

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. MCGOVERN (for himself, Ms. TITUS, and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on

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:

1 (1) The use of nuclear weapons poses an exist-
2 tential threat to humanity, a fact that led President
3 Ronald Reagan and Soviet Premier Mikhail Gorba-
4 chev to declare in a joint statement in 1987 that a
5 “nuclear war cannot be won and must never be
6 fought”.

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 in-
3 cludes a binding obligation on the 5 nuclear-weapon
4 states (commonly referred to as the “P5”), among
5 other things, “to pursue negotiations in good faith
6 on effective measures relating to the cessation of the
7 nuclear arms race . . . and to nuclear disarm-
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 85 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 United States and the Russian Federa-
13 tion are both pursuing the development of desta-
14 bilizing types of nuclear weapons, including new
15 lower-yield nuclear weapons that are more usable,
16 and the People's Republic of China, India, Pakistan,
17 and North Korea have each taken concerning steps
18 to diversify their more modest, but nonetheless very
19 deadly, nuclear arsenals.

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

1 (A) The release of the 2018 Nuclear Pos-
2 ture Review on February 5, 2018, which low-
3 ered the threshold for nuclear weapons use and
4 called for the development of the following new
5 nuclear weapons:

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

10 (ii) A sea-launched cruise missile, still
11 under development on the date of the en-
12 actment of this Act.

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

20 (C) The unilateral United States with-
21 drawal, completed on August 2, 2019, from the
22 Treaty Between the United States of America
23 and the Union of Soviet Socialist Republics on
24 the Elimination of Their Intermediate-Range
25 and Shorter-Range Missiles, signed at Wash-

1 ington December 8, 1987, and entered into
2 force June 1, 1988 (commonly referred to as
3 the “Intermediate-Range Nuclear Forces Trea-
4 ty” or the “INF Treaty”) in response to the
5 material breach by the Russian Federation of
6 its obligations under that Treaty, which has re-
7 moved all legal constraints on the testing, pro-
8 curement, and deployment of ground-based
9 shorter-range and intermediate-range missiles,
10 increasing the risk of a missile arms race in the
11 Euro-Atlantic and Indo-Pacific regions.

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

23 (10) During a May 15, 2020, National Security
24 Council meeting, one or more senior officials of the
25 Trump administration reportedly advocated that the

1 United States conduct its first nuclear explosives
2 test since 1992, as part of an effort to bring the
3 Russian Federation and the People's Republic of
4 China into negotiations on a trilateral arms control
5 agreement.

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

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

22 (13) The United States would benefit from con-
23 clusion of a comprehensive nuclear arms agreement
24 with each of the nuclear-weapon state parties to the

1 NPT and potentially all countries that possess nu-
2 clear weapons.

3 (14) In 2013, the report on a nuclear weapons
4 employment strategy of the United States submitted
5 under section 492 of title 10, United States Code,
6 determined that it is possible to ensure the security
7 of the United States and allies and partners of the
8 United States and maintain a strong and credible
9 strategic deterrent while safely pursuing up to a $\frac{1}{3}$
10 reduction in deployed nuclear weapons from the level
11 established in the Treaty between the United States
12 of America and the Russian Federation on Measures
13 for the Further Reduction and Limitation of Stra-
14 tegic Offensive Arms, signed April 8, 2010, and en-
15 tered into force February 5, 2011 (commonly re-
16 ferred to as the “New START Treaty”).

17 **SEC. 3. STATEMENT OF POLICY.**

18 It is the policy of the United States that—

19 (1) the United States should build upon its dec-
20 ades long, bipartisan efforts to reduce the number
21 and salience of nuclear weapons by leading inter-
22 national negotiations on specific arms-reduction
23 measures as part of a 21st century global nuclear
24 freeze movement;

1 (2) the United States should immediately agree
2 to extend the New START Treaty for 5 years, until
3 February 5, 2026, through mutual agreement with
4 the Russian Federation to provide continued insight
5 into the location, movement, and disposition of stra-
6 tegic delivery vehicles and deployed warheads belong-
7 ing to the Russian Federation, which would be an
8 important first step to building momentum for a
9 multilateral arms control initiative;

10 (3) upon the successful extension of the New
11 START Treaty, the United States should engage
12 with all other countries that possess nuclear weapons
13 to negotiate and conclude future multilateral arms
14 control, disarmament, and risk reduction agree-
15 ments, which should contain some or all of the fol-
16 lowing provisions:

17 (A) An agreement on a verifiable freeze on
18 the testing, production, and further deployment
19 of all nuclear weapons and delivery vehicles for
20 such weapons.

21 (B) An agreement that establishes a
22 verifiable numerical ceiling on the deployed
23 shorter-range and intermediate-range and stra-
24 tegic delivery systems (as defined by the INF
25 Treaty and the New START Treaty, respec-

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

5 (C) An agreement by each country to
6 adopt a policy of no first use of nuclear weap-
7 ons.

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

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

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

1 (G) An agreement on transparency meas-
2 ures or verifiable limits, or both, on hypersonic
3 cruise missiles and glide vehicles that are
4 mounted on ballistic missiles.

5 (H) An agreement to provide a baseline
6 and continuous exchanges detailing the aggre-
7 gate number of active nuclear weapons and as-
8 sociated systems possessed by each country.

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

19 (5) The United States should convene a series
20 of high level summits on nuclear disarmament mod-
21 eled on the Nuclear Security Summits process,
22 which saw the elimination of the equivalent of 3,000
23 nuclear weapons.

24 (6) The President should seek ratification by
25 the Senate of the CTBT and mobilize all countries

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

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

15 (8) The United States should—

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

22 (B) seek reciprocal commitments from
23 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 2021 or any fiscal year thereafter, or authorized to be ap-
6 propriated or otherwise made available for any fiscal year
7 before fiscal year 2021 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.