



**Whistleblowers Raise Grave Concerns with
Trump Administration's Efforts to Transfer
Sensitive Nuclear Technology to Saudi Arabia**

Prepared for Chairman Elijah E. Cummings

**Interim Staff Report
Committee on Oversight and Reform
U.S. House of Representatives**

February 2019

oversight.house.gov

EXECUTIVE SUMMARY

This interim staff report was prepared for Rep. Elijah E. Cummings, the Chairman of the Committee on Oversight and Reform, after multiple whistleblowers came forward to warn about efforts inside the White House to rush the transfer of highly sensitive U.S. nuclear technology to Saudi Arabia in potential violation of the Atomic Energy Act and without review by Congress as required by law—efforts that may be ongoing to this day.

The Trump Administration’s interactions with Saudi Arabia have been shrouded in secrecy, raising significant questions about the nature of the relationship.

In 2017, President Trump’s son-in-law, Jared Kushner, orchestrated a visit to Saudi Arabia as the President’s first overseas trip. Mr. Kushner also met on his own with then-Deputy Crown Prince Mohammed bin Salman, who subsequently ousted his cousin, Mohammed bin Nayef, launched a crackdown against dozens of Saudi royal family members, and reportedly bragged that Mr. Kushner was “in his pocket.”

In October 2018, the brutal murder of *Washington Post* columnist Jamal Khashoggi was met with equivocation by President Trump and other top Administration officials. This month, the White House ignored a 120-day deadline for a report on Mr. Khashoggi’s killing requested on a bipartisan basis by the Senate Committee on Foreign Relations.

Within the United States, strong private commercial interests have been pressing aggressively for the transfer of highly sensitive nuclear technology to Saudi Arabia—a potential risk to U.S. national security absent adequate safeguards. These commercial entities stand to reap billions of dollars through contracts associated with constructing and operating nuclear facilities in Saudi Arabia—and apparently have been in close and repeated contact with President Trump and his Administration to the present day.

However, experts worry that transferring sensitive U.S. nuclear technology could allow Saudi Arabia to produce nuclear weapons that contribute to the proliferation of nuclear arms throughout an already unstable Middle East. Saudi Crown Prince Mohammed bin Salman conceded this point in 2018, proclaiming: “Without a doubt, if Iran developed a nuclear bomb, we will follow suit as soon as possible.”

When Congress passed the Atomic Energy Act, it imposed stringent controls on the export of U.S. technology to a foreign country that could be used to create nuclear weapons. Under Section 123 of the Act, the U.S. may not transfer nuclear technology to a foreign country without the approval of Congress, in order to ensure that the agreement reached with the foreign government meets nine specific nonproliferation requirements.

The whistleblowers who came forward have expressed significant concerns about the potential procedural and legal violations connected with rushing through a plan to transfer nuclear technology to Saudi Arabia. They have warned of conflicts of interest among top White House advisers that could implicate federal criminal statutes. They have also warned about a working environment inside the White House marked by chaos, dysfunction, and backbiting.

And they have warned about political appointees ignoring directives from top ethics advisors at the White House who repeatedly and unsuccessfully ordered senior Trump Administration officials to halt their efforts.

Even though these disclosures to Congress are protected by law, every whistleblower who spoke with Committee staff expressed significant concern about how their disclosures could lead to political reprisal, retribution, or professional setbacks. However, they stated that they felt compelled to convey their profound concern with the abnormal acts they witnessed inside the White House, including the disregard of advice from career officials, who repeatedly warned about the potential dangers of proceeding with such a sensitive proposal without full consideration and review.

The whistleblowers provided specific dates and information from the relevant correspondence, as well as the names and identities of White House officials engaged in these activities.

For example, the whistleblowers provided new information about IP3 International, a private company that has assembled a consortium of U.S. companies to build nuclear plants in Saudi Arabia. According to media reports, IP3's only project to date is the Saudi nuclear plan.

A key proponent of this nuclear effort was General Michael Flynn, who described himself in filings as an "advisor" to a subsidiary of IP3, IronBridge Group Inc., from June 2016 to December 2016—at the same time he was serving as Donald Trump's national security advisor during the presidential campaign and the presidential transition. According to the whistleblowers, General Flynn continued to advocate for the adoption of the IP3 plan not only during the transition, but even after he joined the White House as President Trump's National Security Advisor.

