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AMENDMENT TO H.R. _____

OFFERED BY MR. BERMAN OF CALIFORNIA

At the appropriate place in the bill, insert the following:

TITLE ____—NUCLEAR NONPROLIFERATION

SEC. ____. WITHDRAWAL FROM THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to oppose the withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons (in this section referred to as the "Treaty") of any country that is a party to the Treaty and to use all political, economic, and diplomatic means at its disposal to deter, prevent, or reverse any such withdrawal from the Treaty.

(b) PROHIBITION ON CERTAIN ASSISTANCE.—Notwithstanding any other provision of law, no assistance (other than humanitarian assistance) under any provision of law may be provided to a country that has withdrawn from the Treaty on or after the date of the enactment of this Act.

(c) RETURN OF ALL UNITED STATES-ORIGIN MATERIALS AND EQUIPMENT.—The United States shall seek

1 the return of any material, equipment, or components
2 transferred under an agreement for civil nuclear coopera-
3 tion that is in force pursuant to section 123 of the Atomic
4 Energy Act of 1954 (42 U.S.C. 2153) on or after the date
5 of the enactment of this Act, and any special fissionable
6 material produced through the use of such material, equip-
7 ment, or components previously provided to a country that
8 withdraws from the Treaty.

9 **SEC. ___. PROHIBITION ON ASSISTANCE TO STATE SPON-**
10 **SORS OF PROLIFERATION OF WEAPONS OF**
11 **MASS DESTRUCTION.**

12 (a) PROHIBITION ON ASSISTANCE.—The United
13 States shall not provide any assistance under Public Law
14 87–195, Public Law 90–629, the Food for Peace Act, the
15 Peace Corps Act, or the Export-Import Bank Act of 1945
16 to any country if the Secretary of State determines that
17 the government of the country has repeatedly provided
18 support for acts of proliferation of equipment, technology,
19 or materials to support the design, acquisition, manufac-
20 ture, or use of weapons of mass destruction or the acquisi-
21 tion or development of ballistic missiles to carry such
22 weapons.

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

1 (c) RESCISSION.—A determination of the Secretary
2 of State under subsection (a) may not be rescinded unless
3 the Secretary submits to the appropriate congressional
4 committees—
5 (1) before the proposed rescission would take
6 effect, a report certifying that—
7 (A) there has been a fundamental change
8 in the leadership and policies of the government
9 of the country concerned;
10 (B) the government is not supporting acts
11 of proliferation of equipment, technology, or
12 materials to support the design, acquisition,
13 manufacture, or use of weapons of mass de-
14 struction; and
15 (C) the government has provided assur-
16 ances that it will not support such acts in the
17 future; or
18 (2) at least 45 days before the proposed rescis-
19 sion would take effect, a report justifying the rescis-
20 sion and certifying that—
21 (A) the government of the country con-
22 cerned has not provided any support for acts of
23 proliferation of equipment, technology, or mate-
24 rials to support the design, acquisition, manu-

1 facture, or use of weapons of mass destruction
2 during the preceding 24-month period; and
3 (B) the government has provided assur-
4 ances that it will not support such acts of pro-
5 liferation in the future.
6 (d) WAIVER.—The President may waive the require-
7 ments of subsection (a) on a case-by-case basis if—
8 (1) the President determines that national secu-
9 rity interests or humanitarian reasons justify a waiv-
10 er of such requirements, except that humanitarian
11 reasons may not be used to justify the waiver of
12 such requirements to provide security assistance
13 under Public Law 87–195, Public Law 90–629, or
14 the Export-Import Bank Act of 1945; and
15 (2) at least 15 days before the waiver takes ef-
16 fect, the President consults with the appropriate
17 congressional committees regarding the proposed
18 waiver and submits to the appropriate congressional
19 committees a report containing—
20 (A) the name of the recipient country;
21 (B) a description of the national security
22 interests or humanitarian reasons that require
23 the waiver;

1 (C) the type and amount of and the jus-
2 tification for the assistance to be provided pur-
3 suant to the waiver; and
4 (D) the period of time during which such
5 waiver will be effective.

6 **SEC. ___. ADDITIONAL PROTOCOL AS A CRITERION FOR**
7 **UNITED STATES ASSISTANCE.**

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

13 (b) CRITERION FOR ASSISTANCE.—The United
14 States shall, when considering the provision of assistance
15 under Public Law 87–195 or Public Law 90–629 to a
16 country that is a party to the Treaty on the Nonprolifera-
17 tion of Nuclear Weapons, take into consideration whether
18 the proposed recipient has in force an Additional Protocol
19 to its safeguards agreement with the IAEA.