

Control, Nonproliferation, and Disarmament Agreements and Commitments, a report on MTCR compliance and a United States strategy to prevent the spread of nuclear weapons and missiles in the Middle East.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following elements:

(A) An assessment of China's compliance, during the previous fiscal year, with its November 2000 commitment to abide by the MTCR and United States diplomatic efforts to address noncompliance.

(B) A description of every foreign person that, during the previous fiscal year, engaged in the export, transfer, or trade of MTCR items to a country that is a non-MTCR adherent, and a description of the sanctions the President imposed pursuant to section 11B(b) of the Export Administration Act of 1979 (50 U.S.C. 4612(b)).

(C) A detailed strategy to prevent the proliferation of ballistic missile and sensitive nuclear technology in the Middle East and North Africa from China and other foreign countries, including the following elements:

(i) An assessment of the proliferation risks associated with concluding or renewing a civilian nuclear cooperation "123" agreement with any country in the Middle-East and North Africa and the risks of such if that same equipment and technology is sourced from a foreign state.

(ii) An update on United States bilateral and multilateral diplomatic actions to commence negotiations on a Weapons of Mass Destruction Free Zone (WMDFZ) since the 2015 Nuclear Nonproliferation Treaty Review Conference.

(iii) A description of United States Government efforts to achieve global adherence and compliance with the Nuclear Suppliers Group, MTCR, and the 2002 International Code of Conduct against Ballistic Missile Proliferation guidelines.

(D) An account of the briefings to the appropriate committees of Congress in the reporting period detailing negotiations on any new or renewed civilian nuclear cooperation "123" agreement with any country consistent with the intent of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

(3) **FORM OF REPORT.**—The report required under paragraph (1) shall be unclassified and include a classified annex.

SA 3040. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XV, add the following:

SEC. 1526. SMARTER APPROACHES TO NUCLEAR EXPENDITURES ACT.

(a) **SHORT TITLE.**—This section may be cited as the "Smarter Approaches to Nuclear Expenditures Act".

(b) **FINDINGS.**—Congress makes the following findings:

(1) The United States continues to maintain an excessively large and costly arsenal of nuclear delivery systems and warheads that are a holdover from the Cold War.

(2) The current nuclear arsenal of the United States includes approximately 3,708 total nuclear warheads in its military stockpile, of which approximately 1,744 are deployed with five delivery components: land-based intercontinental ballistic missiles,

submarine-launched ballistic missiles, long-range strategic bomber aircraft armed with nuclear gravity bombs, long-range strategic bomber aircraft armed with nuclear-armed air-launched cruise missiles, and short-range fighter aircraft that can deliver nuclear gravity bombs. The strategic bomber fleet of the United States comprises 87 B-52 and 20 B-2 aircraft, over 66 of which contribute to the nuclear mission. The United States also maintains 400 intercontinental ballistic missiles and 14 Ohio-class submarines, up to 12 of which are deployed. Each of those submarines is armed with approximately 90 nuclear warheads.

(3) Between fiscal years 2021 and 2030, the United States will spend an estimated \$634,000,000,000 to maintain and recapitalize its nuclear force, according to a January 2019 estimate from the Congressional Budget Office, an increase of \$140,000,000,000 from the Congressional Budget Office's 2019 estimate, with 36 percent of that additional cost stemming "mainly from new plans for modernizing [the Department of Energy's] production facilities and from [the Department of Defense's] modernization programs moving more fully into production".

(4) Adjusted for inflation, the Congressional Budget Office estimates that the United States will spend \$634,000,000,000 between 2021 and 2030 on new nuclear weapons and modernization and infrastructure programs, an estimate that in total is 28 percent higher than the Congressional Budget Office's most recent previous estimate of the 10-year costs of nuclear forces.

(5) Inaccurate budget forecasting is likely to continue to plague the Department of Defense and the Department of Energy, as evidenced by the fiscal year 2023 budget request of the President for the National Nuclear Security Administration "Weapon Activities" account, which far exceeded what the National Nuclear Security Administration had projected in previous years.

(6) The projected growth in nuclear weapons spending is coming due as the Department of Defense is seeking to replace large portions of its conventional forces to better compete with the Russian Federation and the People's Republic of China and as internal and external fiscal pressures are likely to limit the growth of, and perhaps reduce, military spending. As then-Air Force Chief of Staff General Dave Goldfein said in 2020, "I think a debate is that this will be the first time that the nation has tried to simultaneously modernize the nuclear enterprise while it's trying to modernize an aging conventional enterprise. The current budget does not allow you to do both."

