

# United States Senate Committee on Foreign Relations

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## **Chairman Menendez's Opening Remarks at Hearing on Civilian Nuclear Cooperation Agreements**

**Washington, DC** – U.S. Sen. Robert Menendez (D-NJ), Chairman of the Senate Foreign Relations Committee, delivered the below opening statement at today's hearing on civilian nuclear cooperation agreements.

His statement, as prepared for delivery, follows:

“This hearing will come to order. Let me first welcome our panelists today. We appreciate your participation.

This year, several agreements are set to expire: Taiwan, which has been submitted to Congress. And other countries, including Vietnam, are seeking to negotiate new agreements with the United States. The Vietnam agreement has been initialed and we are looking forward to reviewing it when it is submitted to Congress.

Over the last several years the administration has conducted and recently completed a policy review of 123 agreements. We are looking forward today to hearing the results of this review.

One question is how the review dealt with what has become known as the “Gold Standard.” Should the United States require countries – with which it enters into 123 agreements – completely forgo enrichment and reprocessing (ENR)?

The policy review appears to have settled on a “case by case” basis for the pursuing the “Gold Standard.” If the administration has settled on a case-by-case basis we would like to know what the criteria are for pursuing, or not pursuing, “the Gold Standard”?

This brings up the broader question as to whether the time has arrived to reconsider the underlying laws governing 123 agreements.

In the 1970s nonproliferation concerns prompted Congress to pass the Nuclear Non-Proliferation Act of 1978, requiring states to comply with much more robust nonproliferation preconditions before signing nuclear cooperation agreements with the United States. A lot of water has passed under the bridge since then. Iran and North Korea have sought to use the pretense of a civilian nuclear program to work toward nuclear weapons programs and the A. Q. Khan network spread nuclear technology across the globe.

Another important issue related to 123 agreements is the declining role of United States in the global export market for nuclear technology. Until the end of the Cold War, the U.S. was the dominant global supplier of commercial nuclear energy technology.

Over the last 30 years, we have seen a significant decline in the U.S share of the market and in our ability to promote national security objectives through peaceful nuclear cooperation. For Congress the question is how we can support our nuclear industry while at the same time up holding high nonproliferation standards.

Finally, Section 123 charges the Congress and the Senate Foreign Relations Committee in particular with important oversight duties. The President is required to submit all 123 agreements to the Senate Foreign Relations Committee.

Along with the agreement, the State Department provides an unclassified Nuclear Proliferation Assessment Statement (NPAS) to the committee and a classified annex prepared in consultation with the Director of Intelligence. It is then up to us to decide whether we believe the agreement meets the non-proliferation criteria of the Atomic Energy Act and as in the best interest of the United States.

Today I hope our panelists will help shed light on these issues and help us better perform of our oversight duties.”

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