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**AMENDMENT TO H.R. 4310**  
**OFFERED BY MR. TURNER OF OHIO**

At the end of subtitle E of title X, insert the following new sections:

1 **SEC. 1054. COMMITMENTS FOR NUCLEAR WEAPONS STOCK-**  
2 **PILE MODERNIZATION.**

3 (a) **FINDINGS.**—Congress finds the following:

4 (1) In 2008, then Secretary of Defense Robert  
5 Gates warned that “to be blunt, there is absolutely  
6 no way we can maintain a credible deterrent and re-  
7 duce the number of weapons in our stockpile without  
8 either resorting to testing our stockpile or pursuing  
9 a modernization program.”.

10 (2) Secretary Gates also warned in September  
11 2009 that modernization is a prerequisite to nuclear  
12 force reductions, stating that modernizing the nu-  
13 clear capability of the United States is an “enabler  
14 of arms control and our ability to reduce the size of  
15 our nuclear stockpile. When we have more con-  
16 fidence in the long-term viability of our weapons sys-  
17 tems, then our ability to reduce the number of weap-  
18 ons we must keep in the stockpile is enhanced.”.

1 (3) President Obama's 2010 Nuclear Posture  
2 Review stated that—

3 (A) "In order to sustain a safe, secure,  
4 and effective U.S. nuclear stockpile as long as  
5 nuclear weapons exist, the United States must  
6 possess a modern physical infrastructure—com-  
7 prised of the national security laboratories and  
8 a complex of supporting facilities."; and

9 (B) "[I]mplementation of the Stockpile  
10 Stewardship Program and the nuclear infra-  
11 structure investments recommended in the NPR  
12 will allow the United States to shift away from  
13 retaining large numbers of non-deployed war-  
14 heads as a hedge against technical or geo-  
15 political surprise, allowing major reductions in  
16 the nuclear stockpile. These investments are es-  
17 sential to facilitating reductions while sus-  
18 taining deterrence under New START and be-  
19 yond."

20 (4) Section 1251 of the National Defense Au-  
21 thorization Act for Fiscal Year 2010 (Public Law  
22 111-84; 123 Stat. 2549) required the President to  
23 submit a report to Congress on the plan for the nu-  
24 clear weapons stockpile, nuclear weapons complex,  
25 and delivery platforms at the time a follow-on treaty

1 to the Strategic Arms Reduction Treaty was sub-  
2 mitted by the President to the Senate. The Presi-  
3 dent submitted such report in May 2010 and sub-  
4 mitted updates in November 2010 and February  
5 2011.

6 (5) Such section 1251 also contained a sense of  
7 Congress that “the enhanced safety, security, and  
8 reliability of the nuclear weapons stockpile, mod-  
9 ernization of the nuclear weapons complex, and  
10 maintenance of nuclear delivery systems are key to  
11 enabling further reductions in the nuclear forces of  
12 the United States.”.

13 (6) Forty-one Senators wrote to President  
14 Obama on December 15, 2009, stating, “we don’t  
15 believe further reductions can be in the national se-  
16 curity interest of the U.S. in the absence of a sig-  
17 nificant program to modernize our nuclear deter-  
18 rent.”.

19 (7) Former Secretary of Defense and Secretary  
20 of Energy James Schlesinger stated, while testifying  
21 before the Committee on Foreign Relations of the  
22 Senate in April 2010, “I believe that it is immensely  
23 important for the Senate to ensure, what the Admin-  
24 istration has stated as its intent, i.e., that there be  
25 a robust plan with a continuation of its support over

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1 the full 10 years, before it proceeds to ratify this  
2 START follow-on treaty.”.

3 (8) Former Secretary of State James Baker  
4 stated in testimony before the Committee on Foreign  
5 Relations of the Senate in May 2010 that “because  
6 our security is based upon the safety and reliability  
7 of our nuclear weapons, it is important that our  
8 Government budget enough money to guarantee that  
9 those weapons can carry out their mission.”.

10 (9) Former Secretary of State Henry Kissinger  
11 also stated in May 2010 while testifying before the  
12 Committee on Foreign Relations of the Senate that  
13 “as part of a number of recommendations, my col-  
14 leagues, Bill Perry, George Shultz, Sam Nunn, and  
15 I have called for significant investments in a re-  
16 paired and modernized nuclear weapons infrastruc-  
17 ture and added resources for the three national lab-  
18 oratories.”.

19 (10) Then Secretary of Defense Robert Gates,  
20 while testifying before the Committee on Armed  
21 Services of the Senate in June 2010, stated, “I see  
22 this treaty as a vehicle to finally be able to get what  
23 we need in the way of modernization that we have  
24 been unable to get otherwise. . . . We are essentially

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1 the only nuclear power in the world that is not car-  
2 rying out these kinds of modernization programs.”.

3 (11) Secretary Gates further stated that “I’ve  
4 been up here for the last four springs trying to get  
5 money for this and this is the first time I think I’ve  
6 got a fair shot of actually getting money for our nu-  
7 clear arsenal.”.

8 (12) The Directors of the national nuclear  
9 weapons laboratories wrote to the chairman and  
10 ranking member of the Committee on Foreign Rela-  
11 tions of the Senate in December 2010 that “We are  
12 very pleased by the update to the Section 1251 Re-  
13 port, as it would enable the laboratories to execute  
14 our requirements for ensuring a safe, secure, reliable  
15 and effective stockpile under the Stockpile Steward-  
16 ship and Management Plan. In particular, we are  
17 pleased because it clearly responds to many of the  
18 concerns that we and others have voiced in the past  
19 about potential future-year funding shortfalls, and it  
20 substantially reduces risks to the overall program. In  
21 summary, we believe that the proposed budgets pro-  
22 vide adequate support to sustain the safety, security,  
23 reliability and effectiveness of America’s nuclear de-  
24 terrent within the limit of 1,550 deployed strategic

1 warheads established by the New START Treaty  
2 with adequate confidence and acceptable risk.”.

3 (13) President Obama pledged, in a December  
4 2010 letter to several Senators, “I recognize that  
5 nuclear modernization requires investment for the  
6 long-term. . . . That is my commitment to the Con-  
7 gress—that my Administration will pursue these  
8 programs and capabilities for as long as I am Presi-  
9 dent.”.

10 (14) Secretary Gates added in May 2011 that,  
11 “this modernization program was very carefully  
12 worked out between ourselves and the Department  
13 of Energy; and, frankly, where we came out on that  
14 played a fairly significant role in the willingness of  
15 the Senate to ratify the New START agreement.”.

16 (15) The Administrator for Nuclear Security,  
17 Thomas D’Agostino, testified before Congress in No-  
18 vember 2011 that, “it is critical to accept the link-  
19 age between modernizing our current stockpile in  
20 order to achieve the policy objective of decreasing  
21 the number of weapons we have in our stockpile,  
22 while still ensuring that the deterrent is safe, secure,  
23 and effective.”.

