

AMENDMENT TO RULES COMMITTEE PRINT

119–33

OFFERED BY MR. HORSFORD OF NEVADA

At the end of subtitle C of title XXXI, add the following new section:

1 **SEC. 31___ . REQUIREMENT FOR APPROVAL OF CONGRESS**
2 **FOR CONDUCT OF EXPLOSIVE NUCLEAR**
3 **TESTING.**

4 Section 6121(a) of title 10, United States Code is
5 amended to read as follows:

6 “(a) EXPLOSIVE NUCLEAR TESTING.—(1) No explo-
7 sive nuclear testing may be conducted by the United
8 States after the date of the enactment of this paragraph
9 unless—

10 “(A)(i) a foreign state conducts an explo-
11 sive nuclear test after that date; or

12 “(ii) there is a technical need for such test-
13 ing;

14 “(B) not less than 180 days before the
15 date proposed to conduct such testing, the
16 President submits to Congress a notification de-
17 scribed in paragraph (2) with respect to such
18 testing; and

1 “(C) a joint resolution approving the test-
2 ing with respect to which the notification is
3 submitted under subparagraph (B) is enacted
4 into law—

5 “(i) in the case of testing proposed to
6 be conducted after a foreign state conducts
7 an explosive nuclear test—

8 “(I) without use of expedited pro-
9 cedures under paragraph (3); but

10 “(II) requiring, for passage in
11 the Senate, the affirmative vote of
12 two-thirds of Senators, duly chosen
13 and sworn; or

14 “(ii) in the case of testing proposed to
15 be conducted because there is a technical
16 need for such testing, pursuant to para-
17 graph (3).

18 “(2) NOTIFICATION DESCRIBED.—(A) A notifi-
19 cation described in this paragraph with respect to a
20 proposal to conduct explosive nuclear testing shall
21 include—

22 “(i) a description of the testing proposed
23 to be conducted;

24 “(ii) a statement of the reasons for con-
25 ducting the testing, including—

1 “(I) whether or not there is a tech-
2 nical need for conducting the testing;

3 “(II) if there is a technical need for
4 conducting the testing—

5 “(aa) a description of the tech-
6 nical need;

7 “(bb) an assessment of alter-
8 native options for addressing the
9 need;

10 “(cc) an explanation of why those
11 options were not selected; and

12 “(dd) a description of engage-
13 ment with the Governor of the State
14 in which explosive nuclear testing
15 would occur; and

16 “(III) if the reason for conducting the
17 testing is in response to a geopolitical
18 event under the responsibility of the Presi-
19 dent acting as the Commander in Chief of
20 the Armed Forces, a detailed explanation
21 of why the testing would be in the supreme
22 national interest of the United States;

23 “(iii) an estimate of the timelines and
24 costs of conducting the testing; and

1 “(iv) any other information the President
2 considers relevant.

3 “(B) A notification described in subpara-
4 graph (A) shall be submitted in unclassified
5 form but may include a classified annex.

6 “(3) JOINT RESOLUTION OF APPROVAL FOR EX-
7 PLOSIVE NUCLEAR TESTING FOR WHICH THERE IS A
8 TECHNICAL NEED.—(A) In this paragraph, the term
9 ‘joint resolution of approval’ means a joint resolution
10 of either House of Congress the sole matter after the
11 resolving clause of which is the following: ‘Congress
12 approves of the proposal of the President to conduct
13 explosive nuclear testing for which there is a tech-
14 nical need, notice of which was submitted to Con-
15 gress under section 6121(a) of title 10, United
16 States Code, on _____.’, with the blank space
17 being filled with the appropriate date.

18 “(B) A joint resolution of approval—
19 “(i) may be introduced in either
20 House by any member; and

21 “(ii) shall be referred—

22 “(I) in the Senate, to the Com-
23 mittee on Armed Services of the Sen-
24 ate; and

1 “(II) in the House of Represent-
2 atives, to the Committee on Armed
3 Services of the House of Representa-
4 tives.

5 “(C)(i) The Committee on Armed Services
6 of the House of Representatives shall report a
7 joint resolution of approval to the House not
8 later than 60 calendar days after the date of re-
9 ceipt of the notification submitted under para-
10 graph (1)(B). If the committee fails to report
11 the joint resolution within that period, the com-
12 mittee shall be discharged from further consid-
13 eration of the joint resolution and the joint res-
14 olution shall be referred to the appropriate cal-
15 endar.

16 “(ii) After the Committee on Armed Serv-
17 ices of the House of Representatives reports the
18 joint resolution of approval to the House or has
19 been discharged from its consideration, it shall
20 be in order, not later than the 120th day after
21 Congress receives the notification submitted
22 under paragraph (1)(B), to move to proceed to
23 consider the joint resolution in the House. All
24 points of order against the motion are waived.
25 Such a motion shall not be in order after the

1 House has disposed of a motion to proceed on
2 the joint resolution. The previous question shall
3 be considered as ordered on the motion to its
4 adoption without intervening motion. The mo-
5 tion shall not be debatable. A motion to recon-
6 sider the vote by which the motion is disposed
7 of shall not be in order.

8 “(iii) The joint resolution of approval shall
9 be considered as read. All points of order
10 against the joint resolution and against its con-
11 sideration are waived. The previous question
12 shall be considered as ordered on the joint reso-
13 lution to its passage without intervening motion
14 except 24 hours of debate equally divided and
15 controlled by the proponent and an opponent. A
16 motion to reconsider the vote on passage of the
17 joint resolution shall not be in order.

