

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To reduce and eliminate threats posed by nuclear weapons to the United States.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**

**S. 2792**

To authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MARKEY

Viz:

1 At the end of subtitle C of title XV, add the following:

2 **SEC. 1548. REDUCTION OF THREATS POSED BY NUCLEAR**

3 **WEAPONS TO THE UNITED STATES.**

4 (a) FINDINGS.—Congress makes the following find-  
5 ings:

6 (1) The use of nuclear weapons poses an exis-  
7 tential threat to humanity, a fact that led President  
8 Ronald Reagan and Soviet Premier Mikhail Gorba-  
9 chev to declare in a joint statement in 1987 that a

1 “nuclear war cannot be won and must never be  
2 fought”.

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

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

19 (4) In 1970, the Treaty on the Non-Prolifera-  
20 tion of Nuclear Weapons done at Washington, Lon-  
21 don, and Moscow July 1, 1968 (21 UST 483) (com-  
22 monly referred to as the “Nuclear Non-Proliferation  
23 Treaty” or the “NPT”) entered into force, which in-  
24 cludes a binding obligation on the 5 nuclear-weapon  
25 states (commonly referred to as the “P5”), among

1 other things, “to pursue negotiations in good faith  
2 on effective measures relating to the cessation of the  
3 nuclear arms race . . . and to nuclear disar-  
4 mament”.

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

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

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

23 (i) has made significant advance-  
24 ments, as seen through its network of 300  
25 International Monitoring Stations and its

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

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

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

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

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

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

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

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

23 (B) A sea-launched cruise missile, still  
24 under development on the date of the enact-  
25 ment of this Act.

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

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

20          (12) On January 12, 2017, then-Vice President  
21          Biden stated, “[G]iven our non-nuclear capabilities  
22          and the nature of today’s threats—it’s hard to envi-  
23          sion a plausible scenario in which the first use of nu-  
24          clear weapons by the United States would be nec-  
25          essary. Or make sense.”.

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

8           (b) STATEMENT OF POLICY.—The following is the  
9 policy of the United States:

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

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

23           (A) An agreement by the United States  
24 and the Russian Federation on a follow-on trea-  
25 ty or agreement to the New START Treaty

1 that may lower the central limits of the Treaty  
2 and cover new kinds of strategic delivery vehi-  
3 cles or non-strategic nuclear weapons.

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

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

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

21 (E) An agreement on a proactive United  
22 Nations Security Council resolution that ex-  
23 pands access by the International Atomic En-  
24 ergy Agency to any country found by the Board



1 of Governors of that Agency to be noncompliant  
2 with its obligations under the NPT.

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

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

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

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

23 (3) The United States should rejuvenate efforts  
24 in the United Nations Conference on Disarmament  
25 toward the negotiation of a verifiable Fissile Mate-

1       rial Treaty or Fissile Material Cutoff Treaty, or  
2       move negotiations to another international body or  
3       fora, such as a meeting of the P5. Successful conclu-  
4       sion of such a treaty would verifiably prevent any  
5       country's production of highly enriched uranium and  
6       plutonium for use in nuclear weapons.

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

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

22              (6) The President should make the accession of  
23      North Korea to the CTBT a component of any final  
24      agreement in fulfilling the pledges the Government  
25      of North Korea made in Singapore, as North Korea

1 is reportedly the only country to have conducted a  
2 nuclear explosive test since 1998.

3 (7) The United States should—

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

10 (B) seek reciprocal commitments from  
11 other countries that possess nuclear weapons.

12 (c) PROHIBITION ON USE OF FUNDS FOR NUCLEAR  
13 TEST EXPLOSIONS.—

14 (1) IN GENERAL.—None of the funds author-  
15 ized to be appropriated or otherwise made available  
16 for fiscal year 2022 or any fiscal year thereafter, or  
17 authorized to be appropriated or otherwise made  
18 available for any fiscal year before fiscal year 2022  
19 and available for obligation as of the date of the en-  
20 actment of this Act, may be obligated or expended  
21 to conduct or make preparations for any explosive  
22 nuclear weapons test that produces any yield until  
23 such time as—

24 (A) the President submits to Congress an  
25 addendum to the report required by section

1           4205 of the Atomic Energy Defense Act (50  
2           U.S.C. 2525) that details any change to the  
3           condition of the United States nuclear weapons  
4           stockpile from the report submitted under that  
5           section in the preceding year; and

6                       (B) there is enacted into law a joint resolu-  
7           tion of Congress that approves the test.

8           (2) RULE OF CONSTRUCTION.—Paragraph (1)  
9           does not limit nuclear stockpile stewardship activi-  
10          ties that are consistent with the zero-yield standard  
11          and other requirements under law.