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113TH CONGRESS
2^D SESSION

S. J. RES. 36

[Report No. 113-_____]]

Relating to the approval and implementation of the proposed agreement for nuclear cooperation between the United States and the Socialist Republic of Vietnam.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2014

Mr. MENENDEZ (for himself, Mr. KAINE, and Mrs. SHAHEEN) introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

_____ (legislative day, _____), _____

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the resolving clause and insert the part printed in italic]

JOINT RESOLUTION

Relating to the approval and implementation of the proposed agreement for nuclear cooperation between the United States and the Socialist Republic of Vietnam.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

1 **SECTION 1. APPROVAL.**

2 (a) Congress does favor the Agreement for Coopera-
3 tion Between the Government of the United States of
4 America and the Government of the Socialist Republic of
5 Vietnam Concerning Peaceful Uses of Nuclear Energy,
6 signed on May 6, 2014, in this joint resolution referred
7 to as the “Agreement”.

8 (b) Notwithstanding section 123 of the Atomic En-
9 ergy Act of 1954 (42 U.S.C. 2153), the Agreement be-
10 comes effective in accordance with the provisions of this
11 joint resolution and other applicable provisions of law.

12 **SEC. 2. THIRTY-YEAR LIMIT ON NUCLEAR EXPORTS.**

13 (a) Notwithstanding section 123 of the Atomic En-
14 ergy Act of 1954 (42 U.S.C. 2153) and except as provided
15 in subsection (b) and section 3, no license to export pursu-
16 ant to an agreement that has entered into force pursuant
17 to the requirements of such section 123 may be issued
18 after the date that is 30 years after the date of entry into
19 force of such agreement.

20 (b) The restriction in subsection (a) shall not apply
21 to—

22 (1) any agreement with a country that is a
23 member country of the North Atlantic Treaty Orga-
24 nization, or Australia, Israel, Japan, the Republic of
25 Korea, New Zealand, the Taipei Economic and Cul-
26 tural Representative Office in the United States

1 (TECRO), or the International Atomic Energy
2 Agency;

3 (2) any agreement that had entered into force
4 as of August 1, 2014; or

5 (3) any amendment to an agreement described
6 in paragraph (1) or (2).

7 **SEC. 3. EXTENSION OF EXISTING AGREEMENTS.**

8 Congress may, in the final five years of the 30-year
9 time limit applicable to the issuance of export licenses pur-
10 suant to an agreement under section 2(a), enact a joint
11 resolution permitting the issuance of such licenses for an
12 additional period of not more than 30 years without the
13 President submitting a new agreement pursuant to the re-
14 quirements of section 123 of the Atomic Energy Act of
15 1954 (42 U.S.C. 2153).

16 **SEC. 4. APPLICABLE LAW.**

17 Each proposed export pursuant to the Agreement
18 shall be subject to United States laws and regulations in
19 effect at the time of each such export.

20 **SECTION 1. APPROVAL.**

21 (a) *Congress does favor the Agreement for Cooperation*
22 *Between the Government of the United States of America*
23 *and the Government of the Socialist Republic of Vietnam*
24 *Concerning Peaceful Uses of Nuclear Energy, signed on*

1 *May 6, 2014, in this joint resolution referred to as the*
2 *“Agreement”.*

3 *(b) Notwithstanding section 123 of the Atomic Energy*
4 *Act of 1954 (42 U.S.C. 2153), the Agreement becomes effec-*
5 *tive in accordance with the provisions of this joint resolu-*
6 *tion and other applicable provisions of law.*

7 **SEC. 2. THIRTY-YEAR LIMIT ON CIVIL NUCLEAR ENGAGE-**
8 **MENT.**

9 *(a) Notwithstanding any other provision of law, no*
10 *funds may be used to implement any aspect of an agreement*
11 *for civil nuclear cooperation pursuant to section 123 of the*
12 *Atomic Energy Act of 1954 (42 U.S.C. 2153) after the date*
13 *that is 30 years after the date of entry into force of such*
14 *agreement unless—*

15 *(1) the President, within the final five years of*
16 *the agreement, has certified to the Committee on For-*
17 *ign Relations of the Senate and the Committee on*
18 *Foreign Affairs of the House of Representatives that*
19 *the party to such agreement has continued to fulfill*
20 *the terms and conditions of the agreement and that*
21 *the agreement continues to be in the interest of the*
22 *United States; and*

23 *(2) Congress enacts a joint resolution permitting*
24 *the continuation of the agreement for an additional*
25 *period of not more than 30 years.*