24 (b) NEW START TREATY DEFINED.—In this sub-  
25 title, the term “New START Treaty” means the Treaty

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1 between the United States of America and the Russian  
2 Federation on Measures for the Further Reduction and  
3 Limitation of Strategic Offensive Arms, signed on April  
4 8, 2010, and entered into force on February 5, 2011.

5 **SEC. 1055. LIMITATION AND REPORT IN THE EVENT OF IN-**  
6 **SUFFICIENT FUNDING FOR MODERNIZATION**  
7 **OF NUCLEAR WEAPONS STOCKPILE.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-  
9 gress that—

10 (1) consistent with Condition 9 of the Resolu-  
11 tion of Advice and Consent to Ratification of the  
12 New START Treaty of the Senate, agreed to on De-  
13 cember 22, 2011, the United States is committed to  
14 ensuring the safety, security, reliability, and credi-  
15 bility of its nuclear forces; and

16 (2) the United States is committed to—

17 (A) proceeding with a robust stockpile  
18 stewardship program and maintaining and mod-  
19 ernizing nuclear weapons production capabilities  
20 and capacities of the United States to ensure  
21 the safety, security, reliability, and credibility of  
22 the nuclear arsenal of the United States at the  
23 New START Treaty levels and meeting require-  
24 ments for hedging against possible international  
25 developments or technical problems;

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1 (B) reinvigorating and sustaining the nu-  
2 clear security laboratories of the United States  
3 and preserving the core nuclear weapons com-  
4 petencies therein; and

5 (C) providing the resources needed to  
6 achieve these objectives, at a minimum at the  
7 levels set forth in the President's 10-year plan  
8 provided to Congress in November 2010 pursu-  
9 ant to section 1251 of the National Defense  
10 Authorization Act for Fiscal Year 2010 (Public  
11 Law 111-84; 123 Stat. 2549).

12 (b) INSUFFICIENT FUNDING REPORT AND LIMITA-  
13 TION.—

14 (1) IN GENERAL.—Paragraph (2) of section  
15 1045(a) of the National Defense Authorization Act  
16 for Fiscal Year 2012 (50 U.S.C. 2523b) is amended  
17 to read as follows:

18 “(2) INSUFFICIENT FUNDING.—

19 “(A) REPORT.—During each year in which  
20 the New START Treaty is in force, if the  
21 President determines that an appropriations  
22 Act is enacted that fails to meet the resource  
23 levels set forth in the November 2010 update to  
24 the plan referred to in section 1251 of the Na-  
25 tional Defense Authorization Act for Fiscal

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1 Year 2010 (Public Law 111-84; 123 Stat.  
2 2549) or if at any time determines that more  
3 resources are required to carry out such plan  
4 than were estimated, the President shall submit  
5 to the appropriate congressional committees,  
6 within 60 days of making such a determination,  
7 a report detailing—

8 “(i) a plan to remedy the resource  
9 shortfall;

10 “(ii) if more resources are required to  
11 carry out the plan than were estimated—

12 “(I) the proposed level of funding  
13 required; and

14 “(II) an identification of the  
15 stockpile work, campaign, facility,  
16 site, asset, program, operation, activ-  
17 ity, construction, or project for which  
18 additional funds are required;

19 “(iii) any effects caused by the short-  
20 fall on the safety, security, reliability, or  
21 credibility of the nuclear forces of the  
22 United States; and

23 “(iv) whether and why, in light of the  
24 shortfall, remaining a party to the New

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1 START Treaty is in the national interest  
2 of the United States.

3 “(B) LIMITATION.—If the President sub-  
4 mits a report under subparagraph (A), none of  
5 the funds made available for fiscal year 2012 or  
6 any fiscal year thereafter for the Department of  
7 Defense or the National Nuclear Security Ad-  
8 ministration may be used to reduce the number  
9 of deployed nuclear warheads until—

10 “(i) after the date on which such re-  
11 port is submitted, the President certifies in  
12 writing to the appropriate congressional  
13 committees that the resource shortfall  
14 identified in such report has been ad-  
15 dressed; and

16 “(ii) a period of 120 days has elapsed  
17 following the date on which such certifi-  
18 cation is made.

19 “(C) EXCEPTION.—The limitation in sub-  
20 paragraph (B) shall not apply to—

21 “(i) reductions made to ensure the  
22 safety, security, reliability, and credibility  
23 of the nuclear weapons stockpile and stra-  
24 tegic delivery systems, including activities  
25 related to surveillance, assessment, certifi-

1 cation, testing, and maintenance of nuclear  
2 warheads and strategic delivery systems; or  
3 “(ii) nuclear warheads that are retired  
4 or awaiting dismantlement on the date of  
5 the report under subparagraph (A).

6 “(D) DEFINITIONS.—In this paragraph:

7 “(i) The term ‘appropriate congress-  
8 sional committees’ means—

9 “(I) the congressional defense  
10 committees; and

11 “(II) the Committee on Foreign  
12 Relations of the Senate and the Com-  
13 mittee on Foreign Affairs of the  
14 House of Representatives.

15 “(ii) The term ‘New START Treaty’  
16 means the Treaty between the United  
17 States of America and the Russian Federa-  
18 tion on Measures for the Further Reduc-  
19 tion and Limitation of Strategic Offensive  
20 Arms, signed on April 8, 2010, and en-  
21 tered into force on February 5, 2011.”.

22 (2) EFFECTIVE DATE.—The amendment made  
23 by paragraph (1) shall take effect on October 1,  
24 2012.

1 **SEC. 1056. PROGRESS OF MODERNIZATION.**

2 (a) **FINDINGS.**—Congress finds the following:

3 (1) In 2008, then Secretary of Defense Robert  
4 Gates warned that “to be blunt, there is absolutely  
5 no way we can maintain a credible deterrent and re-  
6 duce the number of weapons in our stockpile without  
7 either resorting to testing our stockpile or pursuing  
8 a modernization program.”.

9 (2) The 2010 Nuclear Posture Review stated  
10 that “the President has directed a review of post-  
11 New START arms control objectives, to consider fu-  
12 ture reductions in nuclear weapons. Several factors  
13 will influence the magnitude and pace of future re-  
14 ductions in U.S. nuclear forces below New START  
15 levels”, including—

16 (A) “First, any future nuclear reductions  
17 must continue to strengthen deterrence of po-  
18 tential regional adversaries, strategic stability  
19 vis-à-vis Russia and China, and assurance of  
20 our allies and partners. This will require an up-  
21 dated assessment of deterrence requirements;  
22 further improvements in U.S., allied, and part-  
23 ner non-nuclear capabilities; focused reductions  
24 in strategic and non-strategic weapons; and  
25 close consultations with allies and partners. The  
26 United States will continue to ensure that, in

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1 the calculations of any potential opponent, the  
2 perceived gains of attacking the United States  
3 or its allies and partners would be far out-  
4 weighed by the unacceptable costs of the re-  
5 sponse.”;

6 (B) “Second, implementation of the Stock-  
7 pile Stewardship Program and the nuclear in-  
8 frastructure investments recommended in the  
9 NPR will allow the United States to shift away  
10 from retaining large numbers of non-deployed  
11 warheads as a hedge against technical or geo-  
12 political surprise, allowing major reductions in  
13 the nuclear stockpile. These investments are es-  
14 sential to facilitating reductions while sus-  
15 taining deterrence under New START and be-  
16 yond.”; and

17 (C) “Third, Russia’s nuclear force will re-  
18 main a significant factor in determining how  
19 much and how fast we are prepared to reduce  
20 U.S. forces. Because of our improved relations,  
21 the need for strict numerical parity between the  
22 two countries is no longer as compelling as it  
23 was during the Cold War. But large disparities  
24 in nuclear capabilities could raise concerns on  
25 both sides and among U.S. allies and partners,

1           and may not be conducive to maintaining a sta-  
2           ble, long-term strategic relationship, especially  
3           as nuclear forces are significantly reduced.  
4           Therefore, we will place importance on Russia  
5           joining us as we move to lower levels.”.