(7) In 2023, the Government Accountability Office released a report entitled "Nuclear Weapons: NNSA Does Not Have a Comprehensive Schedule or Cost Estimate for Pit Production Capability", stating the National Nuclear Security Administration "had limited assurance that it would be able to produce sufficient numbers of pits in time" to meet the requirement under section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a) that the National Nuclear Security Administration produce 80 plutonium pits by 2030.

(8) According to the Government Accountability Office, the National Nuclear Security Administration has still not factored affordability concerns into its planning as was recommended by the Government Accountability Office in 2017, with the warning that "it is essential for NNSA to present information to Congress and other key decision makers indicating whether the agency has prioritized certain modernization programs or considered trade-offs (such as deferring or cancelling specific modernization programs)". Instead, the budget estimate of the

Department of Energy for nuclear modernization activities during the period of fiscal years 2021 through 2025 was \$81,000,000,000—\$15,000,000,000 more than the 2020 budget estimate of the Department for the same period.

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

(10) The Department of Defense's June 2013 nuclear policy guidance entitled "Report on Nuclear Employment Strategy of the United States" found that force levels under the April 2010 Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms between the United States and the Russian Federation (commonly known as the "New START Treaty") "are more than adequate for what the United States needs to fulfill its national security objectives" and can be reduced by up to ⅓ below levels under the New START Treaty to 1,000 to 1,100 warheads.

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

(c) REDUCTIONS IN NUCLEAR FORCES.—

(1) **REDUCTION OF NUCLEAR-ARMED SUBMARINES.**—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense may be obligated or expended for purchasing more than eight Columbia-class submarines.

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

(3) **REDUCTION OF DEPLOYED STRATEGIC WARHEADS.**—Notwithstanding any other provision of law, beginning in fiscal year 2024, the forces of the United States Military shall include not more than 1,000 deployed strategic warheads, as that term is defined in the New START Treaty.

(4) **LIMITATION ON NEW LONG-RANGE PENETRATING BOMBER AIRCRAFT.**—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for any of fiscal years 2024 through 2028 for the Department of Defense may be obligated or expended for purchasing more than 80 B-21 long-range penetrating bomber aircraft.

(5) **PROHIBITION ON F-35 NUCLEAR MISSION.**—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be used to make the F-35 Joint Strike Fighter aircraft capable of carrying nuclear weapons.

(6) **PROHIBITION ON NEW AIR-LAUNCHED CRUISE MISSILE.**—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procurement of the long-range stand-off weapon or any other new air-launched cruise missile or for the W80 warhead life extension program.

(7) **PROHIBITION ON NEW INTERCONTINENTAL BALLISTIC MISSILE.**—Notwithstanding any

other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense may be obligated or expended for the research, development, test, and evaluation or procurement of the LGM-35 Sentinel, previously known as the ground-based strategic deterrent, or any new intercontinental ballistic missile.

(8) **TERMINATION OF URANIUM PROCESSING FACILITY.**—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the Uranium Processing Facility located at the Y-12 National Security Complex, Oak Ridge, Tennessee.

(9) **PROHIBITION ON PROCUREMENT AND DEPLOYMENT OF NEW LOW-YIELD WARHEAD.**—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended to deploy the W76-2 low-yield nuclear warhead or any other low-yield or nonstrategic nuclear warhead.

(10) **PROHIBITION ON NEW SUBMARINE-LAUNCHED CRUISE MISSILE.**—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procurement of a new submarine-launched cruise missile capable of carrying a low-yield or nonstrategic nuclear warhead, as the 2022 Nuclear Posture Review found this system “no longer necessary”.

(11) **LIMITATION ON PLUTONIUM PIT PRODUCTION.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for expanding production of plutonium pits at the Los Alamos National Laboratory, Los Alamos, New Mexico, or the Savannah River Site, South Carolina, until the Administrator for Nuclear Security submits to the appropriate committees of Congress an integrated master schedule and total estimated cost for the National Nuclear Security Administration’s overall plutonium pit production effort during the period of 2025 through 2035.

(B) **REQUIREMENTS FOR SCHEDULE.**—The schedule required to be submitted under paragraph (1) shall—

(i) include timelines, resources, and budgets for planned work; and

(ii) be consistent with modern management standards and best practices as described in guidelines of the Government Accountability Office.

(12) **PROHIBITION ON SUSTAINMENT OF B83-1 BOMB.**—Notwithstanding other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the sustainment of the B83-1 bomb, as the 2022 Nuclear Posture Review declared the B83-1 “will be retired”.