1 (b) *The restriction in subsection (a) shall not apply*
2 *to—*

3 (1) *any agreement that had entered into force as*
4 *of August 1, 2014;*

5 (2) *any agreement with the Taipei Economic*
6 *and Cultural Representative Office in the United*
7 *States (TECRO) or the International Atomic Energy*
8 *Agency (IAEA); or*

9 (3) *any amendment to an agreement described in*
10 *paragraph (1) or (2).*

11 **SEC. 3. APPLICABLE LAW.**

12 *Each proposed nuclear export pursuant to an agree-*
13 *ment shall be subject to United States laws and regulations*
14 *in effect at the time of each such export.*

15 **SEC. 4. ADDITIONAL REQUIREMENTS FOR NUCLEAR PRO-**
16 **LIFERATION ASSESSMENT STATEMENTS.**

17 (a) *The Nuclear Proliferation Assessment Statement*
18 *required to be submitted by the Secretary State to the Presi-*
19 *dent pursuant to section 123 of the Atomic Energy Act of*
20 *1954 (42 U.S.C. 2153) shall also be submitted to the appro-*
21 *priate congressional committees and shall be accompanied*
22 *by a classified annex, prepared in consultation with the Di-*
23 *rector of National Intelligence, identifying and explaining*
24 *all classified information related to the agreement to which*
25 *such Nuclear Proliferation Assessment Statement applies,*

1 *and shall, in addition to any other requirements pursuant*
2 *to law, include the following elements:*

3 (1) *An assessment of the consistency of the text*
4 *of the proposed agreement for cooperation with all the*
5 *requirements of the Atomic Energy Act of 1954 and*
6 *this Act, with specific attention to whether the pro-*
7 *posed agreement is consistent with each criterion set*
8 *forth in subsection a. of section 123 of the Atomic En-*
9 *ergy Act of 1954 (42 U.S.C. 2153).*

10 (2) *An assessment of the adequacy of safeguards*
11 *and other control mechanisms and the peaceful use*
12 *assurances contained in the agreement for cooperation*
13 *to ensure that any assistance furnished thereunder*
14 *will not be used to further any military or nuclear*
15 *explosive purpose.*

16 (3) *A historical review and assessment of past*
17 *proliferation activity of the cooperating party, or sus-*
18 *pect activity identified by any element of the intel-*
19 *ligence community in its review of raw or processed*
20 *intelligence information, including all activities that*
21 *are potentially inconsistent with a peaceful nuclear*
22 *program and any potential delivery mechanisms of*
23 *concern.*

1 (4) *A list of all the treaties and agreements re-*
2 *lated to non-proliferation of weapons of mass destruc-*
3 *tion to which the cooperating party is also a party.*

4 (5) *An assessment of the cooperating party's cur-*
5 *rent national laws that govern the non-proliferation*
6 *of materials or equipment related to weapons of mass*
7 *destruction, including any chemical, biological, or nu-*
8 *clear material, plutonium, uranium-233, high en-*
9 *riched uranium, or irradiated source material or spe-*
10 *cial fissionable material.*

11 (6) *An explanation for the negotiated duration of*
12 *the agreement, including an explanation of the re-*
13 *newal and termination procedures.*

14 (7) *A comparison of the agreement to other exist-*
15 *ing civil nuclear cooperation agreements between the*
16 *United States and other states in the region.*

17 (8) *An assessment of the strategic, security, sta-*
18 *bility, and regional considerations throughout the ne-*
19 *gotiation of this agreement.*

20 (9) *An assessment of the physical and environ-*
21 *mental security of the waste-cycle, ensuring the agree-*
22 *ment addresses international concerns, including*
23 *international and local response.*

24 (b) *DEFINITIONS.—In this section—*

1 (1) *the term “appropriate congressional commit-*
2 *tees” means—*

3 (A) *the Committee on Foreign Relations of*
4 *the Senate; and*

5 (B) *the Committee on Foreign Relations of*
6 *the House of Representatives; and*

7 (2) *the term “cooperating party” shall mean an*
8 *entity with which the United States proposes to enter*
9 *into an agreement for cooperation under the Atomic*
10 *Energy Act of 1954, and shall include—*

11 (A) *the government of such cooperating*
12 *party;*

13 (B) *any person authorized by or who acts*
14 *with the knowledge of the government of such co-*
15 *operating party; or*

16 (C) *any person who acts within the terri-*
17 *tory of the cooperating party.*