

115TH CONGRESS
1ST SESSION

S. _____

To restrict the use of funds for the long-range standoff weapon until the Secretary of Defense completes a Nuclear Posture Review that includes an assessment of the capabilities and effects of the use of the long-range standoff weapon, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY (for himself, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. WYDEN, Mr. LEAHY, Mr. FRANKEN, Mr. SANDERS, Mr. VAN HOLLEN, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To restrict the use of funds for the long-range standoff weapon until the Secretary of Defense completes a Nuclear Posture Review that includes an assessment of the capabilities and effects of the use of the long-range standoff weapon, 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 “Nuclear Cruise Missile
5 Reconsideration Act of 2017”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The United States is currently developing a
4 new nuclear-armed air-launched cruise missile, the
5 long-range standoff weapon.

6 (2) When asked by the Committee on Armed
7 Services of the Senate before his confirmation hear-
8 ing about his support for the long-range standoff
9 weapon, Secretary of Defense James N. Mattis stat-
10 ed, “I will carefully examine the utility and advis-
11 ability of this program within existing nuclear doc-
12 trine.”.

13 (3) When asked during his confirmation hear-
14 ing whether he would commit to support continued
15 development of the long-range standoff weapon, Sec-
16 retary Mattis emphasized the need to examine its
17 “deterrent capability”.

18 (4) The United States already plans to con-
19 struct a new fleet of nuclear-capable penetrating
20 long-range strike bombers, known as the B-21, that
21 will carry the refurbished B61 nuclear gravity bomb.

22 (5) The range and lethality of existing United
23 States strategic bombers is being improved by the
24 addition of the Joint Air to Surface Standoff Mis-
25 sile, a long-range conventionally armed air-launched

1 cruise missile. The B-21 bomber will also be armed
2 with this missile.

3 (6) According to public reports, the long-range
4 standoff weapon will be a far more precise version
5 of its predecessor.

6 (7) General James E. Cartwright, former head
7 of United States Strategic Command, warned in
8 2016 that “bring[ing] real precision to [nuclear]
9 weapons” could “make them more usable”.

10 (8) In a 2014 letter to the Committee on Ap-
11 propriations of the Senate, Under Secretary of De-
12 fense Frank Kendall explained that the long-range
13 standoff weapon could have utility “[b]eyond deter-
14 rence”.

15 (9) In a 2016 statement before the Sub-
16 committee on Strategic Forces of the Committee on
17 Armed Services of the House of Representatives, As-
18 sistant Secretary of Defense Robert Scher asserted
19 that the long-range standoff weapon would provide
20 the United States with the ability “to respond pro-
21 portionately to a limited nuclear attack”.

22 (10) In a 2013 article in the Telegraph, Philip
23 Hammond, then-Defense Secretary of the United
24 Kingdom explained, “A cruise-based deterrent would

1 carry significant risk of miscalculation and unin-
2 tended escalation.”.

3 (11) In a 2015 article in the Washington Post,
4 former Secretary of Defense William J. Perry and
5 former Assistant Secretary of Defense Andrew
6 Weber wrote, “Because they can be launched with-
7 out warning and come in both nuclear and conven-
8 tional variants, cruise missiles are a uniquely desta-
9 bilizing type of weapon.”.

10 **SEC. 3. RESTRICTION ON USE OF FUNDS FOR LONG-RANGE**
11 **STANDOFF WEAPON.**

12 (a) IN GENERAL.—Notwithstanding any other provi-
13 sion of law, in any fiscal year, the Secretary of Defense
14 may not obligate or expend more than \$95,600,000 on de-
15 velopment of the long-range standoff weapon or any other
16 nuclear-capable air-launched cruise missile, and the Sec-
17 retary of Energy may not obligate or expend more than
18 \$220,253,000 on the life extension program for the W80–
19 4 warhead, until the Secretary of Defense, in consultation
20 with the heads of other relevant Federal agencies, submits
21 to the appropriate congressional committees a Nuclear
22 Posture Review that includes a detailed and specific as-
23 sessment of the following:

24 (1) The anticipated capabilities of the long-
25 range standoff weapon to hold targets at risk beyond

1 other already existing and planned nuclear-capable
2 delivery systems.

3 (2) The anticipated ability of the long-range
4 standoff weapon to elude adversary integrated air
5 and missile defenses compared to the B-21 bomber.

6 (3) The anticipated effect of the long-range
7 standoff weapon on strategic stability relative to
8 other nuclear-armed countries.

9 (4) The anticipated effect of the long-range
10 standoff weapon on the offensive nuclear weapons
11 capabilities and programs of other nuclear-armed
12 countries.

13 (5) The anticipated effect of the long-range
14 standoff weapon on the response of other nuclear-
15 armed countries to proposals to decrease or halt the
16 growth of their nuclear stockpiles.

17 (6) The anticipated effect of the long-range
18 standoff weapon on the threshold for the use of nu-
19 clear weapons.

20 (b) FORM.—The Nuclear Posture Review required by
21 subsection (a) shall be submitted in unclassified form but
22 may include a classified annex.

23 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
24 FINED.—In this section, the term “appropriate congres-
25 sional committees” means—

- 1 (1) the Committee on Armed Services and the
- 2 Committee on Foreign Relations of the Senate; and
- 3 (2) the Committee on Armed Services and the
- 4 Committee on Foreign Affairs of the House of Rep-
- 5 resentatives.