General Flynn failed to report in his security clearance renewal application a trip he took to Saudi Arabia in June 2015 on behalf of IP3 and its predecessor company. Although he reported a separate trip to Saudi Arabia in October 2015, General Flynn omitted key details, including the identity of the "work sponsor" that financed the trip. General Flynn claimed that he spoke at a conference during that trip, but none of his three speakers' bureaus had any involvement with the trip or knew of any conference there. Finally, General Flynn told investigators that he stayed at the King Khaled International Hotel, but a U.S. consulate official could not identify any such hotel in Saudi Arabia.

Another key proponent of this effort was Thomas Barrack, President Trump's personal friend of several decades and the Chairman of his Inaugural Committee. According to the *New York Times*:

During the Trump campaign, Mr. Barrack was a top fundraiser and trusted gatekeeper who opened communications with the Emiratis and Saudis, recommended that the

candidate bring on Paul Manafort as campaign manager—and then tried to arrange a secret meeting between Mr. Manafort and the crown prince of Saudi Arabia.¹

According to this news report, 24% of the \$7 billion in investments raised by Mr. Barrack’s company since Donald Trump won the nomination “has come from the Persian Gulf—all from either the U.A.E. or Saudi Arabia.”² During this period, Mr. Barrack reportedly “pondered the notion, for example, of buying a piece of Westinghouse, the bankrupt U.S. manufacturer of nuclear reactors.”³

Summary of Whistleblower Concerns

According to the whistleblowers, Derek Harvey, the Senior Director for Middle East and North African Affairs at the National Security Council (NSC) from January to July 2017, stated during the first week of the Trump Administration that the decision to adopt IP3’s nuclear plan, which it called the Middle East Marshall Plan, and develop “dozens of nuclear power plants” had already been made by General Flynn during the transition—while he was serving as an advisor to IP3.

Career staff warned that any transfer of nuclear technology must comply with the Atomic Energy Act, that the United States and Saudi Arabia would need to reach a 123 Agreement, and that these legal requirements could not be circumvented. Mr. Harvey reportedly ignored these warnings and insisted that the decision to transfer nuclear technology to Saudi Arabia had already been made.

Both career and political staff inside the White House reportedly agreed that Mr. Harvey’s directive could violate the law. One senior political official stated that the proposal was “not a business plan,” but rather “a scheme for these generals to make some money.” That official stated: “Okay, you know we cannot do this.”

Yet, just days after the President’s inauguration, IP3 officials sent documents directly to General Flynn for President Trump to approve, including a draft Cabinet Memo stating that the President had appointed Mr. Barrack as a special representative to implement the plan and directing agencies to support Mr. Barrack’s efforts.

According to the whistleblowers, the NSC Ethics Counsel and several attorneys in the NSC Legal Advisor’s office agreed that General Flynn had a potential conflict of interest that could violate the criminal conflict of interest statute, 18 U.S.C. § 208. As a result, NSC Legal Advisor John Eisenberg instructed NSC staff to cease all work on the plan.

¹ *Who is Behind Trump’s Links to Arab Princes? A Billionaire Friend*, New York Times (June 13, 2018) (online at www.nytimes.com/2018/06/13/world/middleeast/trump-tom-barrack-saudi.html).

² *Id.*

³ *White House May Share Nuclear Power Technology with Saudi Arabia*, ProPublica (Nov. 29, 2017) (online at www.propublica.org/article/white-house-may-share-nuclear-power-technology-with-saudi-arabia).

Despite the concerns of whistleblowers and NSC attorneys, and even after the President fired General Flynn in mid-February, officials inside the White House continued to move forward on the IP3 nuclear plan. More than five individuals separately confirmed that Mr. Harvey stated during a meeting on March 2, 2017: “I speak with Michael Flynn every night.”

