Evaluating America’s Nonproliferation

Bureaucracy

Final Report

A Project of
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Overview

Sometimes one’s timing is better than could be planned. That certainly is the case with this report. The Nonproliferation Policy Education Center (NPEC) first broached the need to reevaluate America’s nonproliferation bureaucracy with officials within the State and Defense Departments in the summer of 2003, received private funding for this purpose early in 2004, and began work on this project late last spring. Since then, the State Department’s office of the inspector general launched its own review of how the department should handle arms control and nonproliferation issues. This review resulted in a recommendation to merge the State Department’s Arms Control Bureau with its Nonproliferation Bureau, which Secretary of State Powell approved 17 January 2005. The Pentagon, meanwhile, has just launched an inspector general’s review of how the Defense Department should address weapons of mass destruction issues. This review will be complemented by a Defense Science Board study this year on the same issue.

In support of these efforts, this report examines four recommendations:

1. **The Defense Department should create an Office of the Deputy Assistant Secretary of Defense for Strategic Weapons Interdiction and Nonproliferation.** This office would formulate policies regarding the promotion of nonproliferation for the Defense Department. It would oversee the implementation of those agreements, proposed treaty efforts, and multilateral organizations most related to nonproliferation -- the Chemical Weapons Convention (CWC), the Biological Weapons Convention (BWC), the Fissile Material Cutoff Treaty (FMCT), the Comprehensive Nuclear Test Ban Treaty (CTBT), the International Atomic Energy Agency (IAEA), the Organization for the Prohibition of Chemical Weapons (OPCW), and the Organization for the Comprehensive Test Ban Treaty (CTBTO) -- and for regional nonproliferation efforts (e.g., Libya’s disarmament, the 6-party talks regarding North Korea, etc.). This office would also oversee existing national and multilateral nonproliferation control efforts including U.S. nonproliferation controls, the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG), the Australia Group (AG), the IAEA, the OPCW and the CTBTO. Finally, it would be responsible for coordinating the Proliferation Security Initiative (PSI) activities of the department and would conduct and coordinate proliferation studies within the department and conduct studies of their own.

2. **The merger of the State Department Bureau for Nonproliferation and the Bureau for Arms Control should result in a new Bureau for Strategic Weapons Threat Reductions** that would oversee all of the arms control agreements or talks most related to the promotion of nonproliferation including the CWC, the BWC, the FMCT, and the CTBT. In addition, this bureau would take the lead in proposing and negotiating new agreements and understandings to promote nonproliferation and
would oversee existing national and multilateral nonproliferation control efforts including U.S. nonproliferation controls, the MTCR, the NSG, the AG, the IAEA, the OPCW, and the CTBTO. Finally, it would be responsible for formulating and conducting regional nonproliferation talks and understandings.

3. *The current State Department Bureau for Verification and Compliance should be given two new portfolios and renamed the Bureau for Verification, Compliance, and Enforcement.* In addition to its current duties, this renamed bureau should take on the responsibilities of chairing all interagency interdiction meetings when the topic of sanctions arises. It also should take the lead as State’s liaison with the IAEA and OPCW on all surveillance, verification, safeguarding and monitoring matters and evaluating the verification activities of the CTBTO.

4. *All nuclear technology and commodity licenses and proposals of the Departments of Commerce and Energy should be shared electronically more fully with all other agencies well before any actions are taken unilaterally.* This step should be taken to transition the U.S. government from its current operation in which single agencies still have the right to select what exports or technology transfers will be reviewed by others to one in which no agency will have this right.
Premises

The recent government reviews of the State and Defense Departments’ nonproliferation-related organizations are important. Traditionally, the positions taken by these two departments have had a commanding impact on the development of U.S. nonproliferation policy. Certainly, a key supposition of this report is that the prime goal of any sound reorganization of the U.S. government’s nonproliferation bureaucracy must be a. to enhance the ability of the State and Defense departments to innovate in developing nonproliferation policies and b. to invigorate the natural creative tension between them on nonproliferation issues.

Indeed, as long as these two departments are actively engaged on what the strategic weapons proliferation threats are and how best to mitigate them, other governmental dysfunctions relating to nonproliferation are likely to be far fewer and far more tolerable than otherwise would be the case. Conversely, if the level of innovation and creative tension between these two departments are low, all the best efforts by the rest of the government, including those of the intelligence agencies, the law enforcement agencies, the National Security Council, the Commerce Department, and the Department of Energy are likely to be of little avail.

