

Congress of the United States
Washington, DC 20515

November 30, 2021

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington D.C. 20500

Dear Mr. President,

As your administration moves forward with the enhanced trilateral security partnership between Australia, the United Kingdom, and the United States (AUKUS), we, the members of the Nuclear Weapons and Arms Control Working Group, are writing to urge you to seize this opportunity to reinforce the United States' commitment to nonproliferation and nuclear threat reduction.

On September 15, 2021, the United States announced, with Australia and the United Kingdom, the formation of a new trilateral security partnership known as AUKUS.¹ The announcement also indicated the first project for this new partnership will be delivering a nuclear-powered submarine fleet to Australia.² In remarks upon announcement of the deal, Australian Prime Minister Scott Morrison made clear that there is not yet a roadmap to implementing this deal, including how to handle associated nonproliferation concerns.³ Prime Minister Morrison stated, "Over the next 18 months, we will work together to seek to determine the best way forward to achieve this. This will include an intense examination of what we need to do to exercise our nuclear stewardship responsibilities here in Australia."⁴

The Treaty on the Nonproliferation of Nuclear Weapons (NPT) does not prohibit non-nuclear weapon states from building or operating nuclear-powered ships. Accordingly, under the AUKUS deal, Australia could potentially become the first non-nuclear-weapon state to maintain highly enriched uranium (HEU) that would not be subject to International Atomic Energy Agency (IAEA) inspections regimes. While Australia has laudably upheld its commitments as a

¹ Prime Minister Scott Morrison, Remarks by President Biden, Prime Minister Morrison of Australia, and Prime Minister Johnson of the United Kingdom Announcing the Creation of AUKUS, White House, (Sept. 15, 2021), <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/09/15/remarks-by-president-biden-prime-minister-morrison-of-australia-and-prime-minister-johnson-of-the-united-kingdom-announcing-the-creation-of-aukus/>

² id

³ id

⁴ id

non-nuclear weapon state under the NPT,⁵ we are concerned that other nations with weaker nonproliferation records may point to the Australian precedent to develop nuclear weapons under the cover of a naval reactor program.

As example, in 2018 Iran claimed it was planning “to construct naval nuclear propulsion in [the] future,”⁶ as a pretext for removing nuclear material from safeguards, although it has yet to follow through with this plan.

As the AUKUS agreement is operationalized, we urge your administration and the governments of Australia and the United Kingdom to make proactive statements committing to full IAEA safeguards on nuclear fuel until it is inserted into the reactor and the reactor is sealed, as well as allowing full safeguards on irradiated naval fuel as soon as it is removed from a reactor and until its transfer to a nuclear weapons state.

Because the United Kingdom and United States use naval reactors that are fueled with nuclear weapons-grade HEU, it seems likely Australia’s propelled submarine will also have a naval fuel system that operates with HEU.⁷ Since 2016, the U.S. Navy has conducted research and development into the feasibility of designing naval reactors that are instead powered by low-enriched (LEU) uranium in support of bipartisan U.S. efforts to reduce weapons usable fissile material globally.⁸ Additionally, without transitioning to LEU fuel, the United States will have to resume production of weapons grade HEU for the first time since 1992, dealing a blow to U.S. leadership of the nonproliferation regime.⁹ As your administration works with its Australian and U.K. partners to implement AUKUS, we strongly urge the three countries to robustly support research to power the next generation of nuclear navies in all AUKUS countries with LEU fuel.

As your administration moves forward with developing a roadmap for the AUKUS agreement over the next 18 months, we encourage you to consider how its implementation will impact the United States’ ability to strengthen and reinforce our commitment to nonproliferation. As members of Congress with a strong commitment to both the U.S.-Australia bilateral relationship, as well as to nuclear non-proliferation, we believe it is of the utmost importance that this deal be implemented carefully and with the ramifications on the non-proliferation regime in mind. As such, we respectfully request answers by December 10, 2021 to the following questions on the process that may shape the foundation of AUKUS and the future of nuclear safeguards.