6           (3) The 2010 Nuclear Posture Review also stat-  
7           ed that the Administration would “conduct follow-on  
8           analysis to set goals for future nuclear reductions  
9           below the levels expected in New START, while  
10          strengthening deterrence of potential regional adver-  
11          saries, strategic stability vis-à-vis Russia and China,  
12          and assurance of our allies and partners.”.

13          (4) The Secretary of Defense has warned in  
14          testimony before the Committee on Armed Services  
15          of the House of Representatives regarding the se-  
16          questration mechanism under section 251A of the  
17          Balanced Budget and Emergency Deficit Control  
18          Act of 1985 that “if this sequester goes into effect  
19          and it doubles the number of cuts, then it’ll truly  
20          devastate our national defense, because it will then  
21          require that we have to go at our force structure.  
22          We will have to hollow it out . . . [i]t will badly  
23          damage our capabilities for the future. . . . And if  
24          you have a smaller force, you’re not going to be able

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1 to be out there responding in as many areas as we  
2 do now.”.

3 (5) The 2010 Nuclear Posture Review also stat-  
4 ed that “by modernizing our aging nuclear facilities  
5 and investing in human capital, we can substantially  
6 reduce the number of nuclear weapons we retain as  
7 a hedge.”.

8 (6) The President requested the promised  
9 \$7,600,000,000 for weapons activities of the Na-  
10 tional Nuclear Security Administration in fiscal year  
11 2012 but signed an appropriations Act for fiscal  
12 year 2012 that provided only \$7,233,997,000, a sub-  
13 stantial reduction to only the second year of the ten-  
14 year plan under section 1251 of the National De-  
15 fense Authorization Act for Fiscal Year 2010 (Pub-  
16 lic Law 111-84; 123 Stat. 2549).

17 (7) The President requested only  
18 \$7,577,341,000 for weapons activities of the Na-  
19 tional Nuclear Security Administration in fiscal year  
20 2013 while the President’s section 1251 plan prom-  
21 ised \$7,900,000,000.

22 (8) The President’s section 1251 plan further  
23 promised to request \$8,400,000,000 in fiscal year  
24 2014, \$8,700,000,000 in fiscal year 2015,  
25 \$8,900,000,000 in fiscal year 2016, at least

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1       \$8,900,000,000 in fiscal year 2017, at least  
2       \$9,200,000,000 in fiscal year 2018, at least  
3       \$9,400,000,000 in fiscal year 2019, at least  
4       \$9,400,000,000 in fiscal year 2020, and at least  
5       \$9,500,000,000 in fiscal year 2021.

6           (9) While the administration has not yet shared  
7       with Congress the terms of reference of the so-called  
8       Nuclear Posture Review Implementation Study, or  
9       the Department of Defense's instructions for that  
10      review, the only publicly available statements by the  
11      administration, including language from the Nuclear  
12      Posture Review, suggest the review was specifically  
13      instructed by the President and his senior political  
14      appointees to only consider reductions to the nuclear  
15      forces of the United States.

16           (10) When asked at a hearing if the New  
17      START Treaty allowed the United States "to main-  
18      tain a nuclear arsenal that is more than is needed  
19      to guarantee an adequate deterrent," then Com-  
20      mander of the United States Strategic Command,  
21      General Kevin P. Chilton said, "I do not agree that  
22      it is more than is needed. I think the arsenal that  
23      we have is exactly what is needed today to provide  
24      the deterrent."

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1 (b) NUCLEAR EMPLOYMENT STRATEGY.—Section  
2 491 of title 10, United States Code, as amended by section  
3 1051, is amended by adding after subsection (b) the fol-  
4 lowing:

5 “(c) LIMITATION.—With respect to a new nuclear  
6 weapons employment strategy described in a report sub-  
7 mitted to Congress under subsection (a), none of the funds  
8 made available for fiscal year 2012 or any fiscal year  
9 thereafter for the Department of Defense may be used to  
10 implement such strategy until a period of one year has  
11 elapsed following the date on which such report is sub-  
12 mitted to Congress.”.

13 (c) LIMITATION.—During each of fiscal years 2012  
14 through 2021, none of the funds made available for each  
15 such fiscal year for the Department of Defense may be  
16 used to carry out the results of the decisions made pursu-  
17 ant to the 2010 Nuclear Posture Review Implementation  
18 Study that would alter the nuclear weapons employment  
19 strategy, guidance, plans, or options of the United States  
20 until the date on which the President certifies to the con-  
21 gressional defense committees that—

22 (1) the President has included the resources  
23 necessary to carry out the February 2011 update to  
24 the report required under section 1251 of the Na-  
25 tional Defense Authorization Act for Fiscal Year

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1 2010 (Public Law 111–84; 123 Stat. 2549) in the  
2 budget of the President submitted to Congress  
3 under section 1105(a) of title 31, United States  
4 Code, for such fiscal year;

5 (2) the resources described in paragraph (1)  
6 have been provided to the President in an appropria-  
7 tions Act; and

8 (3) the sequestration mechanism under section  
9 251A of the Balanced Budget and Emergency Def-  
10 icit Control Act of 1985 has been repealed or the se-  
11 questration mechanism under such section for the  
12 security category has otherwise been terminated.

13 **SEC. 1057. LIMITATION ON STRATEGIC DELIVERY SYSTEM**  
14 **REDUCTIONS.**

15 (a) **FINDINGS.**—Congress finds the following:

16 (1) The Nuclear Posture Review of 2010 said,  
17 with respect to modernizing the triad, “for planned  
18 reductions under New START, the United States  
19 should retain a smaller Triad of SLBMs, ICBMs,  
20 and heavy bombers. Retaining all three Triad legs  
21 will best maintain strategic stability at reasonable  
22 cost, while hedging against potential technical prob-  
23 lems or vulnerabilities.”.