This is so for two reasons. First, State and Defense have two very different missions – to assure the nation’s security and to represent the U.S. effectively abroad. Both missions are, by far, the two most critical to assuring sound nonproliferation policy. Second, successful nonproliferation demands openness to innovation since the proliferation threats we face, and what is needed to address them, are constantly in flux. If we knew exactly what the threat was and how to eliminate it, all we would need is to concentrate our efforts to implement the solution. Sadly, we are nowhere near this situation in our fight against proliferation.

For all these reasons, this report rejects suggestions to create a nonproliferation czar or to consolidate disparate offices into much larger organizations. Again, secrecy, dispatch, and concentration of authority are all desirable if you know what the problems and solutions are. In the case of Libya, where the U.S. was handed a golden opportunity (both by the Libyans’ offer to disarm in exchange for normalization of relations and the interdiction efforts of our intelligence agencies), these organizational attributes were useful. That is why the National Security Council played a critical role in working the Libyan matter. When the character of a problem is unclear and the solutions are less apparent (e.g., what to do about Iran’s nuclear program), though, more, not less discussion and debate within the government is desirable. Encouraging substantive policy differences and assuring that they get resolved at the proper level in such cases, in fact, are critical to sound policy making. Finally, lest the government become bound up in academic debates, it is important that any reorganization improve the government’s ability to perform operational tasks that are time sensitive (e.g., proliferation interdictions).
In this regard, it is important to recognize that the policy priorities that have shaped the nonproliferation efforts of State and Defense the longest – technical cooperation, arms control-like agreements, and commodity-list-driven export controls and sanctions – are no longer the only, or even necessarily the most pressing, nonproliferation priorities. First, cooperative technical programs, such as the Atoms for Peace and Space for Peace Programs and advanced U.S.-technology commerce, have actually helped certain nations (e.g., India, Japan, China, South Korea, Taiwan, Brazil, and Iran) acquire the means to make nuclear weapons and long-range ballistic missiles. As a result, there has been an increased call to circumscribe such cooperation.

Second, the Cold-War arms control efforts that constituted the Rosetta Stone of Superpower relations throughout the 60s, 70s, 80s, and early 90s are of far less significant to the future security of the world than they once were. In the case of the Moscow Treaty, the Treaty on Conventional Forces in Europe, and the Intermediate Nuclear Forces Treaty, they remain important to shaping our relations with Russia, the Soviet Union’s successor states, and NATO. Similarly, the CWC, the BWC, the NPT, and the FMCT are important to promoting nonproliferation.

Where Cold War arms control was once identified as the metric of peace and stability in preventing global nuclear war against the Warsaw Pact, though, it now plays a supporting role to nonproliferation and regional stability. This reversal of roles is important since ultimately the aim of arms control is different than that of nonproliferation. Arms control tries to verify the existence and number of strategic weapons and control or reduce their numbers; nonproliferation tries to prevent strategic weapons capabilities from coming into existence in the first place.

In promoting nonproliferation, treaty-like agreements between willing parties in preventing proliferation (e.g., the NPT, CWC, BWC, and the proposed FMCT) also are becoming increasingly rare. Also verifying their compliance has become a major challenge. As a result, for the last two decades, greater attention has been focused on developing more informal understandings. This has encouraged the creation of multinational suppliers groups (MTCR, AG, NSG), and the newly announced Proliferation Security Initiative. It also has given rise unilateral and multilateral counterproliferation programs to deal with weapons of mass destruction militarily after they have proliferated.

Finally, the targets against which nonproliferation efforts are directed are become much more difficult to proscribe. Thus, where most nonproliferation efforts once focused almost exclusively on commodity-list-driven export controls, now they must also attend to covert transfers of unlicensed exports like those Dr. A.Q. Khan trafficked in during the 1990s. Much of this commerce now can only be blocked through “catch-all” controls that the U.S. and the EU and several other like-minded nations have adopted. Under these controls, if there is reason to believe that the item in question can materially contribute to a project of concern, the exporter is obligated to apply for a license even if the item itself is not on any control list. Development and use of such controls will increasingly be important to interdict illicit project activities before they succeed in completing strategic weapons.
Summarizing, then, there are several barriers to proliferation: Treaty-like agreements, commodity-list driven export controls and regimes, catch-all controls, PSI interdictions, and counterproliferation (see Figure 1). Most emphasis has been placed on the first two and the last barriers. The remaining two, catch-all controls and PSI arguably constitute the new proliferation realities that need to be focused on more and deserve attention in any reorganization of America’s nonproliferation bureaucracy.

