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2D SESSION

S. 4045

To reduce and eliminate threats posed by nuclear weapons to the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 23, 2020

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

A BILL

To reduce and eliminate threats posed by nuclear weapons to the United States, 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 “Hastening Arms Limi-
5 tations Talks Act of 2020” or the “HALT Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The use of nuclear weapons poses an exis-
9 tential threat to humanity, a fact that led President
10 Ronald Reagan and Soviet Premier Mikhail Gorba-

1 chev to declare in a joint statement in 1987 that a
2 “nuclear war cannot be won and must never be
3 fought”.

4 (2) On June 12, 1982, an estimated 1,000,000
5 people attended the largest peace rally in United
6 States history, in support of a movement to freeze
7 and reverse the nuclear arms race, a movement that
8 helped to create the political will necessary for the
9 negotiation of several bilateral arms control treaties
10 between the United States and former Soviet Union,
11 and then the Russian Federation. Those treaties
12 contributed to strategic stability through mutual and
13 verifiable reciprocal nuclear weapons reductions.

14 (3) Since the advent of nuclear weapons in
15 1945, millions of people around the world have stood
16 up to demand meaningful, immediate international
17 action to halt, reduce, and eliminate the threats
18 posed by nuclear weapons, nuclear weapons testing,
19 and nuclear war, to humankind and the planet.

20 (4) In 1970, the Treaty on the Non-Prolifera-
21 tion of Nuclear Weapons done at Washington, Lon-
22 don, and Moscow July 1, 1968 (21 UST 483) (com-
23 monly referred to as the “Nuclear Non-Proliferation
24 Treaty” or the “NPT”) entered into force, which in-
25 cludes a binding obligation on the 5 nuclear-weapon

1 states (commonly referred to as the “P5”), among
2 other things, “to pursue negotiations in good faith
3 on effective measures relating to the cessation of the
4 nuclear arms race . . . and to nuclear disarmament”.

6 (5) Bipartisan United States global leadership
7 has curbed the growth in the number of countries
8 possessing nuclear weapons and has slowed overall
9 vertical proliferation among countries already pos-
10 sessed nuclear weapons, as is highlighted by a more
11 than 85-percent reduction in the United States nu-
12 clear weapons stockpile from its Cold War height of
13 31,255 in 1967.

14 (6) The United States testing of nuclear weap-
15 ons is no longer necessary as a result of the fol-
16 lowing major technical developments since the Sen-
17 ate’s consideration of the Comprehensive Nuclear-
18 Test-Ban Treaty (commonly referred to as the
19 “CTBT”) in 1999:

20 (A) The verification architecture of the
21 Comprehensive Nuclear Test-Ban-Treaty Orga-
22 nization (commonly referred to as the
23 “CTBTO”)—

24 (i) has made significant advance-
25 ments, as seen through its network of 300

1 International Monitoring Stations and its
2 International Data Centre, which together
3 provide for the near instantaneous detec-
4 tion of nuclear explosives tests, including
5 all 6 such tests conducted by North Korea
6 between 2006 and 2017; and

7 (ii) is operational 24 hours a day, 7
8 days a week.

9 (B) Since the United States signed the
10 CTBT, confidence has grown in the science-
11 based Stockpile Stewardship and Management
12 Plan of the Department of Energy, which forms
13 the basis of annual certifications to the Presi-
14 dent regarding the continual safety, security,
15 and effectiveness of the United States nuclear
16 deterrent in the absence of nuclear testing,
17 leading former Secretary of Energy Ernest
18 Moniz to remark in 2015 that “lab directors
19 today now state that they certainly understand
20 much more about how nuclear weapons work
21 than during the period of nuclear testing”.

22 (7) Despite the progress made to reduce the
23 number and role of, and risks posed by, nuclear
24 weapons, and to halt the Cold War-era nuclear arms
25 race, tensions between countries that possess nuclear

1 weapons are on the rise, key nuclear risk reduction
2 treaties are under threat, significant stockpiles of
3 weapons-usable fissile material remain, and a quali-
4 tative global nuclear arms race is now underway
5 with each of the countries that possess nuclear
6 weapons spending tens of billions of dollars each
7 year to maintain and improve their arsenals.

8 (8) The United States and the Russian Federa-
9 tion are both pursuing the development of desta-
10 bilizing types of nuclear weapons, including new
11 lower-yield nuclear weapons that are more usable,
12 and the People’s Republic of China, India, Pakistan,
13 and North Korea have each taken concerning steps
14 to diversify their more modest, but nonetheless very
15 deadly, nuclear arsenals.

