

116TH CONGRESS  
1ST SESSION

# S. 401

To prohibit the research and development, production, and deployment of the Trident D5 low-yield nuclear warhead, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2019

Mr. MARKEY (for himself, Mr. MERKLEY, Mrs. FEINSTEIN, Ms. WARREN, Mrs. GILLIBRAND, Mr. VAN HOLLEN, Mr. MURPHY, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To prohibit the research and development, production, and deployment of the Trident D5 low-yield nuclear warhead, 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 “Hold the Low-Yield  
5 Nuclear Explosive Act” or the “Hold the LYNE Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The United States has an unparalleled nu-  
9 clear arsenal, including 1,350 strategic nuclear war-

1 heads deployed on intercontinental ballistic missiles,  
2 submarine-launched ballistic missiles, and strategic  
3 bombers.

4 (2) A new low-yield nuclear weapon to be car-  
5 ried on a ballistic missile submarine risks lowering  
6 the threshold for nuclear use and increasing the  
7 chance of miscalculation that could escalate into all-  
8 out nuclear exchange.

9 (3) When launched, such a low-yield nuclear  
10 warhead would be indistinguishable to an adversary  
11 from the high-yield W76 and W88 submarine-  
12 launched warheads.

13 (4) On January 25, 2018, former Secretary of  
14 State George Schultz testified before the Committee  
15 on Armed Services of the Senate that “A nuclear  
16 weapon is a nuclear weapon. You use a small one,  
17 [and] then you go to a bigger one. I think nuclear  
18 weapons are nuclear weapons and we need to draw  
19 the line there.”.

20 (5) Former Senator Sam Nunn and former Sec-  
21 retary of Energy Ernest Moniz stated in an op-ed on  
22 February 1, 2018, that, “The most immediate pri-  
23 ority should be to structure and posture U.S. and  
24 Russian nuclear forces to deter nuclear use and re-  
25 duce the risk of an accidental, mistaken or unau-

1       thorized launch. Against this backdrop, the current  
2       Russian concept of ‘escalate to de-escalate’—i.e.,  
3       limited nuclear use designed to create a pause in the  
4       conflict and open a pathway for a negotiated settle-  
5       ment on Moscow’s terms—and U.S. calls for more  
6       ‘usable’ nuclear weapons taken together make the  
7       world a vastly more dangerous place.”.

8               (6) The ballistic missile submarines of the  
9       United States have never carried low-yield nuclear  
10      warheads, and setting a historical precedent could  
11      undermine the unique and paramount role of bal-  
12      listic-missile submarines as the assured, survivable  
13      second-strike capability of the United States to deter  
14      large-scale nuclear war.

15              (7) The United States should reject policies  
16      that increase the likelihood of nuclear war and weak-  
17      en national security, including investments in low-  
18      yield nuclear weapons.

19 **SEC. 3. PROHIBITION ON RESEARCH AND DEVELOPMENT,**  
20                           **PRODUCTION, AND DEPLOYMENT OF TRI-**  
21                           **DENT D5 LOW-YIELD NUCLEAR WARHEAD.**

22              (a) IN GENERAL.—Notwithstanding any other provi-  
23      sion of law, none of the funds authorized to be appro-  
24      priated or otherwise made available for fiscal year 2019  
25      or any fiscal year thereafter for the Department of De-

1 fense or the Department of Energy may be obligated or  
2 expended for the research and development, production,  
3 or deployment of the Trident D5 low-yield nuclear war-  
4 head.

5 (b) CONFORMING REPEAL AND RESTORATION.—Sec-  
6 tion 3111 of the John S. McCain National Defense Au-  
7 thorization Act for Fiscal Year 2019 (Public Law 115–  
8 232; 132 Stat. 2289) is repealed, and the provisions of  
9 law amended by such section are restored as if such sec-  
10 tion had not been enacted.

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