**Figure 1**
The Department of Defense’s efforts against proliferation are of two kinds -- defense support agency activities and policy making. Two large organizations under the Deputy Secretary of Defense conduct almost all of the defense support agency activities that relate to nonproliferation. The first of these is the Defense Threat Reduction Agency (DTRA). It manages On Site Inspection Agency efforts to monitor and implement existing arms control treaties, implement Cooperative Threat Reduction programs, provide our troops with chemical and biological weapons defensive protection, and conduct necessary military research and development to deal with weapons of mass destruction. The second is the Office of the Deputy Undersecretary of Defense for Technology Security, which administers the Defense Technology Security Agency and negotiates specific technical agreements regarding Cooperative Threat Reduction and international counter proliferation programs (see Figure 2 below).
Separate from these defense support organizations is a policy directorate for Nonproliferation Policy. It is responsible for the formulation of defense policy positions relating to multilateral technology control, multilateral nonproliferation-related control treaties and organizations, and regional nonproliferation efforts (e.g., Libya’s disarmament, the 6-party talks regarding North Korea, etc.). This directorate is also responsible for coordinating the Proliferation Security Initiative activities of the department, conducting and overseeing proliferation-related studies. This directorate reports to the Deputy Assistant Secretary of Defense for Multilateral Negotiations, who, in turn, works for the Assistant Secretary of Defense for International Security Policy. That said, most of the activities of the directorate for Nonproliferation Policy are of direct interest to the various regional directorates and deputy assistant secretaries of defense who work under the Assistant Secretary of Defense for International Security Affairs.

There are three problems with this arrangement. First, the directorate for Nonproliferation Policy is woefully outnumbered by officials dealing with its portfolios at State. While it is a mistake to think that more staff is necessarily a good thing, having only six full-time billets to cover the policy portfolios that State has approximately 200 people assigned to do is a formula for circuit overload. Second, with so few people, the Nonproliferation Policy directorate is stretched thin to oversee and conduct long-term analysis and research itself. This is unfortunate since the Department itself devotes millions of dollars to this objective and this work is critical to anticipating and heading off proliferation threats.

Finally, the directorate for Nonproliferation Policy is located under a deputy assistant secretary and an assistant secretary that have only functional (not regional) concerns. As a result, the directorate often must get the attention and the approval of one deputy assistant secretary and two assistant secretaries within the Office of the Secretary of Defense whenever the directorate’s position is at odds with that of one or another of the regional desks in International Security Affairs. The director also must represent Defense at interagency meetings where the officials present are often two full levels higher (i.e., at the assistant secretary level).

These problems were discussed at several private seminars NPEC held with Hill and Executive Branch officials. This report’s recommendation is that a new Office of the Deputy Assistant Secretary for Strategic Weapons Interdiction and Nonproliferation be created under the Assistant Secretary of Defense for International Security Affairs. This new office would oversee three directorates. The first would be the Directorate for Interdiction Operations, which would take the lead within the Department in formulating policy positions and coordinating Defense participation relating to the PSI, including interdictions and training exercises. This directorate would also coordinate and formulate all Defense intelligence requirements in support of the PSI, act as the Department’s liaison to non-Defense intelligence agencies on PSI requirements, and represent Defense in all multilateral PSI gatherings (see Figure 3).
The second office under the new deputy assistant secretary would be the Directorate for Proliferation Threat Assessments. This office would coordinate all research relating to proliferation issues contracted either by the Office of the Secretary of Defense or the Defense Threat Reduction Agency (DTRA). In addition, it would propose and manage $3 million to $5 million annually in research contract activity itself. These studies would be contracted through DTRA but managed by the Directorate for Proliferation Threat Assessments.

