

United States Senate

WASHINGTON, DC 20510

December 11, 2018

The Honorable Rick Perry
Secretary of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Secretary Perry,

The Atomic Energy Act requires that the Senate Foreign Relations Committee be kept, “fully and currently informed of any initiative or negotiations related to a new or amended agreement for peaceful nuclear cooperation.”^[1] We write to request that you fulfill this legal obligation and brief us and any other interested members of the Senate Foreign Relations Committee at the earliest possible occasion on any discussions you had regarding a potential civil nuclear cooperation – or 123 agreement – between the United States and the Kingdom of Saudi Arabia during your recent trip to the region.

We strongly believe that any 123 agreement with Saudi Arabia must include the highest nonproliferation standards, including a commitment by Saudi Arabia to forgo any enrichment or reprocessing activities within its territory. Further, any nuclear cooperation between the United States and Saudi Arabia must be contingent upon the Kingdom acceding to the highest international nuclear safeguards standards, including adopting the International Atomic Energy Agency’s (IAEA) Additional Protocol. The U.S. Senate, which must review the text of any proposed 123 agreement, has already indicated its bipartisan commitment to these standards in Senate Resolution 541, which was passed unanimously by the Senate Foreign Relations Committee earlier this year.¹

These standards are important for ensuring that the United States remains a global leader in efforts to halt proliferation of sensitive nuclear materials and technologies. In the case of Saudi Arabia, they are essential and must be included to ensure that the United States does not play any role in enabling its publicly-stated willingness to pursue nuclear weapons.

Further, recent events – including Saudi Arabia’s unconscionable decision to murder U.S. legal resident and journalist Jamal Khashoggi in its consulate in Istanbul, Turkey, its forceful crackdown on dissent within the Kingdom and abroad, and its perpetuation of a humanitarian disaster through its actions in Yemen – raise serious questions about why Cabinet and other senior officials in the Trump administration believe now is an appropriate time to engage in any discussions about possible civil nuclear cooperation with the Kingdom.

Unfortunately, Mr. Khashoggi’s murder is just the latest and most blatant demonstration by Saudi Arabia that it will do as it pleases with little regard or respect for human rights or the international rule of law. In light of this, it is our view that discussions for a civilian nuclear cooperation agreement should be suspended immediately and indefinitely until Saudi Arabia has

^[1] 41 U.S.C. § 2153(e).

¹ <https://www.congress.gov/bill/115th-congress/senate-resolution/541/text>

been fully truthful and transparent with regard to the circumstances surrounding the death of Mr. Khashoggi.

It is imperative that you brief us and all other interested members of the Senate Foreign Relations Committee on any and all of your discussions regarding civil nuclear cooperation during your recent trip to the region, as well as the Trump administration's rationale for continuing these sensitive discussions at all. Should you or your team have any questions about this request, please do not hesitate to contact our staffs.

Sincerely,



Edward J. Markey
United States Senator



Jeffrey A. Merkley
United States Senator