

116TH CONGRESS
1ST SESSION

S. 2727

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

OCTOBER 29, 2019

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

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 finds the following:

1 (1) The Berlin Wall fell in 1989, the Soviet
2 Union no longer exists, and the Cold War is over.
3 The nature of threats to the national security and
4 military interests of the United States has changed.
5 However, the United States continues to maintain
6 an excessively large and costly arsenal of nuclear de-
7 livery systems and warheads that are a holdover
8 from the Cold War.

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

1 of those submarines is armed with approximately 90
2 nuclear warheads.

3 (3) The maintenance of this force comes at sig-
4 nificant cost. Between fiscal years 2019 and 2028,
5 the United States will spend \$494,000,000,000 to
6 maintain and recapitalize its nuclear force, according
7 to a January 2019 estimate from the Congressional
8 Budget Office. This is \$94,000,000,000 higher than
9 the Congressional Budget Office's 2017 estimate,
10 with additional cost driven in part by the new nu-
11 clear weapons called for in the 2018 Nuclear Pos-
12 ture Review. Over the next 30 years, the price tag
13 is likely to exceed \$1,500,000,000,000 and could
14 even approach \$2,000,000,000,000.

15 (4) Numerous United States Government offi-
16 cials have warned of the affordability problem posed
17 by the current nuclear weapons sustainment plans,
18 cautioning that these plans cannot be executed in
19 the absence of significant long-term increases to de-
20 fense spending or cuts to other military priorities.
21 For example, Brian McKeon, former Principal Dep-
22 uty Under Secretary of Defense stated in October
23 2015 that: "We're looking at that big bow wave [in
24 nuclear weapons spending] and wondering how the
25 heck we're going to pay for it, and probably thank-

1 ing our lucky stars we won't be here to answer the
2 question." Projected spending on the nuclear weap-
3 ons budget has grown even larger since 2015.

4 (5) The projected growth in nuclear weapons
5 spending is coming due as the Department of De-
6 fense is seeking to replace large portions of its con-
7 ventional forces to better compete with the Russian
8 Federation and the People's Republic of China and
9 as internal and external fiscal pressures are likely to
10 limit the growth of, and perhaps reduce, military
11 spending. "We're going to have enormous pressure
12 on reducing the debt which means that defense
13 spending—I'd like to tell you it's going to keep
14 going up—[but] I'm not terribly optimistic.", Alan
15 Shaffer, Deputy Under Secretary of Defense for Ac-
16 quisition and Sustainment, said in February 2019.

17 (6) A substantial decrease in spending on the
18 nuclear arsenal of the United States is prudent for
19 both the budget and for national security. The De-
20 partment of Defense's June 2013 nuclear policy
21 guidance entitled "Report on Nuclear Employment
22 Strategy of the United States" found that force lev-
23 els under the April 2010 Treaty on Measures for the
24 Further Reduction and Limitation of Strategic Of-
25 fensive Arms between the United States and the

1 Russian Federation (commonly known as the “New
2 START Treaty”) “are more than adequate for what
3 the United States needs to fulfill its national secu-
4 rity objectives” and can be reduced by up to $\frac{1}{3}$
5 below levels under the New START Treaty to 1,000
6 to 1,100 warheads.

7 (7) A December 2018 Congressional Budget
8 Office analysis showed that the projected costs of
9 nuclear forces over the next decade can be reduced
10 by \$8,000,000,000 to \$9,000,000,000 by trimming
11 back current plans, while still maintaining a triad of
12 delivery systems. Even larger savings would accrue
13 over the subsequent decade.

14 (8) Even without additional reductions below
15 the New START Treaty limit of 1,550 deployed
16 strategic warheads, the United States can save tens
17 of billions of dollars by deploying those warheads
18 more efficiently on delivery systems and by deferring
19 production of new delivery systems until they are
20 needed.

21 (9) President Donald Trump is proposing to ex-
22 pand the role of, and spending on, nuclear weapons
23 in United States policy at the same time that the
24 President has undermined critical arms control and
25 nonproliferation agreements. The President has pro-

1 vided no clear indication that the President intends
2 to extend the New START Treaty. The potential ex-
3 piration of that treaty will remove all limits on the
4 size of the United States and Russian nuclear arse-
5 nals, heightening further the risk of unconstrained
6 nuclear weapons competition and even greater
7 spending on nuclear weapons.

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

9 (a) REDUCTION OF NUCLEAR-ARMED SUB-
10 MARINES.—Notwithstanding any other provision of law,
11 none of the funds authorized to be appropriated or other-
12 wise made available for fiscal year 2020 or any fiscal year
13 thereafter for the Department of Defense may be obli-
14 gated or expended for purchasing more than eight Colum-
15 bia-class submarines.

16 (b) REDUCTION OF GROUND-BASED MISSILES.—
17 Notwithstanding any other provision of law, beginning in
18 fiscal year 2020, the forces of the Air Force shall include
19 not more than 150 intercontinental ballistic missiles.

20 (c) REDUCTION OF DEPLOYED STRATEGIC WAR-
21 HEADS.—Notwithstanding any other provision of law, be-
22 ginning in fiscal year 2020, the forces of the United States
23 Military shall include not more than 1,000 deployed stra-
24 tegic warheads, as that term is defined in the New START
25 Treaty.

1 (d) LIMITATION ON NEW LONG-RANGE PENE-
2 TRATING BOMBER AIRCRAFT.—Notwithstanding any
3 other provision of law, none of the funds authorized to
4 be appropriated or otherwise made available for any of fis-
5 cal years 2020 through 2028 for the Department of De-
6 fense may be obligated or expended for purchasing more
7 than 80 B–21 long-range penetrating bomber aircraft.