24 (2) The Senate stated in Declaration 13 of the  
25 Resolution of Advice and Consent to Ratification of

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1 the New START Treaty that “In accordance with  
2 paragraph 1 of Article V of the New START Trea-  
3 ty, which states that, ‘Subject to the provisions of  
4 this Treaty, modernization and replacement of stra-  
5 tegic offensive arms may be carried out,’ it is the  
6 sense of the Senate that United States deterrence  
7 and flexibility is assured by a robust triad of stra-  
8 tegic delivery vehicles. To this end, the United  
9 States is committed to accomplishing the moderniza-  
10 tion and replacement of its strategic nuclear delivery  
11 vehicles, and to ensuring the continued flexibility of  
12 United States conventional and nuclear delivery sys-  
13 tems.”.

14 (3) The Senate required the President, prior to  
15 the entry into force of the New START Treaty, to  
16 certify to the Senate that the President intended to  
17 modernize or replace the triad of strategic nuclear  
18 delivery systems.

19 (4) The President made this certification in a  
20 message to the Senate on February 2, 2011, in  
21 which the President stated, “I intend to (a) mod-  
22 ernize or replace the triad of strategic nuclear deliv-  
23 ery systems: a heavy bomber and air-launched cruise  
24 missile, an ICBM, and a nuclear-powered ballistic  
25 missile submarine (SSBN) and SLBM; and (b)

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1 maintain the United States rocket motor industrial  
2 base.”.

3 (b) LIMITATION.—

4 (1) IN GENERAL.—Chapter 24 of title 10,  
5 United States Code, as added by section 1051, is  
6 amended by adding at the end the following new sec-  
7 tion:

8 **“§ 494. Strategic delivery system reductions**

9 “(a) ANNUAL CERTIFICATION.—Beginning fiscal  
10 year 2013, the President shall annually certify in writing  
11 to the congressional defense committees whether plans to  
12 modernize or replace strategic delivery systems are fully  
13 resourced and being executed at a level equal to or more  
14 than the levels set forth in the November 2010 update  
15 to the plan referred to in section 1251 of the National  
16 Defense Authorization Act for Fiscal Year 2010 (Public  
17 Law 111–84; 123 Stat. 2549), including plans regard-  
18 ing—

19 “(1) a heavy bomber and air-launched cruise  
20 missile;

21 “(2) an intercontinental ballistic missile;

22 “(3) a submarine-launched ballistic missile;

23 “(4) a ballistic missile submarine; and

24 “(5) maintaining—

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1                   “(A) the nuclear command and control sys-  
2                   tem; and

3                   “(B) the rocket motor industrial base of  
4                   the United States.

5           “(b) LIMITATION.—If the President certifies under  
6 subsection (a) that plans to modernize or replace strategic  
7 delivery systems are not fully resourced or being executed,  
8 none of the funds made available for fiscal year 2012 or  
9 any fiscal year thereafter for the Department of Defense  
10 may be used to reduce, convert, or eliminate strategic de-  
11 livery systems, whether deployed or nondeployed, pursuant  
12 to the New START Treaty or otherwise until a period of  
13 120 days has elapsed following the date on which such  
14 certification is made.

15           “(c) EXCEPTION.—The limitation in subsection (b)  
16 shall not apply to—

17                   “(1) reductions made to ensure the safety, secu-  
18                   rity, reliability, and credibility of the nuclear weap-  
19                   ons stockpile and strategic delivery systems, includ-  
20                   ing activities related to surveillance, assessment, cer-  
21                   tification, testing, and maintenance of nuclear war-  
22                   heads and delivery systems; or

23                   “(2) strategic delivery systems that are retired  
24                   or awaiting dismantlement on the date of the certifi-  
25                   cation under subsection (a).

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1 “(d) DEFINITIONS.—In this section:

2 “(1) The term ‘New START Treaty’ means the  
3 Treaty between the United States of America and  
4 the Russian Federation on Measures for the Further  
5 Reduction and Limitation of Strategic Offensive  
6 Arms, signed on April 8, 2010, and entered into  
7 force on February 5, 2011.

8 “(2) The term ‘strategic delivery system’ means  
9 a delivery platform for nuclear weapons.”.

10 (2) CLERICAL AMENDMENTS.—The table of sec-  
11 tions at the beginning of such chapter is amended  
12 by adding at the end the following new item:

“494. Strategic delivery system reductions.”.

13 **SEC. 1058. PREVENTION OF ASYMMETRY OF NUCLEAR**  
14 **WEAPON STOCKPILE REDUCTIONS.**

15 (a) FINDINGS.—Congress finds the following:

16 (1) Then Secretary of Defense Robert Gates  
17 warned in 2008 that, “There is no way to ignore ef-  
18 forts by rogue states such as North Korea and Iran  
19 to develop and deploy nuclear weapons or Russian or  
20 Chinese strategic modernization programs. To be  
21 sure, we do not consider Russia or China as adver-  
22 saries, but we cannot ignore these developments and  
23 the implications they have for our national secu-  
24 rity.”.

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1           (2) The 2010 Nuclear Posture Review stated  
2 that, “large disparities in nuclear capabilities could  
3 raise concerns on both sides and among U.S. allies  
4 and partners, and may not be conducive to main-  
5 taining a stable, long-term strategic relationship, es-  
6 pecially as nuclear forces are significantly reduced.”.

7           (3) The Senate stated in the Resolution of Ad-  
8 vice and Consent to Ratification of the New START  
9 Treaty that, “It is the sense of the Senate that, in  
10 conducting the reductions mandated by the New  
11 START Treaty, the President should regulate reduc-  
12 tions in United States strategic offensive arms so  
13 that the number of accountable strategic offensive  
14 arms under the New START Treaty possessed by  
15 the Russian Federation in no case exceeds the com-  
16 parable number of accountable strategic offensive  
17 arms possessed by the United States to such an ex-  
18 tent that a strategic imbalance endangers the na-  
19 tional security interests of the United States.”.

20           (4) At a hearing before the Committee on  
21 Armed Services of the House of Representatives in  
22 2011, Secretary of Defense Leon Panetta said, with  
23 respect to unilateral nuclear reductions by the  
24 United States, “I don’t think we ought to do that  
25 unilaterally—we ought to do that on the basis of ne-

1 negotiations with the Russians and others to make  
2 sure we are all walking the same path.”.

3 (b) CERTIFICATION.—Section 1045 of the National  
4 Defense Authorization Act for Fiscal Year 2012 (50  
5 U.S.C. 2523b) is amended by adding at the end the fol-  
6 lowing new subsection:

7 “(d) PREVENTION OF ASYMMETRY IN REDUC-  
8 TIONS.—

9 “(1) CERTIFICATION.—During any year in  
10 which the President recommends to reduce the num-  
11 ber of nuclear weapons in the active and inactive  
12 stockpiles of the United States by a number that is  
13 greater than one percent of the number of nuclear  
14 weapons in such stockpiles, the President shall cer-  
15 tify in writing to the congressional defense commit-  
16 tees whether such reductions will cause the number  
17 of nuclear weapons in such stockpiles to be fewer  
18 than the number of nuclear weapons in the active  
19 and inactive stockpiles of the Russian Federation.

