

Initiatives for Proliferation Prevention

The Cox-Markey amendment to the Energy Policy Act of 2005 (Section 632 of PL 109-58) states that, “no nuclear materials and equipment or sensitive nuclear technology, including items and assistance authorized by section 57 b. of this Act and regulated under part 810 of title 10, Code of Federal Regulations, and nuclear-related items on the Commerce Control List maintained under part 774 of title 15 of the Code of Federal Regulations, shall be exported or reexported, or transferred or retransferred whether directly or indirectly, and no Federal agency shall issue any license, approval, or authorization for the export or reexport, or transfer, or retransfer, whether directly or indirectly, of these items or assistance (as defined in this paragraph) to any country whose government has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities.” The Department of Energy’s Initiatives for Proliferation Prevention program has been funding two Russian research institutes involved in nuclear-related work for Iran’s nuclear program, in potential violation of the Cox-Markey Amendment.

1. Has the Department of Energy Initiatives for Proliferation Prevention program acted in violation of the Cox-Markey amendment? If so, why? If not, please explain why the program complies with the law.
2. Did the Department of Energy study, in advance of awarding the contracts in question, whether funding Russian scientists who are involved in nuclear activities in Iran would violate the Cox-Markey amendment? If not, why not? If so, please provide copies of all legal analysis associated with your determinations.
3. If the contracts in question were awarded prior to the passage of the Cox-Markey amendment, did the Department of Energy conduct a review to ensure that existing contracts were in compliance with the requirements of the Cox-Markey amendment? If so, please provide a copy. If not, why was such a review not conducted?
4. Does the Department of Energy consult with the State Department to ensure that international DOE programs comply with the requirements of the Cox-Markey amendment and other nonproliferation laws and regulations prior to making award decisions? If not, why not?
5. If the Department of Energy Initiatives for Proliferation Prevention program has violated the Cox-Markey amendment, what actions are you going to take to punish those responsible and ensure that this assistance is brought to an end immediately?
6. Please provide a list of all foreign entities that have received funding from the Department under the Initiatives for Proliferation Prevention program and other related nonproliferation programs since the enactment of PL 109-58. Please fully describe the process used to ensure that these recipients were eligible for funding under the Cox-Markey requirements.

7. If no such process exists, why not? Please also provide a list of all entities who were refused funding on the grounds that providing it would have been in violation of the Cox-Markey language.