

Congress of the United States
Washington, DC 20515

October 4, 2007

To The Foreign Ministers of the NSG:

On December 18, 2006 President George W. Bush signed into law the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006, which advances nuclear technology and materials sharing between our nations. We are writing to bring to your attention the expressed Sense of Congress in Section 102 of the legislation which states that:

(1) (P)reventing the proliferation of nuclear weapons, other weapons of mass destruction, the means to produce them, and the means to deliver them are critical objectives for United States foreign policy;

(2) (S)ustaining the Nuclear Non-Proliferation Treaty (NPT) and strengthening its implementation, particularly its verification and compliance, is the keystone of United States nonproliferation policy.

Such concerns find emphasis in Section 103 which states that it is United States policy to oppose the development of a capability to produce nuclear weapons by any non-nuclear weapon state, within or outside the NPT, that rights to peaceful uses of nuclear technology must be consistent with nonproliferation goals, that actions must be consistent with NSG rules and practices, and to achieve a fissile material cut off treaty at the earliest possible date.

We strongly agree with these goals and we wish to share with you our concerns that without further stipulations, the deal contained in the legislation could have a negative impact on efforts to reduce proliferation of nuclear weapons and technology. We agree with Dr. Hans Blix who stated his concerns regarding nuclear weapons proliferation when visiting Congressional offices in June of this year:

"I am concerned about the impact on the proliferation of nuclear weapons. These concerns could be met if India, Pakistan, the United States, and other states committed themselves to the Comprehensive Test Ban Treaty and a verifiable international treaty stopping all production of fissile material for weapons. Absent such commitments, the proposed deal risks fueling an arms race in Asia."

We believe that Dr. Blix's concerns have merit and that the caveats he addresses can be met as he suggests. We believe we are thus at an opportune moment to advance all parties' interests by your approval of the US-India nuclear sharing deal. However, to

seize this moment and advance legitimate economic sharing interests as well as nonproliferation imperatives we urge your approval of the deal contingent on two factors:

1. Entry into force of the Comprehensive Test Ban Treaty; and,
2. Entry into force of a fissile materials cut off treaty with robust and effective international verifications measures.

We need not belabor with you the importance of the CTBT. It remains a litmus test of full compliance with NPT commitments and we remain embarrassed to have been the only country to have joined North Korea in recent General Assembly votes to not support his Treaty. Every effort to bring it into force must be exercised by all. The CTBT will be a pillar in the edifice of international peace and security we are all seeking and we must not let slip opportunities to advance its fruition. Further, a fissile material cut off treaty is already supported by clear language in the existing resolution, but we feel it is insufficient without fulfilling President Reagan's famous mantra: Trust but verify.

These suggestions are consistent with a recent bipartisan letter in the Wall Street Journal of January 4, 2007 by George P. Shultz, William J. Perry, Henry A. Kissinger and Sam Nunn titled A World Free of Nuclear Weapons as well as the recommendations of the Commission on Weapons of Mass Destruction.

Please also recall that all states are also obliged to respect United Nations Security Council Resolution 1172 of June 1998, which calls upon India and Pakistan to refrain from further nuclear testing, sign the CTBT, and stop the production of fissile material for weapons purposes. Adopted in the wake of India's and Pakistan's nuclear tests, the resolution also "encourages all States to prevent the export of equipment, materials or technology that could in any way assist programs in India or Pakistan for nuclear weapons."

As Australian Foreign Minister Alexander Downer stated at a 2005 international conference on facilitating CTBT entry into force: "Let me be clear - we welcome the continuing voluntary moratorium on weapons testing, but this cannot be a substitute for entry into force of the permanent and legally binding treaty."

Please consider these suggestions in light of this critical period in which those who oppose international security based on legally mandated norms and obligations challenge the very structure upon which the NPT is based.

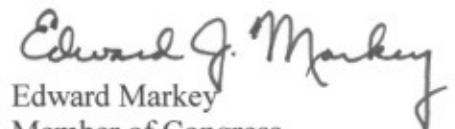
Sincerely,



Ellen O. Tauscher
Member of Congress



Sam Farr
Member of Congress



Edward Markey
Member of Congress