

AMENDMENT TO H.R. 1735
OFFERED BY MR. ROGERS OF ALABAMA

At the appropriate place in title XXXI, insert the following:

1 **SEC. 31** ____ . **LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **DEVELOPMENT OF CERTAIN NUCLEAR NON-**
3 **PROLIFERATION TECHNOLOGIES.**

4 (a) **LIMITATION.**—Except as provided by subsection
5 (b), none of the funds authorized to be appropriated by
6 this Act or otherwise made available for fiscal year 2016
7 for defense nuclear nonproliferation for nonproliferation
8 or arms control verification or monitoring technologies
9 may be obligated or expended to develop such technologies
10 beyond technology readiness level 5 unless, not later than
11 60 days after the date of the enactment of this Act, the
12 Secretary of Energy submits to the appropriate congress-
13 sional committees the following:

14 (1) Written certification that such technologies
15 are being developed to fulfill the rights or obligations
16 of the United States under—

17 (A) a current arms control or nonprolifera-
18 tion treaty or agreement requiring verification

Log 064

1 or monitoring that has entered into force with
2 respect to the United States; or

3 (B) an arms control or nonproliferation
4 treaty or agreement that—

5 (i) will require verification or moni-
6 toring; and

7 (iii) the Secretary expects will enter
8 into force with respect to the United
9 States during the two-year period begin-
10 ning on the date of the certification.

11 (2) With respect to each technology developed
12 beyond technology readiness level 5 pursuant to this
13 subsection—

14 (A) an identification of the amount of such
15 funds made available for fiscal year 2016 for
16 defense nuclear nonproliferation that will be
17 used for such development; and

18 (B) how such development helps to fulfill
19 the rights or obligations of the United States as
20 described in subparagraphs (A) or (B) of para-
21 graph (1).

22 (b) WAIVER.—The Secretary may waive the limita-
23 tion in subsection (a) if—

24 (1) the Secretary—

Log 064

1 (A) determines that the waiver is necessary
2 in the national security interests of the United
3 States; and

4 (B) submits to the appropriate congress-
5 sional committees a written certification of such
6 determination; and

7 (2) a period of 15 days elapses following the
8 date on which the Secretary submits such certifi-
9 cation.

10 (c) DEFINITIONS.—In this section:

11 (1) In this section, the term “appropriate con-
12 gressional committees” means—

13 (A) the congressional defense committees;
14 and

15 (B) the Committee on Foreign Affairs of
16 the House of Representatives and the Com-
17 mittee on Foreign Relations of the Senate.

18 (2) The term “technology readiness level 5” has
19 the meaning given that term in the Department of
20 Energy Guide 413.3-4A titled “Technology Read-
21 ness Assessment Guide” and approved on September
22 15, 2011.