In mid-March 2017, Deputy National Security Advisor K.T. McFarland reportedly stated during a meeting that President Trump told Mr. Barrack that he could lead the implementation of the plan. She also disclosed that Mr. Barrack would be speaking with Mr. Harvey that day. Mr. Harvey subsequently held a conference call with Mr. Barrack, along with Rick Gates, President Trump’s former Deputy Campaign Manager and Deputy Chairman of the Inaugural Committee, whom Mr. Barrack had hired to manage the Washington, D.C. office of Mr. Barrack’s company. A career NSC staffer who joined the call with Mr. Gates, Mr. Barrack, and Mr. Harvey later informed colleagues that Mr. Harvey was trying to promote the IP3 plan “so that Jared Kushner can present it to the President for approval.”

According to the whistleblowers, on March 24, 2017, multiple employees raised to the NSC Legal Advisor their concerns, including a detailed description of reported unethical and potentially illegal actions by General Flynn and Mr. Harvey. In response to these concerns, National Security Advisor H.R. McMaster reportedly informed NSC staff that they should cease working on the IP3 proposal. However, NSC staff remained concerned because the same individuals continued their work on IP3’s proposal.

Limitations and Next Steps

These whistleblowers provided a snapshot of events at the beginning of the Trump Administration, but it is limited. While serving as Ranking Member of the Committee, Rep. Cummings tried to investigate these actions for years, without Republican support.

The Committee also received documents bolstering the whistleblowers’ accounts, showing repeated communications between IP3 officials and Trump Administration officials, and underscoring the central role played by Mr. Barrack and his associates in promoting the IP3 nuclear plan to the White House.

Based on this snapshot of events, the Committee is now launching an investigation to determine whether the actions being pursued by the Trump Administration are in the national security interests of the United States or, rather, serve those who stand to gain financially as a result of this potential change in U.S. foreign policy.

The Committee’s investigation is particularly critical because the Administration’s efforts to transfer sensitive U.S. nuclear technology to Saudi Arabia appear to be ongoing. On February 12, 2019, the President met with nuclear power developers at the White House about sharing nuclear technology with countries in the Middle East, including Saudi Arabia. In addition, next week Mr. Kushner will be embarking on a tour of Middle Eastern capitals—including Riyadh—to discuss the economic portion of the Administration’s Middle East peace plan.

I. TIMELINE OF REPORTED EVENTS

Set forth below are reports from the whistleblowers, along with references to specific documents that would corroborate their claims, as well as pertinent contextual events:

- **Transition:**
 - After President Trump won the election, a Saudi delegation consisting of “[t]op aides to Saudi Arabia’s Prince Mohammed” reportedly met with Jared Kushner, President Trump’s son-in-law, on a trip to New York. The delegation reportedly included “Khaled al-Falih, installed by the prince as minister of energy and chairman of the state oil company.” The delegation reportedly proposed initiatives “timed to Mr. Trump’s first term in office, like proposals to spend \$50 billion over four years on American defense contracts,” and “urged Mr. Trump to come to Saudi Arabia himself to ‘launch the initiatives as part of a historic welcome celebration.’”⁴

- **January 1, 2017:**
 - IP3 leaders General Keith Alexander, General Jack Keane, Mr. Bud McFarlane, and Rear Admiral Michael Hewitt, as well as the chief executives of six companies— Exelon Corporation, Toshiba America Energy Systems, Bechtel Corporation, Centrus Energy Corporation, GE Energy Infrastructure, and Siemens USA— signed a letter to Deputy Crown Prince Mohammed bin Salman. The letter presented “the Iron Bridge Program as a 21st Century Marshall Plan for the Middle East” and stated that it was “designed to create long term government to government and commercial to commercial partnerships between the United States and the Kingdom of Saudi Arabia.”⁵

- **January 20, 2017:**
 - Donald J. Trump was inaugurated as the 45th President of the United States.

 - Alex Copson, a former business colleague of National Security Advisor Michael Flynn who had been pitching a Middle East nuclear project from his company, ACU Strategic Partners, reportedly bragged at an Inauguration Day event that General Flynn had sent him a text message that the Middle East nuclear project was “good to go” and directing Mr. Copson to contact their business colleagues to “let them know to put things in place.” This description was provided by a whistleblower who attended the Inauguration Day event.⁶

⁴ *The Wooing of Jared Kushner: How the Saudis Got a Friend in the White House*, New York Times (Dec. 8, 2018) (online at www.nytimes.com/2018/12/08/world/middleeast/saudi-mbs-jared-kushner.html).

