

Congress of the United States

Washington, DC 20515

March 20, 2018

The Honorable Rick Perry
Secretary of Energy
U.S. Department of Energy
1000 Independence Ave, SW
Washington, DC 20585

The Honorable John Sullivan
Deputy Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Perry and Deputy Secretary Sullivan:

The United States has been negotiating a nuclear cooperation agreement with Saudi Arabia, which is required by Section 123 of the Atomic Energy Act if the United States undertakes certain civilian nuclear transfers to Saudi Arabia. In talks so far, Saudi Arabia has not accepted renunciation of enrichment and reprocessing. In contrast, in our Section 123 Agreement with the United Arab Emirates (UAE), the UAE renounced enrichment and reprocessing capabilities in favor of obtaining nuclear reactor fuel from international suppliers.

When the UAE Agreement was signed, the State Department noted that "This Agreement can serve as a model for other countries in the region in pursuing responsible civil nuclear energy development undertaken in full conformity with nonproliferation commitments and obligations." The UAE Agreement established a model whereby states could obtain energy through nuclear reactors without pursuing enrichment and reprocessing activities that give them a pathway to nuclear weapons, which today is commonly known as the Gold Standard.

The issue of enrichment and reprocessing as part of any nuclear cooperation agreement is a serious matter with national security implications and is amplified even more so when considering the proliferation risks in certain regions, like the Middle East. Therefore, we urge you to press for the inclusion of binding commitments against enrichment and reprocessing in a Section 123 Agreement with Saudi Arabia. Failing this, we urge that you secure assurances in some form against the deployment of these sensitive technologies. Without such commitments and assurances, we feel it may be necessary to introduce a resolution of disapproval, and given the severity of the matter, we also feel it necessary to introduce a legislative fix to the Atomic Energy Act in order to assert Congressional oversight over Section 123 agreements and amend the approval process for any agreement that fails to meet the Gold Standard.

The United States should consistently seek to establish a norm against any additional enrichment and reprocessing capabilities. Our Section 123 Agreements should also require partner countries to adopt heightened safeguards under the Additional Protocol.

Sincerely,



BRAD SHERMAN
Member of Congress



ILEANA ROS-LEHTINEN
Member of Congress