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THE CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES

December 15, 2008

**SUBMITTED PURSUANT TO SECTION 1060 OF THE NATIONAL DEFENSE
AUTHORIZATION ACT FOR FISCAL YEAR 2009 (P.L. 110-417)**

FACILITATED BY:

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***The positions expressed in this document solely represent the views and findings of the
Congressional Commission on the Strategic Posture of the United States.***

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Interim Report of the Congressional Commission on the Strategic Posture of the United States December 11, 2008

1. Charge to the Commission and Interim Activities

Pursuant to the responsibilities assigned to it in the FY08 National Defense Authorization Act, the Congressional Commission on the Strategic Posture of the United States began its work in spring 2008. A delay in securing funding for the commission meant that the first commission meeting occurred in July. Accordingly, and by agreement with the Congressional sponsors of the legislation, delivery of the Commission's final report has been postponed from December 1, 2008 until April 1, 2009. This document serves as the requested interim report on the work of the Commission to date.

The Commission was chartered to provide findings, conclusions, and recommendations. At this time it would be premature to offer recommendations. Rather, our purpose with this interim report is to review briefly the progress of our efforts and to offer interim findings on some of the relevant issues.

The Commission has convened approximately monthly to hear the views of others with information and expertise germane to our task.

- Our first priority was to meet with interested members of the Congress, and we have heard from various individuals from both houses and both parties. From these meetings, we took many away several important messages. Perhaps the most important was the Congressional desire to better understand the key ideas on which a sufficient measure of political consensus can be built to enable effective long-term implementation of national strategy.
- We have also met with administration representatives to gain a better understanding of its policies and programs and of the key concepts underpinning them. From the Department of Defense, we have learned about the halting efforts to implement the 2001 Nuclear Posture Review and the more recent effort to make a joint cabinet-level statement on nuclear policy. From the National Nuclear

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Security Administration and the nuclear laboratories we have learned about the efforts to create an enhanced Stockpile Stewardship Program and to adapt to evolving planning and programming requirements. In general, we have gained an improved appreciation of the efforts of the current leadership of the US nuclear enterprise, who are working under the difficult circumstances of a lack of national consensus. Both the DOD and NNSA have been fully cooperative and exceptionally helpful.

- We have also devoted considerable time and energy to interacting with representatives of foreign governments interested in the outcome of this effort and also of the next US Nuclear Posture Review. We have gained important new insights into the perspectives of US allies on the requirements of extended deterrence and assurance and also of the expectations of many other states for US leadership.
- To study the many questions of policy and strategy within the Commission's purview, we formed five working groups of experts drawn from across the political spectrum. They are exploring issues of strategic policy and strategy, force structure and deterrence, countering proliferation, infrastructure, and the evolving security environment. We tasked these groups with specific questions, but also asked them to bring issues before us they deem important. This has helped to deepen and broaden our understanding of key issues.

We have had timely and substantive assistance from the cognizant federal agencies, including the intelligence community, among others.

In conducting our work, we have adopted a broad definition of the strategic posture. We are looking not just at the traditional issues within the purview of a Nuclear Posture Review, such as the size and shape of the nuclear force and its associated roles and missions. Rather, we defined the scope of our work to include all uses of nuclear weapons and all tools to counter the nuclear threat, including for example missile defense and countering nuclear proliferation. But we also defined some limits to our inquiry. For example, we have chosen not to expand our scope of work to encompass the problems associated with all weapons of mass destruction, though we have included in our review the question of whether and how

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nuclear weapons have a role in deterring attacks with chemical and biological weapons.

We are also taking a broad view of the elements of strategy by looking beyond the military domain. The legislation poses a series of broad questions about US strategy and how the tools of policy can be integrated to achieve US objectives. We are looking broadly at political, economic, and military tools, and expect to craft a report that addresses all three. We note, however, that the legislation clearly puts emphasis on the military tools and especially nuclear questions. We understand that the lack of consensus about the future of the US nuclear deterrent is a key motivator of the charge to the Commission.

