

117TH CONGRESS
1ST SESSION

H. R. 4260

To extend the life of the Minuteman III and pause the development of the new ground-based strategic deterrent program to reduce immediate and long-term costs.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2021

Mr. GARAMENDI (for himself, Mr. KHANNA, Mr. BEYER, Mr. MCGOVERN, Mr. HUFFMAN, Mr. DOGGETT, Mr. LIEU, Mr. BLUMENAUER, Ms. LEE of California, and Mr. FOSTER) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To extend the life of the Minuteman III and pause the development of the new ground-based strategic deterrent program to reduce immediate and long-term costs.

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 “Investing in Common-
5 sense Ballistic Missiles Act of 2021” or the “ICBM Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) According to the Congressional Budget Of-
2 fice, the projected cost to sustain and modernize the
3 United States nuclear arsenal, as of 2017, “is \$1.2
4 trillion in 2017 dollars over the 2017–2046 period:
5 more than \$800 billion to operate and sustain (that
6 is, incrementally upgrade) nuclear forces and about
7 \$400 billion to modernize them”. With inflation, the
8 cost rises to \$1,700,000,000,000 and does not in-
9 clude the cost of the additional nuclear capabilities
10 proposed in the 2018 Nuclear Posture Review.

11 (2) The Government Accountability Office
12 found in July 2020 that the Department of Defense
13 and the National Nuclear Security Administration
14 have still not taken meaningful steps to address af-
15 fordability concerns or heeded the Government Ac-
16 countability Office’s recommendation to consider
17 “deferring the start of or cancelling specific mod-
18 ernization programs”, including the W87–1 warhead
19 modification program, to address increases in the
20 weapons activities budget requests of the National
21 Nuclear Security Administration.

22 (3) The ground-based strategic deterrent pro-
23 gram is expected to cost between \$93,100,000,000
24 and \$95,800,000,000 which does not include the
25 cost of the W87–1 warhead modification program or

1 the cost to produce new plutonium pits for the war-
2 head. The total estimated life cycle cost of the
3 ground based strategic deterrent program is
4 \$264,000,000,000, and the program is intended to
5 replace 400 deployed Minuteman III missiles with
6 more than 600 new missiles, to allow for test flights
7 and spares.

8 (4) The Air Force awarded a sole-source con-
9 tract to Northrop Grumman for the engineering and
10 manufacturing component of the ground-based stra-
11 tegic deterrent program in September 2020, raising
12 concerns that the absence of competition for the
13 award may result in higher than projected costs to
14 United States taxpayers.

15 (5) The National Nuclear Security Administra-
16 tion is also in the early stages of developing a re-
17 placement intercontinental ballistic missile warhead,
18 the W87–1, and expanding plutonium pit production
19 to build new warhead cores, costing at least
20 \$12,000,000,000 and \$9,000,000,000, respectively,
21 to meet the modernization needs of the ground-based
22 strategic deterrent program.

23 (6) Maintaining and updating the current Min-
24 uteman III missiles is possible for multiple decades
25 and, according to the Congressional Budget Office,

1 through 2036 this would cost \$37,000,000,000 less
2 in 2017 dollars than developing and deploying the
3 ground-based strategic deterrent program.

4 (7) On April 3, 2019, Lieutenant General Rich-
5 ard M. Clark, then-Air Force Deputy Chief of Staff
6 for Strategic Deterrence and Nuclear Integration,
7 noted in testimony before the Committee on Armed
8 Services of the House of Representatives that we
9 have “one more opportunity” to conduct life exten-
10 sion on the Minuteman III intercontinental ballistic
11 missile, indicating the technical feasibility of extend-
12 ing the Minuteman III missile despite his stated
13 preference for the ground-based strategic deterrent.

14 (8) Even in the absence of an intercontinental
15 ballistic missile leg of the triad, the 2018 Nuclear
16 Posture Review signaled that the United States
17 would have an assured retaliatory capability in the
18 form of ballistic missile submarines, which are, “at
19 present, virtually undetectable, and there are no
20 known, near-term credible threats to the surviv-
21 ability of the [ballistic missile submarine] force”, a
22 benefit that will be enhanced as the Department of
23 Defense moves to replace the Ohio class ballistic
24 submarine fleet with the new Columbia class ballistic
25 missile fleet.

1 (9) While intercontinental ballistic missiles had
2 historically been the most responsive leg of the
3 United States nuclear triad, advances in ballistic
4 missile submarine communications now provide im-
5 mediate dissemination of information during war-
6 time.

7 (10) Intercontinental ballistic missiles cannot be
8 recalled, leaving decision-makers with mere minutes
9 to decide whether to launch the missiles before they
10 are destroyed, known as a posture of “launch on
11 warning” or “launch under attack” in the face of a
12 perceived nuclear attack, greatly increasing the risk
13 of a national leader initiating a nuclear war by mis-
14 take.

15 (11) In 1983, Stanislav Petrov, a former lieu-
16 tenant colonel of the Soviet Air Defense Forces cor-
17 rectly identified a false warning in an early warning
18 system that showed several United States incoming
19 nuclear missiles, preventing Soviet leaders from
20 launching a retaliatory response, earning Colonel
21 Petrov the nickname “the man who saved the
22 world”.