20 “(2) LIMITATION.—If the President certifies  
21 under paragraph (1) that the recommended number  
22 of nuclear weapons in the active and inactive stock-  
23 piles of the United States is fewer than the number  
24 of nuclear weapons in the active and inactive stock-  
25 piles of the Russian Federation, none of the funds

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1 made available for fiscal year 2012 or any fiscal year  
2 thereafter for the Department of Defense or the Na-  
3 tional Nuclear Security Administration may be used  
4 to carry out any reduction to such stockpiles of the  
5 United States until—

6 “(A) after the date on which such certifi-  
7 cation is made, the President transmits to the  
8 congressional defense committees a report by  
9 the Commander of the United States Strategic  
10 Command, without change, detailing whether  
11 the recommended reduction would create a stra-  
12 tegic imbalance between the total nuclear forces  
13 of the United States and the total nuclear  
14 forces of the Russian Federation; and

15 “(B) a period of 180 days has elapsed fol-  
16 lowing the date on which such report is trans-  
17 mitted.

18 “(3) EXCEPTION.—The limitation in paragraph  
19 (2) shall not apply to—

20 “(A) reductions made to ensure the safety,  
21 security, reliability, and credibility of the nu-  
22 clear weapons stockpile and strategic delivery  
23 systems, including activities related to surveil-  
24 lance, assessment, certification, testing, and

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1 maintenance of nuclear warheads and strategic  
2 delivery systems; or

3 “(B) nuclear warheads that are retired or  
4 awaiting dismantlement on the date of the cer-  
5 tification under paragraph (1).”.

6 **SEC. 1059. CONSIDERATION OF EXPANSION OF NUCLEAR**  
7 **FORCES OF OTHER COUNTRIES.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) The Resolution of Advice and Consent to  
10 Ratification of the New START Treaty of the Sen-  
11 ate said, “It is the sense of the Senate that if, dur-  
12 ing the time the New START Treaty remains in  
13 force, the President determines that there has been  
14 an expansion of the strategic arsenal of any country  
15 not party to the New START Treaty so as to jeop-  
16 ardize the supreme interests of the United States,  
17 then the President should consult on an urgent basis  
18 with the Senate to determine whether adherence to  
19 the New START Treaty remains in the national in-  
20 terest of the United States.”.

21 (2) In 2011, experts testified before the Com-  
22 mittee on Armed Services of the House of Rep-  
23 resentatives that—

24 (A) “Russia is modernizing every leg of its  
25 nuclear triad with new, more advanced sys-

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1           tems”, including new ballistic missile sub-  
2           marines, new heavy intercontinental ballistic  
3           missiles carrying up to 15 warheads each, new  
4           shorter range ballistic missiles, and new low-  
5           yield warheads; and

6           (B) “China is steadily increasing the num-  
7           bers and capabilities of the ballistic missiles it  
8           deploys and is upgrading older ICBMs to  
9           newer, more advanced systems. China also ap-  
10          pears to be actively working to develop a sub-  
11          marine-based nuclear deterrent force, something  
12          it has never had. . . . A recent unclassified De-  
13          partment of Defense report says that this net-  
14          work of tunnels could be in excess of 5,000 kilo-  
15          meters and is used to transport nuclear weap-  
16          ons and forces.”.

17       (b) REPORT AND CERTIFICATION.—

18           (1) IN GENERAL.—Chapter 24 of title 10,  
19       United States Code, as added by section 1051, is  
20       amended by adding at the end the following new sec-  
21       tion:

22       **“§ 495. Consideration of expansion of nuclear forces**  
23           **of other countries**

24       “(a) REPORT AND CERTIFICATION.—During any  
25       year in which the President recommends any reductions

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1 in the nuclear forces of the United States, none of the  
2 funds made available for fiscal year 2012 or any fiscal  
3 year thereafter for the Department of Defense or the Na-  
4 tional Nuclear Security Administration may be used for  
5 such recommended reduction until the date on which—

6 “(1) the President transmits to the appropriate  
7 congressional committees a report detailing, for each  
8 country with nuclear weapons—

9 “(A) the number of each type of nuclear  
10 weapons possessed by such country;

11 “(B) the modernization plans for such  
12 weapons of such country;

13 “(C) the production capacity of nuclear  
14 warheads and strategic delivery systems (as de-  
15 fined in section 491(c) of this title) of such  
16 country; and

17 “(D) the nuclear doctrine of such country;  
18 and

19 “(2) the Commander of the United States Stra-  
20 tegic Command certifies to the appropriate congres-  
21 sional committees whether such recommended reduc-  
22 tions in the nuclear forces of the United States  
23 will—

24 “(A) impair the ability of the United  
25 States to address—

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1 “(i) unplanned strategic or geo-  
2 political events; or

3 “(ii) technical challenge; or

4 “(B) degrade the deterrence or assurance  
5 provided by the United States to friends and al-  
6 lies of the United States.

7 “(b) FORM.—The reports required by subsection  
8 (a)(1) shall be submitted in unclassified form, but may  
9 include a classified annex.

10 “(c) APPROPRIATE CONGRESSIONAL COMMITTEES  
11 DEFINED.—In this section, the term ‘appropriate congres-  
12 sional committees’ means the following:

13 “(1) The congressional defense committees.

14 “(2) The Committee on Foreign Affairs of the  
15 House of Representatives and the Committee on  
16 Foreign Relations of the Senate.”.

17 (2) The table of sections at the beginning of  
18 chapter 24 of title 10, United States Code, is  
19 amended by inserting after the item relating to sec-  
20 tion 494 the following new item:

“495. Consideration of expansion of nuclear forces of other countries.”.

21 **SEC. 1059A. CHEMISTRY AND METALLURGY RESEARCH RE-**  
22 **PLACEMENT NUCLEAR FACILITY AND URA-**  
23 **NIUM PROCESSING FACILITY.**

24 (a) FINDINGS.—Congress finds the following:

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1           (1) Administrator for Nuclear Security Thomas  
2 D'Agostino testified before the Committee on Armed  
3 Services of the House of Representatives in Feb-  
4 ruary 2008 that "Infrastructure improvements are a  
5 major part of the complex transformation plan that  
6 we have, and we've made important progress, but we  
7 have a lot more to do. Some major facilities that we  
8 have date back to World War II and cannot readily  
9 meet today's safety and security requirements. Let  
10 me give you just two quick examples, if I could. A  
11 sufficient capability to work with plutonium is an es-  
12 sential part of a national security enterprise and is  
13 required for as long as we retain a nuclear deter-  
14 rent, and most likely even longer. Currently, we have  
15 a very small production capacity at Los Alamos,  
16 about 10 pits per year, at our TA-55 area. Our  
17 building at Los Alamos, the Chemistry and Metal-  
18 lurgy Research Facility, is well over 50 years old  
19 and is insufficient to support the national security  
20 requirements for the stockpile and for future na-  
21 tional security mission areas. So, whether we con-  
22 tinue on our existing path or move towards a re-  
23 placement modern warhead-type stockpile, we still  
24 need the capacity to produce about 50 to 80 pits per  
25 year, which is less than one-tenth of our Cold War

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1 level, as well as the ability to carry out pit surveil-  
2 lance, which is an essential part of maintaining our  
3 stockpile.”.