⁵ Letter from General Keith Alexander, IP3, et al. to Deputy Crown Prince Mohammed bin Salman (Jan. 1, 2017) (emailed from Frances Fragos Townsend to National Security Council staff as part of a package on Mar. 28, 2017).

⁶ Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, Committee on Oversight and Government Reform (Dec. 6, 2017) (online at

- **Week of January 21, 2017:**

- At an organizational meeting with NSC staff detailed from the intelligence community and the State Department, Derek Harvey, the Senior Director for Middle East and North African Affairs at the National Security Council and a top aide to General Flynn, stated that he had prepared a “new strategy” for U.S. engagement in the Middle East that included a new “regional economic and energy plan.” He also stated that he developed this new strategy during the transition period in response to a request from General Flynn.
- During the same meeting, NSC staff explained that two NSC offices were responsible for economic and energy issues and that subject matter experts at the NSC and departments typically worked together to prepare and vet proposals for the President and his national security team. The staff also told Mr. Harvey that the Obama Administration had prepared a transition memorandum outlining the status of ongoing U.S. energy and economic initiatives with countries in the Middle East.
- Mr. Harvey declined to obtain input from economic and energy subject matter experts at the NSC or cabinet departments. Instead, he asserted that General Flynn had directed Mr. Harvey to take charge of the new “regional economic and energy plan” for the Middle East, which would include “dozens of nuclear power plants.”

- **January 27, 2017:**

- Seven days after the inauguration—and two days before a scheduled call with King Salman of Saudi Arabia—Mr. Harvey met in his office at the White House with a group of retired generals who work for IP3, including its co-founders, General Keane and Mr. McFarlane.
- Immediately after the meeting, Mr. Harvey directed the NSC staff to add information about IP3’s “plan for 40 nuclear power plants” to the briefing package for President Trump’s call with King Salman. Mr. Harvey also stated that General Flynn wanted President Trump to raise the “plan for 40 nuclear power plants” with King Salman and that this was the “energy plan” that had been developed and approved by General Flynn during the presidential transition.
- In response, several NSC staff informed Mr. Harvey that any specific plan to transfer nuclear technology to a foreign country must comply with several legal requirements. Specifically, staff explained to Mr. Harvey that under Section 123 of the Atomic Energy Act, the United States is required to reach a 123 Agreement before any nuclear technology may be transferred—a process that would take significant time and consultation with subject matter experts at the NSC, State Department, Department of Defense, and Department of Energy. NSC staff informed Mr. Harvey

<https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2017-12-06.EEC%20to%20Gowdy.pdf>

that these legal requirements could not be circumvented by General Flynn or Mr. Harvey.

- Despite these warnings, Mr. Harvey insisted that the decision to transfer nuclear technology to Saudi Arabia had already been made during the presidential transition and that General Flynn wanted President Trump to raise “the nuclear power plants” with King Salman.
- After the meeting, NSC staff consulted with several other career and political staff members who were more senior than Mr. Harvey, all of whom agreed that Mr. Harvey’s directive could violate laws and regulations. Staff from the Middle East Directorate, the Nonproliferation Directorate, and the International Economic Affairs Directorate conferred and expressed concern that it would be inappropriate for President Trump to raise the unvetted—and potentially illegal—“plan for 40 nuclear power plants” during his call with King Salman.
- NSC staff also consulted with a senior political appointee currently serving in the Trump Administration who was not affiliated with the IP3 plan (Senior Official 1). Senior Official 1 told NSC staff that they “absolutely should not include the issue” in President Trump’s talking points. Senior Official 1 stated that the official knew about Mr. Harvey’s meeting with the retired generals from IP3, and said the proposal was “not a business plan,” but rather “a scheme for these generals to make some money.” Senior Official 1 stated that General Flynn had been part of the group of retired generals at IP3 prior to his appointment as National Security Advisor. Senior Official 1 stated to NSC staff: “Okay, you know we cannot do this.”
- **January 28, 2017:**
 - General Flynn and Deputy National Security Advisor K.T. McFarland received two documents in their official White House email accounts in a message entitled, “Launching the Marshall Plan for the Middle East” from Mr. McFarlane, a co-founder and Director of IP3 and a former national security advisor to President Reagan who pleaded guilty to participating in the Iran-Contra cover-up in 1988.
 - Mr. McFarlane was not a member of the Trump Administration, and he apparently sent the email in his role as an IP3 official. The email included: (1) a draft cover memorandum written from General Flynn to President Trump; and (2) a draft memorandum “for the President to sign” directing agency heads to lend support to Thomas Barrack for the implementation of the IP3 plan. Mr. McFarlane also wrote that the IP3 team and Thomas Barrack, the President’s personal friend and Chairman of the Inaugural Committee, concurred with both memos.
 - The first document was formatted as a Memorandum for the President authored by General Flynn. The Memorandum stated, “Tom Barrack has been thoroughly briefed on this strategy and wants to run it for you. He’s perfect for the job. Rex and Jim are

