

March 19, 2014

The Honorable Robert Menendez
United States Senate
Chairman of the Senate Foreign Relations Committee
528 Senate Hart Office Building
Washington, DC 20510

cc: Members of the U.S. Senate Committee on Foreign Relations

Dear Chairman Menendez:

We are writing first to thank you for holding a hearing on January 30th to help clarify our government's policy regarding new civil nuclear cooperation agreements and the Gold Standard. Although this hearing came two years after many of us first petitioned your committee to hold it, with all that is happening in Iran, as well as the growing interest in nuclear power in East Asia and the Middle East, the testimony and questioning were timely and essential.

Certainly, your line of inquiry with the government witnesses highlighting some of the inconsistencies in U.S. nonproliferation and civilian nuclear trade policy was appropriate. We also were encouraged by your suggestion that legislation might be needed to assure Congress has a clearer role in shaping our atomic commerce policy.

Several of us have long supported the key legislative provisions contained in H.R. 1280 (now H.R. 3766). These include the requirement that any new U.S. civil nuclear cooperation agreement lacking proscriptions against enriching uranium or recycling plutonium can only come into force after it is approved by a joint resolution of Congress. Yet another provision worth considering is the requirement that no reprocessing of spent fuel generated in U.S. reactors or from U.S.-origin fuel, nor enrichment of U.S.-origin uranium, be allowed (except in states that already have prior approval to do so) unless Congress again passes a joint resolution of approval with regard to each request. Other revisions worthy of consideration include requiring that the recipients of U.S. civil nuclear cooperation have in force the Additional Protocol and working with the Executive Branch to more clearly define what issues should be addressed by Nuclear Proliferation Assessment Statements.

Clarifying in law precisely when Congress would have to vote on such resolutions would be welcomed by all parties. We also believe, in light of report that the U.S.-Vietnam agreement is of an indefinite duration, that it is essential that Congress insist that all U.S. nuclear cooperative agreements be of fixed duration and require a periodic Congressional reauthorization. Of course, an important goal in promoting such requirements would be to encourage our government to get the other nuclear suppliers who still depend on U.S. nuclear technology, cooperation and trade, to follow our example.

Finally, and on a separate note, we would encourage your committee to determine why the U.S. should not engage Japan to renegotiate its civil nuclear cooperation agreement before 2018. The State Department claims the U.S. is under no legal obligation to do so. Yet, it is equally clear that the United States can legally call for such renegotiation if it so desires. Given the awkwardness of the U.S. demanding renegotiation of South Korean civil nuclear cooperation and the review the Japanese government itself is conducting now about the utility of closing its fuel cycle, we believe this is an issue set worthy of reconsideration and a hearing.

We applaud your assertion of Congress' prerogatives and oversight responsibilities and stand ready to assist you in any additional efforts you or your Committee might take to clarify U.S. nonproliferation policies further and strengthen Congress' role in shaping this policy.

Sincerely,

Ambassador John R. Bolton

Former U.S. Ambassador to the United Nations

Peter Bradford

Former U.S. Nuclear Regulatory Commissioner

Paula A. DeSutter

Former Assistant Secretary of State for Verification and Compliance

Ambassador Eric Edelman

Former Under Secretary of Defense for Policy

Lt. General Robert G. Gard, Jr. (Ret.)

Chairman of the Center for Arms Control and Non-Proliferation

Victor Gilinsky

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Ambassador Robert G. Joseph

Former Under Secretary of State for Arms Control and International Security

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Matthew McKinzie

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Gary Milhollin

President of the Wisconsin Project on Nuclear Arms Control

Kingston Reif

Director of the Center for Arms Control and Non-Proliferation

Henry S. Rowen

Former Assistant Secretary of Defense for International Security Affairs

Henry D. Sokolski

Executive Director of the Nonproliferation Policy Education Center

Ambassador Mark Wallace

Chief Executive Officer of United Against Nuclear Iran

Leonard Weiss

Former Staff Director for Senate Committee on Governmental Affairs

Dov S. Zakheim

Former Under Secretary of Defense (Comptroller)

Robert Zarate

Policy Director of the Foreign Policy Initiative

** Signatures above reflect the views of the individuals listed and not necessarily the views of their affiliated organizations*