

109TH CONGRESS
2D SESSION

S. 2429

To authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India.

IN THE SENATE OF THE UNITED STATES

MARCH 16 (legislative day, MARCH 15), 2006

Mr. LUGAR (for himself, Mr. ALLEN, Mr. STEVENS, Mr. CORNYN, Mr. CRAPO, and Mrs. HUTCHISON) (by request) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India.

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. WAIVER AUTHORITY.**

4 (a) WAIVER AUTHORITY.—Notwithstanding any
5 other provision of law, if the President makes the deter-
6 mination described in subsection (b), the President may—

7 (1) exempt a proposed agreement for coopera-
8 tion with India (arranged pursuant to section 123 of
9 the Atomic Energy Act of 1954 (42 U.S.C. 2153))

1 from the requirement in section 123(a)(2) of the
2 Atomic Energy Act of 1954, and such agreement for
3 cooperation shall be subject to the same congressional
4 review procedures under sections 123(b) and
5 123(d) of such Act as an agreement for cooperation
6 that has not been exempted from any requirement
7 contained in section 123(a) of such Act;

8 (2) waive the application of section 128 of the
9 Atomic Energy Act of 1954 (42 U.S.C. 2157) with
10 respect to India; and

11 (3) waive the application of any sanction under
12 section 129 of the Atomic Energy Act of 1954 (42
13 U.S.C. 2158) with respect to India.

14 (b) DETERMINATION.—The determination referred to
15 in subsection (a) is a determination by the President that
16 the following actions have occurred:

17 (1) India has provided the United States and
18 the International Atomic Energy Agency (IAEA)
19 with a credible plan to separate civil and military fa-
20 cilities, materials, and programs, and has filed a
21 declaration regarding its civil facilities with the
22 IAEA.

23 (2) An agreement has entered into force be-
24 tween India and the IAEA requiring the application
25 of safeguards in accordance with IAEA practices to

1 India's civil nuclear facilities as declared in the plan
2 described in paragraph (1).

3 (3) India and the IAEA are making satisfactory
4 progress toward implementing an Additional Pro-
5 tocol that would apply to India's civil nuclear pro-
6 gram.

7 (4) India is working with the United States for
8 the conclusion of a multilateral Fissile Material Cut-
9 off Treaty.

10 (5) India is supporting international efforts to
11 prevent the spread of enrichment and reprocessing
12 technology.

13 (6) India is ensuring that the necessary steps
14 are being taken to secure nuclear materials and
15 technology through the application of comprehensive
16 export control legislation and regulations, and
17 through harmonization and adherence to Missile
18 Technology Control Regime (MTCR) and Nuclear
19 Suppliers Group (NSG) guidelines.

20 (7) Supply to India by the United States under
21 an agreement for cooperation arranged pursuant to
22 section 123 of the Atomic Energy Act of 1954 is
23 consistent with United States participation in the
24 Nuclear Suppliers Group.

1 (c) REPORT.—Any determination pursuant to sub-
2 section (b) shall be reported to the Committee on Foreign
3 Relations of the Senate and the Committee on Inter-
4 national Relations of the House of Representatives, and
5 such report shall describe the basis for the President’s de-
6 termination.

7 (d) SUBSEQUENT DETERMINATION.—A determina-
8 tion under subsection (b) shall not be effective if the Presi-
9 dent determines that India has detonated a nuclear explo-
10 sive device after the date of enactment of this Act.

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