

118TH 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.

IN THE SENATE OF THE UNITED STATES

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

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 3,708 total nuclear
7 warheads in its military stockpile, of which approxi-
8 mately 1,744 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 66 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 2021 and 2030, the
24 United States will spend an estimated
25 \$634,000,000,000 to maintain and recapitalize its

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

10 (4) Adjusted for inflation, the Congressional
11 Budget Office estimates that the United States will
12 spend \$634,000,000,000 between 2021 and 2030 on
13 new nuclear weapons and modernization and infra-
14 structure programs, an estimate that in total is 28
15 percent higher than the Congressional Budget Of-
16 fice’s most recent previous estimate of the 10-year
17 costs of nuclear forces.

18 (5) Inaccurate budget forecasting is likely to
19 continue to plague the Department of Defense and
20 the Department of Energy, as evidenced by the fis-
21 cal year 2023 budget request of the President for
22 the National Nuclear Security Administration
23 “Weapon Activities” account, which far exceeded
24 what the National Nuclear Security Administration
25 had projected in previous years.

1 (6) The projected growth in nuclear weapons
2 spending is coming due as the Department of De-
3 fense is seeking to replace large portions of its con-
4 ventional forces to better compete with the Russian
5 Federation and the People’s Republic of China and
6 as internal and external fiscal pressures are likely to
7 limit the growth of, and perhaps reduce, military
8 spending. As then-Air Force Chief of Staff General
9 Dave Goldfein said in 2020, “I think a debate is
10 that this will be the first time that the nation has
11 tried to simultaneously modernize the nuclear enter-
12 prise while it’s trying to modernize an aging conven-
13 tional enterprise. The current budget does not allow
14 you to do both.”.

15 (7) In 2023, the Government Accountability Of-
16 fice released a report entitled “Nuclear Weapons:
17 NNSA Does Not Have a Comprehensive Schedule or
18 Cost Estimate for Pit Production Capability”, stat-
19 ing the National Nuclear Security Administration
20 “had limited assurance that it would be able to
21 produce sufficient numbers of pits in time” to meet
22 the requirement under section 4219 of the Atomic
23 Energy Defense Act (50 U.S.C. 2538a) that the Na-
24 tional Nuclear Security Administration produce 80
25 plutonium pits by 2030.

1 (8) According to the Government Accountability
2 Office, the National Nuclear Security Administration
3 has still not factored affordability concerns into its
4 planning as was recommended by the Government
5 Accountability Office in 2017, with the warning that
6 “it is essential for NNSA to present information to
7 Congress and other key decision makers indicating
8 whether the agency has prioritized certain mod-
9 ernization programs or considered trade-offs (such
10 as deferring or cancelling specific modernization pro-
11 grams)”. Instead, the budget estimate of the De-
12 partment of Energy for nuclear modernization ac-
13 tivities during the period of fiscal years 2021
14 through 2025 was \$81,000,000,000—
15 \$15,000,000,000 more than the 2020 budget esti-
16 mate of the Department for the same period.

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

24 (10) The Department of Defense’s June 2013
25 nuclear policy guidance entitled “Report on Nuclear

1 Employment Strategy of the United States” found
2 that force levels under the April 2010 Treaty on
3 Measures for the Further Reduction and Limitation
4 of Strategic Offensive Arms between the United
5 States and the Russian Federation (commonly
6 known as the “New START Treaty”) “are more
7 than adequate for what the United States needs to
8 fulfill its national security objectives” and can be re-
9 duced by up to $\frac{1}{3}$ below levels under the New
10 START Treaty to 1,000 to 1,100 warheads.

11 (11) Former President Trump expanded the
12 role of, and spending on, nuclear weapons in United
13 States policy at the same time that he withdrew
14 from, unsigned, or otherwise terminated a series of
15 important arms control and nonproliferation agree-
16 ments.

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

18 (a) REDUCTION OF NUCLEAR-ARMED SUB-
19 MARINES.—Notwithstanding any other provision of law,
20 none of the funds authorized to be appropriated or other-
21 wise made available for fiscal year 2024 or any fiscal year
22 thereafter for the Department of Defense may be obli-
23 gated or expended for purchasing more than eight Colum-
24 bia-class submarines.

