

112TH CONGRESS  
1ST SESSION

# H. R. 1320

To strengthen United States nonproliferation activities and to amend the Atomic Energy Act of 1954 to strengthen nuclear energy cooperation and nonproliferation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2011

Mr. BERMAN (for himself and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To strengthen United States nonproliferation activities and to amend the Atomic Energy Act of 1954 to strengthen nuclear energy cooperation and nonproliferation, 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 AND TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Nuclear Nonproliferation and Cooperation Act of 2011”.

6       (b) TABLE OF CONTENTS.—The table of contents for  
7       this Act is as follows:

- Sec. 1. Short title and table of contents.  
 Sec. 2. Definition.

# TITLE I—STRENGTHENING UNITED STATES NONPROLIFERATION ACTIVITIES

- Sec. 101. Opposition of withdrawal of countries from NPT.  
 Sec. 102. Payment of United States dues to IAEA.  
 Sec. 103. Additional protocol as a criterion for United States assistance.  
 Sec. 104. Prohibition on assistance to state sponsors of proliferation of weapons  
of mass destruction.  
 Sec. 105. Report on comparability of nonproliferation conditions by foreign nu-  
clear suppliers.  
 Sec. 106. Periodic security inspections on United States exports of nuclear ma-  
terial.

# TITLE II—STRENGTHENING NUCLEAR ENERGY COOPERATION AND NONPROLIFERATION

- Sec. 201. Additional nonproliferation conditions for new peaceful nuclear co-  
operation agreements.  
 Sec. 202. Requirement for negotiation by Secretary of State.  
 Sec. 203. Submission of proposed agreement to the President.  
 Sec. 204. New presidential certification of nonproliferation activities for sub-  
mission of agreements to Congress.  
 Sec. 205. Congressional review, approval, and renewal of nuclear cooperation  
agreements.  
 Sec. 206. Multilateral organizations and collaboration.  
 Sec. 207. Congressional review procedures.  
 Sec. 208. Congressional review of significant changes to nuclear cooperation  
agreements.  
 Sec. 209. Requirement of liability protection for United States nuclear sup-  
pliers.  
 Sec. 210. Loan guarantees for countries that forego enrichment and reprocess-  
ing.

## 1 **SEC. 2. DEFINITION.**

- 2       In this Act, the term “appropriate congressional com-  
 3 mittees” means the Committee on Foreign Affairs of the  
 4 House of Representatives and the Committee on Foreign  
 5 Relations of the Senate.

1 **TITLE I—STRENGTHENING**  
2 **UNITED STATES NON-**  
3 **PROLIFERATION ACTIVITIES**

4 **SEC. 101. OPPOSITION OF WITHDRAWAL OF COUNTRIES**  
5 **FROM NPT.**

6 (a) STATEMENT OF POLICY.—It is the policy of the  
7 United States to oppose the withdrawal of any country  
8 that is a party to the Treaty on the Non-Proliferation of  
9 Nuclear Weapons (hereinafter in this section referred to  
10 as the “Treaty”) and to use all political, economic, and  
11 diplomatic means at its disposal to deter, prevent, and  
12 sanction any such withdrawal from the Treaty.

13 (b) LIMITATION ON ASSISTANCE.—Notwithstanding  
14 any other provision of law, no assistance (other than hu-  
15 manitarian assistance) under any provision of law may be  
16 provided to a country that withdraws from the Treaty on  
17 or after the date of the enactment of this Act.

18 (c) RETURN OF U.S.-ORIGIN MATERIALS, EQUIP-  
19 MENT, OR COMPONENTS.—The United States shall, with  
20 respect to a country that withdraws from the Treaty, seek  
21 the return of—

22 (1) any material, equipment, or components  
23 transferred to the country under an agreement for  
24 cooperation that is in force pursuant to the author-

1       ity of section 123 of the Atomic Energy Act of 1954  
2       (42 U.S.C. 2153); and

3           (2) any special fissionable material produced  
4       through the use of such material, equipment, or  
5       components previously transferred to the country.

6   **SEC. 102. PAYMENT OF UNITED STATES DUES TO IAEA.**

7       Not later than January 31, 2013, and January 31  
8       of each succeeding year, the United States shall pay its  
9       full assessed contribution to the regular operating budget  
10      of the International Atomic Energy Agency (IAEA).

