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(Original Signature of Member)

110TH CONGRESS
2D SESSION

H. R.

To implement the United States-Russian Federation Agreement for Cooperation on Peaceful Uses of Nuclear Energy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BERMAN (for himself and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on

A BILL

To implement the United States-Russian Federation Agreement for Cooperation on Peaceful Uses of Nuclear Energy, 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 “United States-Russian Federation Nuclear Cooperation
6 Agreement Act of 2008”.

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

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

TITLE I—APPROVAL OF UNITED STATES-RUSSIAN FEDERATION
AGREEMENT FOR COOPERATION ON PEACEFUL USES OF NU-
CLEAR ENERGY

- Sec. 101. Approval of Agreement.

TITLE II—LIMITATIONS ON NUCLEAR COOPERATION WITH THE
RUSSIAN FEDERATION

- Sec. 201. Certification of actions by the Russian Federation on nonproliferation matters.
- Sec. 202. Certification of cooperation by the Russian Federation on Iran sanctions.
- Sec. 203. Certification of Russian liability protections for United States civil nuclear industries.

TITLE III—AUTHORIZATION OF EXTRAORDINARY PAYMENTS IN
CONNECTION WITH THE INTERNATIONAL SPACE STATION

- Sec. 301. Authorization of extraordinary payments.

TITLE IV—FUTURE AGREEMENTS FOR COOPERATION ON
PEACEFUL USES OF NUCLEAR ENERGY

- Sec. 401. Requirement for congressional approval of agreements for peaceful nuclear cooperation.
- Sec. 402. Initiatives and negotiations relating to agreements for peaceful nuclear cooperation.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) AGENCY OR INSTRUMENTALITY OF A FOR-
4 EIGN STATE.—The term “agency or instrumentality
5 of a foreign state” has the meaning given that term
6 in section 1603(b) of title 28, United States Code.

7 (2) AGREEMENT.—The term “United States-
8 Russian Federation Agreement for Cooperation on
9 Peaceful Uses of Nuclear Energy” or “Agreement”
10 means the Agreement Between the Government of
11 the United States of America and the Government
12 of the Russian Federation for Cooperation in the

1 Field of Peaceful Uses of Nuclear Energy that was
2 transmitted to the Congress by the President on
3 May 13, 2008.

4 (3) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means—

7 (A) the Committee on Foreign Affairs of
8 the House of Representatives; and

9 (B) the Committee on Foreign Relations of
10 the Senate.

11 (4) EXTRAORDINARY PAYMENTS IN CONNec-
12 TION WITH THE INTERNATIONAL SPACE STATION.—
13 The term “extraordinary payments in connection
14 with the International Space Station” has the mean-
15 ing given that term in section 7(1) of the Iran,
16 North Korea, and Syria Nonproliferation Act (Pub-
17 lic Law 106–178; 50 U.S.C. 1701 note).

18 (5) GOODS, SERVICES, OR TECHNOLOGY.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (B), the term “goods, services, or
21 technology” means—

22 (i) goods, services, or technology listed
23 on—

24 (I)(aa) the Nuclear Suppliers
25 Group Guidelines for the Export of

1 Nuclear Material, Equipment and
2 Technology (published by the Inter-
3 national Atomic Energy Agency as In-
4 formation Circular INFCIRC/254/
5 Rev.8/ Part 1, and subsequent revi-
6 sions) and Guidelines for Transfers of
7 Nuclear-Related Dual-Use Equipment,
8 Material, and Related Technology
9 (published by the International Atom-
10 ic Energy Agency as Information Cir-
11 cular INFCIRC/254/ Rev.7/ Part 2,
12 and subsequent revisions);

13 (bb) the Missile Technology Con-
14 trol Regime Equipment and Tech-
15 nology Annex of June 11, 1996, and
16 subsequent revisions;

17 (cc) the lists of items and sub-
18 stances relating to biological and
19 chemical weapons the export of which
20 is controlled by the Australia Group;