1 (b) REDUCTION OF GROUND-BASED MISSILES.—
2 Notwithstanding any other provision of law, beginning in
3 fiscal year 2024, the forces of the Air Force shall include
4 not more than 150 intercontinental ballistic missiles.

5 (c) REDUCTION OF DEPLOYED STRATEGIC WAR-
6 HEADS.—Notwithstanding any other provision of law, be-
7 ginning in fiscal year 2024, the forces of the United States
8 Military shall include not more than 1,000 deployed stra-
9 tegic warheads, as that term is defined in the New START
10 Treaty.

11 (d) LIMITATION ON NEW LONG-RANGE PENE-
12 TRATING BOMBER AIRCRAFT.—Notwithstanding any
13 other provision of law, none of the funds authorized to
14 be appropriated or otherwise made available for any of fis-
15 cal years 2024 through 2028 for the Department of De-
16 fense may be obligated or expended for purchasing more
17 than 80 B–21 long-range penetrating bomber aircraft.

18 (e) PROHIBITION ON F–35 NUCLEAR MISSION.—
19 Notwithstanding any other provision of law, none of the
20 funds authorized to be appropriated or otherwise made
21 available for fiscal year 2024 or any fiscal year thereafter
22 for the Department of Defense or the Department of En-
23 ergy may be used to make the F–35 Joint Strike Fighter
24 aircraft capable of carrying nuclear weapons.

1 (f) PROHIBITION ON NEW AIR-LAUNCHED CRUISE
2 MISSILE.—Notwithstanding any other provision of law,
3 none of the funds authorized to be appropriated or other-
4 wise made available for fiscal year 2024 or any fiscal year
5 thereafter for the Department of Defense or the Depart-
6 ment of Energy may be obligated or expended for the re-
7 search, development, test, and evaluation or procurement
8 of the long-range stand-off weapon or any other new air-
9 launched cruise missile or for the W80 warhead life exten-
10 sion program.

11 (g) PROHIBITION ON NEW INTERCONTINENTAL BAL-
12 LISTIC MISSILE.—Notwithstanding any other provision of
13 law, none of the funds authorized to be appropriated or
14 otherwise made available for fiscal year 2024 or any fiscal
15 year thereafter for the Department of Defense may be ob-
16 ligated or expended for the research, development, test,
17 and evaluation or procurement of the LGM–35 Sentinel,
18 previously known as the ground-based strategic deterrent,
19 or any new intercontinental ballistic missile.

20 (h) TERMINATION OF URANIUM PROCESSING FACIL-
21 ITY.—Notwithstanding any other provision of law, none
22 of the funds authorized to be appropriated or otherwise
23 made available for fiscal year 2024 or any fiscal year
24 thereafter for the Department of Defense or the Depart-
25 ment of Energy may be obligated or expended for the Ura-

1 nium Processing Facility located at the Y-12 National Se-
2 curity Complex, Oak Ridge, Tennessee.

3 (i) PROHIBITION ON PROCUREMENT AND DEPLOY-
4 MENT OF NEW LOW-YIELD WARHEAD.—Notwithstanding
5 any other provision of law, none of the funds authorized
6 to be appropriated or otherwise made available for fiscal
7 year 2024 or any fiscal year thereafter for the Department
8 of Defense or the Department of Energy may be obligated
9 or expended to deploy the W76-2 low-yield nuclear war-
10 head or any other low-yield or nonstrategic nuclear war-
11 head.

12 (j) PROHIBITION ON NEW SUBMARINE-LAUNCHED
13 CRUISE MISSILE.—Notwithstanding any other provision
14 of law, none of the funds authorized to be appropriated
15 or otherwise made available for fiscal year 2024 or any
16 fiscal year thereafter for the Department of Defense or
17 the Department of Energy may be obligated or expended
18 for the research, development, test, and evaluation or pro-
19 curement of a new submarine-launched cruise missile ca-
20 pable of carrying a low-yield or nonstrategic nuclear war-
21 head, as the 2022 Nuclear Posture Review found this sys-
22 tem “no longer necessary”.