11   **SEC. 103. ADDITIONAL PROTOCOL AS A CRITERION FOR**  
12                   **UNITED STATES ASSISTANCE.**

13       (a) STATEMENT OF POLICY.—It is the policy of the  
14      United States to ensure that each country that is a party  
15      to the Treaty on the Non-Proliferation of Nuclear Weap-  
16      ons should bring into force an Additional Protocol to its  
17      safeguards agreement with the IAEA.

18       (b) CRITERION FOR ASSISTANCE.—The United  
19      States shall, when considering the provision of assistance  
20      under the Foreign Assistance Act of 1961 or the Arms  
21      Export Control Act, take into consideration whether the  
22      proposed recipient has in force an Additional Protocol to  
23      its safeguards agreement with the IAEA.

1 **SEC. 104. PROHIBITION ON ASSISTANCE TO STATE SPON-**  
2 **SORS OF PROLIFERATION OF WEAPONS OF**  
3 **MASS DESTRUCTION.**

4 (a) PROHIBITION ON ASSISTANCE.—The United  
5 States shall not provide any assistance under the Foreign  
6 Assistance Act of 1961, the Arms Export Control Act, the  
7 Food for Peace Act, the Peace Corps Act, or the Export-  
8 Import Bank Act of 1945 to any country if the Secretary  
9 of State determines that the government of the country  
10 has repeatedly provided support for acts of proliferation  
11 of equipment, technology, or materials to support the de-  
12 sign, acquisition, manufacture, or use of weapons of mass  
13 destruction.

14 (b) PUBLICATION OF DETERMINATIONS.—Each de-  
15 termination of the Secretary of State under subsection (a)  
16 shall be published in the Federal Register.

17 (c) RESCISSION.—A determination of the Secretary  
18 of State under subsection (a) may not be rescinded unless  
19 the Secretary submits to the appropriate congressional  
20 committees—

21 (1) before the proposed rescission would take  
22 effect, a report certifying that—

23 (A) there has been a fundamental change  
24 in the leadership and policies of the government  
25 of the country concerned;

1 (B) the government is not supporting acts  
2 of proliferation of equipment, technology, or  
3 materials to support the design, acquisition,  
4 manufacture, or use of weapons of mass de-  
5 struction; and

6 (C) the government has provided assur-  
7 ances that it will not support such acts in the  
8 future; or

9 (2) at least 45 days before the proposed rescis-  
10 sion would take effect, a report justifying the rescis-  
11 sion and certifying that—

12 (A) the government of the country con-  
13 cerned has not provided any support for acts of  
14 proliferation of equipment, technology, or mate-  
15 rials to support the design, acquisition, manu-  
16 facture, or use of weapons of mass destruction  
17 during the preceding 24-month period; and

18 (B) the government has provided assur-  
19 ances that it will not support such acts of pro-  
20 liferation in the future.

21 (d) WAIVER.—The President may waive the require-  
22 ments of subsection (a) on a case-by-case basis if—

23 (1) the President determines that national secu-  
24 rity interests or humanitarian reasons justify a waiv-  
25 er of such requirements, except that humanitarian

1 reasons may not be used to justify the waiver of  
2 such requirements to provide security assistance  
3 under the Foreign Assistance Act of 1961, the Arms  
4 Export Control Act, or the Export-Import Bank Act  
5 of 1945; and

6 (2) at least 15 days before the waiver takes ef-  
7 fect, the President consults with the appropriate  
8 congressional committees regarding the proposed  
9 waiver and submits to the appropriate congressional  
10 committees a report containing—

11 (A) the name of the recipient country;

12 (B) a description of the national security  
13 interests or humanitarian reasons that require  
14 the waiver;

15 (C) the type and amount of and the jus-  
16 tification for the assistance to be provided pur-  
17 suant to the waiver; and

18 (D) the period of time during which such  
19 waiver will be effective.

20 **SEC. 105. REPORT ON COMPARABILITY OF NONPROLIFERA-**  
21 **TION CONDITIONS BY FOREIGN NUCLEAR**  
22 **SUPPLIERS.**

23 (a) REPORT REQUIRED.—Not later than 180 days  
24 after the date of the enactment of this Act, the President  
25 shall submit to the appropriate congressional committees

1 a report on the extent to which each country that engages  
2 in exports of nuclear material, technology, or equipment  
3 for civil purposes (including exports of power and research  
4 nuclear reactors) requires nuclear nonproliferation condi-  
5 tions for export comparable to those under this Act or the  
6 Atomic Energy Act of 1954, as amended by this Act.