Finally, a Directorate for Nonproliferation Policy would be made responsible for the formulation of defense policy positions relating to multilateral technology control regimes and nonproliferation-related treaties and organizations and regional nonproliferation efforts.

If insufficient billets were available to complete all three of the proposed directorates, the work of the proposed directorate for proliferation threat assessments could be done through the other two directorates under the supervision of the principle director of the proposed Deputy Assistant Secretary for Proliferation Interdiction and Nonproliferation.

The creation of this new set of directorates and deputy assistant secretary would effectively mean the dissolution of the Office of the Deputy Assistant Secretary of Defense for Multilateral Negotiations. This would be accomplished first by assigning the Multilateral Negotiations’ executive staff to Strategic Weapons Interdictions and Nonproliferation. The remaining Directorate for Arms Control Policy would be moved to the Office of the Deputy Assistant Secretary of Defense for Forces Policy under the Assistant Secretary of Defense for International Security Policy. The agency support

Two alternatives that were considered but rejected were consolidating all of the policy and defense support agency functions under one roof or, at least to send Nonproliferation Policy to the Office of the Duty Undersecretary for Trade Security. Neither seemed attractive for the simple reason that PSI-related activities and other policy making functions need to be kept as close to the Office of the Undersecretary of Defense for Policy as possible. Another argument offered for such consolidation was that the export licensing function ought to have more policy oversight. The difficulty with this argument is that while commodity-list driven U.S. export licensing was the cutting edge way to promote nonproliferation in the 70s and 80s, it is far less so today. In essence it has matured to being a defense support agency function involving scores of staff.

Finally, it was thought that keeping the nonproliferation and PSI interdiction related functions separate and under the command of a deputy assistant secretary in a relatively smaller office would allow a single, fairly senior official to focus on and be fully aware of a good number of related policy issues. This, in turn, would give the Defense Department a comparative advantage in dealing with much larger organizations at State, Commerce, Energy, and the various intelligence agencies. Just the reverse was feared would be the case if these policy functions were buried in a larger defense support operations that by their nature were saddled with massive procedural and programmatic routines.
State

All of the key nonproliferation activities of the State Department currently operate under the authority of the Office of the Undersecretary of State for Arms Control and International Security. Four bureaus beneath the undersecretary play significant roles: The Bureau for Nonproliferation (NP), The Bureau for Arms Control (AC), the Bureau for Verification and Compliance (VC), and the Bureau for Political Military Affairs (PM), which oversees the Department’s U.S. export license support agency, the Defense Trade Center, see Figure 4).

Key State Organizations Dealing with Nonproliferation Issues

![Figure 4](image)

There are several problems with these offices’ operation. First, collectively, AC, NP, and VC are over staffed. These bureaus have over 25 director-level or higher offices. Some of these were created to oversee treaties that the U.S. is no longer a party to (e.g., the Office of Strategic Transition, which used to focus on the ABM Treaty). Others (e.g., The Office of Policy, Public Affairs and Congressional Relations) assume functions duplicated elsewhere in the department. Where Nonproliferation Policy in Defense is woefully small, collectively these offices are ponderously large. As a result, Defense and other agencies have difficulty simply keeping up with the paper routinely generated from State on proliferation issues.
Second, a number of AC offices clearly overlap those of NP. Each bureau has officials working CWC and BWC-related issues and has representative offices for the NPT and FMCT. Some officials (e.g., the Special Negotiator for Fissile Material and Senior Cutoff Coordinator) are on the organization charts of both AC and NP. Finally, some of the offices within the NP Bureau seem less than critical, or even at odds, with the Bureau’s mission (e.g., the Office of Nuclear Affairs and the Office for Nuclear Safety, both of which support civilian nuclear energy transfers).

After examining the operation of these three bureaus, the State Department’s inspector general recommended that AC and NP be consolidated. This recommendation was made mostly for the good housekeeping reasons already mentioned. There seemed to be too many offices doing either the work of others or work that did not clearly need to be done. A consolidation, the details of which the new assistant secretary of the merged bureaus could sort out himself, seemed to be the simplest way to address these problems.