As we continue our work, we welcome further interaction with interested members of Congress. We look forward to submission of our report on April 1 and the ensuing dialogue about needed improvements to the US strategic posture.

2. Dealing with the Changing Strategic Challenge

During the Cold War the Soviet Union posed an existential threat to the United States. In response to this threat, successive presidents consistently increased the effectiveness of our nuclear weapon systems, with deployments of more than 10,000 nuclear warheads in American strategic forces by 1980. With the dissolution of the Soviet Union and the ending of the Cold War, the danger of an existential threat dramatically decreased. This has permitted the United States to reduce its reliance on nuclear weapons and substantially reduce our nuclear forces. The current superiority of US conventional capabilities has reinforced this process. (Ironically, our edge in conventional capabilities has induced the Russians, now feeling their conventional deficiencies, to increase their reliance on both tactical and strategic nuclear weapons.)

Although the existential threat to the United States has dramatically decreased, the fact that other states possess nuclear weapons continues to affect decisions about the needed US strategic posture. The size of our nuclear deterrent continues to be driven in part by the size of Russian nuclear forces—as well as Russia's doctrinal embrace of greater reliance on tactical as well as strategic nuclear weapons. China in this connection

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remains a lesser consideration. Proliferation is also an important factor, not least for the demands it places on a credible US extended deterrent.

As the existential threat has waned, a new threat has come to the fore—that of catastrophic terrorism. 9-11 demonstrated all too clearly that Al Qaeda and other terror groups wished to inflict mass casualties on Americans. And we know that Al Qaeda has sought nuclear weapons to achieve that end. But a terror group cannot make a nuclear bomb from scratch, so the best defense against this threat is to prevent terror groups from acquiring a nuclear bomb or the fissile material from which they could perhaps make a bomb.

Achieving that defense leads to four security imperatives:

- To reduce and provide better protection for existing nuclear stockpiles of weapons and fissile material;
- To keep new nations from going nuclear;
- To provide effective protection for the fissile material generated by enrichment activities, reprocessing facilities, and commercial nuclear reactors; and
- To improve our tools to detect clandestine delivery of nuclear weapons and to disable and otherwise defend against them.

None of these imperatives can be achieved unilaterally. We can reduce and protect our own stockpiles, but we need cooperation from other nations, especially Russia, to be sure that their stockpiles do not leak to terror groups. Since the early 90s we have worked cooperatively with Russia in the reduction and protection of stockpiles, but today cooperation with Russia is increasingly in question because of the generally strained geopolitical relations between the United States and Russia.

The efforts to keep other nations from going nuclear are obviously multinational. The 6-party talks have had limited success to date in dealing with North Korea but may ultimately be successful. However, there is no similarly comprehensive diplomatic approach to Iran, which has constructed a major facility for enriching uranium.

It appears that we are at a "tipping point" in proliferation. If Iran and North Korea proceed unchecked to build nuclear arsenals, there is a serious possibility of a cascade of proliferation following. And as each new

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nuclear power is added the probability of a terror group getting a nuclear bomb increases.

Even if a terror group is not able to acquire a weapon from a nuclear state, it could build a crude nuclear device if it were able to acquire the necessary fissile material. The International Atomic Energy Agency (IAEA) has proposed strengthening the Nuclear Non-Proliferation Treaty (NPT) safeguards to provide far better protection of fissile material, but to date is not getting the needed support for its proposals.

Thus dealing with the increasingly dangerous threat of proliferation requires us to find a way of cooperating with many other nations, including, but not limited to, all of the nuclear powers. And it requires working effectively with the IAEA. What we do in our own nuclear weapon program has a significant effect on (but does not guarantee) our ability to get that cooperation. In particular, this cooperation will be affected by what we do in our weapons laboratories, what we do in our deployed nuclear forces, what kind of nuclear policies we articulate, and what we do regarding arms control treaties (e.g., START and CTBT). It is not clear that actions we take on our nuclear program affect the nuclear calculus of North Korea or Iran, or necessarily others, but they do affect the actions of nations whose cooperation we need to deal with North Korea and Iran, as well as other proliferation problems. In short, if the US by its actions indicates to other nations that we are moving seriously to decrease the importance and role of nuclear weapons, we increase our chance of getting the kind of cooperation we need to deal effectively with the dangers of proliferation.