(13) **PROHIBITION ON SPACE-BASED MISSILE DEFENSE.**—Notwithstanding other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter

for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procurement of a space-based missile defense system.

(14) **PROHIBITION ON THE W-93 WARHEAD.**—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2024 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the procurement and deployment of a W-93 warhead on a submarine launched ballistic missile.

(d) **REPORTS REQUIRED.**—

(1) **INITIAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to the appropriate committees of Congress a report outlining the plan of each Secretary to carry out subsection (c).

(2) **ANNUAL REPORT.**—Not later than March 1, 2024, and annually thereafter, the Secretary of Defense and the Secretary of Energy shall jointly submit to the appropriate committees of Congress a report outlining the plan of each Secretary to carry out subsection (c), including any updates to previously submitted reports.

(3) **ANNUAL NUCLEAR WEAPONS ACCOUNTING.**—Not later than September 30, 2024, and annually thereafter, the President shall transmit to the appropriate committees of Congress a report containing a comprehensive accounting by the Director of the Office of Management and Budget of the amounts obligated and expended by the Federal Government for each nuclear weapon and related nuclear program during—

(A) the fiscal year covered by the report; and

(B) the life cycle of such weapon or program.

(4) **COST ESTIMATE REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to the appropriate committees of Congress a report outlining the estimated cost savings that result from carrying out subsection (c).

(e) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

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

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Energy and Commerce, and the Committee on Natural Resources of the House of Representatives.

SA 3041. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 4638, to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Taiwan ASSURE Act

SEC. 1294. SHORT TITLES.

This subtitle may be cited as the “Taiwan Actions Supporting Security by Undertaking Regular Engagements Act” or the “Taiwan ASSURE Act”.

SEC. 1295. FINDINGS.

Congress makes the following findings:

(1) Consistent with the Asia Reassurance Initiative Act of 2018 (Public Law 115-409), the United States has grown its strategic partnership with Taiwan’s vibrant democracy of 23,000,000 people.

(2) Section 2(b) of the Taiwan Relations Act (22 U.S.C. 3301(b)) declares that it is the policy of the United States—

(A) “to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area”; and

(B) “to declare that peace and stability in the [Western Pacific] area are in the political, security, and economic interests of the United States, and are matters of international concern”.

(3) In recent years, the Government of the People’s Republic of China (PRC) has intensified its efforts to diplomatically isolate and intimidate Taiwan through—

(A) punitive economic measures;

(B) increased military provocations; and

(C) exertions of malign influence to undermine democracy in Taiwan.

(4) To ensure the durability of the United States policy under the Taiwan Relations Act (Public Law 115-409), it is necessary—

(A) to reinforce—

(i) Taiwan’s international participation;

(ii) Taiwan’s global economic integration; and

(iii) the credibility of Taiwan’s military deterrent; and

(B) to simultaneously take measures to reduce the risk of miscalculation among the PRC, the United States, and Taiwan.

(5) Taiwan’s meaningful participation in international organizations in which statehood is not a requirement benefits the global community, as evidenced by the fact that Taiwan was the first to inform the World Health Organization of cases of atypical pneumonia reported in Wuhan, China, on December 31, 2019.

(6) Despite the COVID-19 pandemic creating an opportunity for the Government of the PRC to launch a disinformation campaign aimed at sowing internal social division and undermining confidence in the response of Taiwanese authorities, Taiwan has been overwhelmingly successful in controlling the pandemic.

(7) The Global Cooperation and Training Framework, a United States-Taiwan-Japan platform for Taiwan to share its expertise with the world, has sponsored nearly 30 workshops since 2015 to share Taiwan’s knowledge on issues such as addressing COVID-19 misinformation, disaster relief, women’s empowerment, and good governance.

(8) Section 2(b)(2) of the Taiwan Relations Act (22 U.S.C. 3301(b)(2)) states it is the policy of the United States “to declare that peace and stability in the [Western Pacific] area are in the political, security, and economic interests of the United States, and are matters of international concern”.

(9) The PRC’s recent military activities around Taiwan, including conducting 10 transits and military exercises near Taiwan since January 2021 and 380 sorties into Taiwan’s Air Defense Identification Zone in 2020 (the greatest number since 1996), have destabilized Northeast Asia.

(10) Increased air and sea activity in and around the Taiwan Strait and the East China Sea by the PRC, Taiwan, the United States, and Japan increase the likelihood of accidents that may—

(A) escalate tensions around Taiwan; and