issues of that kind and we do pay—

The CHAIRMAN. But you do not know anything about it.

Ms. GOTTEMOELLER. Sir, I do not have at my fingertips a great wealth of information on that particular issue.

The CHAIRMAN. What does that mean? Would you like to go out and telephone and see if somebody will give you an answer to that question? Because I think in your position you ought to have it if it happened, and I think it happened.

Ms. GOTTEMOELLER. Well, I would certainly be prepared to provide you with full information because, sir, I think probably the information resides in the classified realm, and so it would be difficult for me to speak about it in this setting.

The CHAIRMAN. Well, let me tell you this. This classification thing in Washington, DC has become a dodge. Pat Moynihan and I had a field day for about a year exposing the fraud that classifying this and classifying that is just a way to get around taking a position on it or taking any responsibility for it.

Now, I am not saying that that is what you are doing. But I want you to find out the answer to that question.

Ms. GOTTEMOELLER. Certainly, sir. I would be happy to.

The CHAIRMAN. And I want you to find out if it came from China, if so, when it came from China, and when was the executive branch aware of this matter.

I am going to ask you to do exactly what I did to Mr. Newsom, that is, to get that up in writing and get it to me tomorrow because I tell you, I am not going to let this committee act on nominations until I get all the information that I need and want regarding this sort of thing. So, will you get that to me tomorrow?

Ms. GOTTEMOELLER. Yes, sir, certainly.

[The information requested follows:]

*Question.* What was the extent of Chinese assistance to Pakistan's unsafeguarded Kushab reactor? Who supplied the heavy water for Kushab? When did the Executive Branch become aware of it? Why did the Administration not notify Congress?

*Answer.* By mid-1994, the Intelligence Community had sufficient evidence to evaluate Chinese assistance to Pakistan, which became a factor in U.S.-Chinese negotiations. The most prominent case involved the transfer of ring magnets for use in Pakistan's uranium enrichment program. During the two years of discussions between the U.S. and China with respect to implementation of the 1985 Agreement Nuclear for Cooperation, the issue of Chinese assistance to Kushab also figured prominently. At that time, U.S. policy officials made it clear to the Government of China that, among other things, a "no assistance" condition regarding any unsafeguarded nuclear activity was absolutely essential in order for the President to make the certifications to implement the Agreement. The U.S. sought the following assurances from China that it:

- Would not assist unsafeguarded nuclear activities
- Would cease all assistance to Iran's nuclear program once two minor projects, then underway, were completed
- Would promulgate/implement national nuclear export control legislation/regulations, including "catch all" provisions
- Would join the NPT Exporters Committee (Zangger Committee)

On May 11, 1996, China publicly assured the U.S. that it would not provide assistance to any unsafeguarded nuclear facility.

Ultimately, in return for the May 11 assurance, as well as assurances on the other conditions noted above, the President was able to provide certification to Congress that China was not assisting third countries to develop nuclear explosives. At that time, the President also forwarded to Congress both classified and unclassified reports detailing Chinese foreign nuclear activities. The Agreement was implemented March 18, 1998. The Congress was regularly briefed on all relevant issues throughout the U.S.-China negotiations that led to Presidential certification.

Additional details regarding past contacts between Chinese entities and Pakistan's unsafeguarded nuclear program can be made available on a classified basis. Details related to the heavy water supply to Kushab will be made available through classified channels as well.

[NOTE: Additional information regarding this question was received in classified form.]

*Question.* Will you keep the Chairman and Ranking Minority Member informed of all activities associated with the proliferation of nuclear technology as required by Section 602 of the Nuclear Nonproliferation Act?

*Answer.* Yes. As you know the Department of Energy, as well as the other agencies of the Executive Branch have various reporting requirements to Congress on activities associated with the prevention of nuclear proliferation, through Section 602 of the Nuclear Nonproliferation Act. Specifically, the Department of Energy is required to provide a detailed analysis of the proliferation implications of advanced enrichment and reprocessing techniques, advanced reactors, and alternative nuclear fuel cycles.

