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United States Senate

SUITE SD-255
DIRKSEN BUILDING
WASHINGTON, DC 20510-2107
202-224-2742

975 JFK FEDERAL BUILDING
15 NEW SUDBURY STREET
BOSTON, MA 02203
617-565-8519

222 MILLIKEN BOULEVARD, SUITE 312
FALL RIVER, MA 02721
508-677-0523

1550 MAIN STREET, 4TH FLOOR
SPRINGFIELD, MA 01103
413-785-4610

March 21, 2018

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

Dear Secretary Perry,

I write to reiterate my growing concern that the Trump administration's lack of communication and candor regarding its ongoing discussions with the Kingdom of Saudi Arabia to establish a civil nuclear cooperation agreement — or 123 agreement — is a deliberate effort to keep Congress in the dark about these important negotiations, in potential violation of statutory requirements. Despite my repeated requests for answers to questions enumerated in previous letters to you, Congress and the American people continue to learn more about this sensitive process from the press than from the administration.

For example, according to reports, you were in London in late February to meet with senior officials from Saudi Arabia and discuss this agreement. In testimony today before the Senate Committee on the Environment and Public Works, Nuclear Regulatory Commission (NRC) Chairman Kristine L. Svinicki confirmed this trip, acknowledging that at least one NRC lawyer was present for those negotiations. More recently, on Tuesday, March 20, Saudi Crown Prince Mohammed bin Salman met with both you and President Trump.¹

Despite confirmation of ongoing talks with Saudi Arabia, I am not aware of any member-level briefings for the Senate Foreign Relations Committee on the status of these discussions. The Atomic Energy Act requires that the president keep the Senate Foreign Relations Committee “fully and currently informed of any initiative or negotiations relating to a new or amended agreement for peaceful nuclear cooperation.”² As I have made clear before, it is my firm belief that the Trump administration is failing to meet this standard.

¹ Vivian Salama, *Trump meets with Saudi leader amid fears of a new Middle East arms race*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/trump-meets-saudi-leader-amid-fears-new-middle-east-arms-n858411>.

² 41 U.S.C. § 2153(e).

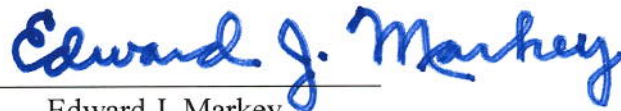
Issues as critical as nuclear nonproliferation require engagement with Congress, given their major implications for U.S. national security. This is especially true in light of recent comments from Saudi Arabia's Crown Prince Mohammed bin Salman that, "Saudi Arabia does not want to acquire any nuclear bomb, but without a doubt if Iran developed a nuclear bomb, we will follow suit as soon as possible."³ Unfortunately, these comments confirm that Saudi Arabia's nuclear ambitions are about more than simple electricity generation, and may explain why Saudi Arabia has refused to commit to forgo uranium enrichment or spent-fuel reprocessing on its territory — the so-called "gold standard" for 123 agreements during past negotiations.

Taken in tandem with President Trump's repeated threats to pull out of the Joint Comprehensive Plan of Action — the very vehicle by which the international community is ensuring Iran is not pursuing nuclear weapons — the administration's actions could be laying the groundwork for a nuclear arms race in the Middle East.

Therefore, as soon as possible, I respectfully request that you provide a detailed response to my letter dated February 26, 2018 regarding this potential deal. I also request that representatives from your department, as well as the Department of State and the National Security Council, should immediately brief all interested members of the Senate Foreign Relations Committee on the status of negotiations with Saudi Arabia towards a 123 agreement, as required by law.

Should you or your staff have any questions about this request, please do not hesitate to contact Zack Hosford of my staff at 202-224-2742.

Sincerely,



Edward J. Markey
United States Senator

CC:

Secretary of State Rex Tillerson

Nuclear Regulatory Commission Chairman Kristine L. Svinicki

³ *Saudi crown prince: If Iran develops nuclear bomb, so will we*, CBS News (March 15, 2018), <https://www.cbsnews.com/news/saudi-crown-prince-mohammed-bin-salman-iran-nuclear-bomb-saudi-arabia/>.