Clearly, it does this, but also does less and far more. First, merely consolidating AC and NP hardly addresses how to reduce the number of staff (over 200) and offices (nearly 20) that the consolidated bureau would have to contend with nor does it offer any rationale for how to go about it. Second and as already noted, arms control, which counts and reduces weapons, and nonproliferation, which attempts to prevent weapons from coming into being, are at enough at odds with one another to make any “equal” merger of AC and NP substantively difficult.

Implementing the CWC from a traditional Cold War arms control perspective, for example, would naturally focus on verifying the elimination of existing stockpiles. From a nonproliferation perspective, though, any implementation of the CWC should focus on inspecting prospective violators who have not declared possession. These cultural differences are nontrivial. They cannot be wished away. A conscious management decision as to which perspective should have priority is required. The same could be said of many questions regarding the BWC, promoting missile control treaties over missile technology controls, and nuclear controls in general. Again, as noted before, the future security of the U.S. and others lies more in figuring out how to prevent strategic weapons from coming into being than in merely counting or reducing the ones whose existence states have openly admitted to.

Finally, the consolidation of AC and NP does little or nothing to enhance creative tensions within the State Department over nonproliferation issues. In Defense, the highest level official responsible for fielding nonproliferation policy controversies in the Department is the Assistant Secretary of Defense for International Security Policy. Under this report’s proposal, creative tension on nonproliferation policy in the Defense Department is likely to occur between the area desks and the proposed Deputy Assistant Secretary of Defense for Strategic Weapons Interdiction and Nonproliferation under the Assistant Secretary of Defense for International Security Affairs. This tension would produce substantive policy differences that this report proposes be resolved by referring them from the deputy assistant secretary level to the Assistant Secretary of Defense for International Security Affairs.
In the case of the new merged AC and NP office, though, it is unclear with whom the new office would be in creative tension with. The most likely candidate would be the Verification and Compliance Bureau, which has responsibility for compliance and verification of arms control agreements and increasingly of nonproliferation understandings. For the Bureau of Verification and Compliance to be a proper counterweight to the new merged office on nonproliferation issues, though, it would need to have a greater role in enforcing existing nonproliferation rules.

All of these matters were considered in developing this report’s preferred option for organizing State, which is to create an Assistant Secretary of State for Strategic Weapons Threat Reduction and to give two new portfolios to VC and rename it the Office of the Assistant Secretary for Verification, Compliance, and Enforcement (see Figure 5).

### Proposed Option for State

![Proposed Option for State Diagram]

The Bureau for Strategic Weapons Threat Reduction (SWTR) would oversee those arms control efforts most related to nonproliferation — regional arms control efforts, NPT, CWC, BWC, FMCT, CTBT — as well as those activities that are directly related — multilateral and U.S. nonproliferation export controls and interdictions and multilateral chemical and nuclear inspections and safeguards. The bureau would manage five substantive policy offices (one less than it currently has) and would retain special representatives to the BWC, the CWC, the CTBT, the FMCT, the CD, the OPCW, and the NPT (see Figure 6). This bureau would continue to chair the proliferation interagency interdiction groups (e.g., the MTAG, Shield, etc.) and would liaison with the IAEA, CTBTO, and the OPCW on all policy matters.
Bureau of Strategic Weapons Threat Reductions

The remaining offices within the current Arms Control and Nonproliferation Bureaus would be reassigned to the most logical locations. Those officials focusing on implementation of the bilateral treaties with Russia and the Soviet Union’s successor states, including the Intermediate Nuclear Forces Treaty, Conventional Force Reductions Europe, the Moscow Treaty, Cooperative Threat Reduction, and matters relating to tactical nuclear weapons (which are all deployed in Europe) and space militarization talks – could be moved to State Political Military Affairs under an office for Weapons Restraints.¹ As for the offices in the Nonproliferation Bureau dealing with nuclear affairs and nuclear safety, these could be reassigned to either the Department of Energy or the Office of Science and Technology Cooperation within the State Department’s Bureau of Oceans and International Environmental and Scientific Affairs.