8 (e) PROHIBITION ON F–35 NUCLEAR MISSION.—
9 Notwithstanding any other provision of law, none of the
10 funds authorized to be appropriated or otherwise made
11 available for fiscal year 2020 or any fiscal year thereafter
12 for the Department of Defense or the Department of En-
13 ergy may be used to make the F–35 Joint Strike Fighter
14 aircraft capable of carrying nuclear weapons.

15 (f) PROHIBITION ON NEW AIR-LAUNCHED CRUISE
16 MISSILE.—Notwithstanding any other provision of law,
17 none of the funds authorized to be appropriated or other-
18 wise made available for fiscal year 2020 or any fiscal year
19 thereafter for the Department of Defense or the Depart-
20 ment of Energy may be obligated or expended for the re-
21 search, development, test, and evaluation or procurement
22 of the long-range stand-off weapon or any other new air-
23 launched cruise missile or for the W80 warhead life exten-
24 sion program.

1 (g) PROHIBITION ON NEW INTERCONTINENTAL BAL-
2 LISTIC MISSILE.—Notwithstanding any other provision of
3 law, none of the funds authorized to be appropriated or
4 otherwise made available for fiscal year 2020 or any fiscal
5 year thereafter for the Department of Defense may be ob-
6 ligated or expended for the research, development, test,
7 and evaluation or procurement of the ground-based stra-
8 tegic deterrent or any new intercontinental ballistic mis-
9 sile.

10 (h) TERMINATION OF URANIUM PROCESSING FACIL-
11 ITY.—Notwithstanding any other provision of law, none
12 of the funds authorized to be appropriated or otherwise
13 made available for fiscal year 2020 or any fiscal year
14 thereafter for the Department of Defense or the Depart-
15 ment of Energy may be obligated or expended for the Ura-
16 nium Processing Facility located at the Y-12 National Se-
17 curity Complex, Oak Ridge, Tennessee.

18 (i) PROHIBITION ON PROCUREMENT AND DEPLOY-
19 MENT OF NEW LOW-YIELD WARHEAD.—Notwithstanding
20 any other provision of law, none of the funds authorized
21 to be appropriated or otherwise made available for fiscal
22 year 2020 or any fiscal year thereafter for the Department
23 of Defense or the Department of Energy may be obligated
24 or expended to procure or deploy the W76-2 low-yield nu-

1 clear warhead or any other low-yield or nonstrategic nu-
2 clear warhead.

3 (j) PROHIBITION ON NEW SUBMARINE-LAUNCHED
4 CRUISE MISSILE.—Notwithstanding any other provision
5 of law, none of the funds authorized to be appropriated
6 or otherwise made available for fiscal year 2020 or any
7 fiscal year thereafter for the Department of Defense or
8 the Department of Energy may be obligated or expended
9 for the research, development, test, and evaluation or pro-
10 curement of a new submarine-launched cruise missile ca-
11 pable of carrying a low-yield or nonstrategic nuclear war-
12 head.

13 (k) LIMITATION ON PLUTONIUM PIT PRODUCTION.—
14 Notwithstanding any other provision of law, none of the
15 funds authorized to be appropriated or otherwise made
16 available for fiscal year 2020 or any fiscal year thereafter
17 for the Department of Defense or the Department of En-
18 ergy may be obligated or expended for achieving produc-
19 tion of more than 30 plutonium pits per year at Los Ala-
20 mos National Laboratory, Los Alamos, New Mexico.

21 (l) LIMITATION ON W87-1 WARHEAD PROCURE-
22 MENT AND DEPLOYMENT.—Notwithstanding any other
23 provision of law, none of the funds authorized to be appro-
24 priated or otherwise made available for fiscal year 2020
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 procurement or deployment of the W87–
3 1 warhead for use on any missile that can feasibly employ
4 a W87 warhead.

5 (m) LIMITATION ON SUSTAINMENT OF B83–1
6 BOMB.—Notwithstanding other provision of law, none of
7 the funds authorized to be appropriated or otherwise made
8 available for fiscal year 2020 or any fiscal year thereafter
9 for the Department of Defense or the Department of En-
10 ergy may be obligated or expended for the sustainment
11 of the B83–1 bomb beyond the time at which confidence
12 in the B61–12 stockpile is gained.

13 (n) PROHIBITION ON SPACE-BASED MISSILE DE-
14 FENSE.—Notwithstanding other provision of law, none of
15 the funds authorized to be appropriated or otherwise made
16 available for fiscal year 2020 or any fiscal year thereafter
17 for the Department of Defense or the Department of En-
18 ergy may be obligated or expended for the research, devel-
19 opment, test, and evaluation or procurement of a space-
20 based missile defense system.

21 **SEC. 4. REPORTS REQUIRED.**

22 (a) INITIAL REPORT.—Not later than 180 days after
23 the date of the enactment of this Act, the Secretary of
24 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 2021, 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, 2020, 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 (e) REPORT ON FUNDING NATIONAL DEFENSE
 2 STRATEGY.—Not later than 180 days after the date of
 3 the enactment of this Act, the Secretary of Defense shall
 4 submit to the appropriate committees of Congress a report
 5 explaining how the Secretary proposes to fund the 2018
 6 National Defense Strategy under different levels of pro-
 7 jected defense spending, including scenarios in which—

8 (1) anticipated cost savings from reform do not
 9 materialize; or

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

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

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

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

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

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