7 (b) MATTERS TO BE INCLUDED.—The report re-  
8 quired by subsection (a) shall also include—

9 (1) a detailed description of the extent to which  
10 the exports of each country incorporate United  
11 States-origin components, technology, or materials  
12 that require United States approval for re-export;

13 (2) a detailed description of civil nuclear-related  
14 trade and investments by any entity from each such  
15 country in the United States; and

16 (3) a detailed list of any United States grants,  
17 concessionary loans or loan guarantees, or any other  
18 incentive or inducement to such country or entity re-  
19 lated to nuclear exports or investments in the United  
20 States.

21 **SEC. 106. PERIODIC SECURITY INSPECTIONS ON UNITED**  
22 **STATES EXPORTS OF NUCLEAR MATERIAL.**

23 The United States shall conduct periodic security in-  
24 spections of all United States nuclear material that has  
25 been exported pursuant to a civil nuclear cooperation



1 agreement under section 123 of the Atomic Energy Act  
2 of 1954 (42 U.S.C. 2153), as amended by this Act, to  
3 ensure that adequate physical safeguards and accounting  
4 measures are in effect for such nuclear material.

5 **TITLE II—STRENGTHENING NU-**  
6 **CLEAR ENERGY COOPERA-**  
7 **TION AND NONPROLIFERA-**  
8 **TION**

9 **SEC. 201. ADDITIONAL NONPROLIFERATION CONDITIONS**  
10 **FOR NEW PEACEFUL NUCLEAR COOPERA-**  
11 **TION AGREEMENTS.**

12 Section 123 a. of the Atomic Energy Act of 1954 (42  
13 U.S.C. 2153 a.) is amended—

14 (1) in paragraph (3), by inserting “or acquired  
15 from any other source” after “pursuant to such  
16 agreement” each place it appears;

17 (2) in paragraph (4)—

18 (A) by striking “or terminates” and insert-  
19 ing “, terminates”; and

20 (B) by inserting at the end before the  
21 semicolon the following: “, or violates or abro-  
22 gates any provision contained within such  
23 agreement for cooperation”;

1           (3) in paragraph (6), by inserting “or acquired  
2           from any source” after “agreement” each place it  
3           appears;

4           (4) in paragraph (8), by striking “and” at the  
5           end;

6           (5) by inserting after paragraph (9) the fol-  
7           lowing:

8           “(10) except in the case of agreements ar-  
9           ranged pursuant to section 91 c., 144 b., 144 c., or  
10          144 d., a guaranty by the cooperating party that if  
11          the country is a non-nuclear weapon state, a restric-  
12          tion that no cooperation may occur with the cooper-  
13          ating party until an Additional Protocol for safe-  
14          guards with the International Atomic Energy Agen-  
15          cy has entered into force for the cooperating party;

16          “(11) a guaranty by the cooperating party that  
17          no nationals of a third country will be permitted ac-  
18          cess to any reactor, related equipment, or any sen-  
19          sitive materials transferred under the agreement for  
20          cooperation without the prior consent of the United  
21          States; and

22          “(12) if the cooperating party does not operate  
23          enrichment or reprocessing facilities, a requirement  
24          as part of the agreement for cooperation or a bind-  
25          ing addendum or other document that is considered

1 part of the agreement, that no enrichment or reproc-  
2 essing activities, or construction of facilities for such  
3 activities, will occur within the territory over which  
4 the country exercises sovereignty, unless such activi-  
5 ties are pursued as part of a multilateral consortium  
6 of countries that are state parties to the Treaty on  
7 the Non-Proliferation of Nuclear Weapons in good  
8 standing, and with the explicit support of the United  
9 States, and granting the United States the right to  
10 terminate such agreement if such requirement is vio-  
11 lated, abrogated, or otherwise revoked.”; and

12 (6) by striking the matter following paragraph  
13 (12) (as added by paragraph (5) of this section).