As noted, the Bureau for Verification and Compliance would become the Bureau for Verification, Compliance and Enforcement (VCE). In addition to VC’s current duties,

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¹ Another bureau some officials suggested was the European Bureau (EUR). This would make sense so long as Cooperative Threat Reduction programs remain within Europe and the Former Soviet Union and there is no prospect of doing space militarization or strategic arms control talks with states other Russia and NATO nations. Given real doubts on these fronts, this report favors placing all of the arms control portfolios least related to nonproliferation under the Bureau of Political Military Affairs (PM). Also, unlike EUR, PM has the organizational advantage of reporting to the same undersecretary as the proposed offices, VCE and SWTR.
VCE would become the explicit Team B of and proposed arms control or nonproliferation undertaking. It would continue be responsible for identifying possible violations, point out verification and inspection problems in proposed new agreements and would also take on the responsibility of chairing the interagency interdiction groups whenever the issue of sanctions arose. Finally, VCE would serve as State’s authority on and liaison with the IAEA, OPCW, and CTBTO on all surveillance, verification, safeguarding and monitoring matters.
Implications and Additional Steps

What would be gained from making these changes? The first would be establishing a more clearly defined substantive tension between the proposed Bureau for Strategic Weapons Threat Reductions and the Bureau for Verification, Compliance, and Enforcement. This tension – between those that negotiate and those that implement -- should help reduce the turf battles over participation and standing that have been reported hallmark of operations between VC, NP, and AC for last two years. Focusing the new, proposed Bureau for Strategic Weapons Threat Reductions on reducing the threat posed by the further spread of strategic arms also should help justify the reorganization while rationalizing the reassignment of several arms control and nonproliferation offices to places in State where they would garner greater support.

Finally, reducing the proposed mergered bureau to a one of a more manageable size should make it easier for other agencies and the National Security Council to deal with State on proliferation issues rather than be overwhelmed by it. Also, the proposed Deputy Assistant Secretary for Strategic Weapons Interdiction and Nonproliferation would have the same portfolios as the Bureau for Strategic Weapons Threat Reductions. The NSC’s Office of the Director for Proliferation, Counterproliferation, and Homeland Defense also has virtually the same set of portfolios (including CWC, BWC, OPCW, IAEA, NPT, and FMCT). The Bureau for Verification, Compliance, and Enforcement, meanwhile, would be perfectly matched to act as a balancing wheel to the Bureau for Strategic Weapons Threat Reductions and as the key implementer of whatever agreements the U.S. consent to. The complementary character of these offices should go a long way to vitalize the entire government’s focus on more effectively promoting nonproliferation.

Other steps, however, are desirable. This report does not try to address the ponderous size, at times, unhelpful activities of the Departments of Energy and Commerce. Although the number of nuclear and licensed exports have declined precipitously since the end of the Cold War, there has not been a corresponding reduction in these departments’ nuclear power promotion and export licensing offices. One estimate has it that the Department of Commerce has virtually the same size export control staff as it had during the Cold War even though it is processing only 15 percent of the export licenses it did before the Berlin Wall fell. The Department of Energy, meanwhile, continues to promote nuclear cooperation as if the Atoms for Peace Program of the Eisenhower years was still the driving principle behind U.S. nuclear nonproliferation policy.

Both of these Departments, which are prone to promote exports, have an equal vote in all export control matters with State and Defense. Some suggested that their political interagency clout be reduced. This report does not back this suggestion. It does, however, believe that the licensing judgments of both Commerce and Energy for both commodities and technology should be shared with all other agencies and with the public. Computerization of technology exports (DoE 810s) and dual-use licenses, for example, should make it possible for the Departments of Energy and Commerce to share all of
their licensing documentation electronically before any decision is actually made either to approve the export or (as it currently the practice) to keep the information about these exports from the other agencies until after the export has been made.

Certainly, at a minimum, the U.S. government needs to move away from single agencies having the right to select what exports or technology transfer will be reviewed by others to one in which no agency has this right. Candor and transparency with Congress and the other Executive Branch agencies regarding proposed exports, in short, is needed and should go a long way to enhancing the nonproliferation impulse of all government offices.
Evaluating America’s Nonproliferation Bureaucracy

NPEC Project Discussion Presentations


Carl Thorne, “The Promotion and Control of Nuclear Cooperation,” October 4, 2004

Leonard Weiss, “Toward a More Effective Nonproliferation Policy and Organization”
October 4, 2004

Henry Sokolski, “Promoting Nonproliferation Diplomacy and Security Initiatives,”
November 8, 2004

Clark Adams, “Launching Nonproliferation Initiatives: Can We Do Any Better?”
December 6, 2004

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