

# **The Republican victory in the US Congress: What will it mean for nuclear weapons and missile defense policies?**

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The recent U.S. elections, resulting in Republican control of the Senate and a stronger Republican majority in the House of Representatives, gave the Bush administration greater opportunity to push forward its nuclear weapons and missile defense agenda. This new political environment will be extremely challenging for arms control advocates.

## **Cast of characters**

While no committee assignments have been finalized, here follows BASIC's initial assessment of who may become the leading players in the congressional policy agenda on nuclear weapons and missile defense issues.

In the House:

The new House Armed Services Committee (HASC) Chair is expected to be Duncan Hunter, R-Calif., District 52 in Southern California. The former Chair, Bob Stump, R-Ariz., District 3 in Northwest Arizona, retired. Hunter, previously Chair of the HASC Research and Development Subcommittee, is an ardent supporter of missile defense and space weapons development. He has pushed measures to reduce the amount of time required to conduct full-scale nuclear testing and supported research and development of new types of nuclear weapons. He is generally more interested in promoting nuclear weapons and missile defense related policies than his predecessor.

In the Senate:

Sen. John Warner, R-Va., currently the Ranking Member, is expected to chair the Senate Armed Services Committee (SASC). He will continue to strongly support the President on strategic issues - particularly missile defense. Sen. Wayne Allard, R-Colo., who won in a very close race in Colorado, is expected to chair the SASC Strategic Subcommittee that has jurisdiction over most missile defense and nuclear weapons programs.

When the Republicans were last in control of the Senate (2000), Sens. Allard and Warner pushed to repeal legislation prohibiting development of "mini-nukes" (nuclear weapons with a yield below 5 kilotons). Their efforts were pushed back at the time, but the current environment, coupling the Republican-controlled Congress and the Bush administration advocacy for development of new kinds of nuclear weapons, including mini-nukes, ensures that it will be especially difficult to curtail these programs in the future.[1]

Of particular interest is the retirement of Sen. Strom Thurmond, R-S.C., the oldest and longest-serving Senator, who is leaving his long-held Armed Services Committee position. Lindsey Graham, R-S.C., won Thurmond's Senate seat. Graham, as Representative from South Carolina's Third District (Northwest South Carolina) served previously on the HASC. Although it is unclear whether Senator-elect Graham will serve on the SASC, if he does he will likely follow in the tradition of Sen. Thurmond on nuclear and defense policy issues. For example, Graham is sure to be a strong advocate for a program that Thurmond championed -- a large-scale modern pit facility (to produce plutonium pits essential to nuclear weapons) to be developed at South Carolina's Savannah River Site.

On the Appropriations side, Sen. Ted Stevens, R-Alaska, is expected to chair both the full Appropriations Committee and the Defense Appropriations Subcommittee that has jurisdiction over missile defense. Stevens is a strong proponent of missile defense, although it should be noted that he has voiced strong opposition to the development of nuclear-tipped interceptors and worked successfully to deny funding for the program.[2]

Nuclear weapons programs come under the funding jurisdiction of the Energy and Water Appropriations Subcommittee. Sen. Pete Domenici, R-N.M., a strong supporter of the weapons laboratories (two of the three national nuclear weapons laboratories are located in New Mexico), is expected to chair the Energy and Water Appropriations Subcommittee. In conjunction with the Armed Services Committee's likely strong support, Domenici will seek to enhance funding for nuclear weapons programs including development of new weapons, heightened test readiness, and increased production.

However, a fiscal check on spending for nuclear weapons programs may remain because the nuclear weapons programs must compete with other energy programs and significant water projects, which are also under the jurisdiction of the Energy and Water Appropriations Subcommittee. Traditionally the House Energy and Water Appropriations Subcommittee has tended to provide lower funding levels for nuclear weapons programs than the Senate Subcommittee, and it is likely that the programs being developed by the administration will be significantly more expensive in the coming years and may possibly face more congressional scrutiny – at least on the House side.

Relative to the Armed Services and Appropriations Committees, the Senate Foreign Relations Committee may provide a somewhat better environment for arms control efforts. Senator Richard Lugar, R-Ind., is expected to chair the committee. A sponsor of the Nunn-Lugar legislation establishing programs to address proliferation in Russia and the former Soviet Union, Senator Lugar is often viewed as a moderate on defense policies. Other Republicans who are viewed as more moderate and likely to support some nonproliferation and arms control measures on the Foreign Relations Committee will include Sen. Chuck Hagel (R-NE) who was criticized by Republicans for raising questions about the administration's policies on Iraq, Sen. Gordon Smith (R-OR) who voted in favor of the Comprehensive Test Ban Treaty (CTBT) and Sen. Lincoln Chafee (R-RI) who has shown support for arms control measures and a willingness to vote against some missile defense spending. These Republicans are likely to support Bush on many programs such as missile defense, but may raise concerns about some of the more flagrantly unilateral, or anti-arms control policies. Senator Lugar and the Foreign Relations Committee will probably move quickly to ratify the proposed Strategic Offensive Reductions Treaty (SORT).

