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## Obama Fails America on Nuclear Arms

During Senate consideration of the New START arms control treaty with Russia, President Obama promised to provide enough money to modernize America's nuclear weapons complex. This modernization was required irrespective of New START, but became that much more critical due to the weapons cuts required by the treaty. Once the treaty was ratified, the president abandoned his promise, most recently in his fiscal year 2013 budget request. The president's proposed funding level is well below what is needed for national security.

New START (Strategic Arms Reduction Treaty) is an arms control treaty requiring the United States and Russia to bring their strategic arms within the treaty central limits of 1,550 warheads and 700 deployed nuclear delivery vehicles. During Senate consideration of New START, President Obama made a commitment to U.S. nuclear modernization, outlined in what became known as the 1251 plan (named after the section of the Defense Authorization Act requiring it).

That commitment allowed the treaty to proceed, despite concerns that the president's promise to support nuclear modernization would last just long enough to secure Senate ratification of the treaty. With his latest budget request, President Obama confirmed those fears and broke his promise by significantly underfunding nuclear modernization.



## **The President's Promise on Nuclear Modernization Was Essential**

- As Senator Thune summarized during consideration of the treaty, nuclear modernization was “something that needed to happen, irrespective of whether there was a treaty, but it certainly became a condition in order to have a treaty.”<sup>1</sup>
- Former Secretary of Defense Gates observed in testimony to Congress six months after the Senate gave its consent to the treaty: “This modernization program was very carefully worked out between ourselves and the Department of Energy. And frankly, where we came out on that, also, I think, played a fairly significant role in the willingness of the Senate to ratify the New START agreement.”<sup>2</sup>
- Senator Alexander said on the Senate floor just last month, “I doubt the New START Treaty would have been ratified without [the president’s commitment to nuclear modernization].”<sup>3</sup>

## **Americans Had a Detailed Promise to Fund Modernization**

- In a February 2010 speech at the National Defense University, Vice President Biden spoke of an Administration budget committed to “maintaining our nuclear stockpile and modernizing our nuclear infrastructure.”<sup>4</sup>
- The Obama Administration first submitted its 1251 plan in May 2010, and then added to that plan an additional \$4.1 billion over five years in its November 2011 update, one month before Senate ratification of the treaty.
- A White House Fact Sheet accompanying the delivery of the updated report to Congress said, “President Obama has made an extraordinary commitment to ensure the modernization of our nuclear infrastructure,” and that the report shows the “Administration’s commitment to requesting the funding needed to sustain and modernize the nuclear complex.”<sup>5</sup>
- Two days before the vote on the treaty, President Obama reaffirmed that commitment, referencing the 1251 report in a letter to Senators: “I recognize that nuclear modernization requires investment for the long-term. . . . That is my commitment to the Congress—that my administration will pursue these programs and capabilities for as long as I am president.”

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<sup>1</sup> 156 Cong. Rec. S10943 (Dec. 22, 2010).

<sup>2</sup> Robert Gates, Testimony of the Secretary of Defense to the Senate Appropriations Committee Defense Subcommittee Hearing on FY 2012 Appropriations, June 15, 2011, <http://www.gpo.gov/fdsys/pkg/CHRG-112shrg19104446/pdf/CHRG-112shrg19104446.pdf>.

<sup>3</sup> 158 Cong. Rec. S815 (Feb. 16, 2012).

<sup>4</sup> Joseph Biden, Prepared Remarks of the Vice President at the National Defense University, Feb. 18, 2010, <http://www.whitehouse.gov/the-press-office/remarks-vice-president-biden-national-defense-university>.

<sup>5</sup> White House Fact Sheet, An Enduring Commitment to the U.S. Nuclear Deterrent, Nov. 17, 2010, <http://www.whitehouse.gov/the-press-office/2010/11/17/fact-sheet-enduring-commitment-us-nuclear-deterrent>.

- This commitment lasted the precise amount of time required to secure Senate ratification of New START—and not one budget longer.

