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

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

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,
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4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the “Smarter Approaches
to Nuclear Expenditures Act”.
6 SEC. 2. FINDINGS.
7 Congress finds the following:
(1) The Berlin Wall fell in 1989, the Soviet Union no longer exists, and the Cold War is over. The nature of threats to the national security and military interests of the United States has changed. However, the United States continues to maintain an excessively large and costly arsenal of nuclear delivery systems and warheads that are a holdover from the Cold War.

(2) The current nuclear arsenal of the United States includes approximately 3,800 total nuclear warheads in its military stockpile, of which approximately 1,750 are deployed with five delivery components: land-based intercontinental ballistic missiles, submarine-launched ballistic missiles, long-range strategic bomber aircraft armed with nuclear gravity bombs, long-range strategic bomber aircraft armed with nuclear-armed air-launched cruise missiles, and short-range fighter aircraft that can deliver nuclear gravity bombs. The strategic bomber fleet of the United States comprises 87 B–52 and 20 B–2 aircraft, over 60 of which contribute to the nuclear mission. The United States also maintains 400 intercontinental ballistic missiles and 14 Ohio-class submarines, up to 12 of which are deployed. Each
of those submarines is armed with approximately 90 nuclear warheads.

(3) The maintenance of this force comes at significant cost. Between fiscal years 2019 and 2028, the United States will spend $494,000,000,000 to maintain and recapitalize its nuclear force, according to a January 2019 estimate from the Congressional Budget Office. This is $94,000,000,000 higher than the Congressional Budget Office’s 2017 estimate, with additional cost driven in part by the new nuclear weapons called for in the 2018 Nuclear Posture Review. Over the next 30 years, the price tag is likely to exceed $1,500,000,000,000 and could even approach $2,000,000,000,000.

(4) Numerous United States Government officials have warned of the affordability problem posed by the current nuclear weapons sustainment plans, cautioning that these plans cannot be executed in the absence of significant long-term increases to defense spending or cuts to other military priorities. For example, Brian McKeon, former Principal Deputy Under Secretary of Defense stated in October 2015 that: “We’re looking at that big bow wave [in nuclear weapons spending] and wondering how the heck we’re going to pay for it, and probably thank-
ing our lucky stars we won’t be here to answer the
question.” Projected spending on the nuclear weap-
ons budget has grown even larger since 2015.

(5) The projected growth in nuclear weapons
spending is coming due as the Department of De-
fense is seeking to replace large portions of its con-
ventional forces to better compete with the Russian
Federation and the People’s Republic of China and
as internal and external fiscal pressures are likely to
limit the growth of, and perhaps reduce, military
spending. “We’re going to have enormous pressure
on reducing the debt which means that defense
spending—I’d like to tell you it’s going to keep
going up—[but] I’m not terribly optimistic.”, Alan
Shaffer, Deputy Under Secretary of Defense for Ac-
quision and Sustainment, said in February 2019.

(6) A substantial decrease in spending on the
nuclear arsenal of the United States is prudent for
both the budget and for national security. The De-
partment of Defense’s June 2013 nuclear policy
guidance entitled “Report on Nuclear Employment
Strategy of the United States” found that force lev-
els under the April 2010 Treaty on Measures for the
Further Reduction and Limitation of Strategic Of-
fensive Arms between the United States and the
Russian Federation (commonly known as the “New START Treaty”) “are more than adequate for what the United States needs to fulfill its national security objectives” and can be reduced by up to $\frac{1}{3}$ below levels under the New START Treaty to 1,000 to 1,100 warheads.

(7) A December 2018 Congressional Budget Office analysis showed that the projected costs of nuclear forces over the next decade can be reduced by $8,000,000,000 to $9,000,000,000 by trimming back current plans, while still maintaining a triad of delivery systems. Even larger savings would accrue over the subsequent decade.

(8) Even without additional reductions below the New START Treaty limit of 1,550 deployed strategic warheads, the United States can save tens of billions of dollars by deploying those warheads more efficiently on delivery systems and by deferring production of new delivery systems until they are needed.

(9) President Donald Trump is proposing to expand the role of, and spending on, nuclear weapons in United States policy at the same time that the President has undermined critical arms control and nonproliferation agreements. The President has pro-
vided no clear indication that the President intends to extend the New START Treaty. The potential expiration of that treaty will remove all limits on the size of the United States and Russian nuclear arsenals, heightening further the risk of unconstrained nuclear weapons competition and even greater spending on nuclear weapons.

8 SEC. 3. REDUCTIONS IN NUCLEAR FORCES.

   (a) REDUCTION OF NUCLEAR-ARMED SUBMARINES.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2020 or any fiscal year thereafter for the Department of Defense may be obligated or expended for purchasing more than eight Columbia-class submarines.