## What will happen next?

**Nuclear testing:** One big question presented by the outcome of the election is what happens next with nuclear testing. There are likely some in the administration and weapons labs who will advocate for a return to testing, and now with apparently supportive leadership in key committees, it may be possible to generate congressional support and approval. Nevertheless, most observers think that the Bush administration is not likely to conduct a nuclear test within the next two years. This is partly because the probability of a negative U.S. public and international response is too dangerous politically. It is also not clear that it would be physically possible to conduct a diagnostically meaningful full-scale test within the next two years. Without question, however, there will be funds for enhanced test readiness, new nuclear weapons development plans and increasing pressure to resume full-scale nuclear tests.

**Completing FY 2003 Funding and Policy:** This election has also created some short-term confusion around the process of funding and policy decisions regarding nuclear weapons and missile defense. Much of this year's (FY 2003) work on the budget and nuclear weapons and missile defense policies was not completed prior to the congressional recess preceding the elections. A lame duck session began on Tuesday, November 12. The session was planned to work on completion of the required appropriations bills (only two of thirteen have been completed), and the President has also strongly urged the Congress to complete legislation to establish a homeland security agency. However, some confusion over the status of Senate seats for the duration of the lame duck session, and thus confusion over which party will have control of the Senate during the session, will make it challenging at best for Congress to get much work done.[3] Therefore much of the previous congressional agenda may be left over for the new Congress to resolve.

**FY 2003 Defense Authorization bill:** Nevertheless the lame duck session did quickly

complete the Defense Authorization bill on November 13, 2002. Although Armed Services Committee staff had expressed concern that conference on the mostly completed bill would be re-opened for further negotiation in the new Congress, instead the lame duck Congress was able to complete the bill while the Democrats retained majority control of the Senate. There were a number of significant differences between the House and Senate versions of the Defense Authorization bills, and the final version represents a compromise on many of these issues, especially new nuclear weapons development and nuclear test readiness.[4]

**2003 Energy and Water Appropriations Bill:** Also of importance to nuclear weapons policies is the unfinished Energy and Water Appropriations bill. While the Defense Appropriations bill that funded the Department of Defense programs, including missile defense, has been completed, the Energy and Water Appropriations bill that funds nuclear weapons programs is still undecided. The Senate has completed its version of the bill, while on the House side the committee has completed its work, but the House has not yet voted on the measure. Thus, the work to reconcile the two versions has not begun. Given the difficulties of the lame duck session, many are predicting that the Energy and Water Appropriations may not be completed for some time.

While continuing resolutions will enable the basic functioning of the Energy Department's National Nuclear Security Agency (NNSA) responsible for nuclear weapons programs, the NNSA cannot now fully pursue many of its nuclear weapons programs without appropriated funding. This may mean, for example, some delay in starting work on the proposed Robust Nuclear Earth Penetrator (RNEP) or proposed activities to enhance test readiness. Despite this delay in carrying out its program, it is likely that ultimately the nuclear weapons programs that NNSA requested will be funded. This is in part because the new Senate Energy and Water Appropriations Subcommittee with expected chair Sen. Domenici is likely to support these programs, and also because appropriations measures generally follow the policy guidance set by the authorizing bill - in this case the Defense Authorization bill. The recently completed Defense Authorization bill, while requiring some additional studies, does not prohibit funding for nuclear weapons programs such as the RNEP or enhanced test readiness.

## Conclusion

Regardless of when these left over budget issues are resolved, the budget process for fiscal year 2004 will begin in February 2003 when the administration presents its budget to Congress. At that time it will become more clear how far the administration will push its nuclear and missile defense policy agenda with the new Congress, and the shape of the challenge for arms control advocates over the next two years will also be made clear.

## Endnotes

[1] National Defense Authorization Act for Fiscal Year (FY) 1994, sec. 3136. "Prohibition on Research and Development of Low Yield Nuclear Weapons." National Defense Authorization Act for FY 2001 (As Adopted by the Senate Armed Services Committee), S. 2549, section 1018. "Report on the Defeat of Hardened and Deeply Buried Targets." National Defense Authorization Conference Report for FY 2001, Sec. 1044. "Report on the Defeat of Hardened and Deeply Buried Targets." A comparison of all legislation is provided by the Friends Committee on National Legislation at <http://www.fcni.org/issues/arm/minnukeindx.htm>

[2] Ruppe, D. "Pentagon Bid to Study Nuclear-tipped Missile Interceptors Rejected," Global Security Newswire, October 22, 2002.

[3] Most confusion was about the Senate seat in Minnesota where the Governor

appointed Independent Dean Barkley to serve for the lame duck session after the sudden death of Sen. Paul Wellstone, D-Minn. On November 12, Barkley indicated that he would not caucus with either party, but remain independent. Later in the month Senator-elect Jim Talent, R-Mo., will replace Sen. Jean Carnahan, D-Mo., who is now serving an appointed term, and lost her bid for election to Talent. The Senate (prior to the election) was divided with 50 Democrats, 49 Republicans and one Independent, Sen. Jim Jeffords, Ind.-Vt., voting and caucusing with the Democrats, so a change in the party affiliation of even one Senate seat alters the balance of control. While Sen. Lott, R-Miss., will take control as Majority Leader when Talent is sworn in, it is unclear whether the committee leadership will be changed for the remainder of the lame duck session.

[4] National Defense Authorization Act for FY 2003, H.R. 4546 (House) vs. National Defense Authorization Act for FY 2003, S. 2514 (Senate). BASIC's analysis of the final National Defense Authorization Act for FY 2003 will be available in the BASIC Washington Nuclear Update, Nov. 20, 2002.