Congress of the United States

Washington, DC 20515

August 11, 2000

The Honorable Ike Skelton
Ranking Minority Member
House Armed Services Committee
2120 Rayburn House Office Building
Washington, D.C. 20515

Dear Ranking Member Skelton:

We are writing in regard to a reporting requirement, which likely will involve so-called low-yield nuclear weapons with an equivalent yield of 5 kilotons TNT, that was included in the Senate version of the FY2001 Defense Authorization Act, S.2549. As you know, Section 1018 of this bill requires the Secretary of Defense in conjunction with the Secretary of Energy to conduct a study relating to the defeat of hardened and deeply buried targets possibly using a low-yield nuclear weapon. We are troubled by the inclusion of this provision for two reasons: (1) current law prohibits the research and development of such devices and (2) this report could be the precursor to renewed testing of nuclear weapons, undermining the United States efforts to halt the spread of nuclear weapons.

As you know, the National Defense Authorization Act for FY1994 (Section 3136 of Public Law 103-160) prohibits the Secretary of Energy from conducting any research on and development for the production of new low-yield warheads. Although the requested report would not violate this ban, we believe it represents the first step towards ending the current ban on research and development on such a weapon and could ultimately lead to efforts to renew testing of such a weapon. As you know, such a weapon likely could not be added to the nuclear arsenal without extensive testing to determine its effectiveness and reliability. As a hint of the events to come, the new provision would authorize "limited research and development that may be necessary to conduct" this assessment, a violation of the spirit and perhaps letter of the ban contained in the FY1994 National Defense Authorization Act.

Furthermore, we believe that the more important reason to oppose this language is the implications on the United States' international nuclear arms control and nonproliferation efforts. As you know, the United States is seeking to end nuclear weapons programs in the Democratic People's Republic of North Korea, Iran and Iraq, and to restrain India and Pakistan from further testing and development of nuclear explosives. Restricting the ability to test new weapons is an important tool in preventing these nations from actually completing work on a new weapon. Enforcing this moratorium requires considerable international cooperation and pressure spearheaded by the United States government.

With the defeat of the Comprehensive Test Ban in October of 1999 by the U.S. Senate, however, the United States government lost considerable credibility in the international nonproliferation arena. If the proposed provision on low-yield weapons were to be enacted, it would send a troubling signal that not only is the United States unwilling to ratify the Comprehensive Test Ban Treaty, but the U.S. is moving towards a resumption in testing. This

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will give the green light to nations with fledgling nuclear weapons programs to begin openly testing. The implications for our national security are far more threatening from this action than from the failure to develop such a low-yield nuclear weapon.

As you may know, on June 12, 2000, the *Washington Post* reported that Senator Warner believes this provision is important because "we should do research and analysis" that could lead to new weapons because "there is a dwindling industrial base and dwindling category of people to build weapons." We believe the United States should not be seeking to break a Treaty the Administration has signed simply to keep weapons scientists busy. There are better ways to maintain the knowledge base at the national labs than inventing projects for them for which there is little or no demonstrated need.

In conclusion, we would appreciate your efforts in ensuring this provision is not included in the final Conference Report for the FY2001 National Defense Authorization Act. If existing weapons do not provide the United States with the ability to deal with hardened targets, conventional, not nuclear, munitions should be considered. The resumption of nuclear test explosions that will result from such a program involving nuclear weapons would increase rather than decrease our national security and undermine U.S. and international non-proliferation efforts.

We respectfully urge you and your colleagues to work to delete Section 1018 of the Senate bill from the final defense authorization bill. We appreciate your consideration of this request and look forward to hearing from you.

Sincerely,

Rep. Edward J. Markey

Rep. James P. McGovern

Rep. Eni F. H. Faleomavaega

Rep. Peter A. DeFazio

Rep. Sherrod Brown

Rep. Maurice D. Hinchey

Rep. John W. Olver

Rep. Lynn C. Woolsey

Rep. Collin C. Peterson

Rep. Barbara Lee

Rep. Lloyd Doggett

Rep. Patsy T. Mink

Rep. Earl Blumenauer

Rep. Rush D. Holt

Rep. Fortney Pete Stark

Rep. Brian Baird

Rep. Barney Frank

Rep. John F. Tierney

Rep. Dennis J. Kucinich

Rep. John Lewis

Rep. Sam Farr

Rep. Major R. Owens

Cc: Democratic Conferees to H.R. 4205

Jerrold Nadler

Bob Filner

John Conyers, Jr.

Bill Luther

Co-signers for August 11 letter to Ranking Member Skelton regarding possible low-yield nuclear weapon

David E. Bonior
Rep. David E. Bonior

Eleanor H Norton
Rep. Eleanor Holmes Norton