When reliable information associated with the supply of material, equipment, or technology to any nuclear activity of concern (nuclear explosive or unsafeguarded fuel-cycle) is brought to our attention, the Department of Energy, in conjunction with the national laboratories, will analyze the information and provide detailed input into the Executive Branch's various reporting requirements to Congress, including the Section 602 report.

The CHAIRMAN. All right.

Mr. Newsom, I have so many things I want to ask you.

Newsweek reported, not so long ago, that in 1997 the United States uncovered a massive tunneling operation in North Korea. Now, when were you first made aware of this, if you were at all?

Mr. NEWSOM. I was not made aware of that for several months after it was first made known in very closed circles.

The CHAIRMAN. Well, that makes me nervous that there is an acknowledgement that it happened, which is what you have just done.

Now, do you believe, sir, that North Korea's nuclear weapons program is indeed frozen?

Mr. NEWSOM. I believe that we can verify that the facilities at Yongbyon are shut down. We have IAEA inspectors there. They are monitoring the 8,000 cans of rods, and so the reactor is not operational. So, that facility, which is the object of the agreement, is shut down, yes.

The CHAIRMAN. I am not trying to be heavy-handed about it, but I want something exactly right, up-to-date in Kansas City included in what you are already going to send me in writing. It could be classified, if you want to do it. I would rather have a yes or no question, but we will see about that.

Now, under section 602 of the Nuclear Non-Proliferation Act, the Secretaries of State and Energy have an obligation to keep this committee fully and currently informed—and I am quoting—with respect to proliferation issues. The law was broken with respect to North Korea, and the committee was kept in the dark for an extremely long period of time.

Now, this has got to stop. Both of you are brand new Assistant Secretaries, and I am not trying to beat up on you and I will not because you are blameless in this matter. However, I am asking both of you if you will commit to me and this committee now that you will personally ensure that Senator Biden of Delaware and I and our designated staff, whom we may choose, will be kept fully and currently informed pursuant to section 602 of the Nuclear Non-Proliferation Act. Can I have your assurance on that?

Ms. GOTTEMOELLER. Yes, sir.

Mr. NEWSOM. I am in an awkward position, Mr. Chairman, in that I have no responsibilities in that area under the reorganization. I am not involved now anymore in nonproliferation or related matters. What I can go do is get the senior person who now is involved in that to give you that commitment.

The CHAIRMAN. Well, you can be of assistance to this committee by getting it for us.

Mr. NEWSOM. I will go seek it.

[The information requested follows:]

TOPIC: BRIEFINGS PURSUANT TO SECTION 602(C) OF THE NUCLEAR NONPROLIFERATION ACT OF 1978

The State Department takes very seriously and will continue to fulfill its responsibilities pursuant to section 602(c) of the Nuclear Nonproliferation Act of 1978 to keep you and the ranking minority member of the Senate Foreign Relations Committee "fully and currently informed with respect to . . . the current activities of foreign nations; which are of significance from the proliferation standpoint." The State Department is prepared to commit to brief you accompanied by an appropriately cleared member of your staff whom you designate. In some cases the underlying intelligence is subjected to extremely stringent dissemination controls by the originating agency, and in such cases we have been authorized to brief only Members. In each case we will work with you and the originating intelligence agency to ensure that you are fully and currently informed consistent with section 602(c), while making every effort with originating agencies to minimize the number of occasions on which information cannot be shared with staff.

The CHAIRMAN. And I am going to repeat again that unless and until I get the information, these nominations are not going to move forward. I want to move them tomorrow if I can, but you

have simply got to cooperate with me and not dodge the ball any further.

My time is up. Go ahead.

Senator BIDEN. Thank you.

Mr. Chairman, I have a confession to make about 602, and I would like, if either are able to speak, to clarify this.

As I understand it, the chairman and ranking member are to be briefed contemporaneously, but I do not believe—and I would ask staff to correct me on this or someone on your staff—we are able to have our staffs briefed, that we are able to send staff to be briefed. Is that correct?