23 (k) LIMITATION ON PLUTONIUM PIT PRODUCTION.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law, none of the funds authorized to be

1 appropriated or otherwise made available for fiscal
2 year 2024 or any fiscal year thereafter for the De-
3 partment of Defense or the Department of Energy
4 may be obligated or expended for expanding produc-
5 tion of plutonium pits at the Los Alamos National
6 Laboratory, Los Alamos, New Mexico, or the Savan-
7 nah River Site, South Carolina, until the Adminis-
8 trator for Nuclear Security submits to the appro-
9 priate committees of Congress an integrated master
10 schedule and total estimated cost for the National
11 Nuclear Security Administration’s overall plutonium
12 pit production effort during the period of 2025
13 through 2035.

14 (2) REQUIREMENTS FOR SCHEDULE.—The
15 schedule required to be submitted under paragraph
16 (1) shall—

17 (A) include timelines, resources, and budg-
18 ets for planned work; and

19 (B) be consistent with modern manage-
20 ment standards and best practices as described
21 in guidelines of the Government Accountability
22 Office.

23 (1) PROHIBITION ON SUSTAINMENT OF B83-1
24 BOMB.—Notwithstanding other provision of law, none of
25 the funds authorized to be appropriated or otherwise made

1 available for fiscal year 2024 or any fiscal year thereafter
2 for the Department of Defense or the Department of En-
3 ergy may be obligated or expended for the sustainment
4 of the B83-1 bomb, as the 2022 Nuclear Posture Review
5 declared the B83-1 “will be retired”.

6 (m) PROHIBITION ON SPACE-BASED MISSILE DE-
7 FENSE.—Notwithstanding other provision of law, none of
8 the funds authorized to be appropriated or otherwise made
9 available for fiscal year 2024 or any fiscal year thereafter
10 for the Department of Defense or the Department of En-
11 ergy may be obligated or expended for the research, devel-
12 opment, test, and evaluation or procurement of a space-
13 based missile defense system.

14 (n) PROHIBITION ON THE W-93 WARHEAD.—Not-
15 withstanding any other provision of law, none of the funds
16 authorized to be appropriated or otherwise made available
17 for fiscal year 2024 or any fiscal year thereafter for the
18 Department of Defense or the Department of Energy may
19 be obligated or expended for the procurement and deploy-
20 ment of a W-93 warhead on a submarine launched bal-
21 listic missile.

22 **SEC. 4. REPORTS REQUIRED.**

23 (a) INITIAL REPORT.—Not later than 180 days after
24 the date of the enactment of this Act, the Secretary of
25 Defense and the Secretary of Energy shall jointly submit

1 to the appropriate committees of Congress a report out-
2 lining the plan of each Secretary to carry out section 3.

3 (b) ANNUAL REPORT.—Not later than March 1,
4 2024, and annually thereafter, the Secretary of Defense
5 and the Secretary of Energy shall jointly submit to the
6 appropriate committees of Congress a report outlining the
7 plan of each Secretary to carry out section 3, including
8 any updates to previously submitted reports.

9 (c) ANNUAL NUCLEAR WEAPONS ACCOUNTING.—
10 Not later than September 30, 2024, and annually there-
11 after, the President shall transmit to the appropriate com-
12 mittees of Congress a report containing a comprehensive
13 accounting by the Director of the Office of Management
14 and Budget of the amounts obligated and expended by the
15 Federal Government for each nuclear weapon and related
16 nuclear program during—

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

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

19 (d) COST ESTIMATE REPORT.—Not later than 180
20 days after the date of the enactment of this Act, the Sec-
21 retary of Defense and the Secretary of Energy shall jointly
22 submit to the appropriate committees of Congress a report
23 outlining the estimated cost savings that result from car-
24 rying out section 3.

1 **SEC. 5. APPROPRIATE COMMITTEES OF CONGRESS DE-**
2 **FINED.**

3 In this Act, the term “appropriate committees of
4 Congress” means—

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

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