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To provide the President with flexibility to set strategic nuclear delivery system levels to meet United States national security goals.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2001

Mr. ALLEN (for himself, Mr. MCGOVERN, Mr. ANDREWS, Mr. BRADY of Pennsylvania, Mr. EVANS, Ms. BALDWIN, Mr. MARKEY, Mr. STARK, Mr. FRANK, Mr. TIERNEY, Mr. DOGGETT, Mr. BLUMENAUER, Mr. SNYDER, Mr. KUCINICH, and Mr. BERMAN) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To provide the President with flexibility to set strategic nuclear delivery system levels to meet United States national security goals.

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 “Strategic Arms Flexi-
5 bility Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

1 (1) Reducing the levels of strategic nuclear
2 weapons around the world is in the national security
3 interest of the United States.

4 (2) The strategic arms reduction treaty referred
5 to as the START I Treaty, signed in 1991 and en-
6 tered into force in 1994, commits the United States
7 and Russia to a limitation of approximately 6,000
8 strategic nuclear weapons each.

9 (3) The strategic arms reduction treaty referred
10 to as the START II Treaty, signed in 1993, ratified
11 by the United States in 1996 and by Russia in
12 2000, and scheduled to be implemented by 2007,
13 limits each country to 3,000–3,500 strategic nuclear
14 weapons.

15 (4) The nuclear force levels permitted the
16 United States under the START II Treaty are suffi-
17 cient to allow the United States to meet its strategic
18 requirements as determined by the most recent Nu-
19 clear Posture Review and the Single Integrated Op-
20 erating Plan.

21 (5) Section 1302 of the National Defense Au-
22 thorization Act for Fiscal Year 1998 (Public Law
23 105–85), enacted on November 18, 1997, prohibits
24 the retirement or dismantlement of United States

1 strategic nuclear delivery systems below the START
2 I levels until the START II Treaty enters into force.

3 (6) The original purpose of the prohibition
4 under section 1302, to encourage Russia to ratify
5 the START II Treaty, was achieved when the Rus-
6 sian Duma approved it on April 2000.

7 (7) In 1999, Congress amended section 1302 to
8 allow the President flexibility to retire four Trident
9 ballistic missile submarines as provided by the
10 START II Treaty, but not other strategic nuclear
11 delivery systems such as missiles and bombers, be-
12 fore that treaty enters into force.

13 (8) Unless additional flexibility is granted the
14 President, the Department of Defense will spend
15 more than \$700,000,000 through 2007, when the
16 START II Treaty is implemented, to retain 50
17 Peacekeeper missiles that have been determined to
18 be superfluous to maintenance of the United States
19 nuclear deterrent.

20 (9) President George W. Bush has called for re-
21 ductions in the United States strategic arsenal below
22 the START II levels and for removing nuclear weap-
23 ons from high alert status.

24 (10) Repeal of the limitation under section
25 1302 would give the President the flexibility to set

1 strategic nuclear weapons delivery system levels to
2 meet overall national security goals and the require-
3 ments of the next Nuclear Posture Review.

4 **SEC. 3. REPEAL OF LIMITATION ON RETIREMENT OR DIS-**
5 **MANTLEMENT OF STRATEGIC NUCLEAR DE-**
6 **LIVERY SYSTEMS.**

7 Section 1302 of the National Defense Authorization
8 Act for Fiscal Year 1998 (Public Law 105–85) is re-
9 pealed.

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