### **The President Broke His Promise to Strengthen U.S. Nuclear Forces**

- The president’s FY 2013 budget request is very clear about its broken promises on nuclear modernization. As to top-line numbers, the president underfunds his own plan by more than \$4 billion over the next five years. This \$4 billion is essentially the same amount he added to the plan one month prior to ratification of New START.<sup>6</sup>
- Specifically, President Obama admits “the 2013 Budget provides \$372 million less for Weapons Activities than the Administration projected in last year’s request and reported to the Congress in the ‘Section 1251 Report’ on nuclear weapons plans.”<sup>7</sup>

#### **National Nuclear Security Administration (NNSA) Weapons Activities** (in billions of dollars)

	FY 2012 (Enacted)	FY 2013 (Request)	FY 2014 (Request)	FY 2015 (Request)	FY 2016 (Request)	FY 2017 (Request)	Total
1251 Report <sup>8</sup>	7.6	7.9	8.4	8.7	8.9	8.9-9.0	50.4
FY 2013 Request <sup>9</sup>	7.214	7.577	7.613	7.755	7.905	8.0772	46.2

- A specific manifestation of this broken promise is the Administration’s 83 percent cut for a facility related to the nuclear stockpile, the Chemistry and Metallurgy Research Replacement (CMRR) facility at Los Alamos National Laboratory in New Mexico.
  - In December 2009, all Republican Senators joined a letter to the president linking nuclear modernization to the nuclear reductions envisioned in the treaty being negotiated with Russia at the time, specifically “full funding for the timely replacement of the Los Alamos plutonium research and development and analytical chemistry facility.”
  - In the fact sheet accompanying the updated 1251 report, the Administration claimed it was “committed to requesting the funds necessary to ensure completion” of the CMRR.
  - One month later, the New START Resolution of Ratification required the president to certify, prior to the treaty entering into force, that he intended to accelerate certain work on the CMRR building and “request full funding” for that work, which the president certified on February 2, 2011.<sup>10</sup>

<sup>6</sup> Id. (noting the November 2010 update to the 1251 plan “increase[s] funding by \$4.1 billion over the next five years relative to the plan provided to Congress in May”).

<sup>7</sup> Fiscal Year 2013 Budget of the U.S. Government, Department of Energy Overview, <http://www.whitehouse.gov/sites/default/files/omb/budget/fy2013/assets/energy.pdf>

<sup>8</sup> White House Fact Sheet re 1251 Plan, supra note 5.

<sup>9</sup> Department of Energy Office of Chief Financial Officer, FY2013 National Nuclear Security Administration Congressional Budget Request (Vol. 1), p. 5 (Feb. 2012), <http://www.mbe.doe.gov/budget/13budget/Content/Volume1.pdf>.

<sup>10</sup> Barack Obama, Message from the President on the New START Treaty to the Senate, Feb. 2, 2011, <http://www.whitehouse.gov/the-press-office/2011/02/02/message-president-new-start-treaty-0>.

- That commitment is broken by the FY 2013 budget request, “deferring CMRR construction for at least five years.”<sup>11</sup>
- Even more problematic, the CMRR cut was done in the name of savings, or what the Administration termed “cost avoidance.”
  - Unfortunately, as Thomas D’Agostino, the head of NNSA, points out, “the longer these projects are delayed, the more expensive they become.”<sup>12</sup>
  - The congressionally created bipartisan Strategic Posture Commission recommended that if choices had to be made between work on CMRR and other similar modernization projects, priority should be given to CMRR, noting that the facility currently fulfilling the mission is “already well past the end of its planned life.”<sup>13</sup>

### **New START Requires President Obama Not to Backtrack**

- President Obama’s commitment to nuclear modernization is not a glib political pledge he can break as he sees fit.
- Rather, the New START Resolution of Ratification requires the president to submit a report to Congress if appropriations are made that fail to meet the resource requirements articulated in the 1251 plan.
- This report is to include, among other things, an assessment of whether it remains in the U.S. national interest to remain a party to New START and a plan on how to remedy this resource shortfall.<sup>14</sup>
- Since the president signed into law on December 23, 2011, an FY 2012 Omnibus Bill that did not fully fund his plan, he was required to submit this report by the end of February.
- The president is certainly not working to remedy this shortfall when he requests almost \$400 million less than he had planned for nuclear modernization.
- It is also not the case that the Budget Control Act requires these cuts, as both the House and Senate versions of the National Defense Authorization bill “fully authorized” the president’s FY 2012 budget request for weapons activities,<sup>15</sup> and the Senate version was specifically crafted to be consistent with the Budget Control Act requirements.<sup>16</sup>

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<sup>11</sup> Fiscal Year 2013 Budget of the U.S. Government, Cuts, Consolidations, and Savings, <http://www.whitehouse.gov/sites/default/files/omb/budget/fy2013/assets/ccs.pdf>.

