

United States Senate

September 10, 2020

The Honorable James Inhofe
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

The Honorable Jack Reed
Ranking Member
Committee on Armed Services
United States Senate
Washington, DC 20510

The Honorable Adam Smith
Chairman
Committee on Armed Services
United States House of Representatives
Washington, DC 20515

The Honorable Mac Thornberry
Ranking Member
Committee on Armed Services
United States House of Representatives
Washington, DC 20515

Dear Chairmen Inhofe and Smith and Ranking Members Reed and Thornberry:

We write to request that the Senate recede to Section 3121 of H.R. 6395, the House-passed Fiscal Year (FY) 2021 National Defense Authorization Act (NDAA). Section 3121 of the House-passed NDAA prohibits FY2021 funds, and those from previous years, from being made available to prepare for or to conduct a nuclear weapons test.¹ Additionally, we ask that you strike Section 3166 of the Senate NDAA, which authorizes not less than \$10 million to “carry out projects related to reducing the time required to execute a nuclear test if necessary.”

These requests have become necessary because of the Trump administration’s position on the possible resumption of nuclear testing. On May 22, 2020, the *Washington Post* reported that senior Trump administration officials advocated for a “demonstration” nuclear test in an effort to bring Russia and China to the arms control negotiating table.² Before John Bolton left his position as National Security Advisor in September 2019, he publicly confirmed his advocacy for withdrawing the United States from the Comprehensive Nuclear-Test-Ban Treaty (CTBT).³ And Ambassador Marshall Billingslea, Special Envoy for Arms Control, has refused to rule out a provocative “demonstration” test, saying he “won’t shut the door on it because why would we,” while conceding that no technical or national security rationale exists for resumed U.S. nuclear testing.

¹ Section 3121 is adapted from the Preserving Leadership Against Nuclear Explosives Testing Act of 2020 (“PLANET Act”) first introduced in the Senate on June 4, 2020 and in the House of Representatives on June 8, 2020, <https://www.markey.senate.gov/news/press-releases/senator-markey-senate-colleagues-announce-legislation-to-prohibit-restart-of-us-nuclear-weapons-testing>.

² John Hudson and Paul Somme, *Trump administration discussed conducting first U.S. nuclear test in decades*, *Washington Post* (May 22, 2020), https://www.washingtonpost.com/national-security/trump-administrationdiscussed-conducting-first-us-nuclear-test-in-decades/2020/05/22/a805c904-9c5b-11ea-b60c3be060a4f8e1_story.html.

³ Julian Borger, *White House held talks over resuming US nuclear tests, John Bolton says* (July 22, 2020), <https://www.theguardian.com/us-news/2020/jul/22/john-bolton-us-nuclear-tests-white-house>.

Accordingly, we ask you to shut the door on the prospect of any renewed nuclear testing in FY2021, which would only redound to our detriment. A U.S. nuclear weapons testing restart would give license to other nuclear armed countries to conduct their own tests — including Russia and China, whose nuclear arsenals are especially in our national interest to restrain. The United States has long worked to reduce the role and salience of nuclear weapons globally, and maintaining a testing moratorium is central to preventing any country from making qualitative or quantitative advances in its nuclear weapons programs. Indeed, in 2016, the United States led the adoption of UN Security Council Resolution 2310, calling on all countries to maintain their moratoria on nuclear-weapon tests.⁴ Lifting our testing moratorium without cause would severely harm our reputation on the global stage, undermine our leadership, and make it difficult to hold states such as Iran and North Korea accountable for violations of Security Council resolutions.