14 **SEC. 202. REQUIREMENT FOR NEGOTIATION BY SEC-**  
15 **RETARY OF STATE.**

16 Section 123 of the Atomic Energy Act of 1954 (42  
17 U.S.C. 2153) is amended by striking subsection b. and  
18 inserting the following:

19 “b. REQUIREMENT FOR NEGOTIATION BY SEC-  
20 RETARY OF STATE.—Except in the case of those agree-  
21 ments for cooperation arranged pursuant to section 91 c.,  
22 144 b., 144 c., or 144 d., any proposed agreement for co-  
23 operation shall be negotiated by the Secretary of State,  
24 with the technical assistance and concurrence of the Sec-  
25 retary of Energy.”.

1 **SEC. 203. SUBMISSION OF PROPOSED AGREEMENT TO THE**  
2 **PRESIDENT.**

3 Section 123 of the Atomic Energy Act of 1954 (42  
4 U.S.C. 2153), as amended by this Act, is further amended  
5 by striking subsection c. and inserting the following:

6 “c. SUBMISSION OF PROPOSED AGREEMENT TO THE  
7 PRESIDENT.—

8 “(1) IN GENERAL.—After consultation with the  
9 Nuclear Regulatory Commission, such agreement  
10 shall be submitted to the President jointly by the  
11 Secretary of State and the Secretary of Energy ac-  
12 companied by the views and recommendations of the  
13 Secretary of State, the Secretary of Energy and the  
14 Nuclear Regulatory Commission.

15 “(2) NUCLEAR PROLIFERATION ASSESSMENT  
16 STATEMENT.—The Secretary of State shall also pro-  
17 vide to the President an unclassified Nuclear Pro-  
18 liferation Assessment Statement, which shall—

19 “(A) analyze the consistency of the text of  
20 the proposed agreement for cooperation with all  
21 the requirements of this Act, with specific at-  
22 tention to whether the proposed agreement is  
23 consistent with each of the criteria set forth in  
24 subsection a.; and

25 “(B) assess the adequacy of the safeguards  
26 and other control mechanisms and the peaceful

1           use assurances contained in the agreement for  
2           cooperation to ensure that any assistance fur-  
3           nished thereunder will not be used to further  
4           any military or nuclear explosive purpose. Each  
5           Nuclear Proliferation Assessment Statement  
6           prepared pursuant to this Act shall be accom-  
7           panied by a classified annex, prepared in con-  
8           sultation with the Director of National Intel-  
9           ligence, summarizing relevant classified infor-  
10          mation.

11          “(3) SUBMISSION REQUIREMENTS.—In the case  
12          of an agreement for cooperation arranged pursuant  
13          to—

14               “(A) section 91 c., 144 b., 144 c., or 144  
15               d., the agreement shall be submitted to the  
16               President by the Secretary of Energy; and

17               “(B) section 91 c. or 144 b., which is to  
18               be implemented by the Department of Defense,  
19               the agreement shall be submitted to the Presi-  
20               dent by the Secretary of Defense.”.

1 **SEC. 204. NEW PRESIDENTIAL CERTIFICATION OF NON-**  
2 **PROLIFERATION ACTIVITIES FOR SUBMIS-**  
3 **SION OF AGREEMENTS TO CONGRESS.**

4 Section 123 of the Atomic Energy Act of 1954 (42  
5 U.S.C. 2153), as amended by this Act, is further amended  
6 by striking subsection d. and inserting the following:

7 “d. SUBMISSION OF AGREEMENTS TO CONGRESS.—

8 “(1) SUBMISSION.—

9 “(A) IN GENERAL.—The President shall  
10 submit the text of the proposed agreement for  
11 cooperation to the Committee on Foreign Af-  
12 fairs of the House of Representatives and the  
13 Committee on Foreign Relations of the Senate,  
14 together with—

15 “(i) an unclassified Nuclear Prolifera-  
16 tion Assessment Statement and any classi-  
17 fied annex thereto;

18 “(ii) the President’s determination  
19 that the proposed agreement is consistent  
20 with all the requirements of subsection a.,  
21 and that the proposed agreement will pro-  
22 mote, and will not constitute an unreason-  
23 able risk to, the common defense and secu-  
24 rity of the United States;

25 “(iii) the President’s statement that  
26 the President has approved and authorized

