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**Committee on Energy and Commerce**  
**Washington, DC 20515-6115**

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May 22, 2008

Mr. Gene Dodaro  
Acting Comptroller General  
U.S. Government Accountability Office  
441 G Street, N.W.  
Washington, D.C. 20548

Dear Mr. Dodaro:

On May 13, 2008, the President sent to the Congress a proposed Agreement for Cooperation for the Peaceful Uses of Atomic Energy with Russia pursuant to the review requirements under Section 123 of the Atomic Energy Act of 1954. A report of the U.S.-Russian Civil Nuclear Energy Working Group dated December 15, 2006, to Presidents Bush and Putin, states that a 123 Agreement is necessary to provide a legal foundation for the Department of Energy's (DOE) work with Russia on large-scale cooperation in support of the Global Nuclear Energy Partnership (GNEP). GNEP is a DOE initiative to fund research and development of large-scale reprocessing of spent nuclear fuel and the development and deployment of fast reactors.

Section 123 requires that the Secretary of State provide the President with a Nonproliferation Assessment Statement (NPAS) with each Agreement for Cooperation. The assessment related to the Russian 123 agreement reviews Russia's nuclear complex, discusses Russia's nuclear non proliferation policies and practices, assesses Russia's nuclear cooperation with Iran, India, and Burma, and reviews U.S.-Russia non proliferation programs. The NPAS also compares the legal requirements of Section 123 with the terms of the Agreement for Cooperation, and concludes, "execution of the proposed agreement would be consistent with non proliferation program, policy and objectives of the United States."

Many share our grave concerns about whether the United States should conclude a 123 agreement with Russia given its history of support for Iran's nuclear, missile, and advanced conventional weapons programs. Further, there are questions about whether proliferation risks remain with the Buhsher nuclear power plant project, notwithstanding the fuel supply and take-

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back arrangements between Iran and Russia. We have written to the President to inquire about whether the United States has sufficient knowledge of controls at Russian institutions to prevent the leakage of technology, materials, equipment, or training to Iran or other countries of proliferation concern.

These concerns were heightened after the Subcommittee on Oversight and Investigations held a hearing in January 2008 regarding the Government Accountability Office (GAO) report *Nuclear Nonproliferation: DOE's Program to Assist Weapons Scientists in Russia and Other Countries Needs to be Reassessed*. This report identified significant weaknesses in the management of DOE's Initiatives for Proliferation Prevention (IPP) program, which funds former Soviet-era weapons scientists to work on peaceful ventures, so that they will not be economically motivated to migrate to countries of proliferation concern and sell their nuclear weapons skills.

Following that hearing, documents were provided by GAO to the Committee on Energy and Commerce that identified two Russian institutes transferring materials and technology to the Buhsher reactor, while these institutes were also receiving funds through DOE's IPP program, a program designed to prevent scientists from working on nuclear projects in countries of proliferation concern.

The Committee requests your assistance in reviewing the development of the NPAS, including the classified annex. GAO, in particular its Natural Resources and Environment Team, has a long history of assessing U.S.-Russia nuclear nonproliferation programs and would be well suited to provide the necessary assistance. Specifically, the Committee requests, among other things: (1) a detailed review of the process by which the NPAS was researched and written; (2) an assessment of whether all relevant information from classified and unclassified sources was considered and fairly assessed; and (3) an assessment of whether the NPAS conclusions are fully supported and whether there is contradictory information that was omitted which could invalidate, modify, or impair the conclusions or basis for recommendation to approve the 123 agreement.

Section 123 provides that this agreement must lie before Congress for 90 days of continuous sessions of both the House and Senate, and will, subject to certain written verification between the parties, take effect unless a joint resolution of disapproval is enacted. Given that this 90-day period of continuous session could transpire over the next 4½ months, the Committee is asking GAO to undertake this review on an expedited basis in order to assist Congress in its deliberations.

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If you have questions regarding this request, please contact John F. Sopko or Richard Miller with the Committee on Energy and Commerce staff at (202) 226-2424.

Sincerely,



John D. Dingell  
Chairman



Bart Stupak  
Chairman  
Subcommittee on Oversight and Investigations

cc: The Honorable Joe Barton, Ranking Member  
Committee on Energy and Commerce

The Honorable John Shimkus, Ranking Member  
Subcommittee on Oversight and Investigations