What I am trying to get at here is it is true, to state the obvious, that the chairman was not briefed. It is also true that on two occasions I was briefed. I think the breakdown here in part, Mr. Chairman, is that—and I happen to share your view that staff should be able to be briefed.

The CHAIRMAN. Cleared staff.

Senator BIDEN. Cleared staff. I mean specifically cleared staff at a very high level with Q clearance. I understand.

By way of explanation for the record, it would be a slightly skewed picture to suggest that—if I let the record stand and suggest that I was not briefed. I was briefed. It is obviously more important the chairman be briefed than me be briefed. I assumed that you were as well.

But I think what happened here was on those specific briefings—now, maybe there are others that I am unaware of—it has been the chair's position that cleared staff should be able to be briefed, and I think it has been the administration's position—correct me if I am wrong—that only Senators could be briefed. I was unaware of that in terms of the majority being briefed, which is obviously more important than briefing the minority, but I just want the record to show that on those two occasions I was briefed. The committee was briefed, quote/unquote. The committee was not. I was as one of the two parties, and I think we had a little thing between a cup and a lip here, Mr. Chairman. We ought to get it straightened out obviously.

The CHAIRMAN. Stop the clock. Start it over. I do not want this charged against Senator Biden's time.

Senator BIDEN. At any rate, I thank the chair for that.

Now, Senator Kerry had to leave, and he as me and Senator Feingold and others—as close as the chairman and I are, we are at odds on some substantive issues, not nearly as many as you think, but one of those substantive issues is the Comprehensive Test Ban Treaty. Now, the chairman has made very clear the conditions under which or the circumstances under which he is prepared to bring it up before the committee. And as we say in this body, we agree to disagree on that, but since he has the gavel, it is clear where the disagreement will lie.

But I would like to ask a few questions, particularly to you, Eric, if I may. What are we doing to lessen the risk of nuclear war between India and Pakistan in the wake of last year's nuclear test and their continued missile test? What are we doing, the United States of America?

Mr. NEWSOM. There has been an intensive process that was launched soon after those tests, and the heart of it is a series of bilateral discussions led by Deputy Secretary Talbot with opposite numbers in both those countries. These negotiations, these discussions are targeted at persuading India and Pakistan to adhere to the benchmarks that were set forth by the P-5 in Geneva and then later by the U.N. Security Council basically identically.

Senator BIDEN. Well, how does India's and Pakistan's adherence to the Comprehensive Test Ban Treaty fit into this whole piece?

Mr. NEWSOM. One of the most important benchmarks, a centerpiece benchmark, was to get their adherence to the Comprehensive Test Ban because it would require a permanent cessation of testing.

Senator BIDEN. What good will this do? What is the significance of them not being able to test?

You hear people say all the time that militaries in respective countries will not deploy nuclear weapons that they have not tested because they are worried about the reliability.

What is the value in having India and Pakistan adhere to this Comprehensive Test Ban Treaty? How will it affect outcomes?

Mr. NEWSOM. I think, Senator, you have to talk about that on two levels. At the technical level, prevention of further testing by them has got to have some impact on their level of confidence in the weapons designs. They tested them already. Clearly they felt a perceived need to have to test these weapons. They were not prepared to take on confidence untested designs. So, at the technical level, getting a CTB in place would increase the difficulties of them achieving levels of confidence that military people would want to have with a weapons design. They would not have done further tests.

Senator BIDEN. In your view, are you confident—I know I am interrupting you, but so I understand this, in your view are we confident that had the Comprehensive Test Ban Treaty been signed by both 4 years ago, 2 years ago, would we have been able to detect a violation of that treaty?

Back up. Would their testing that each country did be a per se violation of the treaty? Were they at such range and level that it would have violated the treaty had they been signatories?

Mr. NEWSOM. Well, any test would have violated the treaty because the treaty allows for zero yield testing. So, any test of whatever dimension would have violated it.

Senator BIDEN. So, it would have been a violation.

Mr. NEWSOM. It would have been a violation of the treaty.

Senator BIDEN. What degree of certainty do we have that had it been in place, we would have known without them announcing it that they, in fact, had tested it? Because, obviously, if they were signatories, they wouldn't announce they were going to test or that they had tested.

