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

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on

A BILL

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

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preventing the Spread of Nuclear Weapons Act of 2019”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The statement by President Recep Tayyip Erdoğan of Turkey on September 4, 2019, that he “cannot accept” a state of affairs in which Turkey
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has no missiles armed with nuclear warheads follows other concerning statements from senior officials that the Government of Turkey may pursue a nuclear-weapons capability, which runs counter to its obligations under the Nuclear Nonproliferation Treaty and the bipartisan United States objective of negotiating a weapons of mass destruction-free zone in the Middle East.

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

SEC. 3. CONGRESSIONAL APPROVAL REQUIRED FOR CIVILIAN NUCLEAR COOPERATION AGREEMENTS UNDER CERTAIN CIRCUMSTANCES.

(a) In General.—Notwithstanding any other requirements under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), the President, concurrent with submitting a proposed civilian nuclear cooperation agreement with a foreign country in accordance with the re-
requirements of such section 123, and 60 days prior to the
renewal of any pre-existing civilian nuclear cooperation
agreement, shall submit to Congress a report—

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

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

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

(4) stating whether or not the foreign govern-
ment has committed to sign and ratify the Addi-
tional Protocol to its International Atomic Energy
Agency Safeguards Agreement.
(b) REQUIRED ACTIONS.—If a report submitted under subsection (a) describes any known instance set forth under paragraphs (1) and (2) of such subsection, then, notwithstanding any other requirements under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), the civilian nuclear cooperation agreement with the foreign country in question, or the renewal of any pre-existing agreement, may only enter into effect on or after the date on which both of the following conditions have been met:

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

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

(c) EXEMPTIONS.—The requirements under subsection (b) do not apply to any country that—

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

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

(d) DEFINITIONS.—In this section:
