United States Senate
WASHINGTON, DC 20510-1401

February 10, 2012

The Honorable John F. Kerry
Chairman
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510-6225

Dear Chairman Kerry:

I write to request that the Committee hold a hearing in the near future on the Obama Administration’s policy with respect to civil nuclear cooperation with foreign countries and its implications for U.S. security from nuclear threats.

Last month, Deputy Secretary of Energy Daniel B. Poneman and former Under Secretary of State for Arms Control and International Security Ellen O. Tauscher wrote to us regarding a significant development in the Administration’s policy in this area. The letter stated that, in negotiating new agreements for peaceful nuclear cooperation with other countries, the Administration intends to seek on a “case-by-case basis” — rather than in all cases — commitments prohibiting uranium enrichment and the reprocessing of irradiated nuclear material.

This decision by the Administration appears to abandon insistence in such agreements on what had become known as the “Gold Standard” for nonproliferation security. This standard is reflected in the U.S. nuclear cooperation agreement with the United Arab Emirates, which was negotiated by both the Bush and Obama Administrations. It includes a commitment by the foreign government that it will neither enrich nor reprocess on its territory. If applied consistently in future agreements, this standard could become a bulwark against further countries engaging in enrichment and reprocessing and eliminate opportunities for potential proliferators to gain access to such technology and materials.

Recent media reports have identified concerns with the Administration’s policy shift. An enclosed editorial from The New York Times (aptly titled “Shall We Call It the ‘Bronze Standard’?”) provides a good summary of such trepidations. Additionally, a recent article from The Jordan Times appears to state that the Government of Jordan believes the United States will not seek the Gold Standard in the civil nuclear cooperation agreement the Administration is negotiating with Jordan, is also enclosed. This article also suggests the possibility of negotiations with Saudi Arabia for such an agreement.

Hearings on this topic will allow members of the Committee to gain a better understanding of the implications of the Administration’s policy for our nuclear cooperation and non-proliferation security objectives. These issues will be important when the Senate is called upon to consider resolutions to approve or disapprove future nuclear cooperation agreements concluded by the
Executive Branch. Members views on these matters may also help inform the Administration’s approach in future negotiations about such agreements.

I appreciate your consideration of my request and look forward to working with you on this important matter.

Sincerely,

Richard G. Lugar
Ranking Member