16 (9) Since January 2017, President Donald
17 Trump has taken the following actions, which have
18 run counter to the objectives of the Creating an En-
19 vironment for Nuclear Disarmament (commonly re-
20 ferred to as “CEND”) initiative that his administra-
21 tion launched in 2018:

22 (A) The release of the 2018 Nuclear Pos-
23 ture Review on February 5, 2018, which low-
24 ered the threshold for nuclear weapons use and

1 called for the development of the following new
2 nuclear weapons:

3 (i) A low-yield warhead on a sub-
4 marine-launched ballistic missile, which
5 was deployed before the date of the enact-
6 ment of this Act.

7 (ii) A sea-launched cruise missile, still
8 under development on the date of the en-
9 actment of this Act.

10 (B) The unilateral United States with-
11 drawal from the Joint Comprehensive Plan of
12 Action (commonly referred to as the “JCPOA”)
13 announced on May 8, 2018, which may lead to
14 the complete collapse of an agreement that had
15 verifiably closed off each of Iran’s pathways to
16 a nuclear weapon.

17 (C) The unilateral United States with-
18 drawal, completed on August 2, 2019, from the
19 Treaty Between the United States of America
20 and the Union of Soviet Socialist Republics on
21 the Elimination of Their Intermediate-Range
22 and Shorter-Range Missiles, signed at Wash-
23 ington December 8, 1987, and entered into
24 force June 1, 1988 (commonly referred to as
25 the “Intermediate-Range Nuclear Forces Trea-

1 ty’ or the “INF Treaty”) in response to the
2 material breach by the Russian Federation of
3 its obligations under that Treaty, which has re-
4 moved all legal constraints on the testing, pro-
5 curement, and deployment of ground-based
6 shorter-range and intermediate-range missiles,
7 increasing the risk of a missile arms race in the
8 Euro-Atlantic and Indo-Pacific regions.

9 (D) The unilateral United States with-
10 drawal, announced on May 22, 2020, from the
11 Treaty on Open Skies, done at Helsinki March
12 24, 1992, and entered into force January 1,
13 2002 (commonly referred to as the “Open Skies
14 Treaty”), which is likely to deny to United
15 States allies and partners a key confidence-
16 building measure and one of the few remaining
17 operational diplomatic forums, through the
18 Open Skies Consultative Commission, to engage
19 with the Russian Federation.

20 (10) During a May 15, 2020, National Security
21 Council meeting, one or more senior officials of the
22 Trump administration reportedly advocated that the
23 United States conduct its first nuclear explosives
24 test since 1992, as part of an effort to bring the
25 Russian Federation and the People’s Republic of

1 China into negotiations on a trilateral arms control
2 agreement.

3 (11) A move by the United States to break its
4 moratorium on nuclear explosives testing would con-
5 flict with United Nations Security Council Resolu-
6 tion 2310, led by the United States and adopted in
7 2016, which states that any nuclear explosives test
8 would defeat the “object and purpose” of the CTBT
9 and called on all countries to maintain their respec-
10 tive moratoriums on such tests.

11 (12) In light of moves by the United States and
12 other countries to increase their reliance on nuclear
13 weapons, the 21st century nuclear freeze movement
14 would seek to halt the new nuclear arms race by
15 seeking conclusion of a comprehensive and verifiable
16 freeze on the testing, deployment, and production of
17 nuclear weapons and delivery vehicles for such weap-
18 ons.

19 (13) The United States would benefit from con-
20 clusion of a comprehensive nuclear arms agreement
21 with each of the nuclear-weapon state parties to the
22 NPT and potentially all countries that possess nu-
23 clear weapons.

24 (14) In 2013, the report on a nuclear weapons
25 employment strategy of the United States submitted

1 under section 492 of title 10, United States Code,
2 determined that it is possible to ensure the security
3 of the United States and allies and partners of the
4 United States and maintain a strong and credible
5 strategic deterrent while safely pursuing up to a $\frac{1}{3}$
6 reduction in deployed nuclear weapons from the level
7 established in the Treaty between the United States
8 of America and the Russian Federation on Measures
9 for the Further Reduction and Limitation of Stra-
10 tegic Offensive Arms, signed April 8, 2010, and en-
11 tered into force February 5, 2011 (commonly re-
12 ferred to as the “New START Treaty”).

13 **SEC. 3. STATEMENT OF POLICY.**

14 It is the policy of the United States that:

15 (1) The United States should build upon its
16 decades long, bipartisan efforts to reduce the num-
17 ber and salience of nuclear weapons by leading inter-
18 national negotiations on specific arms-reduction
19 measures as part of a 21st century global nuclear
20 freeze movement.

21 (2) The United States should immediately agree
22 to extend the New START Treaty for 5 years, until
23 February 5, 2026, through mutual agreement with
24 the Russian Federation to provide continued insight
25 into the location, movement, and disposition of stra-

1 tegie delivery vehicles and deployed warheads belong-
2 ing to the Russian Federation, which would be an
3 important first step to building momentum for a
4 multilateral arms control initiative.

