

DAV14A52

S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.****S. J. Res. 36**

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

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. MENENDEZ

Viz:

1 Strike all after the resolving clause and insert the fol-

2 lowing:

3 **SECTION 1. APPROVAL.**

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

10 (b) Notwithstanding section 123 of the Atomic En-  
11 ergy Act of 1954 (42 U.S.C. 2153), the Agreement be-

1 comes effective in accordance with the provisions of this  
2 joint resolution and other applicable provisions of law.

3 **SEC. 2. THIRTY-YEAR LIMIT ON CIVIL NUCLEAR ENGAGE-**  
4 **MENT.**

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

11 (1) the President, within the final five years of  
12 the agreement, has certified to the Committee on  
13 Foreign Relations of the Senate and the Committee  
14 on Foreign Affairs of the House of Representatives  
15 that the party to such agreement has continued to  
16 fulfill the terms and conditions of the agreement and  
17 that the agreement continues to be in the interest of  
18 the United States; and

19 (2) Congress enacts a joint resolution permit-  
20 ting the continuation of the agreement for an addi-  
21 tional period of not more than 30 years.

22 (b) The restriction in subsection (a) shall not apply  
23 to—

24 (1) any agreement that had entered into force  
25 as of August 1, 2014;

1           (2) any agreement with the Taipei Economic  
2           and Cultural Representative Office in the United  
3           States (TECRO) or the International Atomic En-  
4           ergy Agency (IAEA); or

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

7 **SEC. 3. APPLICABLE LAW.**

8           Each proposed nuclear export pursuant to an agree-  
9           ment shall be subject to United States laws and regula-  
10          tions in effect at the time of each such export.

11 **SEC. 4. ADDITIONAL REQUIREMENTS FOR NUCLEAR PRO-**  
12 **LIFERATION ASSESSMENT STATEMENTS.**

13          (a) The Nuclear Proliferation Assessment Statement  
14          required to be submitted by the Secretary State to the  
15          President pursuant to section 123 of the Atomic Energy  
16          Act of 1954 (42 U.S.C. 2153) shall also be submitted to  
17          the appropriate congressional committees and shall be ac-  
18          companied by a classified annex, prepared in consultation  
19          with the Director of National Intelligence, identifying and  
20          explaining all classified information related to the agree-  
21          ment to which such Nuclear Proliferation Assessment  
22          Statement applies, and shall, in addition to any other re-  
23          quirements pursuant to law, include the following ele-  
24          ments:

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

8           (2) An assessment of the adequacy of safe-  
9 guards and other control mechanisms and the peace-  
10 ful use assurances contained in the agreement for  
11 cooperation to ensure that any assistance furnished  
12 thereunder will not be used to further any military  
13 or nuclear explosive purpose.

14           (3) A historical review and assessment of past  
15 proliferation activity of the cooperating party, or  
16 suspect activity identified by any element of the in-  
17 telligence community in its review of raw or proc-  
18 essed intelligence information, including all activities  
19 that are potentially inconsistent with a peaceful nu-  
20 clear program and any potential delivery mecha-  
21 nisms of concern.

22           (4) A list of all the treaties and agreements re-  
23 lated to non-proliferation of weapons of mass de-  
24 struction to which the cooperating party is also a  
25 party.

1           (5) An assessment of the cooperating party's  
2           current national laws that govern the non-prolifera-  
3           tion of materials or equipment related to weapons of  
4           mass destruction, including any chemical, biological,  
5           or nuclear material, plutonium, uranium-233, high  
6           enriched uranium, or irradiated source material or  
7           special fissionable material.

8           (6) An explanation for the negotiated duration  
9           of the agreement, including an explanation of the re-  
10          newal and termination procedures.

11          (7) A comparison of the agreement to other ex-  
12          isting civil nuclear cooperation agreements between  
13          the United States and other states in the region.

14          (8) An assessment of the strategic, security,  
15          stability, and regional considerations throughout the  
16          negotiation of this agreement.

17          (9) An assessment of the physical and environ-  
18          mental security of the waste-cycle, ensuring the  
19          agreement addresses international concerns, includ-  
20          ing international and local response.

21          (b) DEFINITIONS.—In this section—

22                (1) the term “appropriate congressional com-  
23                mittees” means—

24                        (A) the Committee on Foreign Relations of  
25                        the Senate; and

1                   (B) the Committee on Foreign Relations of  
2                   the House of Representatives; and

3                   (2) the term “cooperating party” shall mean an  
4                   entity with which the United States proposes to  
5                   enter into an agreement for cooperation under the  
6                   Atomic Energy Act of 1954, and shall include—

7                   (A) the government of such cooperating  
8                   party;

9                   (B) any person authorized by or who acts  
10                  with the knowledge of the government of such  
11                  cooperating party; or

12                  (C) any person who acts within the terri-  
13                  tory of the cooperating party.