

117TH CONGRESS
1ST SESSION

S. _____

To reduce and eliminate threats posed by nuclear weapons to the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To reduce and eliminate threats posed by nuclear weapons to the United States, 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 “Hastening Arms Limi-
5 tations Talks Act of 2021” or the “HALT Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The use of nuclear weapons poses an exis-
9 tential threat to humanity, a fact that led President
10 Ronald Reagan and Soviet Premier Mikhail Gorba-

1 chev to declare in a joint statement in 1987 that a
2 “nuclear war cannot be won and must never be
3 fought”.

4 (2) On June 12, 1982, an estimated 1,000,000
5 people attended the largest peace rally in United
6 States history, in support of a movement to freeze
7 and reverse the nuclear arms race, a movement that
8 helped to create the political will necessary for the
9 negotiation of several bilateral arms control treaties
10 between the United States and former Soviet Union,
11 and then the Russian Federation. Those treaties
12 contributed to strategic stability through mutual and
13 verifiable reciprocal nuclear weapons reductions.

14 (3) Since the advent of nuclear weapons in
15 1945, millions of people around the world have stood
16 up to demand meaningful, immediate international
17 action to halt, reduce, and eliminate the threats
18 posed by nuclear weapons, nuclear weapons testing,
19 and nuclear war, to humankind and the planet.

20 (4) In 1970, the Treaty on the Non-Prolifera-
21 tion of Nuclear Weapons done at Washington, Lon-
22 don, and Moscow July 1, 1968 (21 UST 483) (com-
23 monly referred to as the “Nuclear Non-Proliferation
24 Treaty” or the “NPT”) entered into force, which in-
25 cludes a binding obligation on the 5 nuclear-weapon

1 states (commonly referred to as the “P5”), among
2 other things, “to pursue negotiations in good faith
3 on effective measures relating to the cessation of the
4 nuclear arms race . . . and to nuclear disar-
5 mament”.

6 (5) Bipartisan United States global leadership
7 has curbed the growth in the number of countries
8 possessing nuclear weapons and has slowed overall
9 vertical proliferation among countries already pos-
10 sessed nuclear weapons, as is highlighted by a more
11 than 85-percent reduction in the United States nu-
12 clear weapons stockpile from its Cold War height of
13 31,255 in 1967.

14 (6) The United States testing of nuclear weap-
15 ons is no longer necessary as a result of the fol-
16 lowing major technical developments since the Sen-
17 ate’s consideration of the Comprehensive Nuclear-
18 Test-Ban Treaty (commonly referred to as the
19 “CTBT”) in 1999:

20 (A) The verification architecture of the
21 Comprehensive Nuclear Test-Ban-Treaty Orga-
22 nization (commonly referred to as the
23 “CTBTO”)—

24 (i) has made significant advance-
25 ments, as seen through its network of 300

1 International Monitoring Stations and its
2 International Data Centre, which together
3 provide for the near instantaneous detec-
4 tion of nuclear explosives tests, including
5 all 6 such tests conducted by North Korea
6 between 2006 and 2017; and

7 (ii) is operational 24 hours a day, 7
8 days a week.

9 (B) Since the United States signed the
10 CTBT, confidence has grown in the science-
11 based Stockpile Stewardship and Management
12 Plan of the Department of Energy, which forms
13 the basis of annual certifications to the Presi-
14 dent regarding the continual safety, security,
15 and effectiveness of the United States nuclear
16 deterrent in the absence of nuclear testing,
17 leading former Secretary of Energy Ernest
18 Moniz to remark in 2015 that “lab directors
19 today now state that they certainly understand
20 much more about how nuclear weapons work
21 than during the period of nuclear testing”.

22 (7) Despite the progress made to reduce the
23 number and role of, and risks posed by, nuclear
24 weapons, and to halt the Cold War-era nuclear arms
25 race, tensions between countries that possess nuclear

1 weapons are on the rise, key nuclear risk reduction
2 treaties are under threat, significant stockpiles of
3 weapons-usable fissile material remain, and a quali-
4 tative global nuclear arms race is now underway
5 with each of the countries that possess nuclear
6 weapons spending tens of billions of dollars each
7 year to maintain and improve their arsenals.

