

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2070

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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2014

Mr. MARKEY (for himself and Mr. MERKLEY) introduced the following bill;  
which was read twice and referred to the Committee on Armed Services

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## 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 enormous arsenal of nuclear weapons and deliv-  
7           ery systems that were devised with the Cold War in  
8           mind.

9           (2) The current nuclear arsenal of the United  
10          States includes approximately 5,000 total nuclear  
11          warheads, of which approximately 2,000 are de-  
12          ployed with three delivery components: long-range  
13          strategic bomber aircraft, land-based interconti-  
14          nental ballistic missiles, and submarine-launched  
15          ballistic missiles. The bomber fleet of the United  
16          States comprises 93 B-52 and 20 B-2 aircraft. The  
17          United States maintains 450 intercontinental bal-  
18          listic missiles. The United States also maintains 14  
19          Ohio-class submarines, up to 12 of which are de-  
20          ployed at sea. Each of those submarines is armed  
21          with up to 96 independently targetable nuclear war-  
22          heads.

23          (3) This Cold War-based approach to nuclear  
24          security comes at significant cost. Over the next 10  
25          years, the United States will spend hundreds of bil-

1        lions of dollars maintaining its nuclear force. A sub-  
2        stantial decrease in spending on the nuclear arsenal  
3        of the United States is prudent for both the budget  
4        and national security.

5            (4) The national security interests of the  
6        United States can be well served by reducing the  
7        total number of deployed nuclear warheads and their  
8        delivery systems, as stated by the Department of  
9        Defense's June 2013 nuclear policy guidance enti-  
10       tled, "Report on Nuclear Employment Strategy of  
11       the United States". This guidance found that force  
12       levels under the Treaty on Measures for the Further  
13       Reduction and Limitation of Strategic Offensive  
14       Arms, signed on April 8, 2010, and entered into  
15       force on February 5, 2011, between the United  
16       States and the Russian Federation (commonly  
17       known as the "New START Treaty") "are more  
18       than adequate for what the United States needs to  
19       fulfill its national security objectives" and that the  
20       force can be reduced by up to  $\frac{1}{3}$  below levels under  
21       the New START Treaty to 1,000 to 1,100 war-  
22       heads.

23            (5) Even without additional reductions in de-  
24        ployed strategic warheads, the United States can  
25        save tens of billions of dollars by deploying those

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

4 (6) Economic security and national security are  
5 linked and both will be well served by smart defense  
6 spending. Admiral Mike Mullen, Chairman of the  
7 Joint Chiefs of Staff, stated on June 24, 2010,  
8 “Our national debt is our biggest national security  
9 threat” and on August 2, 2011, stated, “I haven’t  
10 changed my view that the continually increasing  
11 debt is the biggest threat we have to our national se-  
12 curity.”.

13 (7) The Government Accountability Office has  
14 found that there is significant waste in the construc-  
15 tion of the nuclear facilities of the National Nuclear  
16 Security Administration of the Department of En-  
17 ergy.

18 **SEC. 3. REDUCTION IN NUCLEAR FORCES.**

19 (a) PROHIBITION ON NEW LONG-RANGE PENE-  
20 TRATING BOMBER AIRCRAFT.—Notwithstanding any  
21 other provision of law, none of the funds authorized to  
22 be appropriated or otherwise made available for any of fis-  
23 cal years 2014 through 2023 for the Department of De-  
24 fense may be obligated or expended for the research, devel-

1 opment, test, and evaluation or procurement of a long-  
2 range penetrating bomber aircraft.

3 (b) PROHIBITION ON F-35 NUCLEAR MISSION.—

4 Notwithstanding any other provision of law, none of the  
5 funds authorized to be appropriated or otherwise made  
6 available for fiscal year 2014 or any fiscal year thereafter  
7 for the Department of Defense or the Department of En-  
8 ergy may be used to make the F-35 Joint Strike Fighter  
9 aircraft capable of carrying nuclear weapons.

10 (c) REDUCTION IN THE B61 LIFE EXTENSION PRO-

11 GRAM.—Notwithstanding any other provision of law, none  
12 of the funds authorized to be appropriated or otherwise  
13 made available for fiscal year 2014 or any fiscal year  
14 thereafter for the Department of Defense or the Depart-  
15 ment of Energy may be obligated or expended until the  
16 Secretary of Defense and the Secretary of Energy jointly  
17 certify to Congress that the total cost of the B61 life ex-  
18 tension program has been reduced to not more than  
19 \$5,000,000,000.

20 (d) TERMINATION OF W78 LIFE EXTENSION PRO-

21 GRAM.—Notwithstanding any other provision of law, none  
22 of the funds authorized to be appropriated or otherwise  
23 made available for fiscal year 2014 or any fiscal year  
24 thereafter for the Department of Defense or the Depart-

1 ment of Energy may be obligated or expended for the W78  
2 life extension program.

