

Administration of Barack Obama, 2014

Message to the Congress Transmitting the Third Amendment to the Agreement for Co-operation Between the United States of America and the International Atomic Energy Agency

January 29, 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 Third Amendment to the Agreement for Co-operation Between the United States of America and the International Atomic Energy Agency (IAEA) (the "Amendment"). I am also pleased to transmit my written approval, authorization, and determination concerning the Amendment, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Amendment. (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 stating the views of the Commission are also enclosed. An addendum to the NPAS 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 Amendment 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.

Pursuant to the proposed Amendment, the Agreement for Co-operation Between the United States of America and the International Atomic Energy Agency, signed at Vienna May 11, 1959, as amended and extended February 12, 1974, and January 14, 1980 (the "Agreement"), would continue to provide a comprehensive framework for peaceful nuclear cooperation with the IAEA and facilitate our mutual objectives related to nonproliferation and the peaceful uses of nuclear energy. The primary purposes of the Agreement are to enable exports from the United States of nuclear material and equipment to IAEA Member States for research reactors and, in certain cases, for power reactors, and to enable transfers from the United States of small samples of nuclear material to the IAEA for safeguards and research purposes.

Under the proposed Amendment, the term of the Agreement will be extended an additional 40 years for a total term of 95 years.

The Agreement permits the transfer of material, equipment (including reactors), and facilities for nuclear research and nuclear power production. It does not permit transfers of Restricted Data, sensitive nuclear facilities, or major critical components of such facilities, or, unless specifically provided for in a supply agreement or an amendment thereto, transfers of sensitive nuclear technology. In the event of termination of the Agreement, key nonproliferation conditions and controls continue with respect to material, equipment, and facilities subject to the Agreement.

A more detailed discussion of the IAEA's nuclear nonproliferation and peaceful uses activities is provided in the NPAS and in a classified annex to the NPAS submitted to you separately.

I have considered the views and recommendations of the interested agencies in reviewing the proposed Amendment to the 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 Amendment and authorized its execution and urge that the Congress 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 29, 2014.

Categories: Communications to Congress : International Atomic Energy Agency, agreement with U.S., message transmitting third amendment.

Subjects: Arms and munitions : Nuclear weapons and material :: Nonproliferation efforts; Atomic Energy Agency, International.

DCPD Number: DCPD201400054.