supportive of Tom’s focus on this also.”⁷ It also stated, “In the enclosed memo you would call upon the relevant cabinet officers to lend their support to this historic program. I recommend that you sign it.”⁸

- The second document was formatted as a Cabinet Memorandum from the President to the Secretaries of State, Defense, Treasury, and Energy; the Director of the Central Intelligence Agency; and the Chairman of the Joint Chiefs of Staff. It stated that President Trump had assigned Mr. Barrack as a special representative to oversee implementation of the Middle East Marshall Plan: “I have assigned a special representative, Tom Barrack, to lead this important initiative and I am requesting him to engage each of you over the next 30 days to gain your input and support for our Middle East Marshal [sic] Plan.”⁹

Figure 1: Jan. 28, 2017, Email from McFarlane to Flynn and McFarland¹⁰

From: Robert McFarlane [REDACTED]@mcfarlaneassociatesinc.com
[REDACTED]@mcfarlaneassociatesinc.com>>
Date: January 28, 2017 at 10:41:47 AM EST
To: Michael FLYNN <Michael.T.Flynn@nsc.eop.gov <mailto:Michael.T.Flynn@nsc.eop.gov>>,
<K.T.McFarland@nsc.eop.gov <mailto:K.T.McFarland@nsc.eop.gov>>
Cc: 'Mike Hewitt' [REDACTED]@ironbridgesecurity.com
[REDACTED]@ironbridgesecurity.com>>, Keith Alexander
[REDACTED]@ironnetcybersecurity.com
[REDACTED]@ironnetcybersecurity.com>>, Jack Keane <jkeane@scppartners.com
@scppartners.com>>, Stuart SOLOMON [REDACTED]@gmail.com
[REDACTED]@gmail.com>>
Subject: Launching the Marshall Plan for the Middle East

Mike and KT,

Enclosed please find two memos as follows:

First, a cover memo from you Mike, to the President. It explains on one page the origins, geopolitical necessity, benefits --to the U.S. and host countries – structure, and Tom Barrack's leadership for execution of the strategy; and

Second, a memo for the President to sign to relevant cabinet officers calling on them to lend support to Tom Barrack for the execution of the plan.

Our team and Tom Barrack concur with both memos.

Warm regards,

Bud

Robert C. McFarlane
Co-Founder
U.S. Energy Security Council
2700 Virginia Ave. NW (Suite 901)
Washington, DC 20037

⁷ “Rex” appears to be reference to then-Secretary of State Rex Tillerson, and “Jim” appears to be a reference to then-Secretary of Defense James Mattis.

⁸ Draft Memorandum for President Donald Trump from Michael T. Flynn, *The Marshall Plan for the Middle East* (undated).

⁹ Draft Memorandum from the President of the United States to the Secretary of State; the Secretary of Defense; the Secretary of the Treasury; Director, Central Intelligence Agency; and Chairman, Joint Chiefs of Staff, *A Marshall Plan for the Middle East Based on Power, Peace and Prosperity* (undated).

¹⁰ This email has been re-typed to protect its source.