Mr. NEWSOM. Well, we did detect all of the tests that they conducted.

Senator BIDEN. I know this sounds very rudimentary, but it is important for the record. I am a very basic guy here. I have been doing this arms control stuff for 27 years, and one of the problems we have is, as a predecessor on this committee once said, we have

a lot of nuclear theologians. We understand the jargon, but it is easily translatable. We do not often do it.

So, the reason why it is important that the world community and we thought important for India and Pakistan to agree in the future to be part of the Comprehensive Test Ban Treaty is because nations that do not test usually do not deploy because they do not have the confidence in the systems. Therefore, if they agree not to test, it degrades their capacity to have confidence in nuclear weapons. Correct?

Mr. NEWSOM. Yes. It is generally taken these days that a very simple nuclear design could be done without a test, and you probably would have some confidence it would go off. You might not have very much confidence on what its yield would be, what its effects would be, and your military would certainly want to conduct tests so they understood what this weapon would do.

If you were at a more advanced level of warhead designs, going beyond just a simple fusion device, the requirements for testing go much higher because it is a much more complex operation that has to take place for this thing to do everything that it is supposed to do. That is said to be one of the most important security benefits of a CTB, that the inability to test inhibits the efforts of any would-be proliferator from taking a very simple design, in which they would probably not have high confidence, and increasing its complexity and then being able to test it to get levels of confidence—

Senator BIDEN. If I can make an analogy, and I would like you to correct me if you disagree with this. In my view we have a vivid example of how easy it is for a young man or a woman in the United States to go to the Internet and learn how to make a pipe bomb. In the international community among military forces, it is in a relative sense almost as easy for a nation with any degree of scientific sophistication to make a rudimentary atomic bomb, weapon. But the difference between such a rudimentary weapon and a weapon that is used tactically or strategically in war or in the threat of war by a nation going from that unsophisticated device to a much more sophisticated device that would be needed in that realm is a difference in my view between a pipe bomb and plastic and how it is used. It is much more difficult to do.

Is that a fair, rough, raw analogy?

Mr. NEWSOM. That is certainly my understanding from a lot of discussions back during the CTB negotiating days, that one of the most important benefits of a complete cessation of testing would be that it would really raise the bar on developing more advanced warhead designs. You cannot ever say now, unfortunately, with technology out of the box, that you can prevent them from building this very simple design. As you say, it is the pipe bomb of nuclear weapons. But I would think any meaningful military political leadership would have to wonder what that thing would do and under what circumstances it would be of any value to them.

Senator BIDEN. Mr. Chairman, may I ask one very brief followup on this topic?

The CHAIRMAN. Sure.

Senator BIDEN. We have sanctions now on India and on Pakistan, correct, with the exception of we lifted them relative to wheat

and a wheat sale that we had? But there are sanctions on India and Pakistan now. Is that correct?

Mr. NEWSOM. There have been some—Eximbank has been lifted and OPIC and TDA, but yes, most of the others remain in force.

Senator BIDEN. In order to lift all sanctions, is it the administration's position that they have to sign this Comprehensive Test Ban Treaty?

Mr. NEWSOM. Signing the Comprehensive Test Ban Treaty may well lead us to consider some further positive measures, but I do not believe that we would see that as sufficient to remove all sanctions because—

Senator BIDEN. Absent signing the treaty.

Mr. NEWSOM. Absent signing the treaty. And there are other of the important benchmarks which need to be achieved. Restraint on their missile activities, for example. So, in and of itself, their signing the CTB would be a very positive act, and if everything else was going well, we might want to reciprocate on a positive act. But I do not think that we would see that without the right kind of progress on the other benchmarks which are also extremely important, that that would justify complete removal.

Senator BIDEN. Mr. Chairman, I thank you for the extra time. With your permission, I would like to ask unanimous consent that I be able to submit—I have—this will not surprise you, Mr. Chairman—another half a dozen questions on this subject on behalf of both Senator Kerry and myself. If I could submit those in writing to the committee.