4 (2) Then Commander of the United States  
5 Strategic Command General Kevin P. Chilton also  
6 testified in February 2008 that “When you have a  
7 responsive complex that has the capacity to flex to  
8 production as you may need it or adjust your de-  
9 ployed force posture in the future, should you need  
10 it—in other words, if we go to a lower number, you  
11 need to be certain that you can come back up,  
12 should the strategic environment change, and you  
13 can’t necessarily without that flexible or responsive  
14 infrastructure behind it, and that’s probably one of  
15 my great concerns. And then how you posture both  
16 the portion of your stockpile that you hold in reserve  
17 and your confidence in the weapons that you have  
18 deployed is very much a function of modernizing, in  
19 my view, the weapons systems that we have available  
20 today, which are, as the secretary described, of Cold  
21 War legacy design, and the associated issues with  
22 them.”.

23 (3) The Congressional Commission on the Stra-  
24 tegic Posture of the United States reported in May  
25 2009, with respect to the timing of the replacement

1 of the nuclear weapons infrastructure of the United  
2 States, that “This raises an obvious question about  
3 whether these two replacement programs might pro-  
4 ceed in sequence rather than concurrently. There are  
5 strong arguments for moving forward concurrently.  
6 Existing facilities are genuinely decrepit and are  
7 maintained in a safe and secure manner only at high  
8 cost. Moreover, the improved production capabilities  
9 they promise are integral to the program of refur-  
10 bishment and modernization described in the pre-  
11 ceding chapter. If funding can be found for both,  
12 this would best serve the national interest in main-  
13 taining a safe, secure, and reliable stockpile of weap-  
14 ons in the most effective and efficient manner.”.

15 (4) The 2010 Nuclear Posture Review states—

16 (A) “The National Nuclear Security Ad-  
17 ministration (NNSA), in close coordination with  
18 DoD, will provide a new stockpile stewardship  
19 and management plan to Congress within 90  
20 days, consistent with the increases in infra-  
21 structure investment requested in the Presi-  
22 dent’s FY 2011 budget. As critical infrastruc-  
23 ture is restored and modernized, it will allow  
24 the United States to begin to shift away from  
25 retaining large numbers of non-deployed war-

1 heads as a technical hedge, allowing additional  
2 reductions in the U.S. stockpile of non-deployed  
3 nuclear weapons over time.”;

4 (B) “In order to sustain a safe, secure,  
5 and effective U.S. nuclear stockpile as long as  
6 nuclear weapons exist, the United States must  
7 possess a modern physical infrastructure—com-  
8 prised of the national security laboratories and  
9 a complex of supporting facilities.”;

10 (C) “Funding the Chemistry and Metal-  
11 lurgy Research Replacement Project at Los Al-  
12 amos National Laboratory to replace the exist-  
13 ing 50-year old Chemistry and Metallurgy Re-  
14 search facility in 2021.”;

15 (D) “Developing a new Uranium Proc-  
16 essing Facility at the Y-12 Plant in Oak Ridge,  
17 Tennessee to come on line for production oper-  
18 ations in 2021.”;

19 (E) “Without an ability to produce ura-  
20 nium components, any plan to sustain the  
21 stockpile, as well as support for our Navy nu-  
22 clear propulsion, will come to a halt. This would  
23 have a significant impact, not just on the weap-  
24 ons program, but in dealing with nuclear dan-  
25 gers of many kinds.”; and

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1 (F) “The non-deployed stockpile currently  
2 includes more warheads than required for the  
3 above purposes, due to the limited capacity of  
4 the National Nuclear Security Administration  
5 (NNSA) complex to conduct LEPs for deployed  
6 weapons in a timely manner. Progress in restor-  
7 ing NNSA’s production infrastructure will allow  
8 these excess warheads to be retired along with  
9 other stockpile reductions planned over the next  
10 decade.”.

11 (5) In the memorandum of agreement between  
12 the Department of Defense and the Department of  
13 Energy concerning the modernization of the nuclear  
14 weapon stockpile of the United States dated May 3,  
15 2010, then Secretary of Defense Robert Gates and  
16 Secretary of Energy Steven Chu agreed that “DOE  
17 Agrees to . . . increase pit production capacity . . .  
18 plan and program to ramp up to a minimum of 50–  
19 80 PPY in 2022.”.

20 (6) The plan required under section 1251 of the  
21 National Defense Authorization Act for Fiscal Year  
22 2010 (Public Law 111–84; 123 Stat. 2549) sub-  
23 mitted by the President states that the Chemistry  
24 and Metallurgy Research Replacement building and  
25 the Uranium Processing Facility will complete con-

1       struction by 2021 and will achieve full operational  
2       functionality by 2024.

3           (7) The Senate required that, prior to the entry  
4       into force of the New START Treaty, the President  
5       certifies to the Senate that the President intends  
6       to—

7           (A) accelerate to the extent possible the  
8       design and engineering phase of the Chemistry  
9       and Metallurgy Research Replacement building  
10      and the Uranium Processing Facility; and

11          (B) request full funding, including on a  
12      multiyear basis as appropriate, for the Chem-  
13      istry and Metallurgy Research Replacement  
14      building and the Uranium Processing Facility  
15      upon completion of the design and engineering  
16      phase for such facilities.

17          (8) The President did request full funding for  
18      such facilities on February 2, 2011, when the Presi-  
19      dent stated, “I intend to (a) accelerate, to the extent  
20      possible, the design and engineering phase of the  
21      Chemistry and Metallurgy Research Replacement  
22      (CMRR) building and the Uranium Processing Fa-  
23      cility (UPF); and (b) request full funding, including  
24      on a multi-year basis as appropriate, for the CMRR

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1 building and the UPF upon completion of the design  
2 and engineering phase for such facilities.”.

3 (b) LIMITATION.—Section 1045 of the National De-  
4 fense Authorization Act for Fiscal Year 2012 (50 U.S.C.  
5 2523b), as amended by section 1058(b), is amended by  
6 adding at the end the following new subsection:

7 “(e) CMRR AND UPF.—

8 “(1) ANNUAL CERTIFICATION.—Beginning fis-  
9 cal year 2013, the President shall annually certify in  
10 writing to the congressional defense committees  
11 whether—

12 “(A) the construction of both the Chem-  
13 istry and Metallurgy Research Replacement  
14 building and the Uranium Processing Facility  
15 will be completed by not later than 2021; and

16 “(B) both facilities will be fully operational  
17 by not later than 2024.

