

115TH CONGRESS
1ST SESSION

S. _____

To reduce the number of nuclear-armed submarines operated by the Navy, to prohibit the development of a new long-range penetrating bomber aircraft, to prohibit the procurement of new intercontinental ballistic missiles, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY (for himself, Mr. SANDERS, Mr. FRANKEN, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To reduce the number of nuclear-armed submarines operated by the Navy, to prohibit the development of a new long-range penetrating bomber aircraft, to prohibit the procurement of new intercontinental ballistic missiles, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Smarter Approach to
5 Nuclear Expenditures Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Berlin Wall fell in 1989, the Soviet
2 Union no longer exists, and the Cold War is over.
3 The nature of threats to the national security and
4 military interests of the United States has changed.
5 However, the United States continues to maintain
6 an excessively large and costly arsenal of nuclear
7 weapons and delivery systems that are a holdover
8 from the Cold War.

9 (2) The current nuclear arsenal of the United
10 States includes approximately 4,000 total nuclear
11 warheads in its military stockpile, of which approxi-
12 mately 1,750 are deployed with five delivery compo-
13 nents: land-based intercontinental ballistic missiles,
14 submarine-launched ballistic missiles, long-range
15 strategic bomber aircraft armed with nuclear gravity
16 bombs, long-range strategic bomber aircraft armed
17 with nuclear-armed air-launched cruise missiles, and
18 short-range fighter aircraft that can deliver nuclear
19 gravity bombs. The strategic bomber fleet of the
20 United States comprises 89 B-52 and 20 B-2 air-
21 craft, of which 60 are believed to contribute to the
22 nuclear mission. The United States maintains ap-
23 proximately 400 intercontinental ballistic missiles.
24 The United States also maintains 14 Ohio-class sub-
25 marines, up to 12 of which are deployed at sea.

1 Each of those submarines is armed with approxi-
2 mately 80 independently targetable nuclear war-
3 heads.

4 (3) The maintenance of this force comes at sig-
5 nificant cost. Between fiscal years 2017 and 2026,
6 the United States will spend approximately
7 \$400,000,000 to maintain and recapitalize its nu-
8 clear force, according to a February 2017 report
9 from the Congressional Budget Office. Over 30
10 years, spending on nuclear forces could exceed
11 \$1,000,000,000,000.

12 (4) Numerous United States Government offi-
13 cials have warned of the affordability problem posed
14 by the current nuclear weapons sustainment plans,
15 cautioning that those plans cannot be executed in
16 the absence of significant long-term increases to de-
17 fense spending or cuts to other military priorities.
18 For example, Brian McKeon, former Principal Dep-
19 uty Under Secretary of Defense stated in October
20 2015, “We’re looking at that big bow wave [in nu-
21 clear weapons spending] and wondering how the
22 heck we’re going to pay for it, and probably thank-
23 ing our lucky stars we won’t be here to answer the
24 question.”.

1 (5) An April 2017 Government Accountability
2 Office report found that there is a significant mis-
3 match between the 25-year plan of the Department
4 of Energy to refurbish the Nation's nuclear war-
5 heads and supporting infrastructure, and the De-
6 partment's budget estimates. The report also found
7 that key warhead life extension programs are likely
8 underfunded.

9 (6) According to the Congressional Budget Of-
10 fice's 2017 long-term budget outlook report, discre-
11 tionary spending, including national defense spend-
12 ing, is likely to continue to be constrained even after
13 the expiration of sequestration under part C of the
14 Balanced Budget and Emergency Deficit Control
15 Act of 1985 (2 U.S.C. 900 et seq.), as amended by
16 the Budget Control Act of 2011 (Public Law 112-
17 25; 125 Stat. 240), as a result of an aging popu-
18 lation, rising health care costs, and the rising inter-
19 est on the national debt.

