

117TH CONGRESS
1ST SESSION

S. 1862

To reduce spending on nuclear weapons and related defense spending and to prohibit the procurement and deployment of low-yield nuclear warheads, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2021

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

A BILL

To reduce spending on nuclear weapons and related defense spending and to prohibit the procurement and deployment of low-yield nuclear warheads, 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 Approaches
5 to Nuclear Expenditures Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The United States continues to maintain an
2 excessively large and costly arsenal of nuclear deliv-
3 ery systems and warheads that are a holdover from
4 the Cold War.

5 (2) The current nuclear arsenal of the United
6 States includes approximately 3,800 total nuclear
7 warheads in its military stockpile, of which approxi-
8 mately 1,750 are deployed with five delivery compo-
9 nents: land-based intercontinental ballistic missiles,
10 submarine-launched ballistic missiles, long-range
11 strategic bomber aircraft armed with nuclear gravity
12 bombs, long-range strategic bomber aircraft armed
13 with nuclear-armed air-launched cruise missiles, and
14 short-range fighter aircraft that can deliver nuclear
15 gravity bombs. The strategic bomber fleet of the
16 United States comprises 87 B-52 and 20 B-2 air-
17 craft, over 60 of which contribute to the nuclear
18 mission. The United States also maintains 400
19 intercontinental ballistic missiles and 14 Ohio-class
20 submarines, up to 12 of which are deployed. Each
21 of those submarines is armed with approximately 90
22 nuclear warheads.

23 (3) Between fiscal years 2021 and 2030, the
24 United States will spend an estimated
25 \$634,000,000,000 to maintain and recapitalize its

1 nuclear force, according to a January 2019 estimate
2 from the Congressional Budget Office, an increase of
3 \$140,000,000,000 from the Congressional Budget
4 Office's 2019 estimate, with 36 percent of that addi-
5 tional cost stemming "mainly from new plans for
6 modernizing [the Department of Energy's] produc-
7 tion facilities and from [the Department of De-
8 fense's] modernization programs moving more fully
9 into production".

10 (4) Adjusted for inflation, the Congressional
11 Budget Office estimates that the United States will
12 spend \$1,700,000,000,000 through fiscal year 2046
13 on new nuclear weapons and modernization and in-
14 frastructure programs.

15 (5) Inaccurate budget forecasting is likely to
16 continue to plague the Department of Defense and
17 the Department of Energy, as evidenced by the fis-
18 cal year 2021 budget request of the President for
19 the National Nuclear Security Administration
20 "Weapon Activities" account, which far exceeded
21 what the National Nuclear Security Administration
22 had projected in its fiscal year 2020 request and
23 what it had projected in previous years.

24 (6) The projected growth in nuclear weapons
25 spending is coming due as the Department of De-

1 fense is seeking to replace large portions of its con-
2 ventional forces to better compete with the Russian
3 Federation and the People’s Republic of China and
4 as internal and external fiscal pressures are likely to
5 limit the growth of, and perhaps reduce, military
6 spending. As then-Air Force Chief of Staff General
7 Dave Goldfein said in 2020, “I think a debate is
8 that this will be the first time that the nation has
9 tried to simultaneously modernize the nuclear enter-
10 prise while it’s trying to modernize an aging conven-
11 tional enterprise. The current budget does not allow
12 you to do both.”.

13 (7) In 2017, the Government Accountability Of-
14 fice concluded that National Nuclear Security Ad-
15 ministration’s budget forecasts for out-year spending
16 downplayed the fact that the agency lacked the re-
17 sources to complete multiple, simultaneous billion
18 dollar modernization projects and recommended that
19 the National Nuclear Security Administration con-
20 sider “deferring the start of or cancelling specific
21 modernization programs”.

22 (8) According to the Government Accountability
23 Office, the National Nuclear Security Administration
24 has still not factored affordability concerns into its
25 planning as was recommended by the Government

1 Accountability Office in 2017, with the warning that
2 “it is essential for NNSA to present information to
3 Congress and other key decision maker indicating
4 whether the agency has prioritized certain modernization programs or considered trade-offs (such
5 as deferring or cancelling specific modernization programs)’’.

8 (9) A December 2020 Congressional Budget
9 Office analysis showed that the projected costs of
10 nuclear forces over the next decade can be reduced
11 by \$12,400,000,000 to \$13,600,000,000 by trimming back current plans, while still maintaining a
12 triad of delivery systems. Even larger savings would
13 accrue over the subsequent decade.

15 (10) The Department of Defense’s June 2013
16 nuclear policy guidance entitled “Report on Nuclear
17 Employment Strategy of the United States” found
18 that force levels under the April 2010 Treaty on
19 Measures for the Further Reduction and Limitation
20 of Strategic Offensive Arms between the United
21 States and the Russian Federation (commonly
22 known as the “New START Treaty”) “are more
23 than adequate for what the United States needs to
24 fulfill its national security objectives” and can be re-

1 duced by up to $\frac{1}{3}$ below levels under the New
2 START Treaty to 1,000 to 1,100 warheads.