18 “(D)(i) The Committee on Armed Services
19 of the Senate shall report a joint resolution of
20 approval to the Senate not later than 60 cal-
21 endar days after the date of receipt of the noti-
22 fication submitted under paragraph (1)(B). If
23 the committee fails to report the joint resolu-
24 tion within that period, the committee shall be
25 discharged from further consideration of the

1 joint resolution and the joint resolution shall be
2 placed on the Calendar of Business.

3 “(ii)(I) Notwithstanding Rule XXII of the
4 Standing Rules of the Senate, it is in order at
5 any time after the Committee on Armed Serv-
6 ices reports a joint resolution of approval or is
7 discharged from consideration of a joint resolu-
8 tion of approval to move to proceed to the con-
9 sideration of the joint resolution, and all points
10 of order against the motion to proceed to the
11 joint resolution (and against consideration of
12 the joint resolution) are waived. The motion to
13 proceed is not debatable. The motion is not sub-
14 ject to a motion to postpone. A motion to recon-
15 sider the vote by which the motion is agreed to
16 or disagreed to shall not be in order. If a mo-
17 tion to proceed to the consideration of the reso-
18 lution is agreed to, the joint resolution shall re-
19 main the unfinished business until disposed of.

20 “(II) Consideration of a joint resolution of
21 approval, and on all debatable motions in con-
22 nection therewith, shall be limited to not more
23 than 10 hours, which shall be divided equally
24 between the majority and minority leaders or
25 their designees. A motion further to limit de-

1 bate is in order and not debatable. An amend-
2 ment to, a motion to postpone, or a motion to
3 proceed to the consideration of other business,
4 or a motion to recommit the joint resolution is
5 not in order.

6 “(III) The vote on passage shall occur im-
7 mediately following the conclusion of the debate
8 on a joint resolution of approval, and a single
9 quorum call at the conclusion of the debate if
10 requested in accordance with the rules of the
11 Senate. Passage of the joint resolution shall re-
12 quire the affirmative vote of two-thirds of Sen-
13 ators, duly chosen and sworn.

14 “(IV) Appeals from the decisions of the
15 Chair relating to the application of the rules of
16 the Senate, as the case may be, to the proce-
17 dure relating to a joint resolution of approval
18 shall be decided without debate.

19 “(E) RULES RELATING TO SENATE AND
20 HOUSE OF REPRESENTATIVES.—(i) If, before
21 the passage by one House of a joint resolution
22 of that House, that House receives from the
23 other House a joint resolution of approval that
24 is identical to the joint resolution of the House

1 receiving the resolution, then the following pro-
2 cedures shall apply:

3 “(I) The joint resolution of the other
4 House shall not be referred to a com-
5 mittee.

6 “(II) With respect to a joint resolu-
7 tion of the House receiving the resolu-
8 tion—

9 “(aa) the procedure in that
10 House shall be the same as if no joint
11 resolution had been received from the
12 other House; but

13 “(bb) the vote on passage shall—

14 “(AA) require the affirma-
15 tive vote of two-thirds of Sen-
16 ators, duly chosen and sworn, for
17 passage; and

18 “(BB) be on the joint reso-
19 lution of the other House.

20 “(ii) If one House fails to introduce or
21 consider a joint resolution under this section,
22 the joint resolution of the other House shall be
23 entitled to expedited floor procedures under this
24 paragraph.

1 “(iii) If, following passage of the joint res-
2 olution in the Senate, the Senate then receives
3 an identical resolution from the House of Rep-
4 resentatives, the resolution of the House shall
5 not be debatable.

6 “(iv) If the President vetoes a joint resolu-
7 tion of approval, debate on a veto message in
8 the Senate shall be 1 hour equally divided be-
9 tween the majority and minority leaders or
10 their designees.

11 “(F) RULES OF HOUSE OF REPRESENTA-
12 TIVES AND SENATE.—This paragraph enacted
13 by the Senate and the House of Representa-
14 tives—

15 “(i) as an exercise of the rulemaking
16 power of the Senate and House, respec-
17 tively, and as such it is deemed a part of
18 the rules of each House, respectively, but
19 applicable only with respect to the proce-
20 dure to be followed in that House in the
21 case of a joint resolution of approval, and
22 it supersedes other rules only to the extent
23 that it is inconsistent with such rules; and

24 “(ii) with full recognition of the con-
25 stitutional right of either House to change

1 the rules (so far as relating to the proce-
2 dure of that House) at any time, in the
3 same manner, and to the same extent as in
4 the case of any other rule of that House.

5 “(5) DEFINITIONS.—In this subsection:

6 “(A) The term ‘explosive nuclear testing’—

7 “(i) means testing involving the explo-
8 sive compression or assembly of fissile ma-
9 terial to exceed critical mass with the at-
10 tendant release of any nuclear energy from
11 fission processes; and

12 “(ii) does not include subcritical ex-
13 periments carried out as part of the stock-
14 pile stewardship program under section
15 4201, laser fusion experiments, or other in-
16 ertial confinement fusion experiments how-
17 ever driven.

18 “(B) The term ‘technical need’, with re-
19 spect to explosive nuclear testing, means that
20 all officials specified in section 4205(b) deter-
21 mine that an explosive nuclear test is necessary
22 to resolve an issue with respect to the safety,
23 reliability, performance, or military effectiveness
24 of a nuclear weapon type.”.

