

United States Senate

WASHINGTON, DC 20510

April 2, 2019

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

Dear Secretary Perry:

We write to express our deep concerns regarding the Department of Energy's recent approval of Part 810 authorizations to allow U.S. companies to transfer certain nuclear energy technologies and related assistance to the Kingdom of Saudi Arabia.

As you are aware, in order for the United States to engage in major nuclear cooperation with a foreign country, the United States must enter into a so-called "123 agreement." A 123 agreement can only enter into force after Congress has reviewed it and evaluated whether the agreement meets the nonproliferation standards required by Section 123 of the *Atomic Energy Act of 1954*.

The United States currently does not have a 123 agreement in force with Saudi Arabia. While we are aware a Part 810 authorization can be utilized for certain types of limited nuclear cooperation, we are particularly concerned about this mechanism being used right now with Saudi Arabia. The Kingdom has engaged in many deeply troubling actions and statements that have provoked alarm in Congress and led lawmakers to begin the process of reevaluating the U.S.-Saudi relationship and our long-term stability and interests in the region. We therefore believe the United States should not be providing nuclear technology or information to them at this time.

We are also extremely concerned about the nuclear proliferation risk associated with the Kingdom's nuclear program. As has been reported, Saudi Arabia has repeatedly asked during nuclear cooperation negotiations that no limitations in a 123 agreement be placed on its ability to enrich uranium and reprocess its spent nuclear fuel.

Many in Congress therefore worry that Saudi Arabia's interest in someday producing its own stocks of nuclear fuel—despite the fact the Kingdom could purchase fuel on the international market more cheaply—could lead to it to divert fuel to a covert nuclear weapons program. Indeed, Crown Prince Mohammed Bin Salman has stoked fears surrounding Saudi Arabia's interest in acquiring a nuclear weapon, asserting in March 2018 that "without a doubt if Iran developed a nuclear bomb, we will follow suit as soon as possible." To our knowledge, the United States has never concluded a 123 agreement with a non-nuclear-weapon state that openly states a current intention, however conditional, to develop nuclear weapons.

Over the past decade, several administrations have explored the possibility of nuclear cooperation with Saudi Arabia. These negotiations have been clouded in secrecy and the Executive Branch has not kept Congress “fully and currently informed” of these discussions or their progress as required by the *Atomic Energy Act*’s Section 123(e). The opacity of this process has only served to fuel concerns among Members about the nonproliferation risks associated with the Saudi nuclear program.

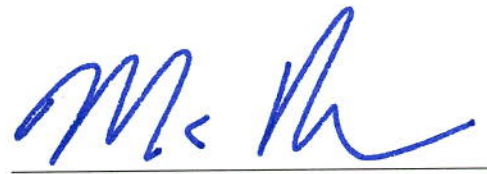
Due to the revelations that the Administration has approved multiple licenses for exporting nuclear technology to or engaging in the production or development of special nuclear material in Saudi Arabia, we would appreciate your answers to the following questions by April 10, 2019:

- 1) What are the specific contents of the Part 810 authorizations? What do the authorizations allow U.S. companies to engage in?
- 2) What are the nonproliferation risks associated with these authorizations?
- 3) What negotiations has the Department engaged in with Saudi Arabia? How did these negotiations lead to the development of the authorizations?
- 4) What was the interagency process behind the authorizations? How were the approvals coordinated?
- 5) Which companies received approval for preliminary work under the Part 810 authorizations?
- 6) Why did the companies seeking approval ask the Department of Energy to keep the approvals secret?

Thank you for your swift action on this matter, and we look forward to your response.

Sincerely,


Robert Menendez
United States Senator


Marco Rubio
United States Senator