

Remarks of the Honorable Ileana Ros-Lehtinen
Ranking Member, Committee on Foreign Affairs
Hearing on: “Nuclear Cooperation and Non-proliferation after Khan and Iran:
Are We Asking Enough of Current and Future Agreements?”
September 24, 2010

Let me begin by expressing my great disappointment regarding the missing subject of today’s hearing, namely the proposed nuclear cooperation agreement with Russia.

As we understand it, the Administration, despite being informed of this hearing, weeks in advance, has refused to provide a witness.

The result? The Russia and Australia agreements will not be addressed.

Apparently, it’s as simple as that.

As a result, this Committee is in danger of violating the statutory requirement in Sec. 123 d. of the Atomic Energy Act which states that, during the current period of Congressional review:

“the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate shall each hold hearings on the proposed agreement for cooperation and submit a report to their respective bodies recommending whether it should be approved or disapproved.”

Mr. Chairman, this hearing does not fulfill the statutory requirement to hold a hearing on the Russia and Australia 123 agreements. You can call it whatever you want, but it does not fulfill the requirement

We can well understand why the Executive Branch wanted to kill a hearing on the Russia 123 agreement.

Certainly none of us who have been following the overtures to the Russian government, including the removal of sanctions on Russian entities assisting Iran’s nuclear and missile program, are surprised.

After all, it is abundantly clear that the Russia 123 agreement is a political payoff to the Russians, pure and simple, and cannot be defended on its merits.

The Administration has, as much as, admitted this by promoting the nuclear deal as part of the “reset” of our relationship.

But the U.S. has no business engaging in nuclear cooperation with any country with a record like Russia’s, especially one that continues to provide assistance to Iran’s nuclear program.

From the outset, there has been strong opposition by many Members in both chambers to the Russia 123 agreement -- even prior to its first submission to Congress by President Bush in May of 2008.

The principal objection has been the inability of the previous and current administrations to certify that the Russian government, businesses, and individuals were no longer assisting Iran's nuclear and missile programs and that the Russian government was fully cooperating with the U.S. in our efforts to stop Iran from acquiring a nuclear weapon.

Does that not sound reasonable?

Are these not the types of requirements that should be met before a country is rewarded with a nuclear cooperation agreement with the U.S.?

Faced with the reality that both administrations were determined to push through this agreement, regardless of Russian behavior, and to say nothing about similarly troubling agreements such as that with the United Arab Emirates, it has fallen to Congress to shore up U.S. nonproliferation policy.

Even before President Obama resubmitted the Russia 123 agreement to Congress in May of this year, Chairman Berman and I, along with several other Members of this Committee, introduced H.R. 2194, the Iran Refined Petroleum Sanctions Act, subsequently known as the Comprehensive Iran Sanctions, Accountability, and Divestment Act, or CISADA, which was signed into law on July 1st.

The House-passed legislation included a prohibition on the entry into force of any 123 agreement with any country that was assisting Iran's nuclear, missile, and other weapons programs.

While the Administration requested that this be removed, and while the provision was weakened as the bill proceeded through the House and Senate conference discussions, some limitations did survive.

A key provision in CISADA prohibits the issuance of export licenses or approval of transfers under a 123 agreement for any country whose nationals have engaged in assisting Iran's nuclear weapons and missile programs, among others.

Nevertheless, the Russia 123 agreement is moving forward.

The political pressure driving the agreement was underscored by the latest report from the Government Accountability Office regarding the Nuclear Proliferation Assessment Statement, or NPAS that is required of all 123 agreements.

The GAO had found in its previous report on the Russia 123 agreement submitted in 2008 by President Bush that the original NPAS had been rushed through the vetting process and that the intelligence agencies in particular had not been given sufficient time and opportunity to thoroughly review the final Assessment.

Then, in the report released this week on the most recent NPAS submitted by the Obama Administration, GAO found that its recommendations to prevent a repeat of this flawed review had not been fully implemented and that, once again, the process had been rushed to meet a suddenly urgent political deadline.

It's déjà vu, all over again.

So just what has the reset gotten us? Well, nuclear fuel is being loaded into the Bushehr reactor, which certainly makes the Iranians very happy. And Russia has reiterated that it wants to build several more reactors for Iran.

But the problem is far broader than simply Iran's nuclear program.

Just last week, Russia announced that it would proceed with the delivery of anti-ship missiles and other weapons to Syria, despite U.S. protests that these destabilizing weapons are a threat to the region and especially to our ally, Israel.

Brushing U.S. concerns aside, Russia has said that it will likely sell even more advanced weapons to Syria, even though that country continues to arm Hezbollah and pursue chemical, biological, and nuclear weapons programs.

I wish we had the opportunity today to have the Administration explain Russia's behavior; give us assurances that Congress will be provided with the information Members have repeatedly sought on Russia's cooperation regarding Iran and other adversaries; and reassure us that the provisions of CISADA and Iran nonproliferation sanctions laws; will be faithfully implemented and enforced.

But it appears that this Committee's responsibilities are to be determined by the Department of State, and Members will simply have to accept that.

I hope that our constituents are watching and will let us know how well they think we're carrying out our oath of office.

Turning to the expert witnesses before us today, we look forward to receiving your recommendations on the vital subject of how to ensure that the nuclear cooperation agreements the U.S. enters into with other countries, will actually advance our nonproliferation goals instead of undermine them.

The most urgently needed change is a requirement for an affirmative vote by Congress to approve future 123 agreements in order for them to enter into force.

This will ensure that politically-driven agreements such as that with Russia and the UAE do not recur and that we do not turn a blind eye to countries that undermine our efforts to stop Iran's nuclear program and our nonproliferation policy in general.

I plan to introduce legislation to revise the Atomic Energy Act to include this provision.

In addition, the draft bill I am working on would require that our potential partners permanently forego the manufacture of nuclear fuel and that they ratify and fully implement the International Atomic Energy Agency's Additional Protocol, among several other necessary measures.

I look forward to working with other Members both on and off this Committee in that effort.