

Administration of Barack Obama, 2014

Message to the Congress Transmitting the Proposed Agreement for Cooperation Between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office Concerning Peaceful Uses of Nuclear Energy

January 7, 2014

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act"), the text of a proposed Agreement for Cooperation Between the American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative Office in the United States (TECRO) Concerning Peaceful Uses of Nuclear Energy (the "Agreement"). I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. (In accordance with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretaries of State and Energy and a letter from the Chairman of the Nuclear Regulatory Commission (NRC) stating the views of the Commission are also enclosed. An addendum to the NPAS containing a comprehensive analysis of the export control system of Taiwan with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries, pursuant to section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended, is being submitted separately by the Director of National Intelligence.

The proposed Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with the authorities on Taiwan based on a mutual commitment to nuclear nonproliferation. The proposed Agreement has an indefinite term from the date of its entry-into-force, unless terminated by either party on 1 year's written notice. The proposed Agreement permits the transfer of information, material, equipment (including reactors), and components for nuclear research and nuclear power production. The Agreement also specifies cooperation shall be in accordance with the provisions of the Agreement and applicable legal obligations, including, as appropriate, treaties, international agreements, domestic laws, regulations, and/or licensing requirements (such as those imposed by the NRC in accordance with 10 CFR 110 and the Department of Energy in accordance with 10 CFR 810). It does not permit transfers of Restricted Data, sensitive nuclear technology and facilities, or major critical components of such facilities. The proposed Agreement also prohibits the possession of sensitive nuclear facilities and any engagement in activities involving sensitive nuclear technology in the territory of the authorities represented by TECRO. In the event of

termination of the proposed Agreement, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the proposed Agreement.

Over the last two decades, the authorities on Taiwan have established a reliable record on nonproliferation and on commitments to nonproliferation. While the political status of the authorities on Taiwan prevents them from formally acceding to multilateral nonproliferation treaties or agreements, the authorities on Taiwan have voluntarily assumed commitments to adhere to the provisions of multilateral treaties and initiatives. The Republic of China ratified the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in 1970 and ratified the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (the "Biological Weapons Convention" or "BWC") in 1972. The authorities on Taiwan have stated that they will continue to abide by the obligations of the NPT (i.e., those of a non-nuclear-weapon state) and the BWC, and the United States regards them as bound by both treaties. The authorities on Taiwan follow International Atomic Energy Agency standards and directives in their nuclear program, work closely with U.S. civilian nuclear authorities, and have established relationships with mainland Chinese civilian authorities with respect to nuclear safety. A more detailed discussion of the domestic civil nuclear activities and nuclear nonproliferation policies and practices of the authorities on Taiwan, including their nuclear export policies and practices, is provided in the NPAS and in a classified annex to the NPAS submitted separately. As noted above, an addendum to the NPAS containing a comprehensive analysis of the export control system of the authorities on Taiwan with respect to nuclear-related matters is being submitted to you separately by the Director of National Intelligence.

I have considered the views and recommendations of the interested agencies in reviewing the proposed Agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Agreement and authorized its execution and urge the Congress to give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee as provided in section 123 b. Upon completion of the 30 days of continuous session review provided for in section 123 b., the 60 days of continuous session review provided for in section 123 d. shall commence.

BARACK OBAMA

The White House,
January 7, 2014.

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