3 (11) Former President Trump expanded the
4 role of, and spending on, nuclear weapons in United
5 States policy at the same time that he withdrew
6 from, unsigned, or otherwise terminated a series of
7 important arms control and nonproliferation agree-
8 ments.

9 **SEC. 3. REDUCTIONS IN NUCLEAR FORCES.**

10 (a) REDUCTION OF NUCLEAR-ARMED SUB-
11 MARINES.—Notwithstanding any other provision of law,
12 none of the funds authorized to be appropriated or other-
13 wise made available for fiscal year 2022 or any fiscal year
14 thereafter for the Department of Defense may be obli-
15 gated or expended for purchasing more than eight Colum-
16 bia-class submarines.

17 (b) REDUCTION OF GROUND-BASED MISSILES.—
18 Notwithstanding any other provision of law, beginning in
19 fiscal year 2022, the forces of the Air Force shall include
20 not more than 150 intercontinental ballistic missiles.

21 (c) REDUCTION OF DEPLOYED STRATEGIC WAR-
22 HEADS.—Notwithstanding any other provision of law, be-
23 ginning in fiscal year 2022, the forces of the United States
24 Military shall include not more than 1,000 deployed stra-

1 tegic warheads, as that term is defined in the New START
2 Treaty.

3 (d) LIMITATION ON NEW LONG-RANGE PENE-
4 TRATING BOMBER AIRCRAFT.—Notwithstanding any
5 other provision of law, none of the funds authorized to
6 be appropriated or otherwise made available for any of fis-
7 cal years 2022 through 2028 for the Department of De-
8 fense may be obligated or expended for purchasing more
9 than 80 B–21 long-range penetrating bomber aircraft.

10 (e) PROHIBITION ON F–35 NUCLEAR MISSION.—
11 Notwithstanding any other provision of law, none of the
12 funds authorized to be appropriated or otherwise made
13 available for fiscal year 2022 or any fiscal year thereafter
14 for the Department of Defense or the Department of En-
15 ergy may be used to make the F–35 Joint Strike Fighter
16 aircraft capable of carrying nuclear weapons.

17 (f) PROHIBITION ON NEW AIR-LAUNCHED CRUISE
18 MISSILE.—Notwithstanding any other provision of law,
19 none of the funds authorized to be appropriated or other-
20 wise made available for fiscal year 2022 or any fiscal year
21 thereafter for the Department of Defense or the Depart-
22 ment of Energy may be obligated or expended for the re-
23 search, development, test, and evaluation or procurement
24 of the long-range stand-off weapon or any other new air-

1 launched cruise missile or for the W80 warhead life exten-
2 sion program.

3 (g) 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 fiscal year 2022 or any fiscal
7 year thereafter for the Department of Defense may be ob-
8 ligated or expended for the research, development, test,
9 and evaluation or procurement of the ground-based stra-
10 tegic deterrent or any new intercontinental ballistic mis-
11 sile.

12 (h) TERMINATION OF URANIUM PROCESSING FACIL-
13 ITY.—Notwithstanding any other provision of law, none
14 of the funds authorized to be appropriated or otherwise
15 made available for fiscal year 2022 or any fiscal year
16 thereafter for the Department of Defense or the Depart-
17 ment of Energy may be obligated or expended for the Ura-
18 nium Processing Facility located at the Y-12 National Se-
19 curity Complex, Oak Ridge, Tennessee.

20 (i) PROHIBITION ON PROCUREMENT AND DEPLOY-
21 MENT OF NEW LOW-YIELD WARHEAD.—Notwithstanding
22 any other provision of law, none of the funds authorized
23 to be appropriated or otherwise made available for fiscal
24 year 2022 or any fiscal year thereafter for the Department
25 of Defense or the Department of Energy may be obligated

1 or expended to deploy the W76–2 low-yield nuclear war-
2 head or any other low-yield or nonstrategic nuclear war-
3 head.

4 (j) PROHIBITION ON NEW SUBMARINE-LAUNCHED
5 CRUISE MISSILE.—Notwithstanding any other provision
6 of law, none of the funds authorized to be appropriated
7 or otherwise made available for fiscal year 2022 or any
8 fiscal year thereafter for the Department of Defense or
9 the Department of Energy may be obligated or expended
10 for the research, development, test, and evaluation or pro-
11 curement of a new submarine-launched cruise missile ca-
12 pable of carrying a low-yield or nonstrategic nuclear war-
13 head.

14 (k) LIMITATION ON PLUTONIUM PIT PRODUCTION.—
15 Notwithstanding any other provision of law, none of the
16 funds authorized to be appropriated or otherwise made
17 available for fiscal year 2022 or any fiscal year thereafter
18 for the Department of Defense or the Department of En-
19 ergy may be obligated or expended for achieving produc-
20 tion of more than 30 plutonium pits per year at Los Ala-
21 mos National Laboratory, Los Alamos, New Mexico.