1 the execution of the proposed agreement  
2 for cooperation; and

3 “(iv) subject to subparagraph (B), the  
4 President’s determination that the cooper-  
5 ating party—

6 “(I) has not engaged in a signifi-  
7 cant transfer of material, equipment,  
8 or technology for the production of  
9 nuclear, chemical, or biological weap-  
10 ons to another country;

11 “(II) has cooperated with United  
12 States efforts to halt the proliferation  
13 of such material, equipment or tech-  
14 nology;

15 “(III) has not engaged in signifi-  
16 cant transfers contrary to the Guide-  
17 lines of the Nuclear Suppliers Group  
18 or the Australia Group; and

19 “(IV) has established and main-  
20 tains an effective export control sys-  
21 tem to guard against illicit transfers  
22 of such material, equipment, or tech-  
23 nology.

1           “(B) TIME PERIOD.—In making a deter-  
2           mination under subparagraph (A)(iv), the  
3           President shall—

4                   “(i) for a country with respect to  
5                   which the United States has not heretofore  
6                   entered into an agreement for cooperation,  
7                   review the 10-year period ending on the  
8                   date of submission of the proposed agree-  
9                   ment for cooperation under subparagraph  
10                  (A); and

11                  “(ii) for a country with respect to  
12                  which the United States has heretofore en-  
13                  tered into one or more agreements for  
14                  peaceful nuclear cooperation, review the  
15                  period beginning on the date of entry into  
16                  force of the most recent such agreement  
17                  for peaceful nuclear cooperation and end-  
18                  ing on the date of submission of the pro-  
19                  posed agreement for cooperation under  
20                  subparagraph (A).

21           “(2) ADDITIONAL SUBMISSION REQUIRE-  
22           MENTS.—In the case of an agreement for coopera-  
23           tion arranged pursuant to section 91 c., 144 b., 144  
24           c., or 144 d., the proposed agreement shall also be  
25           submitted to the Committee on Armed Services of



1 the House of Representatives and the Committee on  
2 Armed Services of the Senate, along with the docu-  
3 ments and determinations required under subpara-  
4 graph (A).”.

5 **SEC. 205. CONGRESSIONAL REVIEW, APPROVAL, AND RE-**  
6 **NEWAL OF NUCLEAR COOPERATION AGREE-**  
7 **MENTS.**

8 Section 123 of the Atomic Energy Act of 1954 (42  
9 U.S.C. 2153), as amended by this Act, is further amended  
10 by striking subsection e. and inserting the following:

11 “e. CONGRESSIONAL REVIEW PERIOD; ACTION.—

12 “(1) IN GENERAL.—Any proposed agreement  
13 for cooperation that meets each of the applicable re-  
14 quirements of subsection a. may be brought into ef-  
15 fect 60 legislative days after the President has sub-  
16 mitted the agreement and documentation required  
17 by subsection d., unless during such period the Con-  
18 gress adopts, and there is enacted, a joint resolution  
19 stating in substance that Congress does not favor  
20 the proposed agreement for cooperation.

21 “(2) SPECIAL PROCEDURES.—

22 “(A) NON-COMPLIANT AGREEMENTS AND  
23 ACTIVITIES OF CONCERN.—Notwithstanding the  
24 requirements of subsection d., the President  
25 may submit a proposed agreement to Congress

1 that does not meet each of the applicable re-  
2 quirements of subsection a., or with respect to  
3 which the President is unable to make each of  
4 the determinations required under subsection  
5 d.(1). Such agreement shall not enter into force  
6 unless and until the Congress adopts, and there  
7 is enacted, a joint resolution stating in sub-  
8 stance that Congress does favor the proposed  
9 agreement for cooperation.

10 “(B) RENEWAL OF PRIOR AGREEMENTS.—

11 A proposed agreement for cooperation—

12 “(i) which renews or replaces a pre-  
13 existing agreement for cooperation that  
14 has expired or will expire not later than 1  
15 year beginning on the date of submission  
16 of the proposed agreement for cooperation  
17 under subsection d., and

18 “(ii) which satisfies each of the re-  
19 quirements under subsection a.,  
20 may be brought into effect beginning 30 cal-  
21 endar days after the date of submission of the  
22 proposed agreement for cooperation under sub-  
23 section d.

