

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Smarter Approaches  
5 to Nuclear Expenditures Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1           (1) The United States continues to maintain an  
2           excessively large and costly arsenal of nuclear deliv-  
3           ery systems and warheads that are a holdover from  
4           the Cold War.

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

23          (3) Between fiscal years 2019 and 2028, the  
24          United States will spend \$494,000,000,000 to main-  
25          tain and recapitalize its nuclear force, according to

1 a January 2019 estimate from the Congressional  
2 Budget Office, an increase of \$94,000,000,000 from  
3 the Congressional Budget Office’s 2017 estimate,  
4 with additional cost driven in part by the new nu-  
5 clear weapons called for in former President Donald  
6 Trump’s 2018 Nuclear Posture Review.

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

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

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

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

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

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

1 whether the agency has prioritized certain mod-  
2 ernization programs or considered trade-offs (such  
3 as deferring or cancelling specific modernization pro-  
4 grams)”.  
5

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

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

25 (11) Former President Trump expanded the  
role of, and spending on, nuclear weapons in United

1 States policy at the same time that he withdrew  
2 from, unsigned, or otherwise terminated a series of  
3 important arms control and nonproliferation agree-  
4 ments.

5 **SEC. 3. REDUCTIONS IN NUCLEAR FORCES.**

6 (a) REDUCTION OF NUCLEAR-ARMED SUB-  
7 MARINES.—Notwithstanding any other provision of law,  
8 none of the funds authorized to be appropriated or other-  
9 wise made available for fiscal year 2022 or any fiscal year  
10 thereafter for the Department of Defense may be obli-  
11 gated or expended for purchasing more than eight Colum-  
12 bia-class submarines.

13 (b) REDUCTION OF GROUND-BASED MISSILES.—  
14 Notwithstanding any other provision of law, beginning in  
15 fiscal year 2022, the forces of the Air Force shall include  
16 not more than 150 intercontinental ballistic missiles.

17 (c) REDUCTION OF DEPLOYED STRATEGIC WAR-  
18 HEADS.—Notwithstanding any other provision of law, be-  
19 ginning in fiscal year 2022, the forces of the United States  
20 Military shall include not more than 1,000 deployed stra-  
21 tegic warheads, as that term is defined in the New START  
22 Treaty.

23 (d) LIMITATION ON NEW LONG-RANGE PENE-  
24 TRATING BOMBER AIRCRAFT.—Notwithstanding any  
25 other provision of law, none of the funds authorized to

1 be appropriated or otherwise made available for any of fis-  
2 cal years 2022 through 2028 for the Department of De-  
3 fense may be obligated or expended for purchasing more  
4 than 80 B-21 long-range penetrating bomber aircraft.

5 (e) PROHIBITION ON F-35 NUCLEAR MISSION.—  
6 Notwithstanding any other provision of law, none of the  
7 funds authorized to be appropriated or otherwise made  
8 available for fiscal year 2022 or any fiscal year thereafter  
9 for the Department of Defense or the Department of En-  
10 ergy may be used to make the F-35 Joint Strike Fighter  
11 aircraft capable of carrying nuclear weapons.

12 (f) PROHIBITION ON NEW AIR-LAUNCHED CRUISE  
13 MISSILE.—Notwithstanding any other provision of law,  
14 none of the funds authorized to be appropriated or other-  
15 wise made available for fiscal year 2022 or any fiscal year  
16 thereafter for the Department of Defense or the Depart-  
17 ment of Energy may be obligated or expended for the re-  
18 search, development, test, and evaluation or procurement  
19 of the long-range stand-off weapon or any other new air-  
20 launched cruise missile or for the W80 warhead life exten-  
21 sion program.

22 (g) PROHIBITION ON NEW INTERCONTINENTAL BAL-  
23 LISTIC MISSILE.—Notwithstanding any other provision of  
24 law, none of the funds authorized to be appropriated or  
25 otherwise made available for fiscal year 2022 or any fiscal

1 year thereafter for the Department of Defense may be ob-  
2 ligated or expended for the research, development, test,  
3 and evaluation or procurement of the ground-based stra-  
4 tegic deterrent or any new intercontinental ballistic mis-  
5 sile.

6 (h) TERMINATION OF URANIUM PROCESSING FACIL-  
7 ITY.—Notwithstanding any other provision of law, none  
8 of the funds authorized to be appropriated or otherwise  
9 made available for fiscal year 2022 or any fiscal year  
10 thereafter for the Department of Defense or the Depart-  
11 ment of Energy may be obligated or expended for the Ura-  
12 nium Processing Facility located at the Y-12 National Se-  
13 curity Complex, Oak Ridge, Tennessee.

14 (i) PROHIBITION ON PROCUREMENT AND DEPLOY-  
15 MENT OF NEW LOW-YIELD WARHEAD.—Notwithstanding  
16 any other provision of law, none of the funds authorized  
17 to be appropriated or otherwise made available for fiscal  
18 year 2022 or any fiscal year thereafter for the Department  
19 of Defense or the Department of Energy may be obligated  
20 or expended to deploy the W76-2 low-yield nuclear war-  
21 head or any other low-yield or nonstrategic nuclear war-  
22 head.

23 (j) PROHIBITION ON NEW SUBMARINE-LAUNCHED  
24 CRUISE MISSILE.—Notwithstanding any other provision  
25 of law, none of the funds authorized to be appropriated



1 or otherwise made available for fiscal year 2022 or any  
2 fiscal year thereafter for the Department of Defense or  
3 the Department of Energy may be obligated or expended  
4 for the research, development, test, and evaluation or pro-  
5 curement of a new submarine-launched cruise missile ca-  
6 pable of carrying a low-yield or nonstrategic nuclear war-  
7 head.

