

AMENDMENT NO. _____ Calendar No. _____

Purpose: To reduce spending on nuclear weapons and related defense spending and to prohibit the procurement and deployment of low-yield nuclear warheads.

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. REDUCTIONS IN SPENDING ON NUCLEAR WEAP-**

3 **ONS; PROHIBITION ON PROCUREMENT AND**

4 **DEPLOYMENT OF LOW-YIELD NUCLEAR WAR-**

5 **HEADS.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) The United States continues to maintain an
9 excessively large and costly arsenal of nuclear deliv-

1 ery systems and warheads that are a holdover from
2 the Cold War.

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

21 (3) Between fiscal years 2021 and 2030, the
22 United States will spend an estimated
23 \$634,000,000,000 to maintain and recapitalize its
24 nuclear force, according to a January 2019 estimate
25 from the Congressional Budget Office, an increase of

1 \$140,000,000,000 from the Congressional Budget
2 Office’s 2019 estimate, with 36 percent of that addi-
3 tional cost stemming “mainly from new plans for
4 modernizing [the Department of Energy’s] produc-
5 tion facilities and from [the Department of De-
6 fense’s] modernization programs moving more fully
7 into production”.

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

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

22 (6) The projected growth in nuclear weapons
23 spending is coming due as the Department of De-
24 fense is seeking to replace large portions of its con-
25 ventional forces to better compete with the Russian

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

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

20 (8) According to the Government Accountability
21 Office, the National Nuclear Security Administration
22 has still not factored affordability concerns into its
23 planning as was recommended by the Government
24 Accountability Office in 2017, with the warning that
25 “it is essential for NNSA to present information to

1 Congress and other key decision maker indicating
2 whether the agency has prioritized certain mod-
3 ernization programs or considered trade-offs (such
4 as deferring or cancelling specific modernization pro-
5 grams)”.
6

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

14 (10) The Department of Defense’s June 2013
15 nuclear policy guidance entitled “Report on Nuclear
16 Employment Strategy of the United States” found
17 that force levels under the April 2010 Treaty on
18 Measures for the Further Reduction and Limitation
19 of Strategic Offensive Arms between the United
20 States and the Russian Federation (commonly
21 known as the “New START Treaty”) “are more
22 than adequate for what the United States needs to
23 fulfill its national security objectives” and can be re-
24 duced by up to $\frac{1}{3}$ below levels under the New
START Treaty to 1,000 to 1,100 warheads.

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

7 (b) REDUCTIONS IN NUCLEAR FORCES.—

8 (1) REDUCTION OF NUCLEAR-ARMED SUB-
9 MARINES.—Notwithstanding any other provision of
10 law, none of the funds authorized to be appropriated
11 or otherwise made available for fiscal year 2022 or
12 any fiscal year thereafter for the Department of De-
13 fense may be obligated or expended for purchasing
14 more than eight Columbia-class submarines.

15 (2) REDUCTION OF GROUND-BASED MIS-
16 SILES.—Notwithstanding any other provision of law,
17 beginning in fiscal year 2022, the forces of the Air
18 Force shall include not more than 150 interconti-
19 nental ballistic missiles.

20 (3) REDUCTION OF DEPLOYED STRATEGIC WAR-
21 HEADS.—Notwithstanding any other provision of
22 law, beginning in fiscal year 2022, the forces of the
23 United States Military shall include not more than
24 1,000 deployed strategic warheads, as that term is
25 defined in the New START Treaty.

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

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

17 (6) PROHIBITION ON NEW AIR-LAUNCHED
18 CRUISE MISSILE.—Notwithstanding any other provi-
19 sion of law, none of the funds authorized to be ap-
20 propriated or otherwise made available for fiscal
21 year 2022 or any fiscal year thereafter for the De-
22 partment of Defense or the Department of Energy
23 may be obligated or expended for the research, de-
24 velopment, test, and evaluation or procurement of
25 the long-range stand-off weapon or any other new

1 air-launched cruise missile or for the W80 warhead
2 life extension program.

3 (7) PROHIBITION ON NEW INTERCONTINENTAL
4 BALLISTIC MISSILE.—Notwithstanding any other
5 provision of law, none of the funds authorized to be
6 appropriated or otherwise made available for fiscal
7 year 2022 or any fiscal year thereafter for the De-
8 partment of Defense may be obligated or expended
9 for the research, development, test, and evaluation
10 or procurement of the ground-based strategic deter-
11 rent or any new intercontinental ballistic missile.

12 (8) TERMINATION OF URANIUM PROCESSING
13 FACILITY.—Notwithstanding any other provision of
14 law, none of the funds authorized to be appropriated
15 or otherwise made available for fiscal year 2022 or
16 any fiscal year thereafter for the Department of De-
17 fense or the Department of Energy may be obligated
18 or expended for the Uranium Processing Facility lo-
19 cated at the Y-12 National Security Complex, Oak
20 Ridge, Tennessee.

21 (9) PROHIBITION ON PROCUREMENT AND DE-
22 PLOYMENT OF NEW LOW-YIELD WARHEAD.—Not-
23 withstanding any other provision of law, none of the
24 funds authorized to be appropriated or otherwise
25 made available for fiscal year 2022 or any fiscal year

1 thereafter for the Department of Defense or the De-
2 partment of Energy may be obligated or expended to
3 deploy the W76–2 low-yield nuclear warhead or any
4 other low-yield or nonstrategic nuclear warhead.