[See responses to additional questions in the appendix, page 33.]

The CHAIRMAN. Well, as a matter of fact, we are going to keep the record open for a couple of days. Let us say 3 days for Senators, who would like to have been here but could not, to file their questions. And I have some to file myself.

But I thank you very much for your interest in coming here today. Now, I do need some information from you, as we discussed earlier, and I will appreciate your haste in getting it to me.

Your point, Senator Biden, about this business of designated people, staff members, Bud Nance ought to be cleared for anything. Hell, he was in the Navy for 38 years, skipper of the *Forrestal* and all the rest of it. I think we can trust him, do you not?

Mr. NEWSOM. I would.

The CHAIRMAN. I think he would be trustworthy and his designees on the staff. It is probable that I was getting my knees replaced at the time—

Senator BIDEN. Mr. Chairman, I think it was—and let me say one other thing. Having in the good, old days chaired a very busy committee myself, I think what sometimes administrations, past and present, do not fully understand is the schedule of a chairman versus a ranking member is decidedly different. I would like to be busier again and be chairman. But the truth of the matter is that when I chaired the Judiciary Committee for years, over a decade, the Justice Department used to say they would brief me and the ranking member and not staff, and it was not practical because, quite frankly, I ended up having to do in those days a heck of a lot more, as you have to do a lot more than I do. So, maybe we can work it out.

But I just wanted to make the point to you, Mr. Chairman, I truly think the administration thought they were—thought they were—meeting the goals of 602 because I remember going up to 407 and being briefed on two occasions at the moment, I mean, urgent calls and insisting I come. I think one of those times at least you were in the hospital if I am not mistaken.

The CHAIRMAN. There were rare days when I was not in the hospital.

Senator BIDEN. That is true, Mr. Chairman.

The CHAIRMAN. Well, thank you very much.

There being no further business to come before the committee, we stand in recess.

[Whereupon, at 4:02 p.m., the committee was adjourned.]

## APPENDIX

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RESPONSES OF ASSISTANT SECRETARY ERIC D. NEWSOM TO QUESTIONS SUBMITTED BY SENATORS BIDEN AND KERRY

*Question 1.* Stopping the proliferation of nuclear weapons is one of the main objectives of the CTBT. The nuclear tests last year by India and Pakistan—who are not signatories—forced many policy makers, including many members of the Senate, to reconsider the political and security benefits of the CTBT. However, it also drove home to many the importance of U.S. ratification of the CTBT, in order to increase the pressure on other nations to refrain from conducting any further nuclear tests. Please outline for us the importance of the CTBT to accomplishing U.S. non-proliferation objectives. How important is ratification of the CTBT to continued U.S. leadership in international efforts to stop the proliferation of nuclear weapons?

Answer. The CTBT is a key element in accomplishing U.S. non-proliferation objectives. On the one hand, it makes it much more difficult for non-nuclear weapon states to develop nuclear weapons in which they would have confidence. On the other hand, it is a further contribution by the nuclear weapon states in implementing their commitment to nuclear disarmament—a commitment made in the Nuclear Non-Proliferation Treaty, which entered into force in 1970, and reaffirmed in the course of the 1995 NPT Review and Extension Conference.

The United States provided leadership during the negotiation of the CTBT, and President Clinton was the first to sign the Treaty when it was opened for signature in September 1996. U.S. ratification will be a strong endorsement of the key role the U.S. has played in pursuit of a CTBT and underscore the importance the U.S. attaches to nuclear disarmament and non-proliferation. The U.S. voice will carry much more weight in convincing others, including India and Pakistan, to ratify, so that the CTBT can enter into force, and in enabling the U.S. to continue to lead on such multilateral disarmament and nonproliferation efforts as the Fissile Material Cutoff Treaty. If the U.S. does not ratify the CTBT, other states—uncertain if we will follow through on our commitments—will be less likely to follow our lead in these other areas.