8 (k) LIMITATION ON PLUTONIUM PIT PRODUCTION.—  
9 Notwithstanding any other provision of law, none of the  
10 funds authorized to be appropriated or otherwise made  
11 available for fiscal year 2022 or any fiscal year thereafter  
12 for the Department of Defense or the Department of En-  
13 ergy may be obligated or expended for achieving produc-  
14 tion of more than 30 plutonium pits per year at Los Ala-  
15 mos National Laboratory, Los Alamos, New Mexico.

16 (l) LIMITATION ON W87-1 WARHEAD PROCURE-  
17 MENT AND DEPLOYMENT.—Notwithstanding any other  
18 provision of law, none of the funds authorized to be appro-  
19 priated or otherwise made available for fiscal year 2022  
20 or any fiscal year thereafter for the Department of De-  
21 fense or the Department of Energy may be obligated or  
22 expended for the procurement or deployment of the W87-  
23 1 warhead for use on any missile that can feasibly employ  
24 a W87 warhead.

1 (m) LIMITATION ON SUSTAINMENT OF B83-1  
2 BOMB.—Notwithstanding other provision of law, none of  
3 the funds authorized to be appropriated or otherwise made  
4 available for fiscal year 2022 or any fiscal year thereafter  
5 for the Department of Defense or the Department of En-  
6 ergy may be obligated or expended for the sustainment  
7 of the B83-1 bomb beyond the time at which confidence  
8 in the B61-12 stockpile is gained.

9 (n) PROHIBITION ON SPACE-BASED MISSILE DE-  
10 FENSE.—Notwithstanding other provision of law, none of  
11 the funds authorized to be appropriated or otherwise made  
12 available for fiscal year 2022 or any fiscal year thereafter  
13 for the Department of Defense or the Department of En-  
14 ergy may be obligated or expended for the research, devel-  
15 opment, test, and evaluation or procurement of a space-  
16 based missile defense system.

17 (o) PROHIBITION ON THE W-93 WARHEAD.—Not-  
18 withstanding any other provision of law, none of the funds  
19 authorized to be appropriated or otherwise made available  
20 for fiscal year 2022 or any fiscal year thereafter for the  
21 Department of Defense or the Department of Energy may  
22 be obligated or expended for the procurement and deploy-  
23 ment of a W-93 warhead on a submarine launched bal-  
24 listic missile.

1 **SEC. 4. REPORTS REQUIRED.**

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

7 (b) ANNUAL REPORT.—Not later than March 1,  
8 2022, and annually thereafter, the Secretary of Defense  
9 and the Secretary of Energy shall jointly submit to the  
10 appropriate committees of Congress a report outlining the  
11 plan of each Secretary to carry out section 3, including  
12 any updates to previously submitted reports.

13 (c) ANNUAL NUCLEAR WEAPONS ACCOUNTING.—  
14 Not later than September 30, 2022, and annually there-  
15 after, the President shall transmit to the appropriate com-  
16 mittees of Congress a report containing a comprehensive  
17 accounting by the Director of the Office of Management  
18 and Budget of the amounts obligated and expended by the  
19 Federal Government for each nuclear weapon and related  
20 nuclear program during—

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

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

23 (d) COST ESTIMATE REPORT.—Not later than 180  
24 days after the date of the enactment of this Act, the Sec-  
25 retary of Defense and the Secretary of Energy shall jointly  
26 submit to the appropriate committees of Congress a report

1 outlining the estimated cost savings that result from car-  
2 rying out section 3.

3 (e) REPORT ON FUNDING NATIONAL DEFENSE  
4 STRATEGY.—Not later than 180 days after the publication  
5 of a National Defense Strategy under section 113(g) of  
6 title 10, United States Code, the Secretary of Defense  
7 shall submit to the appropriate committees of Congress  
8 a report explaining how the Secretary proposes to fund  
9 the National Defense Strategy under different levels of  
10 projected defense spending, including scenarios in which—

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

13 (2) defense spending decreases to the levels  
14 specified by the Budget Control Act of 2011 (Public  
15 Law 112–25; 125 Stat. 240).

16 (f) MODIFICATION OF PERIOD TO BE COVERED BY  
17 ESTIMATES OF COSTS RELATING TO NUCLEAR WEAP-  
18 ONS.—Section 1043 of the National Defense Authoriza-  
19 tion Act for Fiscal Year 2012 (Public Law 112–81; 125  
20 Stat. 1576), as most recently amended by section 1670  
21 of the John S. McCain National Defense Authorization  
22 Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat.  
23 2157), is further amended in subsections (a)(2)(F) and  
24 (b)(1)(A) by striking “10-year period” each place it ap-  
25 pears and inserting “25-year period”.

1 (g) APPROPRIATE COMMITTEES OF CONGRESS DE-  
2 FINED.—In this section, the term “appropriate commit-  
3 tees of Congress” means—

4 (1) the Committee on Armed Services, the  
5 Committee on Foreign Relations, the Committee on  
6 Appropriations, and the Committee on Energy and  
7 Natural Resources of the Senate; and

8 (2) the Committee on Armed Services, the  
9 Committee on Foreign Affairs, the Committee on  
10 Appropriations, the Committee on Energy and Com-  
11 merce, and the Committee on Natural Resources of  
12 the House of Representatives.