1           “(3) CONSIDERATION.—Any such proposed  
2           agreement for cooperation shall be considered pursu-  
3           ant to the procedures set forth in section 130 g.

4           “(4) EXPIRATION OF CONGRESSIONAL RE-  
5           VIEW.—Any proposed agreement for cooperation  
6           that has not lain before the Congress for 60 legisla-  
7           tive days, or has not been approved by Congress as  
8           provided for under this section, before the adjourn-  
9           ment sine die of such Congress, shall not become ef-  
10          fective. Any submission of such agreement to a new  
11          Congress at the discretion of the President, shall be  
12          considered a new submission for the purposes of this  
13          section, and must satisfy the appropriate require-  
14          ments of this section before it can become effec-  
15          tive.”.

16 **SEC. 206. MULTILATERAL ORGANIZATIONS AND COLLABO-**  
17 **RATION.**

18          (a) IN GENERAL.—Section 124 of the Atomic Energy  
19 Act of 1954 (42 U.S.C. 2154) is amended—

20               (1) in the heading, by striking “INTER-  
21               NATIONAL ATOMIC POOL” and inserting “MULTILAT-  
22               ERAL ORGANIZATIONS AND COLLABORATION”; and

23               (2) by inserting “, including multilateral enrich-  
24               ment activities,” after “atomic energy”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
 2 for the Atomic Energy Act of 1954 is amended by striking  
 3 the item relating to section 124 and inserting the fol-  
 4 lowing:

“Sec. 124. Multilateral organizations and collaboration.”.

5 **SEC. 207. CONGRESSIONAL REVIEW PROCEDURES.**

6 Section 130 of the Atomic Energy Act of 1954 (42  
 7 U.S.C. 2159) is amended—

8 (1) by striking “days of continuous session”  
 9 each place it appears and inserting “legislative  
 10 days”;

11 (2) by striking subsections g. and i.; and

12 (3) by inserting after subsection f. the fol-  
 13 lowing:

14 “g. CONGRESSIONAL REVIEW PROCEDURES.—

15 “(1) IN GENERAL.—All joint resolutions under  
 16 this chapter that are introduced in the House of  
 17 Representatives shall be referred to the Committee  
 18 on Foreign Affairs, and all joint resolutions intro-  
 19 duced in the Senate shall be referred to the Com-  
 20 mittee on Foreign Relations and in addition, in the  
 21 case of a proposed agreement for cooperation ar-  
 22 ranged pursuant to section 91c., 144b., or 144c., the  
 23 Committee on Armed Services.

24 “(2) DISCHARGE OF RESOLUTIONS.—If the  
 25 committee of either House to which a joint resolu-

1       tion has been referred has not reported it at the end  
2       of 45 legislative days after its introduction, the com-  
3       mittee shall be discharged from further consider-  
4       ation of the joint resolution.

5           “(3) JOINT RESOLUTION.—

6           “(A) IN GENERAL.—A joint resolution  
7       under this section shall be considered in the  
8       Senate in accordance with the provisions of sec-  
9       tion 601(b)(4) of the International Security As-  
10      sistance and Arms Export Control Act of 1976.  
11      For the purpose of expediting the consideration  
12      and passage of joint resolutions reported or dis-  
13      charged pursuant to the provisions of this sub-  
14      section, it shall be in order for the committee  
15      on Rules of the House of Representatives to  
16      present for consideration a resolution of the  
17      House of Representatives providing procedures  
18      for the immediate consideration of a joint reso-  
19      lution under this subsection which may be simi-  
20      lar, if applicable, to the procedures set forth in  
21      section 601(b)(4) of the International Security  
22      Assistance and Arms Export Control Act of  
23      1976.

24           “(B) MORE THAN ONE JOINT RESOLU-  
25      TION.—In the case of a joint resolution de-

1 scribed in subsection (a), if prior to the passage  
2 by one House of a joint resolution of that  
3 House, that House receives a joint resolution  
4 with respect to the same matter from the other  
5 House, then—

6 “(i) the procedure in that House shall  
7 be the same as if no joint resolution had  
8 been received from the other House; but

9 “(ii) the vote on final passage shall be  
10 on the joint resolution of the other House.