18 “(2) LIMITATION.—If the President certifies  
19 under paragraph (1) that the Chemistry and Metal-  
20 lurgy Research Replacement building and the Ura-  
21 nium Processing Facility will be completed by later  
22 than 2021 or be fully operational by later than  
23 2024, none of the funds made available for fiscal  
24 year 2012 or any fiscal year thereafter for the Na-  
25 tional Nuclear Security Administration may be used

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1 to reduce the nondeployed nuclear warheads in the  
2 nuclear weapons stockpile of the United States until  
3 a period of 120 days has elapsed following the date  
4 of such certification.

5 “(3) EXCEPTION.—The limitation in paragraph  
6 (2) shall not apply to—

7 “(A) reductions made to ensure the safety,  
8 security, reliability, and credibility of the nu-  
9 clear weapons stockpile and delivery systems,  
10 including activities related to surveillance, as-  
11 sessment, certification, testing, and mainte-  
12 nance of nuclear warheads and strategic deliv-  
13 ery systems; or

14 “(B) nuclear warheads that are retired or  
15 awaiting dismantlement on the date of the cer-  
16 tification under paragraph (1).

17 “(4) TERMINATION.—The requirement in para-  
18 graph (1) shall terminate on the date on which the  
19 President certifies in writing to the congressional de-  
20 fense committees that the Chemistry and Metallurgy  
21 Research Replacement building and the Uranium  
22 Processing Facility are both fully operational.”

1 **SEC. 1059B. NUCLEAR WARHEADS ON INTERCONTINENTAL**  
2 **BALLISTIC MISSILES OF THE UNITED STATES.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that reducing the number of nuclear warheads con-  
5 tained on each intercontinental ballistic missile of the  
6 United States does not promote strategic stability if at  
7 the same time other nuclear weapons states, including the  
8 Russian Federation and the People’s Republic of China,  
9 are rapidly increasing the warhead-loading of their land-  
10 based missile forces.

11 (b) LIMITATION.—

12 (1) IN GENERAL.—Chapter 24 of title 10,  
13 United States Code, as added by section 1051, is  
14 amended by adding at the end the following new sec-  
15 tion:

16 **“§ 496. Nuclear warheads on intercontinental bal-**  
17 **listic missiles of the United States**

18 “(a) IN GENERAL.—During any year in which the  
19 President proposes to reduce the number of nuclear war-  
20 heads contained on an intercontinental ballistic missile of  
21 the United States, none of the funds made available for  
22 fiscal year 2012 or any fiscal year thereafter for the De-  
23 partment of Defense or the National Nuclear Security Ad-  
24 ministration may be used for such proposed reduction if  
25 the reduction results in such missile having only a single  
26 nuclear warhead unless the President certifies in writing

1 to the congressional defense committees that the Russian  
2 Federation and the People's Republic of China are both  
3 also carrying out a similar reduction.

4       “(b) EXCEPTION.—The limitation in subsection (a)  
5 shall not apply to reductions made to ensure the safety,  
6 security, reliability, and credibility of the nuclear weapons  
7 stockpile and delivery systems, including activities related  
8 to surveillance, assessment, certification, testing, and  
9 maintenance of nuclear warheads and strategic delivery  
10 systems.”.

11           (2) The table of sections at the beginning of  
12 chapter 24 of title 10, United States Code, is  
13 amended by inserting after the item relating to sec-  
14 tion 495 the following:

“496. Nuclear warheads on intercontinental ballistic missiles of the United  
States.”.

15 **SEC. 1059C. NONSTRATEGIC NUCLEAR WEAPON REDUC-**  
16 **TIONS AND EXTENDED DETERRENCE POLICY.**

17 (a) FINDINGS.—Congress finds the following:

18           (1) The NATO Strategic Concept of 2010 en-  
19 dorsed the continued role of nuclear weapons in the  
20 security of the NATO alliance, stating—

21           (A) “The supreme guarantee of the secu-  
22 rity of the Allies is provided by the strategic nu-  
23 clear forces of the Alliance, particularly those of  
24 the United States; the independent strategic

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1 nuclear forces of the United Kingdom and  
2 France, which have a deterrent role of their  
3 own, contribute to the overall deterrence and  
4 security of the Allies.”;

5 (B) “We will ensure that NATO has the  
6 full range of capabilities necessary to deter and  
7 defend against any threat to the safety and se-  
8 curity of our populations. Therefore, we will  
9 . . . maintain an appropriate mix of nuclear  
10 and conventional forces”; and

11 (C) “[NATO will] ensure the broadest pos-  
12 sible participation of Allies in collective defence  
13 planning on nuclear roles, in peacetime basing  
14 of nuclear forces, and in command, control and  
15 consultation arrangements.”.

16 (2) However, the 2010 Strategic Concept also  
17 walked away from the decades-long policy encap-  
18 sulated by the 1999 Strategic Concept that said,  
19 “The presence of United States conventional and  
20 nuclear forces in Europe remains vital to the secu-  
21 rity of Europe, which is inseparably linked to that  
22 of North America.”.

23 (3) Former Secretary of Defense William Perry  
24 said in March 2011 testimony before the Sub-  
25 committee on Strategic Forces of the Committee on

1 Armed Services of the House of Representatives that  
2 “the reason we have nuclear weapons in Europe in  
3 the first place, is not because the rest of our weap-  
4 ons are not capable of deterrence, but because, dur-  
5 ing the Cold War at least, our allies in Europe felt  
6 more assured when we had nuclear weapons in Eu-  
7 rope. That is why they were deployed there in the  
8 first place. Today the issue is a little different. The  
9 issue is the Russians in the meantime have built a  
10 large number of nuclear weapons, and we keep our  
11 nuclear weapons there as somewhat of a political le-  
12 verage for dealing with an ultimate treaty in which  
13 we may get Russia and the United States to elimi-  
14 nate tactical nuclear weapons. My own view is it  
15 would be desirable if both the United States and  
16 Russia would eliminate tactical nuclear weapons, but  
17 I see it as very difficult to arrive at that conclusion  
18 if we were to simply eliminate all of our tactical nu-  
19 clear weapons unilaterally.”.

20 (4) During testimony before the Subcommittee  
21 on Strategic Forces of the Committee on Armed  
22 Services of the House of Representatives in July  
23 2011—

24 (A) former Department of Defense official  
25 Frank Miller stated, “as long as U.S. allies be-

1           lieve that those weapons need to be there, we  
2           need to make sure that we provide that secu-  
3           rity.”; and

4                   (B) former Department of Defense official  
5           Mort Halperin stated, “I do not think we  
6           should be willing to trade our withdrawal of our  
7           nuclear weapons from Europe for some reduc-  
8           tion, even a substantial reduction, in Russian  
9           tactical nuclear weapons because if it is . . .  
10          that the credibility of the American nuclear de-  
11          terrent for our NATO allies depends on the  
12          presence of nuclear weapons in Europe, that  
13          will not change if the Russians cut their tactical  
14          nuclear arsenal by two thirds, or even eliminate  
15          it because they will still have their strategic  
16          weapons, which, while they can’t have inter-  
17          mediate range missiles, they can find a way to  
18          target them on the NATO countries.”.

