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United States: Defense Bill Addresses Controversial Nuclear Weapons Posture

By David Ruppe
Global Security Newswire

WASHINGTON — U.S. President **George W. Bush** is expected to soon sign the \$400 billion fiscal 2003 defense authorization bill that by turns supports, questions and in some cases rejects controversial elements of his administration's nuclear weapons posture (see [GSN](#), Nov. 20).

The Bush administration announced a new U.S. nuclear posture in January, having completed its Nuclear Posture Review. Officials said it would diminish U.S. emphasis on using nuclear retaliation to deter foreign threats, while emphasizing missile defenses and contemplating the development of special nuclear weapons for use on the battlefield (see [GSN](#), Jan. 10).

Critics have charged that elements of the posture review undermine international arms control agreements designed to eliminate nuclear weapons, avoid a nuclear arms race by limiting missile defenses, and prohibit nuclear weapons testing.

"Nuclear disarmament advocates had both victories and losses in the final bill. In short, we stopped the mini-nuke and we put speed bumps in the way of the bunker buster," wrote **David Culp**, a legislative representative with the Quaker's Friends Committee on National Legislation, in an analysis of the bill.

"The president and the Pentagon were slowed, but their drive wasn't halted," said **John Isaacs**, president of the Council for a Livable World.

Support for Administration Goals

The authorization bill, presented to Bush yesterday, does provide support for several administration goals.

It agrees to full funding of Bush's \$7.8 billion request for missile defense development. Democrats earlier this year sought to cut some funding (see [GSN](#), Sept. 11).

It authorizes \$15.5 million funding for the Energy Department's Robust Nuclear Earth Penetrator program, which involves studying using a modified nuclear weapon to destroy deeply buried and

hardened targets (see [GSN](#), Aug. 7).

The bill authorizes annual assessments of the safety, reliability, performance, or military effectiveness nuclear weapons stockpile with an eye on whether resumed nuclear testing might be needed. Determinations should be made, it says, as to whether one or more underground nuclear tests are necessary, or if not necessary “might have value in” resolving any issues identified in the assessments (see [GSN](#), Nov. 19).

Differing versions of the bill were reconciled earlier this month through conference negotiations between representatives of the Republican-controlled House and the Democratic-run Senate.

Opposed or Undecided on Some Aspects

The bill raises questions about some aspects of the administration’s nuclear strategy.

It requires the administration to consider hastening plans to remove several thousand strategic nuclear warheads from their delivery platforms by the end of 2012. In May, Bush signed a treaty, not yet ratified by either side, with Russian President **Vladimir Putin** to meet the 2012 target (see [GSN](#), May 24). The authorization bill requires the Pentagon to prepare an assessment of the advantages and disadvantages for reaching the treaty limits by 2007.

The bill also requires the administration to provide Congress with a report on the Earth Penetrator before spending any funds appropriated for 2003. The Pentagon must explain the military requirements, the policy of use, categories of targets for the technology and an assessment of alternatives, and then wait 30 days before it can spend the money.

The legislation similarly requires a National Academy of Sciences study on the effects on nearby civilian populations of using a nuclear earth-penetrating weapon and, alternatively, of using conventional explosives munitions to destroy an underground weapons of mass destruction facility. The study also would examine the impact of the weapons blast and fallout, as well as effects from weapons of mass destruction dispersed from the attack.

It also requires the administration to request funds specifically for any work that could lead to developing new nuclear weapons or modifying existing designs. Isaacs said funding for the Earth Penetrator was hidden in a separate program request this year.

Although the Bush administration wanted to shorten the time needed to resume nuclear testing, the conferees did not agree, instead they required the Energy Department to describe how it would improve test site readiness if called upon to do so. House leaders conceded on this issue, as their version of the bill authorized the Energy Department to proceed with work to reduce the readiness time to 12 months from the 36 months currently needed.

House-Senate conferees agreed to drop a House provision that would have partially repealed a 1994 ban on work on low-yield nuclear weapons by allowing research and design work on them.

One-Year Ban on Interceptor Study

In the bill, legislators tried to block administration plans to consider developing nuclear-tipped missile defense interceptors by barring fiscal 2003 Defense or Energy department funds for that purpose.

A provision in the defense appropriations bill, now law, similarly banned fiscal 2003 funds for research, development, test, evaluation, procurement or deployment of nuclear-armed interceptors of a missile defense system (see [GSN](#), Oct. 22).

Aerospace Daily recently reported, however, that a Pentagon-commissioned study of such interceptors will continue nevertheless. Officials said that a Defense Science Board study of the concept is allowable because the board plays only an advisory role and does not make Pentagon policy (see [GSN](#), Nov. 6).

Increased Oversight for Missile Defense, Nuclear Posture

The bill partially reverses administration initiatives that would reduce oversight of its national missile defense activities.

Last February, Defense Secretary **Donald Rumsfeld** canceled some specific information collection, senior military oversight and congressional reporting requirements on major missile defense programs, as part of a controversial restructuring of the missile defense programs (see [GSN](#), Feb. 19).

The legislators, in a report from the House-Senate conference, said they expect the Pentagon to provide information on the major programs, specifically with respect to cost, schedule, testing and performance goals.

They further required a review of program cost, schedule and performance criteria “in order to assess the validity of those criteria in relation to military requirements.”

And they required the Missile Defense Agency director to provide “thorough” information on the results of each flight test of system’s highest profile component, the ground-based, midcourse interceptor system (see [GSN](#), Oct. 15).

Change of Power

The Council for a Livable World’s Isaacs said Democrats were able to alter administration plans because of narrow Democratic control of the Senate, and the Senate Armed Services Committee.

“On the floor, [Senator **John**] **Warner** (D-Va.) focused on missile defense and because of that he left alone the nuclear bunker buster issue and other issues,” Isaacs said.

Next year things will not be so easy, he said. “The Democrats had the initiative in the Senate at least, making it easier to force compromises. Next year, it will be tougher to win compromises.”

He added, however, that he expects Democrats to be more aggressive about fighting administration plans they oppose since they will no longer be concerned about maintaining a fragile hold on the Senate.

“In the minority, they don’t have to be so cautious and careful,” he said.

Other Measures

Some other significant aspects of the bill related to arms control, nonproliferation and homeland defense include an annual waiver through fiscal 2005 of restrictions on use of funds for threat reduction in former Soviet states. Approximately \$400 million in funds had been blocked because the administration determined it could not certify Russia was complying with arms control obligations. The waiver will

allow the president to waive the need to make such a certification (see [GSN](#), Aug. 9).

Full funding, \$416.7 million, was approved for the Pentagon's Cooperative Threat Reduction program and \$1.1 billion for Energy nonproliferation programs.

The administration further is required to report in detail on Russian proliferation of weapons of mass destruction and ballistic missiles to Iran and present a strategy to halt such proliferation.

A Pentagon program aiding in the elimination of weapons grade plutonium production in Russia will be moved to Energy's National Nuclear Security Administration.

The bill authorizes a cooperative program with Russia for research, development, and demonstration of technologies for protection from and response to nuclear or radiological terrorism (see [GSN](#), Nov. 14).

The defense secretary is authorized to create 23 additional "Weapons of Mass Destruction Civil Support Teams," bringing the number to 55 and ensuring the presence of at least one in every state and territory (see [GSN](#), Feb. 8).

The bill also includes measures to increase the security of radiological materials in the United States and to improve response to chemical and biological terrorism.

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