

United States Senate

WASHINGTON, DC 20510

November 13, 2019

Mr. Dan Brouillette
Deputy Secretary of Energy
United States Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Deputy Secretary Brouillette,

Now that you have been formally nominated to serve as the Secretary of Energy, we are writing to seek information regarding your position on a potential civil nuclear cooperation (or so-called “123”) agreement with Saudi Arabia.

According to a September 18, 2019 report by Bloomberg, current Secretary of Energy Rick Perry wrote in a letter to Saudi officials that “[t]he terms of the 123 agreement must also contain a commitment by the kingdom to forgo any enrichment and reprocessing for the term of the agreement.”¹

On September 9, 2019, you reportedly shared your views on this subject with attendees of an energy conference in the United Arab Emirates.² As members of Congress, we request to hear your views as well.

We appreciate that you reportedly stated that the United States “can’t do without” a 123 agreement with respect to any transfer of nuclear “technology.”³ However, it is unclear whether you believe that a “gold standard” commitment to forgo enrichment and reprocessing of nuclear material and a commitment to conclude an Additional Protocol with the International Atomic Energy Agency must be part of any such agreement.

We are deeply concerned that seeking a nuclear cooperation agreement with Riyadh endangers U.S. national security by rewarding Saudi Arabia’s disregard for fundamental human rights and humanitarian standards, especially in the absence of key nonproliferation commitments. We were alarmed by the continuation of the Department of Energy’s authorizations for nuclear technology transfers (so-called “Part 810 authorizations”) to Saudi Arabia even after the Saudi regime’s brutal murder of Washington Post journalist and U.S. resident Jamal Khashoggi.

¹ Ari Natter, *U.S. Says Saudis Must Forgo Enrichment for Nuclear Sharing Deal*, Bloomberg (Nov. 8, 2019), <https://www.bloomberg.com/news/articles/2019-09-19/u-s-says-saudis-must-forgo-enrichment-for-nuclear-sharing-deal>.

² Rania El Gamal and Alexander Cornwell, *Saudi Arabia flags plan to enrich uranium as U.S. seeks nuclear pact*, Reuters (Sep. 9, 2019), <https://www.reuters.com/article/us-energy-wec-saudi-nuclearpower/saudi-arabia-wants-to-enrich-uranium-for-nuclear-power-minister-idUSKCN1VU168>.

³ Shannon Bugos, *Saudi Arabia Seeks to Enrich Uranium*, Arms Control Today (October 2019), <https://www.armscontrol.org/act/2019-10/news/saudi-arabia-seeks-enrich-uranium>.

You reportedly attended the same Abu Dhabi conference at which Saudi energy minister Prince Abdulaziz bin Salman said that his country aims to implement every stage of the nuclear fuel cycle, including the production and enrichment of uranium.⁴ Once a country is enriching uranium, it can use this technology to produce weapons-grade fissile material.

In 2018, Saudi Crown Prince Mohammed bin Salman stated publicly that Saudi Arabia would seek to acquire nuclear weapons if Iran were to “develop” a nuclear bomb.⁵ Given Iran’s recent steps to advance its enrichment program beyond the limits it agreed to in the Joint Comprehensive Plan of Action (JCPOA), Saudi Arabia may already perceive Iran to be “developing” a nuclear weapon.

We note that a Saudi enrichment capability would give Iran a further excuse to step away from its JCPOA commitments. It would also trigger a clause in the U.S.-UAE 123 agreement that allows renegotiation if any other country in the region is allowed to cooperate with the United States on weaker non-proliferation terms.

We respectfully request a written response to the following questions no later than November 27, 2019:

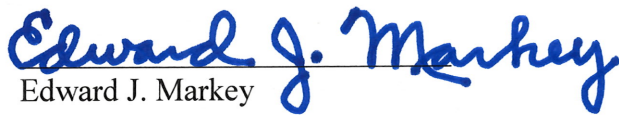
- 1) Do you agree with the text of Secretary Perry’s letter, as reported, that the terms of any potential civil nuclear cooperation agreement with Saudi Arabia must also contain a commitment by the country to forgo any enrichment and reprocessing for the term of the agreement?
- 2) Do you agree that the terms of any potential civil nuclear cooperation agreement with Saudi Arabia must also contain a commitment by the country to conclude an Additional Protocol with the International Atomic Energy Agency?
- 3) Do you agree that a 123 agreement reviewed by Congress is the sole mechanism through which the Executive Branch has the authority to approve the sharing of nuclear material or equipment with any country?
- 4) Do you believe it is acceptable to authorize the transfer of sensitive nuclear technology, material, or equipment to a country with as poor a record on human rights and rule of law as Saudi Arabia?
- 5) What is the current state of civil nuclear cooperation negotiations with Saudi Arabia?

Thank you for your attention to this matter.

⁴ Rania El Gamal and Alexander Cornwell, *Saudi Arabia flags plan to enrich uranium as U.S. seeks nuclear pact*, Reuters (Sep. 9, 2019), <https://www.reuters.com/article/us-energy-wec-saudi-nuclearpower/saudi-arabia-wants-to-enrich-uranium-for-nuclear-power-minister-idUSKCN1VU168>.

⁵ Vivian Salama, *Saudi crown prince: If Iran makes a nuclear bomb, so will we*, NBC News (Mar. 19, 2018), <https://www.nbcnews.com/politics/white-house/saudi-crown-prince-if-iran-makes-nuclear-bomb-so-will-n857921>.

Sincerely,



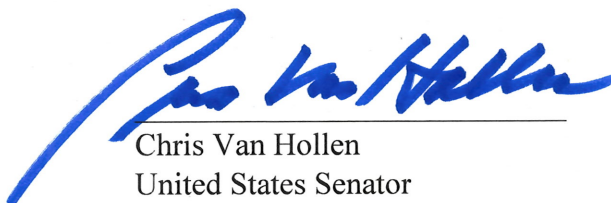
Edward J. Markey
United States Senator



Jeffrey A. Merkley
United States Senator



Tim Kaine
United States Senator



Chris Van Hollen
United States Senator