But some actions that might promote cooperation could be in conflict with the actions needed to maintain the reliability, safety and security of our nuclear forces. So, as long as we need to maintain such forces, our challenge is to define a nuclear program that contributes to decreasing the global dangers of proliferation, including maintaining the needed reliability, safety and security of our nuclear weapons and maintaining the role they play in overall stability and the reassurance of allies. Given the uncertainties in the factors affecting global security today, the need for deterrence (and extended deterrence) could extend for an indefinite future.

Since the ending of the Cold War, we have embarked on a number of critical programs to enhance the reliability, safety and security of our nuclear stockpile. Specifically, the Stockpile Stewardship Program was

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initiated at our nuclear labs in the early 1990s. This program has engaged some of the best scientists and best scientific facilities in the world and has been remarkably successful. The Stockpile Stewardship Program (SSP), as originally intended, has provided greater confidence in our nuclear weapons without explosive testing. But support for this program is at risk and needs to be renewed—as our weapons get older they require continuing fiscal and political support. The SSP was established in part to give the US confidence in the reliability of the stockpile and thus to renounce nuclear testing—and sign the CTBT. Maintaining a robust SSP would be a prerequisite for ratification of the treaty.

Critical to maintaining confidence in our stockpile is the Life Extension Program, which assesses the capability of existing warheads and makes component modifications as needed to maintain their capability. As we get farther from the date those weapons were designed, this program becomes more difficult to execute. A few years ago the administration proposed to deal with this problem by designing new warheads, which it called Reliable Replacement Warheads (RRW). After a lengthy debate, Congress did not authorize the development of RRW but did authorize work on Advanced Certification. In considering future life extension programs, DoD and NNSA are exploring opportunities to make more significant changes in the weapons than has occurred in previous refurbishment programs. These changes include “mining” existing components from non-deployed weapons to assure long-term reliability and increased safety and security of weapons kept in the force. Also fundamental to the continuing effectiveness of the stockpile is the long-term stability of plutonium, which was unknown at the time of the signing of the CTBT. In the last few years, scientists at the labs and a group of university scientists (JASON) have concluded that the plutonium pits in our stockpile will remain viable for 85 years or longer.

High confidence in stockpile reliability not only is important for maintaining deterrence, it is also vital for making substantial reductions in the size of our stockpile. In particular, high confidence in the reliability of the stockpile could allow us to consider giving up thousands of weapons we keep in reserve. And for the same reason, it could allow us to enter into negotiations with Russia to make further reductions in the number of deployed nuclear weapons, reserve weapons, and nuclear delivery systems.

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So the political environment has changed in fundamental ways since the Cold War, calling for a new assessment of the role nuclear weapons should play in our security. The security of the US no longer depends on maintaining the large number of nuclear weapons needed during the Cold War. Indeed, major reductions already have been made in the American and Russian nuclear stockpiles. Both the US and Russia believe, however, that their security will depend on maintaining a deterrence force of some size for the foreseeable future. As long as that is true, it will be necessary for the US to maintain the reliability, security and safety of the residual nuclear force; the smaller the size of the stockpile, the more important it will be to have confidence in its reliability.

As the political environment has changed, so also has our technological understanding of nuclear weapons advanced, allowing us to maintain confidence in our stockpile even as our weapons age. But those technological advances have resulted from extraordinary achievements by the scientists of our weapons labs under a well-funded SSP and Life Extension Program. And they have depended on human capital that is in increasingly short supply. Sustaining support for those scientists and those programs is a prerequisite to maintaining continuing confidence in the reliability of the stockpile. And the smaller the stockpile becomes, the more important it will be to sustain the labs' scientific expertise.