8 (8) The Russian Federation is pursuing the de-
9 velopment of destabilizing types of nuclear weapons
10 that are not presently covered under any existing
11 arms control treaty or agreement and the People's
12 Republic of China, India, Pakistan, and North
13 Korea have each taken concerning steps to diversify
14 their more modest sized, but nonetheless very dead-
15 ly, nuclear arsenals.

16 (9) Former President Donald J. Trump's 2018
17 Nuclear Posture Review called for the development
18 two new nuclear weapons capabilities, which have
19 the effect of lowering the threshold for nuclear weap-
20 ons use:

21 (A) A low-yield warhead on a submarine-
22 launched ballistic missile, which was deployed
23 before the date of the enactment of this Act.

1 (B) A sea-launched cruise missile, still
2 under development on the date of the enact-
3 ment of this Act.

4 (10) On February 3, 2021, President Joseph R.
5 Biden preserved binding and verifiable limits on the
6 deployed and non-deployed strategic forces of the
7 largest two nuclear weapons powers through the
8 five-year extension of the Treaty between the United
9 States of America and the Russian Federation on
10 Measures for the Further Reduction and Limitation
11 of Strategic Offensive Arms, signed April 8, 2010,
12 and entered into force February 5, 2011 (commonly
13 referred to as the “New START Treaty”).

14 (11) In 2013, the report on a nuclear weapons
15 employment strategy of the United States submitted
16 under section 492 of title 10, United States Code,
17 determined that it is possible to ensure the security
18 of the United States and allies and partners of the
19 United States and maintain a strong and credible
20 strategic deterrent while safely pursuing up to a $\frac{1}{3}$
21 reduction in deployed nuclear weapons from the level
22 established in the New START Treaty.

23 (12) On January 12, 2017, then-Vice President
24 Biden stated, “[G]iven our non-nuclear capabilities
25 and the nature of today’s threats—it’s hard to envi-

1 sion a plausible scenario in which the first use of nu-
2 clear weapons by the United States would be nec-
3 essary. Or make sense.”.

4 (13) In light of moves by the United States and
5 other countries to increase their reliance on nuclear
6 weapons, a global nuclear freeze would seek to halt
7 the new nuclear arms race by seeking conclusion of
8 a comprehensive and verifiable freeze on the testing,
9 deployment, and production of nuclear weapons and
10 delivery vehicles for such weapons.

11 **SEC. 3. STATEMENT OF POLICY.**

12 The following is the policy of the United States:

13 (1) The United States should build upon its
14 decades long, bipartisan efforts to reduce the num-
15 ber and salience of nuclear weapons by leading inter-
16 national negotiations on specific arms-reduction
17 measures as part of a 21st century global nuclear
18 freeze movement.

19 (2) Building on the successful extension of the
20 New START Treaty, the United States should en-
21 gage with all other countries that possess nuclear
22 weapons to seek to negotiate and conclude future
23 multilateral arms control, disarmament, and risk re-
24 duction agreements, which should contain some or
25 all of the following provisions:

1 (A) An agreement by the United States
2 and the Russian Federation on a follow-on trea-
3 ty or agreement to the New START Treaty
4 that may lower the central limits of the Treaty
5 and cover new kinds of strategic delivery vehi-
6 cles or non-strategic nuclear weapons.

7 (B) An agreement on a verifiable freeze on
8 the testing, production, and further deployment
9 of all nuclear weapons and delivery vehicles for
10 such weapons.

11 (C) An agreement that establishes a
12 verifiable numerical ceiling on the deployed
13 shorter-range and intermediate-range and stra-
14 tegic delivery systems (as defined by the INF
15 Treaty and the New START Treaty, respec-
16 tively) and the nuclear warheads associated
17 with such systems belonging to the P5, and to
18 the extent possible, all countries that possess
19 nuclear weapons, at August 2, 2019, levels.

20 (D) An agreement by each country to
21 adopt a policy of no first use of nuclear weap-
22 ons or provide transparency into its nuclear de-
23 claratory policy.