There is also no technical rationale for breaking the U.S. moratorium on nuclear weapons testing. In February 2020, National Nuclear Security Administration (NNSA) Administrator Lisa Gordon-Hagerty testified that “the science based Stockpile Stewardship Program (SSP) supported certifying to the President for the 24th consecutive year that the U.S. nuclear weapons stockpile remains, safe, secure, and reliable without the need for nuclear explosive testing.”⁵ In June 2020, in response to a letter from Congress, NNSA wrote that “nothing has changed” with that assessment.⁶ NNSA further stated that “no funds have been expended or requested for [the] purpose” of resuming nuclear explosive testing. Importantly, Section 3121 of the House-passed NDAA does not interfere with the U.S. requirement under Presidential Directive 15 (1993) to maintain a nuclear-test readiness posture of 24-36 months⁷, and it explicitly allows for stockpile stewardship activities that do not violate the “zero-yield” threshold of the CTBT, such as sub-critical experiments conducted at the Nevada National Security Site.

A super majority of Americans, 71 percent, agree that we should not break the near three decade U.S. moratorium on nuclear-weapons testing.⁸ This year, we commemorate the 75th anniversary of the advent and the only uses of the atomic bomb. It is more appropriate than ever that we continue to honor the moratorium on nuclear testing. We ask that, in conference on the NDAA, you retain Section 3121 of the House-passed NDAA and strike Section 3166 of the

⁴ Meetings Coverage and Press Releases, Adopting Resolution 2310 (2016), *Security Council Calls for Early Entry into Force of Nuclear-Test-Ban Treaty, Ratification by Eight Annex 2 Hold-Out States*, United Nations (Sept. 23, 2016), <https://www.un.org/press/en/2016/sc12530.doc.htm>.

⁵ Testimony Statement of The Honorable Lisa E. Gordon-Hagerty Under Secretary for Nuclear Security and Administrator of the National Nuclear Security Administration U.S. Department of Energy Before the House Appropriations Committee Subcommittee on Energy and Water Development, 116th Cong., 2nd Sess. (2020) <https://docs.house.gov/meetings/AP/AP10/20200304/110623/HHRG-116-AP10-Wstate-Gordon-HagertyL-20200304.pdf>.

⁶ Letter from Lisa E. Gordon-Hagerty, Under Secretary for Nuclear Security and Administrator of the National Nuclear Security Administration, U.S. Department of Energy to Adam Smith, Chairman of the Committee on Armed Services (June 30, 2020)

⁷ Gary Martin. *Scientists urge US not to resume nuke tests* (June 19, 2020). <https://www.reviewjournal.com/news/politics-and-government/scientists-urge-us-not-to-resume-nuke-tests-2056802/>

⁸ Stephen Herzog, Benoît Pelopidas, and Fabrício Fialho. *Donald Trump Could Lose the Election by Authorizing a New Nuclear Weapons Test* (June 23, 2020). <https://nationalinterest.org/feature/donald-trump-could-lose-election-authorizing-new-nuclear-weapons-test-163328>

Senate NDAA. Doing so will advance our national security and preserve longstanding U.S. leadership in reducing the role, salience, and number of nuclear weapons globally.

Sincerely,

_____/s/_____
Edward J. Markey
United States Senator

_____/s/_____
Tammy Baldwin
United States Senator

_____/s/_____
Sherrod Brown
United States Senator

_____/s/_____
Chris Van Hollen
United States Senator

_____/s/_____
Dianne Feinstein
United States Senator

_____/s/_____
Christopher A. Coons
United States Senator

_____/s/_____
Elizabeth Warren
United States Senator

_____/s/_____
Richard J. Durbin
United States Senator

_____/s/_____
Jeffrey A. Merkley
United States Senator

_____/s/_____
Kirsten Gillibrand
United States Senator

_____/s/_____
Ron Wyden
United States Senator

_____/s/_____
Bernard Sanders
United States Senator

_____/s/_____
Christopher S. Murphy
United States Senator

_____/s/_____
Mazie K. Hirono
United States Senator

_____/s/_____
Patrick Leahy
United States Senator

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Richard Blumenthal
United States Senator

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Benjamin L. Cardin
United States Senator

_____/s/_____
Robert P. Casey, Jr.
United States Senator

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Patty Murray
United States Senator

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Tina Smith
United States Senator

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Charles E. Schumer
United States Senator

_____/s/_____
Brian Schatz
United States Senator