- General Flynn forwarded Mr. McFarlane’s email and its attachments to White House staff and directed them: “Prep a staff packet to go to the POTUS.”
- Mr. Harvey and others were instructed to finalize the decision memorandum by January 30, 2017.
- That evening, NSC staff tasked with carrying out General Flynn’s instructions discussed the latest direction with other senior NSC appointees who outranked Mr. Harvey. They raised a concern that the directive created significant conflicts of interest since General Flynn’s former business colleagues stood to benefit from the plan and because the plan could generate improper benefit for private parties, including Mr. Barrack, the President’s personal friend. These officials agreed with the NSC staff’s concerns and said they planned to contact the NSC Legal Advisor.
- **January 29, 2017:**
 - As discussions continued, Senior Official 1 reiterated to relevant NSC staff that it would be inappropriate for President Trump to raise the “40 nuclear plants” with King Salman.
- **January 30, 2017:**
 - NSC staff met with the NSC Ethics Counsel and several attorneys in the NSC Legal Advisor’s office who agreed that General Flynn had a potential conflict of interest that could violate the criminal conflict of interest statute, 18 U.S.C. § 208. Those attorneys immediately arranged for NSC staff to meet with NSC Legal Advisor John Eisenberg.
 - Later that day, NSC staff met with Mr. Eisenberg and other NSC lawyers and again described the actions of General Flynn and Mr. Harvey. Mr. Eisenberg stated that NSC staff “did the right thing” by reporting the issue, and he promised to immediately raise the issue with K.T. McFarland, the Deputy National Security Advisor. Mr. Eisenberg instructed NSC staff to cease all work on the plan.
 - When Mr. Harvey learned of Mr. Eisenberg’s directive to halt work, he reacted angrily, but conceded that General Flynn had an apparent conflict of interest.
- **January 31, 2017:**
 - The NSC Ethics Counsel and Senior Official 1 attended a meeting at the White House that General Flynn had been previously scheduled to have with IP3. They explained to IP3’s backers that the White House was not the appropriate venue to receive IP3’s proposal. They directed the company to submit its proposal to an appropriate Cabinet agency, per the standard interagency process of reviewing proposals from third parties.

- Later, Mr. Eisenberg informed NSC staff who had brought this matter to his attention that “we don’t need to do anything else about this.” He stated that Deputy National Security Advisor K.T. McFarland had agreed there would be no further NSC action on the Middle East Marshall Plan.
- **February 2017:**
 - Mr. Barrack’s investment firm, Colony NorthStar, reportedly “developed a plan to profit off its connections to the incoming administration and foreign dignitaries” and documented the plan in a confidential February 2017 memo authored by Rick Gates. Some of these key connections were invited to a January 17, 2017, inaugural event organized by Mr. Barrack, including the United Arab Emirates’ ambassador to the United States and the foreign ministers from Qatar, Saudi Arabia, and the United Arab Emirates. The list appears to indicate that the foreign ministers from Qatar, Saudi Arabia, and the United Arab Emirates were associated with General Flynn.¹¹
 - Colony NorthStar’s memorandum proposed establishing a “combined international government and business team” that would “provide unparalleled convening power in Washington, DC and around the globe,” including by convening “roundtables between Ambassadors and members of the Administration to cultivate relationships with a targeted focus” and tying Colony NorthStar projects “into international bilateral meetings already occurring with key members of the Trump Administration.” The memo represented that Colony NorthStar already had “a pipeline of potential projects” and that the firm’s employees had already made contact with “several of the key agencies that will direct those efforts.” It concluded, “There are other groups forming but none that can currently match the relationships or resources that we possess.”¹²
- **February 13, 2017:**
 - President Trump fired General Flynn for lying to the Vice President and the Federal Bureau of Investigation (FBI) about his secret conversations with the Russian Ambassador.¹³
- **March 2, 2017:**
 - More than five individuals have separately confirmed that Mr. Harvey stated during an internal meeting on March 2, 2017: “I speak with Michael Flynn every night.”

¹¹ *Confidential Memo: Company of Trump Inaugural Chair Sought to Profit from Connection to Administration, Foreigners*, WNYC Studios (Feb. 5, 2019) (online at www.wnycstudios.org/story/confidential-memo-company-trump-inaugural-chair-sought-profit-connection-administration-foreigners).