20 (7) A substantial decrease in spending on the
21 nuclear arsenal of the United States is prudent for
22 both the budget and national security. The current
23 plans to sustain the United States nuclear arsenal
24 assume that the United States will maintain a nu-
25 clear arsenal like the one it has now for decades to

1 come. However, the Department of Defense’s June
2 2013 nuclear policy guidance entitled, “Report on
3 Nuclear Employment Strategy of the United States”
4 found that force levels under the Treaty between the
5 United States of America and the Russian Federa-
6 tion on Measures for the Further Reduction and
7 Limitation of Strategic Offensive Arms, signed on
8 April 8, 2010, and entered into force on February
9 5, 2011 (commonly known as the “New START
10 Treaty”) “are more than adequate for what the
11 United States needs to fulfill its national security
12 objectives” and can be reduced by up to one-third
13 below levels under the New START Treaty to 1,000
14 to 1,100 warheads.

15 (8) A December 2016 Congressional Budget
16 Office report showed that at least 10 percent of the
17 projected costs of nuclear forces over the next dec-
18 ade can be saved by trimming back the current
19 plans, while still maintaining a triad of delivery sys-
20 tems. Even larger savings would accrue over the
21 subsequent decade.

22 (9) Even without additional reductions below
23 the New START Treaty limit of 1,550 deployed
24 strategic warheads, the United States can save tens
25 of billions of dollars by deploying those warheads

1 more efficiently on delivery systems and by deferring
2 production of new delivery systems until they are
3 needed.

4 (10) As it undertakes its Nuclear Posture Re-
5 view in 2017, President Donald Trump must seri-
6 ously examine options to reshape and rescale the
7 plans and adequately fund a smaller number of
8 projects that would still leave the United States with
9 a capable and credible deterrent.

10 **SEC. 3. REDUCTIONS IN NUCLEAR FORCES.**

11 (a) REDUCTION OF NUCLEAR-ARMED SUB-
12 MARINES.—Notwithstanding any other provision of law,
13 none of the funds authorized to be appropriated or other-
14 wise made available for fiscal year 2017 or any fiscal year
15 thereafter for the Department of Defense may be obli-
16 gated or expended for procuring more than eight Colum-
17 bia-class submarines.

18 (b) REDUCTION OF INTERCONTINENTAL BALLISTIC
19 MISSILES.—Notwithstanding section 1667 of the National
20 Defense Authorization Act for Fiscal Year 2017 (Public
21 Law 114–328) or any other provision of law, none of the
22 funds authorized to be appropriated or otherwise made
23 available for fiscal year 2017 or any fiscal year thereafter
24 for the Department of Defense may be obligated or ex-

1 pending to maintain more than 150 deployed interconti-
2 nental ballistic missiles.

3 (c) REDUCTION OF DEPLOYED STRATEGIC WAR-
4 HEADS.—Notwithstanding any other provision of law,
5 none of the funds authorized to be appropriated or other-
6 wise made available for fiscal year 2017 or any fiscal year
7 thereafter for the Department of Defense or the Depart-
8 ment of Energy may be obligated or expended to maintain
9 more than 1,000 deployed strategic warheads, as counted
10 under the New START Treaty (as defined in section
11 495(e) of title 10, United States Code).

12 (d) PROHIBITION ON NEW LONG-RANGE PENE-
13 TRATING BOMBER AIRCRAFT.—Notwithstanding any
14 other provision of law, none of the funds authorized to
15 be appropriated or otherwise made available for any of fis-
16 cal years 2017 through 2024 for the Department of De-
17 fense may be obligated or expended for the research, devel-
18 opment, test, and evaluation or the procurement of the
19 B-21 long-range penetrating bomber aircraft.

20 (e) PROHIBITION ON F-35 NUCLEAR MISSION.—
21 Notwithstanding any other provision of law, none of the
22 funds authorized to be appropriated or otherwise made
23 available for fiscal year 2017 or any fiscal year thereafter
24 for the Department of Defense or the Department of En-

1 ergy may be used to make the F-35 Joint Strike Fighter
2 aircraft capable of carrying nuclear weapons.

3 (f) REDUCTION IN THE B61 LIFE EXTENSION PRO-
4 GRAM.—Notwithstanding any other provision of law, none
5 of the funds authorized to be appropriated or otherwise
6 made available for fiscal year 2017 or any fiscal year
7 thereafter for the Department of Defense or the Depart-
8 ment of Energy may be obligated or expended for extending
9 the life of tactical versions of the B61 gravity bomb.

