

Purpose: To limit nuclear cooperation with the People's Republic of China.

S. 1260

To establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

Amendment intended to be proposed by Mr. Cruz

Viz:

At the end of title V, add the following:

SEC. 508. LIMITATION ON NUCLEAR COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) In General.—The President shall not—

(1) develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate in, collaborate on, or coordinate bilaterally in any manner with respect to nuclear cooperation activities, or otherwise engage in nuclear cooperation, with—

(A) the Government of the People's Republic of China; or

(B) any company—

(i) owned by the Government of the People's Republic of China; or

(ii) incorporated under the laws of the People's Republic of China; or

(2) allow any agency of the United States Government to host official visitors at a facility belonging to the agency if those visitors are—

(A) officials, corporate officers, or principal shareholders of any entity described in subparagraph (A) or (B) of paragraph (1); or

(B) individuals subject to undue influence by the individuals described in subparagraph (A).

(b) Review of Prior Nuclear Cooperation and Associated Impacts.—

(1) Agreement.—Not later than 60 days after the date of enactment of this Act, the Secretary of State shall seek to enter into an agreement with the National Academy of Public Administration (referred to in this section as the "National Academy") to carry out the review and assessment described in paragraph (2) and submit the report described in paragraph (3).

(2) Review and assessment.—

(A) In general.—Under the agreement described in paragraph (1), the National Academy shall—

(i) conduct a review of nuclear cooperation during the 25-year period ending on the date of enactment of this Act between the United States Government and the People's Republic of China, including the role of the Department of State in facilitating such

cooperation; and

(ii) perform an assessment of the implications of the cooperation described in clause (i) on the national security of the United States.

(B) Elements.—In conducting the review and assessment under subparagraph (A), the National Academy shall examine all cooperative activities relating to nuclear cooperation between the United States Government and the People’s Republic of China during the 25-year period ending on the date of enactment of this Act, including—

(i) all trips relating to nuclear cooperation taken by officials of the Department of State to the People’s Republic of China;

(ii) all exchanges of goods, services, data, or information between officials of the United States Government and an entity described in subparagraph (A) or (B) of subsection (a)(1); and

(C) all instances in which officials of the United States Government hosted officials from, or significantly tied to, an entity described in subparagraph (A) or (B) of subsection (a)(1).

(3) Deadline and report.—Not later than 1 year after the date on which the Secretary and the National Academy enter into an agreement described in paragraph (1), the National Academy shall—

(A) complete the review and assessment described in paragraph (2); and

(B) submit a report containing the results of the review and assessment, which shall be unclassified but, if necessary, may contain a classified annex, to—

(i) the Secretary; and

(ii) the appropriate congressional committees.

(4) Publication.—Not later than 60 days after the date on which the National Academy submits the report under paragraph (3), the Secretary shall make the report publically available in an easily accessible electronic format, with appropriate redactions for information that, in the determination of the Secretary, would be damaging to the national security of the United States if disclosed.

(c) Waivers.—

(1) Waiver for counterterrorism; nonproliferation activities; and the national interest.—The President may waive the limitation under subsection (a) to continue ongoing activities with the People’s Republic of China relating to nuclear and radiological counterterrorism, nuclear and radiological counterproliferation, and nuclear and radiological nonproliferation; or

If the President determines that such waiver is in the national interests of the United States, provided—

The FBI certifies prior to such waiver that the persons covered under such waiver—

Are not subject to undue influence by the government of the PRC or CCP, or by officials of the PRC or CCP; and

Are not engaged in human rights abuses.

(2) Waiver to address emergencies.—Subject to receiving appropriate licenses and other authorizations, the President may waive the limitation under subsection (a) to allow transfers of

technology and equipment to address a nuclear or radiological emergency.

(3) Notification requirement.—The President shall notify Congress of any waiver issued under paragraph (1) or (2).

(d) Definitions.—In this section:

(1) Nuclear cooperation.—The term “nuclear cooperation” means cooperation with respect to nuclear activities, including the development, use, or control of atomic energy, including any activities involving the processing or utilization of source material, byproduct material, or special nuclear material (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)).

(2) Nuclear cooperation activities.—The term “nuclear cooperation activities” means activities relating to nuclear cooperation.

"RULE OF CONSTRUCTION.-- Nothing in this Act shall be construed to prohibit –

(1) U.S. commercial activities, provided such activities are consistent with the laws and regulations of the US.

(2) Limited diplomatic engagement or dialogue –

(A) including regarding protection of the intellectual property and trade secrets of American persons; and

(B) except for any diplomatic engagement or dialogue relating to or aimed at facilitating the transfer of nuclear technology”