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

16 (11) LIMITATION ON PLUTONIUM PIT PRODUC-
17 TION.—Notwithstanding any other provision of law,
18 none of the funds authorized to be appropriated or
19 otherwise made available for fiscal year 2022 or any
20 fiscal year thereafter for the Department of Defense
21 or the Department of Energy may be obligated or
22 expended for achieving production of more than 30
23 plutonium pits per year at Los Alamos National
24 Laboratory, Los Alamos, New Mexico.

1 (12) LIMITATION ON W87-1 WARHEAD PRO-
2 CUREMENT AND DEPLOYMENT.—Notwithstanding
3 any other provision of law, none of the funds author-
4 ized to be appropriated or otherwise made available
5 for fiscal year 2022 or any fiscal year thereafter for
6 the Department of Defense or the Department of
7 Energy may be obligated or expended for the pro-
8 curement or deployment of the W87-1 warhead for
9 use on any missile that can feasibly employ a W87
10 warhead.

11 (13) LIMITATION ON SUSTAINMENT OF B83-1
12 BOMB.—Notwithstanding other provision of law,
13 none of the funds authorized to be appropriated or
14 otherwise made available for fiscal year 2022 or any
15 fiscal year thereafter for the Department of Defense
16 or the Department of Energy may be obligated or
17 expended for the sustainment of the B83-1 bomb
18 beyond the time at which confidence in the B61-12
19 stockpile is gained.

20 (14) PROHIBITION ON SPACE-BASED MISSILE
21 DEFENSE.—Notwithstanding other provision of law,
22 none of the funds authorized to be appropriated or
23 otherwise made available for fiscal year 2022 or any
24 fiscal year thereafter for the Department of Defense
25 or the Department of Energy may be obligated or

1 expended for the research, development, test, and
2 evaluation or procurement of a space-based missile
3 defense system.

4 (15) PROHIBITION ON THE W-93 WARHEAD.—
5 Notwithstanding any other provision of law, none of
6 the funds authorized to be appropriated or otherwise
7 made available for fiscal year 2022 or any fiscal year
8 thereafter for the Department of Defense or the De-
9 partment of Energy may be obligated or expended
10 for the procurement and deployment of a W-93 war-
11 head on a submarine launched ballistic missile.

12 (c) REPORTS REQUIRED.—

13 (1) INITIAL REPORT.—Not later than 180 days
14 after the date of the enactment of this Act, the Sec-
15 retary of Defense and the Secretary of Energy shall
16 jointly submit to the appropriate committees of Con-
17 gress a report outlining the plan of each Secretary
18 to carry out subsection (b).

19 (2) ANNUAL REPORT.—Not later than March 1,
20 2022, and annually thereafter, the Secretary of De-
21 fense and the Secretary of Energy shall jointly sub-
22 mit to the appropriate committees of Congress a re-
23 port outlining the plan of each Secretary to carry
24 out subsection (b), including any updates to pre-
25 viously submitted reports.

1 (3) ANNUAL NUCLEAR WEAPONS ACCOUNT-
2 ING.—Not later than September 30, 2022, and an-
3 nually thereafter, the President shall transmit to the
4 appropriate committees of Congress a report con-
5 taining a comprehensive accounting by the Director
6 of the Office of Management and Budget of the
7 amounts obligated and expended by the Federal
8 Government for each nuclear weapon and related
9 nuclear program during—

10 (A) the fiscal year covered by the report;

11 and

12 (B) the life cycle of such weapon or pro-
13 gram.

14 (4) COST ESTIMATE REPORT.—Not later than
15 180 days after the date of the enactment of this Act,
16 the Secretary of Defense and the Secretary of En-
17 ergy shall jointly submit to the appropriate commit-
18 tees of Congress a report outlining the estimated
19 cost savings that result from carrying out subsection
20 (b).

21 (5) REPORT ON FUNDING NATIONAL DEFENSE
22 STRATEGY.—Not later than 180 days after the pub-
23 lication of a National Defense Strategy under sec-
24 tion 113(g) of title 10, United States Code, the Sec-
25 retary of Defense shall submit to the appropriate

1 committees of Congress a report explaining how the
2 Secretary proposes to fund the National Defense
3 Strategy under different levels of projected defense
4 spending, including scenarios in which—

5 (A) anticipated cost savings from reform
6 do not materialize; or

7 (B) defense spending decreases to the lev-
8 els specified by the Budget Control Act of 2011
9 (Public Law 112–25; 125 Stat. 240).

10 (6) MODIFICATION OF PERIOD TO BE COVERED
11 BY ESTIMATES OF COSTS RELATING TO NUCLEAR
12 WEAPONS.—Section 492a of title 10, United States
13 Code, is amended in subsections (a)(2)(F) and
14 (b)(1)(A) by striking “10-year period” each place it
15 appears and inserting “25-year period”.

16 (7) APPROPRIATE COMMITTEES OF CONGRESS
17 DEFINED.—In this subsection, the term “appro-
18 priate committees of Congress” means—

19 (A) the Committee on Armed Services, the
20 Committee on Foreign Relations, the Com-
21 mittee on Appropriations, and the Committee
22 on Energy and Natural Resources of the Sen-
23 ate; and

24 (B) the Committee on Armed Services, the
25 Committee on Foreign Affairs, the Committee

1 on Appropriations, the Committee on Energy
2 and Commerce, and the Committee on Natural
3 Resources of the House of Representatives.