

107TH CONGRESS
2^D SESSION

H. R. 4624

To promote the non-proliferation of nuclear weapons and other weapons
of mass destruction.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2002

Mrs. TAUSCHER (for herself and Mr. SPRATT) introduced the following bill;
which was referred to the Committee on International Relations, and in
addition to the Committee on Armed Services, for a period to be subse-
quently determined by the Speaker, in each case for consideration of such
provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote the non-proliferation of nuclear weapons and
other weapons of mass destruction.

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 “Nuclear Threat Reduc-
5 tion Act of 2002”.

6 **SEC. 2. STATEMENT OF POLICY; FINDINGS.**

7 (a) STATEMENT OF POLICY.—It is the policy of the
8 United States to work cooperatively with the Russian Fed-
9 eration to prevent the diversion of weapons of mass de-

1 struction and material (including nuclear, biological, and
2 chemical weapons) and scientific and technical expertise
3 necessary to design and build weapons of mass destruc-
4 tion.

5 (b) FINDINGS.—Congress finds the following:

6 (1) It is in the national security interest of the
7 United States to reduce the number of nuclear war-
8 heads in the United States and Russian arsenals, to
9 reduce the quantity of nuclear weapons materials in
10 the United States and Russia, and to expand exist-
11 ing programs to prevent diversion and proliferation
12 of Russian nuclear weapons and fissile materials.

13 (2) The President should have at his disposal
14 the ability to successfully implement cooperative
15 threat reduction programs that prevent the prolifera-
16 tion of weapons of mass destruction.

17 (3) As part of the effort to prevent the pro-
18 liferation of weapons of mass destruction, the United
19 States should work with the Russian Federation to
20 create a comprehensive inventory and data exchange
21 of all United States and Russian nuclear weapons-
22 grade material.

23 (4) There should be a clear plan for the imple-
24 mentation of the reductions in nuclear arsenals

1 agreed upon by President Bush and President
2 Putin.

3 (5) The United States should continue to ob-
4 serve the currently maintained moratorium on nu-
5 clear tests. If the President determines that it is in
6 the interest of the United States to resume testing,
7 then he should inform Congress 12 months prior to
8 the resumption of testing, giving Congress an oppor-
9 tunity to express itself on this most important issue.

10 **TITLE I—COOPERATIVE THREAT**
11 **REDUCTION WAIVER AU-**
12 **THORITY**

13 **SEC. 101. COOPERATIVE THREAT REDUCTION WAIVER AU-**
14 **THORITY.**

15 Section 1203 of the Cooperative Threat Reduction
16 Act of 1993 (22 U.S.C. 5952) is amended by adding at
17 the end the following new subsection:

18 “(e) WAIVER.—The restrictions in subsection (d) and
19 section 502 of the Freedom Support Act (P.L. 102–511)
20 shall not apply if the President certifies in writing to the
21 Speaker of the House of Representatives and the Presi-
22 dent pro tempore of the Senate that waiving such restric-
23 tions is important to the national security interests of the
24 United States.”.

1 **TITLE II—DATA EXCHANGE WITH**
2 **RUSSIA RELATING TO WEAP-**
3 **ONS OF MASS DESTRUCTION**

4 **SEC. 201. STATEMENT OF POLICY.**

5 (a) INVENTORIES AND DATA EXCHANGES.—It is the
6 policy of the United States to establish cooperatively with
7 Russia—

8 (1) comprehensive inventories of the weapons-
9 grade nuclear materials, tritium, and assembled war-
10 heads of the United States and of Russia; and

11 (2) exchanges between the United States and
12 Russia of information as to the quantities of such
13 materials, tritium, and warheads in such inventories.

14 (b) PRIORITY.—In carrying out the policy set forth
15 in subsection (a), priority shall be placed on establishing
16 comprehensive inventories of, and exchanges of informa-
17 tion as to the quantities of, tactical nuclear warheads.

18 **SEC. 202. COMMUNICATION OF RESTRICTED DATA.**

19 Subsection d. of section 144 of the Atomic Energy
20 Act of 1954 (42 U.S.C. 2164) is amended—

21 (1) in paragraph (1)—

22 (A) in subparagraph (A), by inserting “,
23 tritium,” after “fissile material”;

1 (B) in subparagraph (B), by inserting “,
2 including tactical weapons and warheads” after
3 “atomic weapons”; and

4 (C) in subparagraph (D), by inserting “,
5 including data on tritium” after “related data”;
6 and

7 (4) in paragraph (2)—

8 (A) in subparagraph (A), by striking
9 “and” at the end;

10 (B) by redesignating subparagraph (B) as
11 subparagraph (C); and

12 (C) by inserting after subparagraph (A)
13 the following new subparagraph:

14 “(B) is part of a reciprocal exchange of infor-
15 mation; and”.

16 **SEC. 203. ANNUAL REPORT.**

17 (a) **REPORT REQUIRED.**—Not later than six months
18 after the date of the enactment of this Act and annually
19 thereafter the President shall submit to Congress a report
20 describing the progress that has been made on the imple-
21 mentation of section 201.

22 (b) **FORM OF REPORT.**—Each report under sub-
23 section (a) shall be submitted in both an unclassified and
24 classified format as necessary.