3. Some Interim Findings

The Commission continues to gather information for analysis with the intention of identifying relevant findings and crafting recommendations that will be contained in the final report. That said, we have noted several findings that are consistent with the information gathered to date:

1. Nuclear terrorism poses a growing nuclear threat to the nation. The best defense against such terrorism is keeping the nuclear bombs and fissile material out of the hands of terror groups. Such a non-proliferation strategy, to be effective, would require intense cooperation with other nations, especially other nuclear powers, and with the IAEA.
2. The proliferation threat is also growing. Unless the Iranian program is halted short of a weapons capability and the North Korean program

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reversed and its arsenal dismantled, there is likely to be a proliferation cascade that would greatly increase the risks of nuclear use and terrorism.

3. Although Russia and China do not pose a nuclear threat to the US, they do have an extensive nuclear capability that could do grievous damage to us (as we to them). Given uncertainty about their political direction and international roles, the United States cannot afford to ignore the requirements of deterrence.
4. While the Nation should continue to commit to reducing its reliance on nuclear weapons and act transparently on that commitment, the US must also continue to maintain a nuclear deterrent *appropriate to existing threats* until such time as verifiable international agreements are in place that could set the conditions for the final abolition of nuclear and other weapons of mass destruction. As long as the US depends on nuclear deterrence, national policies must ensure that this deterrence is reliable, safe and secure.
5. Effective deterrence (and assurance) requires clear declaratory policy from the United States. To be effective, such policy must be understood to reflect the intentions of national leadership.
6. Deterrence of non-state actors is much more problematic. To the extent it is practical, it would seem to require an ability to attribute the sources of nuclear terrorist attacks. The US must have a realistic understanding of the difficulties of attribution. But it should also continue to make efforts to improve the forensic capabilities that can help to evaluate the possible origins of the fissile material in any nuclear detonation.
7. Our non-proliferation strategy will continue to depend upon US *extended deterrence strategy* as one of its pillars. Our military capabilities, both nuclear and conventional, underwrite US security guarantees to our allies, without which many of them would feel enormous pressures to create their own nuclear arsenals. So long as the United States maintains adequately strong conventional forces, it does not necessarily need to rely on nuclear weapons to deter the threat of a major conventional attack. But long-term US superiority in the conventional military domain cannot be taken for granted and

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requires continuing attention and investment. Moreover, it is not adequate for deterring nuclear attack. The US deterrent must be both visible and credible, not only to our possible adversaries, but to our allies as well.

8. Four senior statesmen have urged that the nation work towards the global elimination of nuclear weapons. It is clear that the goal of zero nuclear weapons is extremely difficult to attain and would require a fundamental transformation of the world political order. If, however, the new administration accepts their proposal as a long-term goal, there are steps that could be taken in the next few years that would be consistent with such a goal and, at the same time, consistent with maintaining and even increasing our security. Some of our recommendations will deal with such steps.
9. The US could maintain its security while reducing its reliance on nuclear weapons and making further reductions in the size of its stockpile, if this is done appropriately. Substantial stockpile reductions would need to be done bilaterally with the Russians, and at some level of reductions, with other nuclear powers. But some types of reductions need not await Russia, especially if the US nuclear infrastructure is refurbished, allowing the US to reduce its reliance on and supply of reserve warheads.
10. There is little likelihood of other nations eliminating their nuclear arsenals just because the United States does so. Potential proliferant nations may be drawn to consider acquiring nuclear capabilities not because of US nuclear strength, but as a way for them to address our substantial conventional force superiority to which they can feel vulnerable. Such nations believe their nuclear weapons serve as their "equalizer."
11. The threat of nuclear terrorism is strongly reinforced by any proliferation and the possibility that nuclear weapons might deliberately be passed on to terrorists—or stolen by them.
12. The Stockpile Stewardship Program has been a remarkable success, much more than originally expected. However, the program may be in danger of losing the support needed to adequately fund it.