*Question 2.* Please explain how ratification of the Comprehensive Nuclear Test Ban Treaty (CTBT) relates to the maintenance of U.S. leadership regarding the Non-Proliferation Treaty (NPT). Would other countries view U.S. failure to ratify the CTBT as non-compliance with Article VI of the NPT? Was there any specific invocation of the CTBT as a sign of our good faith in return for the non-nuclear weapons states agreeing to the indefinite extension of the NPT?

Answer. A close link between the Nuclear Non-Proliferation Treaty and a test ban treaty has existed from the beginning. The NPT's preamble recalled the determination of the Parties to the Limited Test Ban Treaty to prohibit all nuclear weapon test explosions. One of three decisions agreed at the 1995 Review and Extension Conference was a document entitled "Principles and Objectives for Nuclear Non-Proliferation and Disarmament." That document identified as a key objective the conclusion of CTBT negotiations no later than 1996. Moreover, by tying the objective to a date, the NPT parties indicated the urgency attached to this goal.

Thus, while no express link exists between the NPT or its indefinite extension and the CTBT, NPT parties have made clear that the continued health of the non-proliferation regime and their support for the NPT depends on steady progress towards nuclear disarmament. Banning nuclear testing is a key measure in that regard. The United States played a leadership role in both the indefinite extension of the NPT and in the negotiation of the CTBT. If the U.S. failed to ratify the CTBT, a treaty it was instrumental in bringing into existence, the U.S. would have great difficulty in maintaining its leadership on non-proliferation, as NPT parties would question the U.S. commitment to its obligations under Article VI of the NPT.

*Question 3.* Until the United States ratifies the CTBT, the Treaty cannot come into force. If there were prolonged U.S. failure to ratify the CTBT, what would the implications be for nuclear non-proliferation, aside from those related to Question 1? To what extent is the CTBT intended to buttress the NPT by giving non-nuclear weapon states the added assurance that their neighbors have foresworn all nuclear explosions? Would prolonged failure of the Treaty to come into force make such countries take a second look at whether to remain non-nuclear?

Answer. The United States has always recognized that the CTBT supports both non-proliferation and disarmament objectives. It will buttress the non-proliferation regime by adding another barrier to the development of nuclear weapons by potential proliferators. By providing an additional level of confidence to that provided by the NPT that states have given up nuclear weapon test explosions or any other nuclear explosions, it will help assure their neighbors that they are not developing nuclear weapons.

Even in the absence of a CTBT that had entered into force, we and our allies will make it a high priority in our diplomatic efforts to ensure that no parties to the NPT abandon their non-proliferation commitments by developing nuclear weapons. Nevertheless, prolonged failure of the Treaty to come into force would gravely undercut the nonproliferation regime.

#### SOUTH ASIA—STATUS OF NEGOTIATIONS

*Question 4.* The United States has been engaged in intense negotiations with the governments of India and Pakistan since their nuclear tests, to convince them to agree to sign the CTBT and abide by its obligations. In addition to making this commitment, what other steps must India and Pakistan take before the Administration will consider lifting U.S. sanctions? In your opinion, what are the prospects for the successful conclusion of these talks?

Answer. Our long-term objective is universal adherence to the NPT, including India and Pakistan's participation as non-nuclear weapon states. In the meantime, we are working with both countries to prevent a nuclear and missile arms race in the region.

In addition to CTBT adherence, we have focused most intensely on several objectives which can be met over the short and medium term:

- moratorium on production of fissile material for nuclear weapons and other explosive devices, pending conclusion of a formal treaty; and constructive engagement in negotiations on a FMCT;
- restraint in missile and nuclear weapon programs;
- controls meeting international standards on exports of sensitive materials and technology.

Our dialogue has yielded some progress:

- Both governments—having already declared testing moratoria—have given qualified commitments to adhere to the CTBT by September 1999.
- Both are working to upgrade their controls on sensitive exports by drafting new legislation and regulations.
- Both have withdrawn their opposition to, and agreed to participate in negotiations on a Fissile Material Cutoff Treaty in Geneva.

We also welcomed steps by both countries to resume their high-level dialogue on the fundamental issues dividing them, including peace and security concerns and Kashmir. We found encouraging the successful summit meeting of the Indian and Pakistani Prime Ministers on February 20–21 in Lahore, in which they committed their governments to intensify efforts to resolve the issues that have divided their countries.

