

116TH CONGRESS  
1ST SESSION

# H. R. 5387

To require congressional approval for civilian nuclear cooperation under certain circumstances, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2019

Mr. SHERMAN introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To require congressional approval for civilian nuclear cooperation under certain circumstances, 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 “Preventing the Spread  
5        of Nuclear Weapons Act of 2019”.

6        **SEC. 2. FINDINGS.**

7        Congress makes the following findings:

8                (1) The statement by President Recep Tayyip  
9        Erdoğan of Turkey on September 4, 2019, that he  
10        “cannot accept” a state of affairs in which Turkey

1 has no missiles armed with nuclear warheads follows  
2 other concerning statements from senior officials  
3 that the Government of Turkey may pursue a nu-  
4 clear-weapons capability, which runs counter to its  
5 obligations under the Nuclear Nonproliferation  
6 Treaty and the bipartisan United States objective of  
7 negotiating a weapons of mass destruction-free zone  
8 in the Middle East.

9 (2) A United States civilian nuclear cooperation  
10 agreement with Turkey, signed in 2008 and up for  
11 automatic renewal in 2023, does not currently have  
12 to be submitted for congressional review, denying  
13 Congress the opportunity to insist upon a renewed  
14 agreement—a prohibition on Turkey’s enrichment of  
15 uranium or reprocessing of plutonium on its own  
16 territory in keeping with the strongest possible non-  
17 proliferation “gold standard”.

18 **SEC. 3. CONGRESSIONAL APPROVAL REQUIRED FOR CIVIL-**  
19 **IAN NUCLEAR COOPERATION AGREEMENTS**  
20 **UNDER CERTAIN CIRCUMSTANCES.**

21 (a) IN GENERAL.—Notwithstanding any other re-  
22 quirements under section 123 of the Atomic Energy Act  
23 of 1954 (42 U.S.C. 2153), the President, concurrent with  
24 submitting a proposed civilian nuclear cooperation agree-  
25 ment with a foreign country in accordance with the re-

1 requirements of such section 123, and 60 days prior to the  
2 renewal of any pre-existing civilian nuclear cooperation  
3 agreement, shall submit to Congress a report—

4           (1) declaring any credible evidence that the for-  
5            foreign country intends, conditionally or uncondition-  
6            ally, to pursue a nuclear program that is not inher-  
7            ently peaceful, including public statements to that  
8            effect by a senior leader of that foreign country;

9           (2) citing any instance in which the foreign gov-  
10          ernment has violated the Chemical Weapons Conven-  
11          tion, the Biological Weapons Convention, or the Nu-  
12          clear Nonproliferation Treaty, or otherwise violated  
13          international standards with respect to the develop-  
14          ment, storage, deployment, or use of weapons of  
15          mass destruction;

16          (3) stating whether or not the foreign govern-  
17          ment has committed to not enrich uranium or re-  
18          process plutonium on its own territory concurrent to  
19          a submitted proposed civilian nuclear cooperation  
20          agreement or a renewal of any pre-existing civilian  
21          nuclear cooperation agreement; and

22          (4) stating whether or not the foreign govern-  
23          ment has committed to sign and ratify the Addi-  
24          tional Protocol to its International Atomic Energy  
25          Agency Safeguards Agreement.

1           (b) REQUIRED ACTIONS.—If a report submitted  
2 under subsection (a) describes any known instance set  
3 forth under paragraphs (1) and (2) of such subsection,  
4 then, notwithstanding any other requirements under sec-  
5 tion 123 of the Atomic Energy Act of 1954 (42 U.S.C.  
6 2153), the civilian nuclear cooperation agreement with the  
7 foreign country in question, or the renewal of any pre-  
8 existing agreement, may only enter into effect on or after  
9 the date on which both of the following conditions have  
10 been met:

11           (1) The President has submitted a proposed  
12 agreement with the foreign country in accordance  
13 with the requirements of such section 123.

14           (2) On or after the date of the submission of  
15 the proposed agreement under paragraph (1), a joint  
16 resolution stating that Congress approves such  
17 agreement has been enacted.

18           (c) EXEMPTIONS.—The requirements under sub-  
19 section (b) do not apply to any country that—

20           (1) is a member of the North Atlantic Treaty  
21 Organization; and

22           (2) is a Nuclear Weapon State as defined by  
23 the Nuclear Nonproliferation Treaty.

24           (d) DEFINITIONS.—In this section:

1           (1) BIOLOGICAL WEAPONS CONVENTION.—The  
2 term “Biological Weapons Convention” means the  
3 Convention on the Prohibition of the Development,  
4 Production and Stockpiling of Bacteriological and  
5 Toxin Weapons and on their Destruction, done at  
6 Washington, London, and Moscow, April 10, 1972.

7           (2) CHEMICAL WEAPONS CONVENTION.—The  
8 term “Chemical Weapons Convention” means the  
9 Convention on the Prohibition of the Development,  
10 Production, Stockpiling and use of Chemical Weap-  
11 ons and on their Destruction, done at Paris, Janu-  
12 ary 13, 1993.

13           (3) NUCLEAR NONPROLIFERATION TREATY.—  
14 The term “Nuclear Nonproliferation Treaty” means  
15 the Treaty on the Non-Proliferation of Nuclear  
16 Weapons, done at Washington, London, and Mos-  
17 cow, July 1, 1968.

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