¹² *Strategic Plan for Colony NorthStar, Inc.*, Colony NorthStar (Feb. 2017) (online at www.documentcloud.org/documents/5726057-Colony-memo-February-2017.html).

¹³ *Trump Says He Fired Michael Flynn “Because He Lied” to F.B.I.*, New York Times (Dec. 2, 2017) (online at www.nytimes.com/2017/12/02/us/politics/trump-michael-flynn.html).

They noted that this statement was especially troubling given that President Trump fired General Flynn several weeks earlier and the FBI was reportedly investigating General Flynn.

- NSC staff subsequently met with the new National Security Advisor, General H.R. McMaster, and raised concerns about Mr. Harvey, including his ongoing contacts with General Flynn and efforts to circumvent the interagency procedures that General McMaster put in place.
- **March 3, 2017:**
 - General McMaster directed General Keith Kellogg, NSC Chief of Staff, to investigate reports of misconduct and gross mismanagement at NSC.
 - Over the course of that internal investigation, General Kellogg was informed about the previous actions of General Flynn and Mr. Harvey to advance the IP3 plan, the potential conflicts of interest and legal concerns involved, and the attempts by NSC staff to address these matters by consulting with multiple White House officials, including Mr. Eisenberg and Senior Official 1.
 - General Kellogg was informed that Mr. Harvey stated that he was in frequent contact with General Flynn following his termination.
 - General Kellogg confirmed that the IP3 plan had been “briefed” to the transition team.
- **March 4, 2017:**
 - Despite orders to halt all work, the IP3 plans continued at the White House. Mr. McFarlane, in his capacity as IP3’s co-founder and director, sent an email to Mr. Harvey entitled “We’re Very Close to Losing Our Position in the Middle East.”
 - In the email, Mr. McFarlane sought Mr. Harvey’s assistance to get IP3’s plan presented to President Trump for approval. He expressed that he was seeking a public U.S. government statement or letter of support for the IP3 plan, ideally ahead of then-Saudi Deputy Crown Prince Mohammed bin Salman’s visit to Washington, D.C.
 - In the email, he wrote to Mr. Harvey: “KT McFarland is fully conversant with our plan and suggested that I come see you to brainstorm on next steps.”

Figure 2: Mar. 4, 2017, Email from McFarlane to Harvey¹⁴

From: Robert McFarlane [redacted]@mcfarlaneassociatesinc.com]
Sent: Saturday, March 4, 2017 6:34 PM
To: Derek HARVEY (Derek.J.Harvey@nsc.eop.gov) <Derek.J.Harvey@nsc.eop.gov>
Subject: We're Very Close to Losing Our Position in the Middle East

Derek,

I hope that you're getting at least a day away from the office this weekend.

I'm writing to ask for a half hour of your time next week. Two Issues: First,

Russia & China Are Very Close to Overturning 70 years of U.S. Dominance in the Middle East –
I'm sure you've followed the traffic reporting Russian visits to Cairo to set a date for formalizing the Da'ba Nuclear Power Plant (\$29 billion project being financed by Russia – the first of many in a long-term Russian initiative). Elsewhere in Saudi and Jordan, Russia has signed MOUs or letters of Intent to build, own and operate more than 30 nuclear power plants. These plants are a central element of a much broader Russian plan to dislodge and replace the U.S. as the dominant power in the Middle East

Electric power is the linchpin, the *sine qua nom* of any hope of achieving the ambitious Saudi goals expressed in Vision 2030 and parallel economic development goals of the other GCC countries. As you know from meetings with General Keane, our team has been focused on building a detailed plan for how to restore U.S. leadership in the region, while concurrently preempting a nuclear arms race between Iran and the Sunni Arab countries by building those 30 nuclear plants and also providing a robust physical, cyber and ISR regime in each host country. We've engaged at decision-making levels in every country involved. All are strongly supportive of our plan. But all of them ask the same question, "**Where is your government on this matter?**"

As you know we're not looking for financial support; the host countries will pay the entire cost – so strong is their wish to have the U.S. turn away from the "betrayal" (as they see it) expressed in the JCPOA, and return to honoring the pledge made by President Roosevelt in the Quincy Agreement 72 years ago. So what is my point?

