

118TH CONGRESS
1ST SESSION

S. 1499

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

IN THE SENATE OF THE UNITED STATES

MAY 9, 2023

Mr. MARKEY (for himself and Mr. MERKLEY) 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 2023” or the “HALT Act of 2023”.

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”, a sentiment affirmed by the People’s Re-
4 public of China, France, the Russian Federation, the
5 United Kingdom, and the United States in January
6 2022.

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

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

23 (4) In 1970, the Treaty on the Non-Prolifera-
24 tion of Nuclear Weapons done at Washington, Lon-
25 don, and Moscow July 1, 1968 (21 UST 483) (com-

1 monly referred to as the “Nuclear Non-Proliferation
2 Treaty” or the “NPT”), entered into force, which
3 includes a binding obligation on the 5 nuclear-weap-
4 on states (commonly referred to as the “P5”),
5 among other things, “to pursue negotiations in good
6 faith on effective measures relating to the cessation
7 of the nuclear arms race . . . and to nuclear disar-
8 mament”.

9 (5) Bipartisan United States global leadership
10 has curbed the growth in the number of countries
11 possessing nuclear weapons and has slowed overall
12 vertical proliferation among countries already pos-
13 sessed nuclear weapons, as is highlighted by a more
14 than 90 percent reduction in the United States nu-
15 clear weapons stockpile from its Cold War height of
16 31,255 in 1967.

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

23 (A) The verification architecture of the
24 Comprehensive Nuclear Test-Ban-Treaty Orga-

1 nization (commonly referred to as the
2 “CTBTO”)—

3 (i) has made significant advance-
4 ments, as seen through its network of 300
5 International Monitoring Stations and its
6 International Data Centre, which together
7 provide for the near instantaneous detec-
8 tion of nuclear explosives tests, including
9 all 6 such tests conducted by North Korea
10 between 2006 and 2017; and

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

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

1 (7) Despite the progress made to reduce the
2 number and role of, and risks posed by, nuclear
3 weapons, and to halt the Cold War-era nuclear arms
4 race, tensions between countries that possess nuclear
5 weapons are on the rise, key nuclear risk reduction
6 treaties are under threat, significant stockpiles of
7 weapons-usable fissile material remain, and a quali-
8 tative global nuclear arms race is now underway
9 with each of the countries that possess nuclear
10 weapons spending tens of billions of dollars each
11 year to maintain and improve their arsenals.

12 (8) The Russian Federation is pursuing the de-
13 velopment of destabilizing types of nuclear weapons
14 that are not presently covered under any existing
15 arms control treaty or agreement and the People’s
16 Republic of China, India, Pakistan, and the Demo-
17 cratic People’s Republic of Korea have each taken
18 concerning steps to diversify their more modest
19 sized, but nonetheless very deadly, nuclear arsenals.

20 (9) President Joseph R. Biden’s 2022 Nuclear
21 Posture Review was right to label the nuclear-armed
22 sea-launched cruise missile as “no longer necessary”,
23 as that missile, if deployed, would have the effect of
24 lowering the threshold for nuclear weapons use.

1 (10) On February 3, 2021, President Joseph R.
2 Biden preserved binding and verifiable limits on the
3 deployed and non-deployed strategic forces of the
4 largest two nuclear weapons powers through the
5 five-year extension of the Treaty between the United
6 States of America and the Russian Federation on
7 Measures for the Further Reduction and Limitation
8 of Strategic Offensive Arms, signed April 8, 2010,
9 and entered into force February 5, 2011 (commonly
10 referred to as the “New START Treaty”).

11 (11) In 2013, the report on a nuclear weapons
12 employment strategy of the United States submitted
13 under section 492 of title 10, United States Code,
14 determined that it is possible to ensure the security
15 of the United States and allies and partners of the
16 United States and maintain a strong and credible
17 strategic deterrent while safely pursuing up to a $\frac{1}{3}$
18 reduction in deployed nuclear weapons from the level
19 established in the New START Treaty.

20 (12) On January 12, 2017, then-Vice President
21 Biden stated, “[G]iven our non-nuclear capabilities
22 and the nature of today’s threats—it’s hard to envi-
23 sion a plausible scenario in which the first use of nu-
24 clear weapons by the United States would be nec-
25 essary. Or make sense.”.

1 (13) In light of moves by the United States and
2 other countries to increase their reliance on nuclear
3 weapons, a global nuclear freeze would seek to halt
4 the new nuclear arms race by seeking conclusion of
5 a comprehensive and verifiable freeze on the testing,
6 deployment, and production of nuclear weapons and
7 delivery vehicles for such weapons.

8 (14) The reckless and repeated nuclear threats
9 by Russian President Vladimir Putin since the Feb-
10 ruary 2022 invasion of Ukraine by the Russian Fed-
11 eration underscore the need for a global nuclear
12 freeze.