⁵ Australian Government, Department of Foreign Affairs and Trade, “Treaty on the Non-Proliferation of Nuclear Weapons (NPT),” <https://www.dfat.gov.au/international-relations/security/non-proliferation-disarmament-arms-control/nuclear-issues/treaties>

⁶ International Atomic Energy Agency (IAEA), Verification and monitoring in the Islamic Republic of Iran in light of United Nations, Report by Director General to Board of Governors, (Feb. 22, 2018), <https://www.iaea.org/sites/default/files/18/03/gov-2018-7-derestricted.pdf>
Security Council resolution 2231 (2015)

⁷ Sebastian Roblin, “Does Giving Australia Submarines that Use Highly Enriched Uranium Fuel Risk Proliferating Nuclear Weapons?” *The National Interest*, (Sept. 22, 2021), <https://nationalinterest.org/blog/buzz/does-giving-australia-submarines-use-highly-enriched-uranium-fuel-risk-proliferating>

⁸Samuel, Hickey, *Congress's role in the AUKUS nuclear-powered submarine deal*, the Hill (Sept. 29, 2021), <https://thehill.com/opinion/national-security/574508-congresss-role-in-the-aucus-nuclear-powered-submarine-deal>

⁹ Alan Kuperman, *The US Navy’s Nuclear Proliferation Problem*, Breaking Defense (Sept. 15, 2021), <https://breakingdefense.com/2021/09/the-us-navys-nuclear-proliferation-problem/>

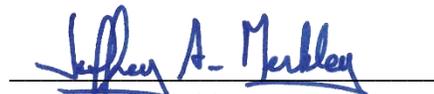
1. As part of the 18-month implementation study, how will the AUKUS partners assess the possibility of fueling the submarines delivered to Australia with LEU?
2. Will the Biden administration support Navy research and development into LEU fuel¹⁰ in its fiscal year 2023 budget request?
3. The U.S.-Australia Civilian Nuclear Cooperation (123) Agreement, extended until 2040, does not permit transfer of materials for “military nuclear propulsion” or transfers of highly enriched uranium above 20 percent. When will the Administration submit a revised 123 Agreement with Australia for Congressional review?¹¹
4. Will the AUKUS nations commit to allowing full IAEA safeguards on fuel until it is inserted into the reactor and the reactor is sealed? Will the AUKUS nations also allow full safeguards on irradiated naval fuel as soon as it is removed from a reactor and until its transfer to a nuclear weapons state?
5. Will the United States consider a similar agreement with any other U.S. ally or partner, and if so, what nonproliferation-related criteria would guide such a decision?
6. Has the Biden administration engaged in discussions with the IAEA on how the agency can enforce safeguards for nuclear material that is used for naval propulsion in non-nuclear weapons states? If these discussions have not yet begun, what is the timeline for doing so?
7. What are the objective criteria that the Administration believes should be met for non-nuclear weapon states to have unsafeguarded naval reactors?

We firmly believe we can invest in our partnership with Australia while maintaining our commitment to the nuclear nonproliferation regime in which the United States has so heavily invested. We urge you to weigh in directly on the implementation of the AUKUS agreement over the next 18 months to ensure that the United States remains a responsible leader in supporting nuclear safeguards and nonproliferation.

Sincerely,



Edward J. Markey
United States Senator
Co-Chair, NWAC Working Group



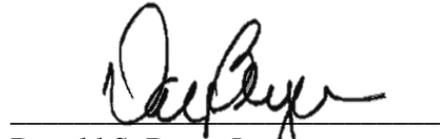
Jeffrey A. Merkley
United States Senator
Co-Chair, NWAC Working Group

¹⁰ id

¹¹ Mary Beth Nikitin and Bruce Vaughn, *U.S.-Australia Civilian Nuclear Cooperation: Issues for Congress*, Congressional Research Service, (Dec. 1, 2010)



John Garamendi
Member of Congress
Co-Chair, NWAC Working Group



Donald S. Beyer Jr.
Member of Congress
Co-Chair, NWAC Working Group



Bill Foster
Member of Congress



Mark Pocan
Member of Congress



Dina Titus
Member of Congress

cc: The Honorable Kurt Campbell
Coordinator for Indo-Pacific Affairs at the National Security Council
The White House
Washington D.C. 20500