21 (dd) the Schedule One or Sched-
22 ule Two list of toxic chemicals and
23 precursors the export of which is con-
24 trolled pursuant to the Convention on
25 the Prohibition of the Development,

1 Production, Stockpiling and Use of
2 Chemical Weapons and on Their De-
3 struction; or

4 (ee) the Wassenaar Arrangement
5 list of Dual Use Goods and Tech-
6 nologies and Munitions list of July 12,
7 1996, and subsequent revisions; or

8 (ii) goods, services, or technology not
9 listed on any list identified in clause (i) but
10 which nevertheless would be, if they were
11 United States goods, services, or tech-
12 nology, prohibited for export to Iran be-
13 cause of their potential to make a material
14 contribution to the development of nuclear,
15 biological, or chemical weapons, or of bal-
16 listic or cruise missile systems.

17 (B) EXCLUSION.—The term “goods, serv-
18 ices, or technology” does not include goods,
19 services, or technology that are directly related
20 to the operation of the Bushehr nuclear power
21 reactor.

22 (6) GOVERNMENT OF THE RUSSIAN FEDERA-
23 TION.—

24 (A) IN GENERAL.—The term “Government
25 of the Russian Federation” includes the govern-

1 ment of any subdivision of the Russian Federa-
2 tion, and any agency or instrumentality of the
3 Government of the Russian Federation.

4 (B) AGENCY OR INSTRUMENTALITY.—For
5 purposes of subparagraph (A), the term “agen-
6 cy or instrumentality of the Government of the
7 Russian Federation” means an agency or in-
8 strumentality of a foreign state as defined in
9 section 1603(b) of title 28, United States Code,
10 with each reference in such section to “a for-
11 eign state” deemed to be a reference to “the
12 Russian Federation”.

13 (7) GOVERNMENT OF IRAN.—

14 (A) IN GENERAL.—The term “Government
15 of Iran” includes the government of any sub-
16 division of Iran, and any agency or instrumen-
17 tality of the Government of Iran.

18 (B) AGENCY OR INSTRUMENTALITY.—For
19 purposes of subparagraph (A), the term “agen-
20 cy or instrumentality of the Government of
21 Iran” means an agency or instrumentality of a
22 foreign state as defined in section 1603(b) of
23 title 28, United States Code, with each ref-
24 erence in such section to “a foreign state”
25 deemed to be a reference to “Iran”.

1 (8) NATIONAL OF IRAN.—The term “national
2 of Iran” means—

3 (A) any citizen of Iran; or

4 (B) any other legal entity that is organized
5 under the laws of Iran.

6 (9) NATIONAL OF THE RUSSIAN FEDERA-
7 TION.—The term “national of the Russian Federa-
8 tion” means—

9 (A) any citizen of the Russian Federation;
10 or

11 (B) any other legal entity that is organized
12 under the laws of the Russian Federation.

13 (10) PERSON.—The term “person” means any
14 person or entity, including any agency or instrumen-
15 tality of a foreign state.

16 **TITLE I—APPROVAL OF UNITED**
17 **STATES-RUSSIAN FEDERA-**
18 **TION AGREEMENT FOR CO-**
19 **OPERATION ON PEACEFUL**
20 **USES OF NUCLEAR ENERGY**

21 **SEC. 101. APPROVAL OF AGREEMENT.**

22 (a) IN GENERAL.—Congress does favor the United
23 States-Russian Federation Agreement for Cooperation on
24 Peaceful Uses of Nuclear Energy, subject to the require-
25 ments of subsection (b).

1 (b) RELATIONSHIP TO OTHER PROVISIONS OF
2 LAW.—Notwithstanding section 123 of the Atomic Energy
3 Act of 1954 (42 U.S.C. 2153), the Agreement shall be-
4 come effective in accordance with the provisions of this
5 Act and other applicable provisions of law.