10 (g) PROHIBITION ON NEW AIR-LAUNCHED CRUISE
11 MISSILE.—Notwithstanding any other provision of law,
12 none of the funds authorized to be appropriated or other-
13 wise made available for fiscal year 2017 or any fiscal year
14 thereafter for the Department of Defense or the Depart-
15 ment of Energy may be obligated or expended for the re-
16 search, development, test, and evaluation or the procure-
17 ment of a new air-launched cruise missile or for the W80
18 warhead life extension program.

19 (h) PROHIBITION ON NEW INTERCONTINENTAL BAL-
20 LISTIC MISSILE.—Notwithstanding any other provision of
21 law, none of the funds authorized to be appropriated or
22 otherwise made available for fiscal year 2017 or any fiscal
23 year thereafter for the Department of Defense may be ob-
24 ligated or expended for the research, development, test,
25 and evaluation or the procurement of the ground-based

1 strategic deterrent or any new intercontinental ballistic
2 missile.

3 (i) TERMINATION OF IW-1 LIFE EXTENSION PRO-
4 GRAM.—Notwithstanding any other provision of law, none
5 of the funds authorized to be appropriated or otherwise
6 made available for fiscal year 2017 or any fiscal year
7 thereafter for the Department of Defense or the Depart-
8 ment of Energy may be obligated or expended for the IW-
9 1 life extension program.

10 (j) TERMINATION OF MIXED OXIDE FUEL FABRICA-
11 TION FACILITY PROJECT.—Notwithstanding section 3116
12 of the National Defense Authorization Act for Fiscal Year
13 2017 (Public Law 114-328) or any other provision of law,
14 none of the funds authorized to be appropriated or other-
15 wise made available for fiscal year 2017 or any fiscal year
16 thereafter for the Department of Defense or the Depart-
17 ment of Energy may be obligated or expended for the
18 Mixed Oxide Fuel Fabrication Facility project at the Sa-
19 vannah River Site, Aiken, South Carolina.

20 (k) TERMINATION OF URANIUM PROCESSING FACIL-
21 ITY.—Notwithstanding any other provision of law, none
22 of the funds authorized to be appropriated or otherwise
23 made available for fiscal year 2017 or any fiscal year
24 thereafter for the Department of Defense or the Depart-
25 ment of Energy may be obligated or expended for the Ura-

1 nium Processing Facility located at the Y-12 National Se-
2 curity Complex, Oak Ridge, Tennessee.

3 **SEC. 4. REPORTS REQUIRED.**

4 (a) INITIAL REPORT.—Not later than 180 days after
5 the date of the enactment of this Act, the Secretary of
6 Defense and the Secretary of Energy shall jointly submit
7 to the appropriate committees of Congress a report out-
8 lining the plan of each Secretary to carry out section 3.

9 (b) ANNUAL REPORT.—Not later than March 1,
10 2018, and annually thereafter, the Secretary of Defense
11 and the Secretary of Energy shall jointly submit to the
12 appropriate committees of Congress a report outlining the
13 plan of each Secretary to carry out section 3, including
14 any updates to previously submitted reports.

15 (c) ANNUAL NUCLEAR WEAPONS ACCOUNTING.—
16 Not later than September 30, 2017, and annually there-
17 after, the President shall transmit to the appropriate com-
18 mittees of Congress a report containing a comprehensive
19 accounting by the Director of the Office of Management
20 and Budget of the amounts obligated and expended by the
21 Federal Government for each nuclear weapon and related
22 nuclear program during—

- 23 (1) the fiscal year covered by the report; and
24 (2) the life cycle of such weapon or program.

1 (d) COST ESTIMATE REPORT.—Not later than 180
2 days after the date of the enactment of this Act, the Sec-
3 retary of Defense and the Secretary of Energy shall jointly
4 submit to the appropriate committees of Congress a report
5 outlining the estimated cost savings that result from car-
6 rying out section 3.

7 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-
8 FINED.—In this section, the term “appropriate commit-
9 tees of Congress” means—

10 (1) the Committee on Armed Services, the
11 Committee on Foreign Relations, the Committee on
12 Appropriations, and the Committee on Energy and
13 Natural Resources of the Senate; and

14 (2) the Committee on Armed Services, the
15 Committee on Foreign Affairs, the Committee on
16 Appropriations, the Committee on Energy and Com-
17 merce, and the Committee on Natural Resources of
18 the House of Representatives.