In recognition of this progress and to promote further positive steps, the U.S. relaxed some sanctions last November: e.g. Exim, OPIC, TDA, IMET. In light of Pakistan's dire economic straits, we also supported International Financial Institution lending to that country to the extent necessary to support a onetime IMF rescue package.

We have told both India and Pakistan that we will ease sanctions further when they take concrete steps to meet the benchmarks.

In general, Indian and Pakistani progress toward meeting our objectives has been slow and may be complicated by the election in India, but there has been some encouraging movement. We plan to continue our dialogue with both countries and remain hopeful that they will take steps such as the ones we have suggested that are designed to do what they themselves have said they want—to avoid an costly and destabilizing arms race in South Asia.

*Question 5.* What U.S. efforts will be needed to get such countries as Israel and North Korea to ratify the Treaty? Are there any other countries whose ratification will remain in doubt even after the United States ratifies the Treaty?

Answer. The most compelling action we can take to get such countries as Israel and North Korea to ratify the CTBT is to ratify the Treaty ourselves. Once we have taken that step we will have much more influence and credibility in urging others to join us in ratifying the Treaty.

During the negotiations the U.S. worked closely with Israel to ensure that the CTBT would enhance, not harm Israel's security interests. We believe Israel realizes that the Treaty is in its interest and, assuming that we make good our own commitment to ratify the Treaty, will take appropriate action itself.

Twenty-seven of the 44 required ratifications remain to be achieved, although several of these states have indicated that they plan to ratify in the next few months. It is likely that Russian and perhaps Chinese ratifications would follow U.S. actions. In any event, U.S. leadership should provide a stimulus for others to ratify.

*Question 6.* The CTBT allows for a conference to determine how to bring the Treaty into force. Why does it matter whether the United States ratifies before that conference? What will the conference be able actually to do to bring the CTBT into force, if some nuclear-capable states still have not ratified the Treaty?

Answer. The article of the Treaty that provides for the conference (Article XIV) makes a clear distinction between states that have ratified the Treaty, which can make the decisions at the conference, and signatories, which can attend as observers. If the U.S. wishes to participate fully in the Article XIV conference and be part of the decision-making process, it must ratify the Treaty before the conference convenes.

In our view, the conference can play an important role by sustaining international interest in and positive momentum toward speedy entry into force of the CTBT. Participants could adopt a final document emphasizing the value that the international community places on the Treaty's role in ensuring a world without nuclear explosions. They could establish a coordinated action plan to accelerate the remaining ratifications and facilitate early entry into force, including practical measures to assist governments in these efforts. The conference could also provide a valuable opportunity to underline the commitment of participants to preparing the CTBT verification system for near-term entry into force.

The conference will not waive the entry-into-force provisions, in a way that would permit the Treaty to come into force before all the 44 states specified had ratified. Nor will it impose sanctions on non-ratifiers.

*Question 7.* Article XIV of the CTBT says that a conference may be held "three years after the date of the anniversary of its opening for signature" and annually thereafter, seemingly implying a *four*-year wait until the first conference. But countries are acting as though it will be held this fall, which will be three years after the Treaty was opened for signature. Does the negotiating record clarify the negotiators' intent? If so, please provide some specifics in that regard.

Answer. Those involved in the negotiation of Article XIV of the CTBT clearly understand the Article to call for a conference three years after the Treaty was opened for signature if it has not yet entered into force. Thus a conference under Article XIV could take place any time after September 24, 1999.

The states that have ratified the Treaty have informed the UN Secretary General as depositary of their belief that the Article XIV conference should be convened this fall, probably in October. The Secretary General has replied taking note of their belief. All are operating under the assumption that the conference should appropriately be held after September 24, 1999.

*Question 8.* One problem with any arms control treaty is verification. How does the CTBT address that challenge? Will the International Monitoring System result in perfect verification? How will it assist U.S. monitoring of foreign nuclear tests?