6 **TITLE II—LIMITATIONS ON NU-**
7 **CLEAR COOPERATION WITH**
8 **THE RUSSIAN FEDERATION**

9 **SEC. 201. CERTIFICATION OF ACTIONS BY THE RUSSIAN**
10 **FEDERATION ON NONPROLIFERATION MAT-**
11 **TERS.**

12 (a) CERTIFICATION.—No license may be issued for
13 the export of nuclear material, equipment, or technology
14 to the Russian Federation pursuant to the Agreement for
15 any fiscal year beginning after the date of the enactment
16 of this Act unless the President certifies to the appropriate
17 congressional committees for such fiscal year that the re-
18 quirements of subsection (b) have been met.

19 (b) REQUIREMENTS.—The requirements referred to
20 in subsection are the following:

21 (1) The Government of the Russian Federation
22 has taken, and is continuing to take, effective ac-
23 tions to prohibit, terminate, and prevent the transfer
24 of goods, services, or technology as defined in this
25 Act to the Government of Iran.

1 (2) For the preceding 12-month period—

2 (A) there has been no cooperation with re-
3 spect to any activity described in paragraph (1)
4 between the Government of the Russian Fed-
5 eration and the Government of Iran or any na-
6 tional of Iran based on all credible information
7 available to the United States at the time of the
8 certification; and

9 (B)(i) there has been no cooperation with
10 respect to any activity described in paragraph
11 (1) between any national of the Russian Fed-
12 eration and the Government of Iran or any na-
13 tional of Iran based on all credible information
14 available to the United States at the time of the
15 certification; or

16 (ii) the Government of the Russian Fed-
17 eration has—

18 (I) terminated any significant co-
19 operation between any such Russian na-
20 tional and the Government of Iran or any
21 such Iranian national;

22 (II) instituted effective measures to
23 prevent a reoccurrence of any such co-
24 operation; or

1 (III) prosecuted any such Russian na-
2 tional.

3 (c) LIMITATION.—A certification of the conditions
4 described in clause (ii) of subsection (b)(2)(B) may not
5 be used to satisfy the requirements of such subsection for
6 three or more consecutive fiscal years.

7 (d) SUNSET.—The provisions of this section shall be
8 effective for the 5-year period beginning on the date of
9 the enactment of this Act.

10 **SEC. 202. CERTIFICATION OF COOPERATION BY THE RUS-**
11 **SIAN FEDERATION ON IRAN SANCTIONS.**

12 (a) CERTIFICATION.—No license may be issued for
13 the export of nuclear material, equipment or technology
14 to the Russian Federation pursuant to the Agreement for
15 any fiscal year beginning after the date of the enactment
16 of this Act unless the President certifies to the appropriate
17 congressional committees for such fiscal year that the re-
18 quirements of subsection (b) have been met.

19 (b) REQUIREMENTS.—The requirements referred to
20 in subsection (a) are that the Government of the Russian
21 Federation is fully and completely supporting United
22 States efforts to achieve effective international and United
23 Nations Security Council sanctions on Iran in response to
24 Iran's nuclear program.

1 **SEC. 203. CERTIFICATION OF RUSSIAN LIABILITY PROTEC-**
2 **TIONS FOR UNITED STATES CIVIL NUCLEAR**
3 **INDUSTRIES.**

4 (a) CERTIFICATION.—No license may be issued for
5 the export of nuclear material, equipment or technology
6 to the Russian Federation pursuant to the Agreement un-
7 less the President certifies to the appropriate congres-
8 sional committees that the requirements of subsection (b)
9 have been met.

10 (b) REQUIREMENTS.—The requirements referred to
11 in subsection (a) are that the Government of the Russian
12 Federation has ratified the Convention on Supplementary
13 Compensation for Nuclear Damage, done at Vienna on
14 September 12, 1997, or has enacted domestic law that
15 provides adequate liability protections for United States
16 firms for civil nuclear commerce with the Russian Federa-
17 tion.

