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GOP leaders aim to enforce Obama's nuclear modernization promises

By Elaine M. Grossman *Global Security Newswire* May 10, 2011

Sen. Jon Kyl, R-Ariz., and Rep. Michael Turner, R-Ohio, are spearheading legislation aimed at holding the Obama administration accountable for nuclear modernization pledges it made last year.

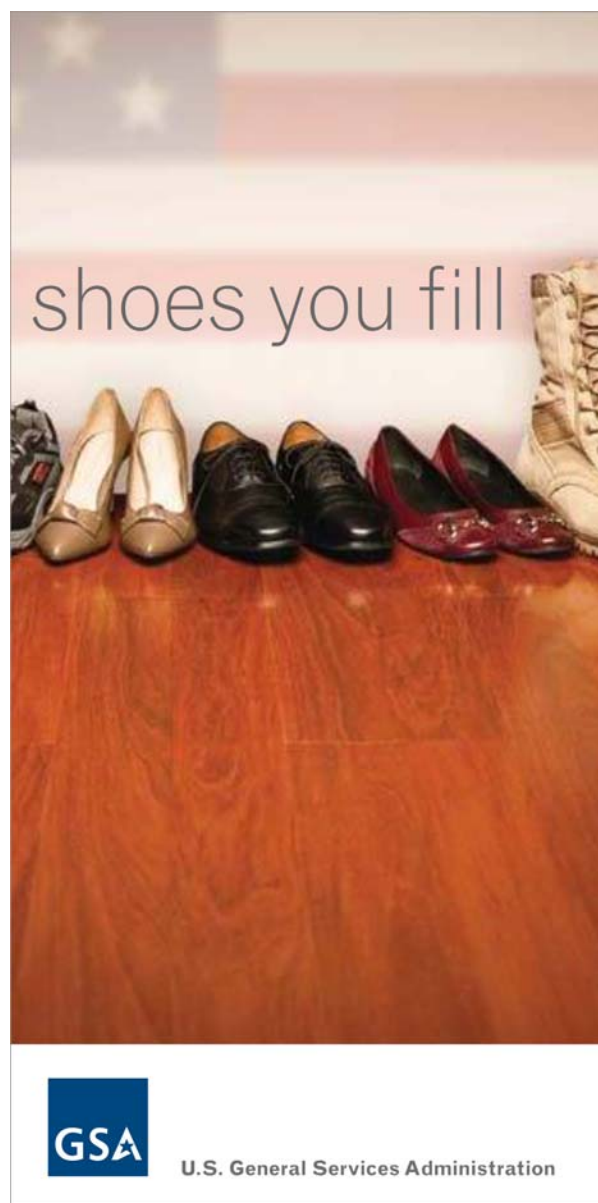
"We're going to ensure that the administration complies with the commitments that it made," Kyl, the Senate's No. 2 GOP leader, said Monday at a media round table. "Better to have it in writing, understood by both parties exactly what's required, so that we don't have confusion in the future."

Bills drawn up by the two lawmakers for consideration in both chambers also seek to prohibit unilateral U.S. warhead reductions and preserve the nation's missile defense options. Turner introduced his proposal, [H.R. 1750](#), in the House on Friday, while Kyl could file his version in the Senate as early as today.

The White House has promised to spend \$85 billion over the next 10 years on updating warheads and modernizing the nuclear weapons complex. Projects include extending the service lives of Air Force and Navy nuclear weapons, including those carried by the B-61 gravity bomb and the Trident submarine-launched ballistic missile, as well as building new facilities to research and process warhead uranium and plutonium.

The investment includes a \$4.1 billion plus-up that the White House in November promised to spend in the coming decade on nuclear modernization. That came after an initial budget boost last spring of \$10 billion over the decade for the National Nuclear Security Administration, a semiautonomous arm of the Energy Department that oversees the atomic arsenal.

Washington is also expected to spend hundreds of billions of dollars more on nuclear delivery platforms such as submarines, missiles and bomber aircraft.



The Obama administration last fall used the unprecedented funding pledges as a sweetener to draw Senate Republican votes for ratifying the U.S.-Russian New START agreement. The pact, signed in April 2010, requires each nation to cap its nuclear warheads at 1,550 and strategic delivery systems at 700. An additional 100 ICBMs, bombers and submarine-launched missiles can remain in reserve.

Following Senate ratification of the treaty in December in a 71-26 vote -- which included the support of 13 Republicans -- New START entered into force in February.

Although Kyl had played a lead role in landing the White House pledges to update nuclear warheads and their delivery systems, he ultimately voted against ratifying New START, saying he would not be rushed into embracing the treaty.

This week the Arizona senator suggested that his decision not to support the pact last year does not weaken his hand today in demanding progress on nuclear weapons updates.

"I made it clear throughout my discussions with the administration that whatever we agreed was necessary for modernization did not bind me to thereafter support the treaty if I concluded that they were either going about it the wrong way or that the terms still weren't satisfactory," Kyl said. "They knew all along that I felt that [ratification] couldn't be done adequately in the time frame that they'd pushed it, and during the lame duck" session after the November election.