Answer. The CTBT includes a substantial verification regime. Its International Monitoring System (IMS) provides global coverage by 321 seismological, radio-nuclide, hydroacoustic, and infrasound stations whose data can be used to detect, locate, and identify nuclear explosions in different physical environments. These stations are being linked by a Global Communications Infrastructure to send data to an International Data Center (IDC) in Vienna. The IDC will provide integrated data and analysis to all parties. Raw data will also be sent to the U.S. National Data Center to support our monitoring and verification capabilities. Once the Treaty enters into force, its mechanisms for confidence-building measures, consultation, clarification, and on-site inspection will provide new tools to resolve ambiguous events.

*Question 9.* General Shelton and his four immediate predecessors as Chairman of the Joint Chiefs of Staff—going back all the way to the Reagan Administration—

have all endorsed ratification of the CTBT. Why do they support ratification? Do they oppose nuclear testing? Or do they believe that U.S. nuclear testing would be extremely unlikely, even if the Senate were to reject the CTBT, and do they therefore support ratification as a means of holding other countries to the same ban on testing that we have imposed on ourselves since 1992?

Answer. It is, of course, for the Chairmen to state their positions on nuclear testing. However, the most recent JCS posture statement says that one of the best ways to protect our troops and interests is to promote arms control, which can reduce the chances of conflict, lower tensions, generate cost savings, and encourage peaceful solutions to disputes.

The statement also says that our efforts to lower the numbers of strategic nuclear weapons coincide with efforts to control testing of nuclear weapons, and that the JCS support ratification of the CTBT, with the safeguards package that establishes the conditions under which the United States would adhere to the Treaty.

These safeguards, announced by President Clinton in August 1995, will strengthen our commitment in the areas of intelligence, monitoring and verification, stockpile stewardship, maintenance of our nuclear laboratories, and test readiness. The safeguards also specify circumstances under which the President, in consultation with Congress, would be prepared to withdraw from the CTBT under the "supreme national interest" provision in the unlikely event that further testing might be required. Paragraph 2 of Article IX of the CTBT recognizes the right of each State Party to withdraw from the Treaty if events related to the subject matter of the Treaty have jeopardized its supreme interests.

The U.S. as a matter of policy continues to observe its nuclear testing moratorium, and the 1994 DOD Nuclear Posture Review said that no new-design nuclear warhead production was required. It makes sense, both in our own national interest and in the interest of nuclear stability, to hold others to this same standard by securing ratification and early entry into force of the CTBT. This would allow full implementation of the verification and compliance provisions, including on-site inspection, essentially freeze nuclear arsenals in their current relative positions, and eliminate the possibility of a new arms race.

*Question 10.* How would U.S. national security interests be affected if we were to withdraw from the ABM Treaty?

Answer. U.S. withdrawal from the ABM Treaty would have far-reaching and extremely negative consequences for the entire range of arms control issues between the U.S. and Russia. U.S. withdrawal would substantially complicate the process of strategic arms reductions initiated in START I and to be continued through START II and START III.

Withdrawal from the ABM Treaty would have serious foreign and defense policy implications, which extend beyond our relationship with Russia. Such a decision would require very careful consideration, as our credibility as a party to existing and future treaties would be questioned. Such a step would concern our friends and allies who view the ABM Treaty as an important component of global strategic stability.

Russia would clearly interpret withdrawal from the ABM Treaty as evidence that the U.S. is not interested in working towards a cooperative negotiation on the ABM Treaty and preservation of the hard-won bipartisan gains of START. Our common goal should be to achieve success in negotiations on the ABM Treaty while also securing the strategic arms reductions available through START.

Accordingly, any decision concerning withdrawal should be considered with the utmost caution, and not approached until after a serious attempt to negotiate any necessary ABM Treaty amendments to deploy a limited NMD. Indeed, the Treaty itself recognizes that the strategic environment may change, requiring the Treaty to be adapted to evolving security circumstances. We have modified the ABM Treaty in the past, and I believe we can reach agreement on any necessary changes for deployment of a limited NMD. At this time, Treaty withdrawal is an unnecessary and dangerous action.