11 “(C) DEFINITION.—For the purposes of  
12 this subsection, the term ‘joint resolution’  
13 means a joint resolution, the matter after the  
14 resolving clause of which is as follows: ‘That the  
15 Congress (does or does not) favor the proposed  
16 agreement for cooperation transmitted to the  
17 Congress by the President on \_\_\_\_\_,’  
18 with the date of the transmission of the pro-  
19 posed agreement for cooperation inserted in the  
20 blank, and the affirmative or negative phrase  
21 within the parenthetical appropriately selected,  
22 along with any other provisions.

23 “(4) RULEMAKING POWER OF CONGRESS.—

24 This section is enacted by Congress—

“(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section, and they supersede other rules only to the extent that they are inconsistent therewith; and

“(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.”.

**SEC. 208. CONGRESSIONAL REVIEW OF SIGNIFICANT  
CHANGES TO NUCLEAR COOPERATION  
AGREEMENTS.**

Section 131 of the Atomic Energy Act of 1954 (42 U.S.C. 2160) is amended by adding at the end the following:

“(g) CONGRESSIONAL REVIEW; DISAPPROVAL.—Any subsequent arrangement that—

1           “(1) significantly alters the terms of an agree-  
2           ment of cooperation that has come into effect pursu-  
3           ant to the requirements of section 123 e., or

4           “(2) is negotiated pursuant to an exempted  
5           agreement,

6           shall not come into effect until it has lain before Congress  
7           for 45 legislative days, unless Congress has enacted a joint  
8           resolution of disapproval during such 45 day period.”.

9   **SEC. 209. REQUIREMENT OF LIABILITY PROTECTION FOR**  
10                   **UNITED STATES NUCLEAR SUPPLIERS.**

11           (a) IN GENERAL.—Chapter 11 of title I of the Atomic  
12           Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended  
13           by adding at the end the following:

14   **“SEC. 135. REQUIREMENT OF LIABILITY PROTECTION FOR**  
15                   **UNITED STATES NUCLEAR SUPPLIERS.**

16           “The President may not issue a license for the export  
17           of nuclear material, facilities, components, or other goods,  
18           services or technology to a country pursuant to an agree-  
19           ment that has entered into force after the date of the en-  
20           actment of this section unless the President determines  
21           that the country has liability protection for United States  
22           nuclear suppliers that is equivalent to the liability protec-  
23           tion specified under the Convention on Supplementary  
24           Compensation for Nuclear Damage.”.



1 (b) CLERICAL AMENDMENT.—The table of contents  
 2 for the Atomic Energy Act of 1954, as amended by this  
 3 Act, is further amended by inserting after the item relat-  
 4 ing to section 134 the following new item:

“Sec. 135. Requirement of liability protection for United States nuclear sup-  
 pliers.”.

5 **SEC. 210. LOAN GUARANTEES FOR COUNTRIES THAT FORE-**  
 6 **GO ENRICHMENT AND REPROCESSING.**

7 (a) IN GENERAL.—Chapter 11 of title I of the Atomic  
 8 Energy Act of 1954 (42 U.S.C. 2011 et seq.), as amended  
 9 by this Act, is further amended by adding at the end the  
 10 following:

11 **“SEC. 136. LOAN GUARANTEES FOR COUNTRIES THAT**  
 12 **FOREGO ENRICHMENT AND REPROCESSING.**

13 “(a) IN GENERAL.—The President, acting through  
 14 the Overseas Private Investment Corporation, is author-  
 15 ized to make loan guarantees to countries with which the  
 16 United States has an agreement for cooperation in force  
 17 pursuant to section 123, on such terms and conditions as  
 18 the President determines, subject to subsection (b).

19 “(b) SPECIFIC APPROPRIATION OR CONTRIBU-  
 20 TION.—No loan guarantee may be made under subsection  
 21 (a) unless—

22 “(1) an appropriation for the cost has been  
 23 made; or

1           “(2) the President has received from the bor-  
2           rower a payment in full for the cost of the obligation  
3           and deposited the payment into the Treasury of the  
4           United States.”.

5           (b) CLERICAL AMENDMENT.—The table of contents  
6           for the Atomic Energy Act of 1954, as amended by this  
7           Act, is further amended by inserting after the item relat-  
8           ing to section 135, as added by section 209(b) of this Act,  
9           the following new item:

          “Sec. 136. Loan guarantees for countries that forego enrichment and reprocess-  
          ing.”.

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