The lawmaker's comments differ somewhat from the White House account at the time, when administration officials suggested that Kyl had negotiated in bad faith .

While Turner introduced the "New START Implementation Act" as a stand-alone bill, he is also working to incorporate several of its provisions into the fiscal 2012 defense authorization bill, which is making its way through the House Armed Services Committee this week.

"It's really about an agreed to-do list," Turner, who chairs the panel's Strategic Forces Subcommittee, told reporters. "[We seek] an understanding of what are the items that are outstanding [and] how should they be addressed."

He said enacting such legislation now could help avert "the conflict and dissatisfaction that could arise later" if Congress and the executive branch were to differ over modernization expectations.

Kyl said he might similarly push for measures in his bill to be wrapped into the Senate's defense authorization legislation.

A next step in both chambers might be to insert these mandates into appropriations bills, which would legally tie the federal government's financial purse strings to nuclear modernization and related mandates. However, neither lawmaker could say yet whether such a move was likely.

Key features of Turner's bill include:

- A limit on funds for the reduction of deployed weapons under the New START agreement pending joint certification by the Energy and Defense secretaries that the nuclear arsenal modernization plan, described last November in the administration's so-called "[Section 1251 Report Update](#)," is proceeding as planned.
- Funds for arms control reductions would be frozen for six months if modernization progress is impeded, though "the provision is carefully crafted to avoid treaty default," according to a Turner fact sheet;
- A ban on unilateral reductions in deployed or nondeployed U.S. nuclear weapons below the levels set by New START. In what might prove to be one of its most controversial provisions, the legislation prohibits the administration from taking any cuts to the so-called nuclear "hedge force" until a new plutonium facility at Los Alamos National Laboratory in New Mexico and a uranium facility at Oak Ridge, Tenn., are up and running.

"The reason is obvious," Kyl said. "Until you have the capability of reproducing the warheads, you don't want to eliminate the hedge that you have."

The Obama administration has, in fact, mulled a faster pace for disassembly of backup warheads, which typically are maintained for possible deployment in the event of a resurgent threat or the discovery of a major malfunction in fielded weapons.

Under the bill, further unilateral reductions to either deployed or nondeployed warheads could be authorized only by a new treaty or an act of Congress;

- A requirement to preserve "U.S. freedom of action" in deploying missile defenses, preventing any international agreements from limiting an antimissile system unless authorized by a future treaty or congressional action. This provision comes as Washington and Moscow intensify discussions about potentially collaborating on a joint European antimissile system, an objective that Kyl has sharply criticized; and
- A block against the United States or NATO unilaterally cutting Washington's tactical nuclear weapons in Europe unless certain conditions are met, including a host nation or high-level alliance request. The Senate has pressed the administration to seek Russian reductions in its European nonstrategic nuclear weapon deployments, which outnumber similar NATO-fielded weapons 10 to 1.

This, too, could prove politically contentious in the face of growing pressure in Europe for the United States to pull back some or all of its estimated 200 nuclear-armed B-61 gravity bombs from bases in Belgium, Germany, Italy, the Netherlands and Turkey.

"We want to make certain that the United States doesn't either consolidate, withdraw or reduce its forces in Europe in exchange for no action by Russia or just a geographical concession, where Russia just merely agrees to move its weapons back" from border areas, Turner said.

Asked whether the U.S. president currently has the latitude to take unilateral reductions in tactical weapons deployed in Europe, Kyl said "it depends" on a number of factors.

"As commander in chief, he has certain authority -- for example, within NATO councils -- to deploy forces," said the Senate minority whip. "What we are suggesting is that if he wants our consent to a potential treaty with Russia, for example, relating to tactical weapons or reducing strategic weapons further, he should seek our advice up front."

Three provisions in Turner's stand-alone measure already appear in the House Armed Services Committee chairman's mark-up of the authorization bill.

One feature would direct the Defense secretary to assess whether current and future U.S. nuclear forces meet their deterrence and defense objectives. Another seeks an annual review of the safety, security, reliability and effectiveness of nuclear delivery systems and command over these weapons.

A third Turner measure in the pending authorization legislation codifies fiscal 2010 modernization plans for nuclear warheads, delivery platforms and infrastructure.

Anticipated amendments to the fiscal 2012 defense authorization bill include four that would insert additional Turner provisions into the funding legislation, the House subcommittee chairman said.

Those include: a prohibition on adopting a new counter-city nuclear targeting strategy without congressional notification; measures on modernization requirements for weapons; limits on changes to U.S. missile defense plans; and tactical nuclear weapons posture directives.

Kyl said the administration has included its pledged 10-year budget planning figures in the fiscal 2012 budget request, "but we also appreciate that those numbers probably will have to be revised upward as additional revisions to the so-called 1251 plan are made."

The White House, he said, so far has not backed away from its nuclear modernization promises. However, "we have significant issues about the triad," added Kyl, referring to the lawmakers' intent to ensure that modernization of all three legs remains fully funded.

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