19                   (5) Section 1237(b) of the National Defense  
20          Authorization Act for Fiscal Year 2012 (Public Law  
21          112–81) expressed the sense of Congress that—

22                           (A) the commitment of the United States  
23          to extended deterrence in Europe and the nu-  
24          clear alliance of NATO is an important compo-  
25          nent of ensuring and linking the national secu-

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1 rity of the United States and its European al-  
2 lies;

3 (B) the nuclear forces of the United States  
4 are a key component of the NATO nuclear alli-  
5 ance; and

6 (C) the presence of the nuclear weapons of  
7 the United States in Europe—combined with  
8 NATO’s unique nuclear sharing arrangements  
9 under which non-nuclear members participate  
10 in nuclear planning and possess specially con-  
11 figured aircraft capable of delivering nuclear  
12 weapons—provides reassurance to NATO allies  
13 who feel exposed to regional threats.

14 (b) LIMITATION.—Chapter 24 of title 10, United  
15 States Code, as added by section 1051, is amended by  
16 adding at the end the following new section:

17 **“§ 497. Limitation on reduction, consolidation, or**  
18 **withdrawal of nuclear forces based in Eu-**  
19 **rope**

20 **“(a) POLICY ON NONSTRATEGIC NUCLEAR WEAP-**  
21 **ONS.—It is the policy of the United States—**

22 **“(1) to pursue negotiations with the Russian**  
23 **Federation aimed at the reduction of Russian de-**  
24 **ployed and nondeployed, nonstrategic nuclear forces;**

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1           “(2) that nonstrategic nuclear weapons should  
2 be considered when weighing the balance of the nu-  
3 clear forces of the United States and the Russian  
4 Federation;

5           “(3) that any geographical relocation or storage  
6 of nonstrategic nuclear weapons by the Russian Fed-  
7 eration does not constitute a reduction or elimi-  
8 nation of such weapons;

9           “(4) the vast advantage of the Russian Federa-  
10 tion in nonstrategic nuclear weapons constitutes a  
11 threat to the United States and its allies and a  
12 growing asymmetry in Western Europe; and

13           “(5) the forward-deployed nuclear forces of the  
14 United States are an important contributor to the  
15 assurance of the allies of the United States and con-  
16 stitute a check on proliferation and a tool in dealing  
17 with neighboring states hostile to NATO.

18           “(b) POLICY ON EXTENDED DETERRENCE COMMIT-  
19 MENT TO EUROPE.—It is the policy of the United States  
20 that—

21           “(1) it maintain its commitment to extended  
22 deterrence, specifically the nuclear alliance of the  
23 North Atlantic Treaty Organization, as an impor-  
24 tant component of ensuring and linking the national

1 security interests of the United States and the secu-  
2 rity of its European allies;

3 “(2) forward-deployed nuclear forces of the  
4 United States shall remain based in Europe in sup-  
5 port of the nuclear policy and posture of NATO;

6 “(3) the presence of nuclear weapons of the  
7 United States in Europe—combined with NATO’s  
8 unique nuclear sharing arrangements under which  
9 non-nuclear members participate in nuclear planning  
10 and possess specially configured aircraft capable of  
11 delivering nuclear weapons—contributes to the cohe-  
12 sion of NATO and provides reassurance to allies and  
13 partners who feel exposed to regional threats; and

14 “(4) only the President and Congress can ar-  
15 ticulate when and how the United States will employ  
16 the nuclear forces of the United States and no mul-  
17 tilateral organization, not even NATO, can articu-  
18 late a declaratory policy concerning the use of nu-  
19 clear weapons that binds the United States.

20 “(c) LIMITATION ON REDUCTION, CONSOLIDATION,  
21 OR WITHDRAWAL OF NUCLEAR FORCES BASED IN EU-  
22 ROPE.—In light of the policy expressed in subsections (a)  
23 and (b), none of the funds made available for fiscal year  
24 2012 or any fiscal year thereafter for the Department of  
25 Defense may be used to effect or implement the reduction,

1 consolidation, or withdrawal of nuclear forces of the  
2 United States that are based in Europe unless—

3 “(1) the reduction, consolidation, or withdrawal  
4 of such nuclear forces is requested by the govern-  
5 ment of the host nation in the manner provided in  
6 the agreement between the United States and the  
7 host nation regarding the forces;

8 “(2) the President certifies that—

9 “(A) NATO member states have consid-  
10 ered the reduction, consolidation, or withdrawal  
11 in the High Level Group;

12 “(B) NATO has decided to support such  
13 reduction, consolidation, or withdrawal;

14 “(C) the remaining nuclear forces of the  
15 United States that are based in Europe after  
16 such reduction, consolidation, or withdrawal  
17 would provide a commensurate or better level of  
18 assurance and credibility as before such reduc-  
19 tion, consolidation, or withdrawal; and

20 “(D) there has been reciprocal action by  
21 the Russian Federation, not including the Rus-  
22 sian Federation relocating nuclear forces from  
23 one location to another; or

1           “(3) the reduction, consolidation, or withdrawal  
2 of such nuclear forces is specifically authorized by  
3 an Act of Congress.

4           “(d) NOTIFICATION.—Upon any decision to reduce,  
5 consolidate, or withdraw the nuclear forces of the United  
6 States that are based in Europe, the President shall sub-  
7 mit to the appropriate congressional committees a notifi-  
8 cation containing—

9           “(1) the certification required by paragraph (2)  
10 of subsection (c) if such reduction, consolidation, or  
11 withdrawal is based upon such paragraph;

12           “(2) justification for such reduction, consolida-  
13 tion, or withdrawal; and

14           “(3) an assessment of how NATO member  
15 states, in light of such reduction, consolidation, or  
16 withdrawal, assess the credibility of the deterrence  
17 capability of the United States in support of its com-  
18 mitments undertaken pursuant to article 5 of the  
19 North Atlantic Treaty, signed at Washington, Dis-  
20 trict of Columbia, on April 4, 1949, and entered into  
21 force on August 24, 1949 (63 Stat. 2241; TIAS  
22 1964).

23           “(e) NOTICE AND WAIT REQUIREMENT.—The Presi-  
24 dent may not commence a reduction, consolidation, or  
25 withdrawal of the nuclear forces of the United States that

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1 are based in Europe for which the certification required  
2 by subsection (c)(2) is made until the expiration of a 180-  
3 day period beginning on the date on which the President  
4 submits the notification under subsection (d) containing  
5 the certification.

6 “(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—  
7 In this section, the term ‘appropriate congressional com-  
8 mittees’ means—

9 “(1) the Committees on Armed Services of the  
10 House of Representatives and the Senate; and

11 “(2) the Committee on Foreign Affairs of the  
12 House of Representatives and the Committee on  
13 Foreign Relations of the Senate.”.

14 (c) CLERICAL AMENDMENT.—The table of sections  
15 at the beginning of chapter 24 of title 10, United States  
16 Code, is amended by inserting after the item relating to  
17 section 496 the following:

“497. Limitation on reduction, consolidation, or withdrawal of nuclear forces  
based in Europe.”.