23 (12) Former Secretary of Defense William
24 Perry, who once briefed President Bill Clinton on a
25 suspected Russian first nuclear strike, wrote that

1 the ground-based leg of the nuclear triad is “desta-
2 bilizing because it invites an attack” and interconti-
3 nental ballistic missiles are “some of the most dan-
4 gerous weapons in the world” and “could even trig-
5 ger an accidental nuclear war”.

6 (13) General James Cartwright, former vice
7 chair of the Joint Chiefs of Staff and former Com-
8 mander of the United States Strategic Command,
9 wrote, with Secretary Perry, “[T]he greatest danger
10 is not a Russian bolt but a US blunder—that we
11 might accidentally stumble into nuclear war. As we
12 make decisions about which weapons to buy, we
13 should use this simple rule: If a nuclear weapon in-
14 creases the risk of accidental war and is not needed
15 to deter an intentional attack, we should not build
16 it. . . . Certain nuclear weapons, such as . . . the
17 [intercontinental ballistic missile], carry higher risks
18 of accidental war that, fortunately, we no longer
19 need to bear. We are safer without these expensive
20 weapons, and it would be foolish to replace them.”.

21 (14) General George Lee Butler, the former
22 Commander-in-Chief of the Strategic Air Command
23 and subsequently Commander-in-Chief of the United
24 States Strategic Command, said, “I would have re-
25 moved land-based missiles from our arsenal a long

1 time ago. I'd be happy to put that mission on the
 2 submarines. So, with a significant fraction of bomb-
 3 ers having a nuclear weapons capability that can be
 4 restored to alert very quickly, and with even a small
 5 component of Trident submarines—with all those
 6 missiles and all those warheads on patrol—it's hard
 7 to imagine we couldn't get by.”.

8 (15) While a sudden “bolt from the blue” first
 9 strike from a near-peer nuclear adversary is a highly
 10 unlikely scenario, extending the Minuteman III
 11 would maintain the purported role of the interconti-
 12 nental ballistic missile leg of the triad to absorb such
 13 an attack.

14 **SEC. 3. STATEMENT OF POLICY ON SERVICE LIFE OF MIN-**
 15 **UTEMAN III INTERCONTINENTAL BALLISTIC**
 16 **MISSILES AND PAUSE IN DEVELOPMENT OF**
 17 **GROUND-BASED STRATEGIC DETERRENT**
 18 **PROGRAM.**

19 It is the policy of the United States that—

20 (1) the operational life of the Minuteman III
 21 intercontinental ballistic missiles can be safely ex-
 22 tended until at least 2040; and

23 (2) the research, development, testing, and eval-
 24 uation of the ground-based strategic deterrent pro-
 25 gram can be paused until 2031.

1 **SEC. 4. PROHIBITION ON USE OF FUNDS FOR GROUND**
2 **BASED STRATEGIC DETERRENT PROGRAM**
3 **AND W87-1 WARHEAD MODIFICATION PRO-**
4 **GRAM.**

5 (a) PROHIBITION.—None of the funds authorized to
6 be appropriated or otherwise made available for any of fis-
7 cal years 2022 through 2031 may be obligated or ex-
8 pended for the ground-based strategic deterrent program
9 (including with respect to supporting infrastructure) or
10 the W87-1 warhead modification program, and such
11 funds authorized to be appropriated for the W87-1 war-
12 head modification program that are unobligated as of the
13 date of the enactment of this Act may not be transferred
14 or reprogrammed.

15 (b) TRANSFER.—The Secretary of Defense shall
16 transfer the amounts made available for the Department
17 of Defense for the research, development, testing, and
18 evaluation of the ground-based strategic deterrent pro-
19 gram that are unobligated as of the date of the enactment
20 of this Act to the Secretary of the Air Force for such pur-
21 poses as the Secretary of the Air Force determines appro-
22 priate. Amounts so transferred shall be merged with and
23 be available for the same purposes as the amounts to
24 which transferred.

1 **SEC. 5. LIFE EXTENSION OF MINUTEMAN III INTERCONTI-**
2 **NENTAL BALLISTIC MISSILES.**

3 (a) LIFE EXTENSION PROGRAM.—Beginning not
4 later than 180 days after the date of the enactment of
5 this Act, the Secretary of Defense shall carry out a life
6 extension program of Minuteman III intercontinental bal-
7 listic missiles to extend the life of such missiles to 2040.

8 (b) ELEMENTS OF PROGRAM.—In carrying out the
9 life extension program under subsection (a), the Secretary
10 shall ensure the following:

11 (1) The program will incorporate new and nec-
12 essary technologies that could also be incorporated
13 in the future ground-based strategic deterrent pro-
14 gram, including with respect to technologies that—

15 (A) increase the resilience against adver-
16 sary missile defenses; and

17 (B) incorporate new nuclear command,
18 control, and communications systems.

19 (2) The program will use nondestructive testing
20 methods and technologies similar to the testing
21 methods used by the Navy for Trident II D5 sub-
22 marine launched ballistic missiles to reduce destruc-
23 tive testing.

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