   (b) REDUCTION OF GROUND-BASED MISSILES.—Notwithstanding any other provision of law, beginning in fiscal year 2020, the forces of the Air Force shall include not more than 150 intercontinental ballistic missiles.

   (c) REDUCTION OF DEPLOYED STRATEGIC WARHEADS.—Notwithstanding any other provision of law, beginning in fiscal year 2020, the forces of the United States Military shall include not more than 1,000 deployed strategic warheads, as that term is defined in the New START Treaty.
(d) Limitation on New Long-Range Penetrating Bomber Aircraft.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for any of fiscal years 2020 through 2028 for the Department of Defense may be obligated or expended for purchasing more than 80 B-21 long-range penetrating bomber aircraft.

(e) Prohibition on F-35 Nuclear Mission.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2020 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be used to make the F-35 Joint Strike Fighter aircraft capable of carrying nuclear weapons.

(f) Prohibition on New Air-launched Cruise Missile.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2020 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procurement of the long-range stand-off weapon or any other new air-launched cruise missile or for the W80 warhead life extension program.
(g) Prohibition on New Intercontinental Ballistic Missile.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2020 or any fiscal year thereafter for the Department of Defense may be obligated or expended for the research, development, test, and evaluation or procurement of the ground-based strategic deterrent or any new intercontinental ballistic missile.

(h) Termination of Uranium Processing Facility.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2020 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the Uranium Processing Facility located at the Y–12 National Security Complex, Oak Ridge, Tennessee.

(i) Prohibition on Procurement and Deployment of New Low-Yield Warhead.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2020 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended to procure or deploy the W76–2 low-yield nu-
clear warhead or any other low-yield or nonstrategic nuclear warhead.

(j) **Prohibition on New Submarine-launched Cruise Missile.**—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2020 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procurement of a new submarine-launched cruise missile capable of carrying a low-yield or nonstrategic nuclear warhead.

(k) **Limitation on Plutonium Pit Production.**—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2020 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for achieving production of more than 30 plutonium pits per year at Los Alamos National Laboratory, Los Alamos, New Mexico.

(l) **Limitation on W87–1 Warhead Procurement and Deployment.**—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2020 or any fiscal year thereafter for the Department of De-
fense or the Department of Energy may be obligated or
expended for the procurement or deployment of the W87–
1 warhead for use on any missile that can feasibly employ
a W87 warhead.

(m) LIMITATION ON SUSTAINMENT OF B83–1
BOMB.—Notwithstanding other provision of law, none of
the funds authorized to be appropriated or otherwise made
available for fiscal year 2020 or any fiscal year thereafter
for the Department of Defense or the Department of En-
ergy may be obligated or expended for the sustainment
of the B83–1 bomb beyond the time at which confidence
in the B61–12 stockpile is gained.

(n) PROHIBITION ON SPACE-BASED MISSILE DE-
FENSE.—Notwithstanding other provision of law, none of
the funds authorized to be appropriated or otherwise made
available for fiscal year 2020 or any fiscal year thereafter
for the Department of Defense or the Department of En-
ergy may be obligated or expended for the research, devel-
opment, test, and evaluation or procurement of a space-
based missile defense system.

SEC. 4. REPORTS REQUIRED.

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

(b) **Annual Report.**—Not later than March 1, 2021, and annually thereafter, the Secretary of Defense and the Secretary of Energy shall jointly submit to the appropriate committees of Congress a report outlining the plan of each Secretary to carry out section 3, including any updates to previously submitted reports.

(c) **Annual Nuclear Weapons Accounting.**—Not later than September 30, 2020, and annually thereafter, the President shall transmit to the appropriate committees of Congress a report containing a comprehensive accounting by the Director of the Office of Management and Budget of the amounts obligated and expended by the Federal Government for each nuclear weapon and related nuclear program during—

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

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

(d) **Cost Estimate Report.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to the appropriate committees of Congress a report outlining the estimated cost savings that result from carrying out section 3.
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(e) **Report on Funding National Defense Strategy.**—Not later than 180 days after the date of
the enactment of this Act, the Secretary of Defense shall
submit to the appropriate committees of Congress a report
explaining how the Secretary proposes to fund the 2018
National Defense Strategy under different levels of pro-
ject defense spending, including scenarios in which—

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

(2) defense spending decreases to the levels
specified by the Budget Control Act of 2011 (Public

(b)(1)(A) by striking “10-year period” each place it ap-
ppears and inserting “25-year period”.

(g) **Appropriate Committees of Congress Defined.**—In this section, the term “appropriate commit-
tees of Congress” means—
(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Energy and Commerce, and the Committee on Natural Resources of the House of Representatives.