24 (E) An agreement on a proactive United
25 Nations Security Council resolution that ex-

1 pands access by the International Atomic En-
2 ergy Agency to any country found by the Board
3 of Governors of that Agency to be noncompliant
4 with its obligations under the NPT.

5 (F) An agreement to refrain from config-
6 uring nuclear forces in a “launch on warning”
7 or “launch under warning” nuclear posture,
8 which may prompt a nuclear armed country to
9 launch a ballistic missile attack in response to
10 detection by an early-warning satellite or sensor
11 of a suspected incoming ballistic missile.

12 (G) An agreement not to target or inter-
13 fere in the nuclear command, control, and com-
14 munications (commonly referred to as “NC3”)
15 infrastructure of another country through a ki-
16 netic attack or a cyberattack.

17 (H) An agreement on transparency meas-
18 ures or verifiable limits, or both, on hypersonic
19 cruise missiles and glide vehicles that are fired
20 from sea-based, ground, and air platforms.

21 (I) An agreement to provide a baseline and
22 continuous exchanges detailing the aggregate
23 number of active nuclear weapons and associ-
24 ated systems possessed by each country.

1 (3) The United States should rejuvenate efforts
2 in the United Nations Conference on Disarmament
3 toward the negotiation of a verifiable Fissile Mate-
4 rial Treaty or Fissile Material Cutoff Treaty, or
5 move negotiations to another international body or
6 fora, such as a meeting of the P5. Successful conclu-
7 sion of such a treaty would verifiably prevent any
8 country's production of highly enriched uranium and
9 plutonium for use in nuclear weapons.

10 (4) The United States should convene a series
11 of head-of-state level summits on nuclear disar-
12 mament modeled on the Nuclear Security Summits
13 process, which saw the elimination of the equivalent
14 of 3,000 nuclear weapons.

15 (5) The President should seek ratification by
16 the Senate of the CTBT and mobilize all countries
17 covered by Annex 2 of the CTBT to pursue similar
18 action to hasten entry into force of the CTBT. The
19 entry into force of the CTBT, for which ratification
20 by the United States will provide critical momentum,
21 will activate the CTBT's onsite inspection provision
22 to investigate allegations that any country that is a
23 party to the CTBT has conducted a nuclear test of
24 any yield.

1 (6) The President should make the accession of
2 North Korea to the CTBT a component of any final
3 agreement in fulfilling the pledges the Government
4 of North Korea made in Singapore, as North Korea
5 is reportedly the only country to have conducted a
6 nuclear explosive test since 1998.

7 (7) The United States should—

8 (A) refrain from developing any new de-
9 signs for nuclear warheads or bombs, but espe-
10 cially designs that could add a level of technical
11 uncertainty into the United States stockpile and
12 thus renew calls to resume nuclear explosive
13 testing in order to test that new design; and

14 (B) seek reciprocal commitments from
15 other countries that possess nuclear weapons.

16 **SEC. 4. PROHIBITION ON USE OF FUNDS FOR NUCLEAR**
17 **TEST EXPLOSIONS.**

18 (a) IN GENERAL.—None of the funds authorized to
19 be appropriated or otherwise made available for fiscal year
20 2022 or any fiscal year thereafter, or authorized to be ap-
21 propriated or otherwise made available for any fiscal year
22 before fiscal year 2022 and available for obligation as of
23 the date of the enactment of this Act, may be obligated
24 or expended to conduct or make preparations for any ex-

1 plosive nuclear weapons test that produces any yield until
2 such time as—

3 (1) the President submits to Congress an ad-
4 dendum to the report required by section 4205 of
5 the Atomic Energy Defense Act (50 U.S.C. 2525)
6 that details any change to the condition of the
7 United States nuclear weapons stockpile from the
8 report submitted under that section in the preceding
9 year; and

10 (2) there is enacted into law a joint resolution
11 of Congress that approves the test.

12 (b) **RULE OF CONSTRUCTION.**—Subsection (a) does
13 not limit nuclear stockpile stewardship activities that are
14 consistent with the zero-yield standard and other require-
15 ments under law.