1 (c) TERMINATION.—The requirement under sub-
2 section (a) shall terminate when the comprehensive inven-
3 tory (as specified in section 201(a)(1)) is completed and
4 information is exchanged between the United States and
5 Russian governments (as specified in section 201(a)(2)).

6 **TITLE III—EXPANDED NON-**
7 **PROLIFERATION FUNDING**

8 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

9 To carry out cooperative threat reduction and related
10 programs in fiscal year 2003, there is authorized to be
11 appropriated:

12 (1) For the Department of Defense,
13 \$600,000,000, of which \$180,000,000 is authorized
14 for chemical weapons destruction activities in the
15 Russian Federation, including the construction of fa-
16 cilities at Shchuch'ye.

17 (2) For the Department of Energy,
18 \$1,400,000,000 of which—

19 (A) with respect to defense nuclear
20 nonproliferation—

21 (i) \$340,000,000 is authorized for
22 nonproliferation verification and research
23 and development;

24 (ii) \$295,000,000 is authorized for
25 international nuclear materials disposition;

1 (iii) \$60,000,000 is authorized for
2 Russian transition initiatives; and

3 (iv) \$25,000,000 is authorized for
4 international nuclear safety; and

5 (B) \$520,000,000 is authorized for weap-
6 ons activities, campaigns, and high energy den-
7 sity physics, of which \$50,000,000 may be used
8 for experimental support technologies.

9 (3) For the Department of State,
10 \$300,000,000.

11 **TITLE IV—MATTERS RELATING**
12 **TO THE NUCLEAR POSTURE**
13 **REVIEW**

14 **SEC. 401. SUPPORT OF PRESIDENT'S OBJECTIVE FOR OPER-**
15 **ATIONALLY DEPLOYED NUCLEAR WARHEADS.**

16 Congress supports the President's objective, as stated
17 in the Nuclear Posture Review dated January 2002, for
18 achieving, as of fiscal year 2012, a posture under which
19 the United States maintains a number of operationally de-
20 ployed nuclear warheads at a level of from 1,700 to 2,200
21 such warheads.

22 **SEC. 402. ANNUAL REPORT ON NUMBER AND POSTURE OF**
23 **NUCLEAR WEAPONS.**

24 Not later than October 1 of each year, the Secretary
25 of Energy shall submit to Congress a report on the num-

1 ber and posture of the nuclear warheads of the United
2 States. The report shall specify the number of such
3 warheads—

4 (1) operationally deployed;

5 (2) in the responsive force;

6 (3) in the reserve force, including the number
7 of active weapons and the number of inactive weap-
8 ons; and

9 (4) scheduled to be dismantled.

10 **SEC. 403. REPORT ON OPTIONS FOR ACHIEVING, PRIOR TO**
11 **FISCAL YEAR 2012, PRESIDENT'S OBJECTIVE**
12 **FOR OPERATIONALLY DEPLOYED NUCLEAR**
13 **WARHEADS.**

14 Not later than 90 days after the date of the enact-
15 ment of this Act, the Secretary of Energy shall submit
16 to Congress a report on options for achieving, prior to fis-
17 cal year 2012, a posture under which the United States
18 maintains a number of operationally deployed nuclear war-
19 heads at a level of from 1,700 to 2,200 such warheads.
20 The report shall include the following:

21 (1) For each of fiscal years 2006, 2008, and
22 2010, an assessment of the options for achieving
23 such posture as of such fiscal year.

24 (2) An assessment of the effects of achieving
25 such posture prior to fiscal year 2012 on cost, com-

1 pliance with environmental law, the dismantlement
2 workforce, relations with Russia, and any other af-
3 fected matter.

4 **TITLE V—NUCLEAR TESTING**

5 **SEC. 501. MORATORIUM ON UNDERGROUND TESTING OF** 6 **NUCLEAR WEAPONS.**

7 (a) EXTENSION OF MORATORIUM.—The moratorium
8 on underground testing of nuclear weapons maintained by
9 the United States shall continue to be maintained through
10 fiscal year 2003.

11 (b) NOTIFICATION.—Not less than 12 months before
12 the United States conducts an underground test of a nu-
13 clear weapon, the President shall submit to Congress a
14 report on the test to be conducted. The report shall include
15 each of the following:

16 (1) The date on which the President intends
17 such test to be conducted.

18 (2) The President's certification that the na-
19 tional security of the United States requires that
20 such test be conducted, and an explanation of the
21 reasons why the national security so requires.

22 (3) An assessment of the expected reactions of
23 other nations to the test.

24 (c) REPORT ON TEST READINESS.—Not later than
25 March 1, 2003, the Secretary of Energy shall submit to

1 Congress a report on the options for reducing the amount
2 of time required to conduct an underground test of a nu-
3 clear weapon after a decision to conduct such a test is
4 made. The report shall include the following:

5 (1) The findings of the study carried out by the
6 Department of Energy in fiscal year 2002 that ex-
7 amined such options.

8 (2) The assessment of the Secretary as to
9 whether reducing such amount of time to less than
10 24 to 36 months is feasible.

11 (3) The technical challenges and requirements
12 associated with reducing such amount of time to less
13 than 24 to 36 months.

14 (4) The cost, during the period from fiscal year
15 2003 to 2012, associated with reducing such amount
16 of time to less than 24 to 36 months.

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