<sup>12</sup> Tom D’Agostino, Statement of Administrator of the National Nuclear Security Administration at a hearing of the House Armed Services Committee Subcommittee on Strategic Forces on Nuclear Weapons Policy, Nov. 2, 2011.

<sup>13</sup> Final Report of the Congressional Commission on the Strategic Posture of the United States, pp. 49-51 (2009).

<sup>14</sup> New START Resolution of Ratification §(a)(9)(B).

<sup>15</sup> Conference Report to Accompany National Defense Authorization Act for Fiscal Year 2012, H.R. 1540, H. Rpt. 112-329, p. 272 (Dec. 2011).

<sup>16</sup> Senate Armed Services Committee Press Release, Senate Armed Services Committee Completes Second Markup of National Defense Authorization Act for Fiscal Year 2012, Nov. 15, 2011, <http://armed-services.senate.gov/press/SASC%20NDAA%20Markup%2002%2011-15-11.pdf> (noting the bill was revised “to meet the target” of the Budget Control Act).

## **National Security *Demands* Obama Fix his Broken Promise**

- It is critical that President Obama assess whether it is in the interest of the United States to remain a party to New START given the resource reductions to the nuclear modernization program. The national security establishment has made clear nuclear modernization is an absolute prerequisite to the New START nuclear reductions.
- Former Secretary of Defense Gates said, “To be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile *or pursuing a modernization program.*”<sup>17</sup>
- President Obama’s own 2010 Nuclear Posture Review specifically concluded that funding the CMRR project to replace in 2021 the existing 50 year-old facility is “required to sustain a safe, secure, and effective nuclear arsenal.”<sup>18</sup>
- President Obama’s Principal Deputy Under-Secretary of Defense for Policy, Jim Miller, said the FY 2012 cuts to the nuclear modernization program “are a big concern.”<sup>19</sup>
- Yet President Obama failed to remedy those cuts and devote in his FY 2013 request the resources U.S. security requires.

President Obama promised resources for nuclear modernization during Senate ratification of New START, but once he secured treaty ratification, that promise quickly evaporated. President Obama’s commitment to nuclear modernization will affect congressional support for New START implementation. It will also affect the president’s stated desire to negotiate even further nuclear reductions or complete other arms control agreements, such as the Comprehensive Test Ban Treaty. In his NDU speech, Vice President Biden promised nuclear modernization would be fully supported “even in these tight fiscal times,” saying the Administration “would commit the resources our security requires.”<sup>20</sup>

President Obama must submit a new budget request consistent with the promises he and his Administration have made on nuclear modernization. He must remedy the shortfall of the FY 2012 appropriation and correct the problems of his FY 2013 request.

<sup>17</sup> Robert Gates, Speech of the Secretary of Defense to the Carnegie Endowment for International Peace on Nuclear Weapons and Deterrence in the 21<sup>st</sup> Century, Oct. 28, 2008, available at [http://carnegieendowment.org/files/1028\\_transcrip\\_gates\\_checked.pdf](http://carnegieendowment.org/files/1028_transcrip_gates_checked.pdf) (emphasis added).

<sup>18</sup> Department of Defense, Nuclear Posture Review Report, p. 42 (April 2010).

<sup>19</sup> Jim Miller, Statement of the Principal Deputy Under Secretary of Defense for Policy at a hearing of the House Armed Services Committee Subcommittee on Strategic Forces on Nuclear Weapons Policy, Nov. 2, 2011.

<sup>20</sup> Biden NDU remarks, supra note 4.