3 (e) REDUCTION OF NUCLEAR-ARMED SUB-  
4 MARINES.—Notwithstanding any other provision of law,  
5 beginning in fiscal year 2020, the forces of the Navy shall  
6 include not more than eight ballistic-missile submarines  
7 available for deployment.

8 (f) LIMITATION ON SSBN-X SUBMARINES.—Not-  
9 withstanding any other provision of law—

10 (1) none of the funds authorized to be appro-  
11 priated or otherwise made available for any of fiscal  
12 years 2014 through 2023 for the Department of De-  
13 fense may be obligated or expended for the procure-  
14 ment of an SSBN-X submarine; and

15 (2) none of the funds authorized to be appro-  
16 priated or otherwise made available for fiscal year  
17 2024 or any fiscal year thereafter for the Depart-  
18 ment of Defense may be obligated or expended for  
19 the procurement of more than eight such sub-  
20 marines.

21 (g) REDUCTION OF SUBMARINE-LAUNCHED BAL-  
22 LISTIC MISSILES.—Notwithstanding any other provision  
23 of law, none of the funds authorized to be appropriated  
24 or otherwise made available for fiscal year 2014 or any  
25 fiscal year thereafter for the Department of Defense may

1 be obligated or expended to maintain more than 250 sub-  
2 marine-launched ballistic missiles.

3 (h) PROHIBITION ON NEW INTERCONTINENTAL BAL-  
4 LISTIC MISSILE.—Notwithstanding any other provision of  
5 law, none of the funds authorized to be appropriated or  
6 otherwise made available for any of fiscal years 2014  
7 through 2023 for the Department of Defense may be obli-  
8 gated or expended for the research, development, test, and  
9 evaluation or procurement of a new intercontinental bal-  
10 listic missile.

11 (i) TERMINATION OF MIXED OXIDE FUEL FABRICA-  
12 TION FACILITY PROJECT.—Notwithstanding any other  
13 provision of law, none of the funds authorized to be appro-  
14 priated or otherwise made available for fiscal year 2014  
15 or any fiscal year thereafter for the Department of De-  
16 fense or the Department of Energy may be obligated or  
17 expended for the Mixed Oxide Fuel Fabrication Facility  
18 project.

19 (j) TERMINATION OF CHEMISTRY AND METALLURGY  
20 RESEARCH BUILDING REPLACEMENT PROJECT.—Not-  
21 withstanding section 4215 of the Atomic Energy Defense  
22 Act (50 U.S.C. 2535) or any other provision of law, none  
23 of the funds authorized to be appropriated or otherwise  
24 made available for fiscal year 2014 or any fiscal year  
25 thereafter for the Department of Defense or the Depart-

1 ment of Energy may be obligated or expended to replace  
2 the Chemistry and Metallurgy Research Building at Los  
3 Alamos National Laboratory, Los Alamos, New Mexico.

4 (k) TERMINATION OF URANIUM PROCESSING FACIL-  
5 ITY.—Notwithstanding any other provision of law, none  
6 of the funds authorized to be appropriated or otherwise  
7 made available for fiscal year 2014 or any fiscal year  
8 thereafter for the Department of Defense or the Depart-  
9 ment of Energy may be obligated or expended for the Ura-  
10 nium Processing Facility located at the Y-12 National Se-  
11 curity Complex, Oak Ridge, Tennessee.

12 (l) TERMINATION OF MEDIUM EXTENDED AIR DE-  
13 FENSE SYSTEM.—Notwithstanding any other provision of  
14 law, none of the funds authorized to be appropriated or  
15 otherwise made available for fiscal year 2014 or any fiscal  
16 year thereafter for the Department of Defense may be ob-  
17 ligated or expended for the medium extended air defense  
18 system.

19 **SEC. 4. REPORTS REQUIRED.**

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



1 (b) ANNUAL REPORT.—Not later than March 1,  
2 2015, and annually thereafter, the Secretary of Defense  
3 and the Secretary of Energy shall jointly submit to the  
4 appropriate committees of Congress a report outlining the  
5 plan of each Secretary to carry out section 3, including  
6 any updates to previously submitted reports.

7 (c) ANNUAL NUCLEAR WEAPONS ACCOUNTING.—  
8 Not later than September 30, 2015, and annually there-  
9 after, the President shall transmit to the appropriate com-  
10 mittees of Congress a report containing a comprehensive  
11 accounting by the Director of the Office of Management  
12 and Budget of the amounts obligated and expended by the  
13 Federal Government for each nuclear weapon and related  
14 nuclear program during—

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

17 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-  
18 FINED.—In this section, the term “appropriate commit-  
19 tees of Congress” means—

- 20 (1) the Committee on Armed Services, the  
21 Committee on Foreign Relations, the Committee on  
22 Appropriations, and the Committee on Energy and  
23 Natural Resources of the Senate; and
- 24 (2) the Committee on Armed Services, the  
25 Committee on Foreign Affairs, the Committee on

1 Appropriations, the Committee on Energy and Com-  
2 merce, and the Committee on Natural Resources of  
3 the House of Representatives.