22 (l) LIMITATION ON W87–1 WARHEAD PROCURE-
23 MENT AND DEPLOYMENT.—Notwithstanding any other
24 provision of law, none of the funds authorized to be appro-
25 priated or otherwise made available for fiscal year 2022

1 or any fiscal year thereafter for the Department of De-
2 fense or the Department of Energy may be obligated or
3 expended for the procurement or deployment of the W87-
4 1 warhead for use on any missile that can feasibly employ
5 a W87 warhead.

6 (m) LIMITATION ON SUSTAINMENT OF B83-1
7 BOMB.—Notwithstanding other provision of law, none of
8 the funds authorized to be appropriated or otherwise made
9 available for fiscal year 2022 or any fiscal year thereafter
10 for the Department of Defense or the Department of En-
11 ergy may be obligated or expended for the sustainment
12 of the B83-1 bomb beyond the time at which confidence
13 in the B61-12 stockpile is gained.

14 (n) PROHIBITION ON SPACE-BASED MISSILE DE-
15 FENSE.—Notwithstanding other provision of law, none of
16 the funds authorized to be appropriated or otherwise made
17 available for fiscal year 2022 or any fiscal year thereafter
18 for the Department of Defense or the Department of En-
19 ergy may be obligated or expended for the research, devel-
20 opment, test, and evaluation or procurement of a space-
21 based missile defense system.

22 (o) PROHIBITION ON THE W-93 WARHEAD.—Not-
23 withstanding any other provision of law, none of the funds
24 authorized to be appropriated or otherwise made available
25 for fiscal year 2022 or any fiscal year thereafter for the

1 Department of Defense or the Department of Energy may
2 be obligated or expended for the procurement and deploy-
3 ment of a W-93 warhead on a submarine launched bal-
4 listic missile.

5 **SEC. 4. REPORTS REQUIRED.**

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

11 (b) ANNUAL REPORT.—Not later than March 1,
12 2022, and annually thereafter, the Secretary of Defense
13 and the Secretary of Energy shall jointly submit to the
14 appropriate committees of Congress a report outlining the
15 plan of each Secretary to carry out section 3, including
16 any updates to previously submitted reports.

17 (c) ANNUAL NUCLEAR WEAPONS ACCOUNTING.—
18 Not later than September 30, 2022, and annually there-
19 after, the President shall transmit to the appropriate com-
20 mittees of Congress a report containing a comprehensive
21 accounting by the Director of the Office of Management
22 and Budget of the amounts obligated and expended by the
23 Federal Government for each nuclear weapon and related
24 nuclear program during—

25 (1) the fiscal year covered by the report; and

1 (2) the life cycle of such weapon or program.

2 (d) COST ESTIMATE REPORT.—Not later than 180
3 days after the date of the enactment of this Act, the Sec-
4 retary of Defense and the Secretary of Energy shall jointly
5 submit to the appropriate committees of Congress a report
6 outlining the estimated cost savings that result from car-
7 rying out section 3.

8 (e) REPORT ON FUNDING NATIONAL DEFENSE
9 STRATEGY.—Not later than 180 days after the publication
10 of a National Defense Strategy under section 113(g) of
11 title 10, United States Code, the Secretary of Defense
12 shall submit to the appropriate committees of Congress
13 a report explaining how the Secretary proposes to fund
14 the National Defense Strategy under different levels of
15 projected defense spending, including scenarios in which—

16 (1) anticipated cost savings from reform do not
17 materialize; or

18 (2) defense spending decreases to the levels
19 specified by the Budget Control Act of 2011 (Public
20 Law 112–25; 125 Stat. 240).

21 (f) MODIFICATION OF PERIOD TO BE COVERED BY
22 ESTIMATES OF COSTS RELATING TO NUCLEAR WEAP-
23 ONS.—Section 1043 of the National Defense Authoriza-
24 tion Act for Fiscal Year 2012 (Public Law 112–81; 125
25 Stat. 1576), as most recently amended by section 1670

1 of the John S. McCain National Defense Authorization
2 Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat.
3 2157), is further amended in subsections (a)(2)(F) and
4 (b)(1)(A) by striking “10-year period” each place it ap-
5 pears and inserting “25-year period”.

6 (g) APPROPRIATE COMMITTEES OF CONGRESS DE-
7 FINED.—In this section, the term “appropriate commit-
8 tees of Congress” means—

9 (1) the Committee on Armed Services, the
10 Committee on Foreign Relations, the Committee on
11 Appropriations, and the Committee on Energy and
12 Natural Resources of the Senate; and

13 (2) the Committee on Armed Services, the
14 Committee on Foreign Affairs, the Committee on
15 Appropriations, the Committee on Energy and Com-
16 merce, and the Committee on Natural Resources of
17 the House of Representatives.

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