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13. Although the Life Extension Program has been successful to date, it will face increasing challenges as components age and more changes are made. In our final report we intend to define the most efficient and effective way to maintain a credible, safe, secure, and reliable deterrent for the long term. We recognize also that broader infrastructure issues must be addressed in any such program.
14. The NPT has long provided the essential legal framework for preventing proliferation. But it is not sufficient for this purpose—and was never intended to be. It must be supplemented with other tools of policy. Its effectiveness has been undermined by errors in how it has been interpreted and by failures of enforcement by the UN Security Council. The 2010 Review Conference provides an opportunity to renew international efforts to address these problems with the legal framework. The US ought to begin now to set the stage by engaging with friends and allies on those issues related to desired improvements.
15. While the International Atomic Energy Agency (IAEA) may not always act as we would wish, it continues to play an indispensable role and to support critical US interests. Stronger financial, technical, and political support for the IAEA by the United States could enhance its ability to perform its unique and important mission.
16. Missile defenses appropriate to defend against a rogue nuclear nation could serve a damage-limiting and stabilizing role in the US strategic posture, assuming such defenses are perceived as being effective enough to at least sow doubts in the minds of potential attackers that such an attack would succeed. On the other hand, levels of defenses sizable enough to sow such doubts in the minds of Russia or China could lead them to take actions that increase the threat to the US and its allies and friends.
17. The advent of a new administration creates the opportunity to open a new strategic dialogue with Russia. One objective of this dialogue could be a new arms treaty that provides for further significant reductions in the nuclear arsenals of the two countries. The Commission is prepared strongly to endorse negotiations with Russia in order to proceed jointly to further reductions in our nuclear forces, as part of a cooperative effort to stabilize relations, stop

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proliferation, and promote predictability and transparency. The large Russian arsenal of tactical nuclear weapons must be considered in this regard. However, any negotiated reduction between Russia and the US should not be carried out in a manner that might incentivize the Chinese to undertake a program to increase their nuclear capabilities in an effort to compete with us.

18. The United States has not conducted an explosive nuclear test since 1992. Since that time the SSP, through the use of analytical simulation, laboratory experiments, and the Life Extension Programs, has maintained the stockpile without nuclear testing. The new administration may consider resubmitting the CTBT to the Senate for ratification. A negotiated agreement defining and banning such testing could offer important benefits compared to an informal moratorium. Before submission the DOE and DoD should receive from the labs and STRATCOM clear statements describing the future capabilities and flexibility required to minimize the risks of maintaining a credible, safe, and reliable nuclear deterrent without nuclear explosive testing.
19. The Department of Energy's laboratory system provides invaluable support to the nation in three ways. First, it actively maintains the safety, security, reliability and effectiveness of the stockpile over the long term. Second, the system is the wellspring of the talent and tools needed to address a multitude of national problems, such as nonproliferation research, nuclear threat reduction, nuclear forensics, bioterrorism defense, missile defense, countering improvised explosive devices, nuclear energy, and alternative energy options. Finally, the system plays an important role in maintaining the intellectual scientific leadership of the United States.

4. Next Steps

The Commission recognizes that its mandate covers several other issues. Defining an appropriate strategic posture requires our developing a concept of "strategic posture" from which will devolve force structure and arsenal requirements. However, in keeping with the intent of Congress to broaden the scope of our work beyond the traditional focus on nuclear strategy and weapons, we will develop the relationship between our force

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structure/capabilities and both our arms control and non-proliferation strategies. The combination of these three will produce for Congress a workable construct of "strategic posture." The final report will contain our analysis, findings, conclusions and recommendations related to this concept.

To that end, the Commission will undertake the following:

- Conduct a qualitative analysis of our national capabilities with emphasis on maintaining a strategic posture appropriate to the requirements of contemporary national goals such as deterrence and assurance (including nuclear force structure and delivery systems, etc.) and on countering proliferation and countering nuclear terrorism.
- Examine the current state of arms control and how to integrate it with the other two broad components of strategic posture. Consideration will be given to potential new objectives for re-engaging Russia in a strategic dialogue.
- Study the development of an integrated nonproliferation strategy combining regional and global diplomatic initiatives closely coupled to unilateral policies and programs.
- Continue an assessment of the nuclear complex infrastructure through on-site visits.
- Address the importance of the six-decade-long record of non-use of nuclear weapons and the danger for the world order if this pattern were broken. We will explore the importance for the US and all nations of maintaining this de facto moratorium—and the means of doing so.