18 **TITLE III—AUTHORIZATION OF**
19 **EXTRAORDINARY PAYMENTS**
20 **IN CONNECTION WITH THE**
21 **INTERNATIONAL SPACE STA-**
22 **TION**

23 **SEC. 301. AUTHORIZATION OF EXTRAORDINARY PAYMENTS.**

24 (a) AUTHORIZATION.—Notwithstanding the restric-
25 tions contained in section 6 of the Iran, North Korea, and
26 Syria Nonproliferation Act (Public Law 106–178; 50

1 U.S.C. 1701 note), the President is authorized to make
2 extraordinary payments in connection with the Inter-
3 national Space Station to the Russian Federal Space
4 Agency, or any organization or entity under the jurisdic-
5 tion or control of the Russian Federal Space Agency, for
6 equipment and services related to transportation to and
7 from, rescue from, and provision, maintenance, and oper-
8 ation of the International Space Station.

9 (b) LIMITATIONS.—The authority under subsection
10 (a)—

11 (1) shall be limited to payments for services
12 provided before July 1, 2016; and

13 (2) may not be used for the purchase of—

14 (A) any cargo services provided by a
15 Progress vehicle after December 31, 2011; or

16 (B) any crew transportation or rescue serv-
17 ices provided by a Soyuz vehicle after a United
18 States commercial provider of crew transpor-
19 tation and rescue services demonstrates the ca-
20 pability to meet mission requirements of the
21 International Space Station.

1 **TITLE IV—FUTURE AGREE-**
2 **MENTS FOR COOPERATION**
3 **ON PEACEFUL USES OF NU-**
4 **CLEAR ENERGY**

5 **SEC. 401. REQUIREMENT FOR CONGRESSIONAL APPROVAL**
6 **OF AGREEMENTS FOR PEACEFUL NUCLEAR**
7 **COOPERATION.**

8 (a) COOPERATION WITH OTHER NATIONS.—Section
9 123 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2153
10 d.) is amended in the first sentence—

11 (1) by striking “not” the first and second place
12 it appears;

13 (2) by inserting “only” after “effective”; and

14 (3) by striking “*Provided further,*” and all that
15 follows through the period at the end.

16 (b) SUBSEQUENT ARRANGEMENTS.—Section 131
17 a.(1) of such Act is amended—

18 (1) in the second sentence, by striking “, secu-
19 rity” and all that follows through the period at the
20 end; and

21 (2) by inserting after the second sentence the
22 following: “Such subsequent arrangement shall not
23 take effect unless the Congress enacts a joint resolu-
24 tion of approval, according to the procedures of sec-
25 tions 123 d. and 130 i. of this Act. Any such nuclear

1 proliferation assessment statement shall be sub-
2 mitted to the Committee on Foreign Affairs of the
3 House of Representatives and the Committee on
4 Foreign Relations of the Senate no later than the
5 31st day of continuous session after submission of
6 the subsequent arrangement.”.

7 **SEC. 402. INITIATIVES AND NEGOTIATIONS RELATING TO**
8 **AGREEMENTS FOR PEACEFUL NUCLEAR CO-**
9 **OPERATION.**

10 Section 123 of the Atomic Energy Act of 1954 (42
11 U.S.C. 2153) is amended by adding at the end the fol-
12 lowing:

13 “e. The President shall keep the Committee on For-
14 eign Affairs of the House of Representatives and the Com-
15 mittee on Foreign Relations of the Senate fully and cur-
16 rently informed of any initiative or negotiations relating
17 to a new or amended agreement for peaceful nuclear co-
18 operation pursuant to this section prior to the President’s
19 announcement of such initiative or negotiations. The
20 President shall consult with the appropriate congressional
21 committees concerning such initiative or negotiations be-
22 ginning not less than 15 calendar days after the initiation
23 of any such negotiations, or the receipt or transmission
24 of a draft agreement, whichever occurs first, and monthly

1 thereafter until such time as the negotiations are con-
2 cluded.”.