5 (3) Upon the successful extension of the New
6 START Treaty, the United States should engage
7 with all other countries that possess nuclear weapons
8 to negotiate and conclude future multilateral arms
9 control, disarmament, and risk reduction agree-
10 ments, which should contain some or all of the fol-
11 lowing provisions:

12 (A) An agreement on a verifiable freeze on
13 the testing, production, and further deployment
14 of all nuclear weapons and delivery vehicles for
15 such weapons.

16 (B) An agreement that establishes a
17 verifiable numerical ceiling on the deployed
18 shorter-range and intermediate-range and stra-
19 tegic delivery systems (as defined by the INF
20 Treaty and the New START Treaty, respec-
21 tively) and the nuclear warheads associated
22 with such systems belonging to the P5, and to
23 the extent possible, all countries that possess
24 nuclear weapons, at August 2, 2019, levels.

1 (C) An agreement by each country to
2 adopt a policy of no first use of nuclear weap-
3 ons.

4 (D) An agreement on a proactive United
5 Nations Security Council resolution that ex-
6 pands access by the International Atomic En-
7 ergy Agency to any country found by the Board
8 of Governors of that Agency to be noncompliant
9 with its obligations under the NPT.

10 (E) An agreement to refrain from config-
11 uring nuclear forces in a “launch on warning”
12 nuclear posture allowing a country to launch a
13 ballistic missile attack in response to detection
14 by an early-warning satellite or sensor of a sus-
15 pected incoming ballistic missile.

16 (F) An agreement not to target or inter-
17 fere in the nuclear command, control, and com-
18 munications (commonly referred to as “NC3”)
19 infrastructure of another country through a
20 cyberattack.

21 (G) An agreement on transparency meas-
22 ures or verifiable limits, or both, on hypersonic
23 cruise missiles and glide vehicles that are
24 mounted on ballistic missiles.

1 (H) An agreement to provide a baseline
2 and continuous exchanges detailing the aggre-
3 gate number of active nuclear weapons and as-
4 sociated systems possessed by each country.

5 (4) The United States should rejuvenate efforts
6 in the United Nations Conference on Disarmament
7 toward the negotiation of a verifiable Fissile Mate-
8 rial Treaty or Fissile Material Cutoff Treaty, or
9 move negotiations to another international body or
10 fora, such as a meeting of the P5. Successful conclu-
11 sion of such a treaty would verifiably prevent any
12 country's production of highly enriched uranium and
13 plutonium for use in nuclear weapons.

14 (5) The United States should convene a series
15 of high level summits on nuclear disarmament mod-
16 eled on the Nuclear Security Summits process,
17 which saw the elimination of the equivalent of 3,000
18 nuclear weapons.

19 (6) The President should seek ratification by
20 the Senate of the CTBT and mobilize all countries
21 covered by Annex 2 of the CTBT to pursue similar
22 action to hasten entry into force of the CTBT. The
23 entry into force of the CTBT, for which ratification
24 by the United States will provide critical momentum,
25 will activate the CTBT's onsite inspection provision

1 to investigate allegations that any country that is a
2 party to the CTBT has conducted a nuclear test of
3 any yield.

4 (7) The President should make the accession of
5 North Korea to the CTBT a component of any final
6 agreement in fulfilling the pledges the Government
7 of North Korea made in Singapore, as North Korea
8 is reportedly the only country to have conducted a
9 nuclear explosive test since 1998.

10 (8) The United States should—

11 (A) refrain from developing any new de-
12 signs for nuclear warheads or bombs, but espe-
13 cially designs that could add a level of technical
14 uncertainty into the United States stockpile and
15 thus renew calls to resume nuclear explosive
16 testing in order to test that new design; and

17 (B) seek reciprocal commitments from
18 other countries that possess nuclear weapons.

19 **SEC. 4. PROHIBITION ON USE OF FUNDS FOR NUCLEAR**
20 **TEST EXPLOSIONS.**

21 (a) IN GENERAL.—None of the funds authorized to
22 be appropriated or otherwise made available for fiscal year
23 2021 or any fiscal year thereafter, or authorized to be ap-
24 propriated or otherwise made available for any fiscal year
25 before fiscal year 2021 and available for obligation as of

1 the date of the enactment of this Act, may be obligated
2 or expended to conduct or make preparations for any ex-
3 plosive nuclear weapons test that produces any yield until
4 such time as—

5 (1) the President submits to Congress an ad-
6 dendum to the report required by section 4205 of
7 the Atomic Energy Defense Act (50 U.S.C. 2525)
8 that details any change to the condition of the
9 United States nuclear weapons stockpile from the
10 report submitted under that section in the preceding
11 year; and

12 (2) there is enacted into law a joint resolution
13 of Congress that approves the test.

14 (b) **RULE OF CONSTRUCTION.**—Subsection (a) does
15 not limit nuclear stockpile stewardship activities that are
16 consistent with the zero-yield standard and other require-
17 ments under law.

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