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

14 The following is the policy of the United States:

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) Building on the 2021 extension of the New
22 START Treaty, the United States should engage
23 with all other countries that possess nuclear weapons
24 to seek to negotiate and conclude future multilateral
25 arms control, disarmament, and risk reduction

1 agreements, which should contain some or all of the
2 following provisions:

3 (A) An agreement by the United States
4 and the Russian Federation on a resumption of
5 on-site inspections and verification measures
6 per the New START Treaty and a follow-on
7 treaty or agreement to the New START Treaty
8 that may lower the central limits of the Treaty
9 and cover new kinds of strategic delivery vehi-
10 cles or non-strategic nuclear weapons.

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

15 (C) An agreement that establishes a
16 verifiable numerical ceiling on the deployed
17 shorter-range and intermediate-range and stra-
18 tegic delivery systems (as defined by the Treaty
19 Between the United States of America and the
20 Union of Soviet Socialist Republics on the
21 Elimination of Their Intermediate- Range and
22 Shorter-Range Missiles signed at Washington
23 December 8, 1987, and entered into force June
24 1, 1988 (commonly referred to as the “Inter-
25 mediate-Range Nuclear Forces Treaty”), and

1 the New START Treaty, respectively) and the
2 nuclear warheads associated with such systems
3 belonging to the P5, and to the extent possible,
4 all countries that possess nuclear weapons, at
5 August 2, 2019, levels.

6 (D) An agreement by each country to
7 adopt a policy of no first use of nuclear weap-
8 ons or provide transparency into its nuclear de-
9 claratory policy.

10 (E) An agreement on a proactive United
11 Nations Security Council resolution that ex-
12 pands access by the International Atomic En-
13 ergy Agency to any country found by the Board
14 of Governors of that Agency to be noncompliant
15 with its obligations under the NPT.

16 (F) An agreement to refrain from config-
17 uring nuclear forces in a “launch on warning”
18 or “launch under warning” nuclear posture,
19 which may prompt a nuclear armed country to
20 launch a ballistic missile attack in response to
21 detection by an early-warning satellite or sensor
22 of a suspected incoming ballistic missile.

23 (G) An agreement not to target or inter-
24 fere in the nuclear command, control, and com-
25 munications (commonly referred to as “NC3”)

1 infrastructure of another country through a ki-
2 netic attack or a cyberattack.

3 (H) An agreement on transparency meas-
4 ures or verifiable limits, or both, on hypersonic
5 cruise missiles and glide vehicles that are fired
6 from sea-based, ground, and air platforms.

7 (I) An agreement to provide a baseline and
8 continuous exchanges detailing the aggregate
9 number of active nuclear weapons and associ-
10 ated systems possessed by each country.

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

20 (4) The United States should convene a series
21 of head-of-state level summits on nuclear disar-
22 mament modeled on the Nuclear Security Summits
23 process, which saw the elimination of the equivalent
24 of 3,000 nuclear weapons.

1 (5) The President should seek ratification by
2 the Senate of the CTBT and mobilize all countries
3 covered by Annex 2 of the CTBT to pursue similar
4 action to hasten entry into force of the CTBT. The
5 entry into force of the CTBT, for which ratification
6 by the United States will provide critical momentum,
7 will activate the CTBT's onsite inspection provision
8 to investigate allegations that any country that is a
9 party to the CTBT has conducted a nuclear test of
10 any yield.

11 (6) The President should make the accession of
12 North Korea to the CTBT a component of any final
13 agreement in fulfilling the pledges the Government
14 of North Korea made in Singapore, as North Korea
15 is reportedly the only country to have conducted a
16 nuclear explosive test since 1998.

17 (7) The United States should—

18 (A) refrain from developing any new de-
19 signs for nuclear warheads or bombs, but espe-
20 cially designs that could add a level of technical
21 uncertainty into the United States stockpile and
22 thus renew calls to resume nuclear explosive
23 testing in order to test that new design; and

24 (B) seek reciprocal commitments from
25 other countries that possess nuclear weapons.

1 **SEC. 4. PROHIBITION ON USE OF FUNDS FOR NUCLEAR**
2 **TEST EXPLOSIONS.**

3 (a) IN GENERAL.—None of the funds authorized to
4 be appropriated or otherwise made available for fiscal year
5 2024 or any fiscal year thereafter, or authorized to be ap-
6 propriated or otherwise made available for any fiscal year
7 before fiscal year 2024 and available for obligation as of
8 the date of the enactment of this Act, may be obligated
9 or expended to conduct or make preparations for any ex-
10 plosive nuclear weapons test that produces any yield until
11 such time as—

12 (1) the President submits to Congress an ad-
13 dendum to the report required by section 4205 of
14 the Atomic Energy Defense Act (50 U.S.C. 2525)
15 that details any change to the condition of the
16 United States nuclear weapons stockpile from the
17 report submitted under that section in the preceding
18 year; and

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

21 (b) RULE OF CONSTRUCTION.—Subsection (a) does
22 not limit nuclear stockpile stewardship activities that are
23 consistent with the zero-yield standard and other require-
24 ments under law.

○