We've been seeking to brief our plan to POTUS, the Secretary of State and the Secretary of Defense, and then to stimulate an expression of support – again from POTUS or Sec State – that clears the air. Such a statement or letter need not refer to us specifically, for indeed we understand that our government ought not be "picking winners." We'll be happy to compete with any other team that any other American wants to put together. But the Saudis and GCC countries want to hear a full throated statement from our government in Washington that the U.S. supports their plans for modernizing and industrializing the political-economy of their countries and that we want American companies to participate vigorously. Full stop.

We haven't been able to get those briefings scheduled, as a prelude to stimulating that kind of public statement (or letter). We need your help and have some ideas. KT McFarland is fully conversant with our plan and suggested that I come see you to brainstorm on next steps.

EGYPT – As you know, President Sisi has been struggling since taking over to cope with his country's desperate situation. He is beset by jihadists from Sinai to Libya and his economy is a shambles. The Egyptian people have become vocally anti-American. He desperately needs a visible boost from the United States and has sent a personal emissary to propose a step by step approach to rebuilding the relationship based upon a reciprocal series of steps designed to reduce tensions and turn around the restive sentiment of the Egyptian people. I'd like to pass his ideas on to you and propose a way forward.

Can I call you on Monday to fix a convenient time for us to get together?

Warm regards,

Bud

Robert C. McFarlane
Co-Founder
U.S. Energy Security Council
2700 Virginia Ave. NW (Suite 901)
Washington, DC 20037
Tel: 202 [redacted]

¹⁴ This email has been re-typed to protect its source.

- This email concerned NSC staff since Mr. Eisenberg had previously directed all NSC employees, including Ms. McFarland and Mr. Harvey, to cease all work on the Middle East Marshall Plan.
- **March 7, 2017:**
 - NSC staff reported Mr. Harvey’s continued work on the IP3 plan to Mr. Eisenberg and others in the NSC legal office.
 - NSC staff described the roles played by General Flynn, Mr. Harvey, and Ms. McFarland in advocating for the IP3 plan, which appeared to be designed to benefit General Flynn, his former business colleagues, and Mr. Barrack, in potential violation of the federal criminal conflict of interest statute and ethics rules.
 - NSC staff also provided Mr. Eisenberg with a copy of Mr. McFarlane’s March 4 email urging Mr. Harvey to present the IP3 plan to the President.
 - Mr. Eisenberg promised to investigate these reports.
- **March 14, 2017:**
 - President Trump met with Saudi Deputy Crown Prince Mohammed bin Salman in the Oval Office along with Mr. Kushner. President Trump and Deputy Crown Prince Mohammed bin Salman reportedly “discussed opportunities for U.S. companies to invest in Saudi Arabia.”¹⁵
 - Mr. Harvey summarized President Trump’s March 14, 2017, meeting with Saudi Deputy Crown Prince Mohammed bin Salman in a draft public “read out” submitted to Senior Official 1 and NSC staff. The draft included references to “a new United States-Saudi program . . . in energy, industry, infrastructure, and technology worth potentially more than \$200 billion in direct and indirect investments within the next four years.” These references ultimately remained in the final public copy.¹⁶
 - Neither career NSC staff nor Senior Official 1 were familiar with the program, and Senior Official 1 stated to NSC staff: “What the hell is going on?”

¹⁵ *Saudi Deputy Crown Prince, Trump Meeting A “Turning Point”*: Saudi Adviser, Reuters (Mar. 14, 2017) (online at www.reuters.com/article/us-saudi-usa-idUSKBN16L2CT).

¹⁶ *Readout of the President’s Meeting with Mohammed bin Salman Abdulaziz Al Saud, Deputy Crown Prince and Minister of Defense of the Kingdom of Saudi Arabia*, The White House (Mar. 15, 2017) (online at www.whitehouse.gov/briefings-statements/readout-presidents-meeting-mohammed-bin-salman-abdulaziz-al-saud-deputy-crown-prince-minister-defense-kingdom-saudi-arabia/).

- **March 15, 2017:**

- Deputy National Security Advisor McFarland held an internal meeting with staff, during which she raised the subject of the Middle East Marshall Plan.
- Ms. McFarland stated that Mr. Barrack had done an “amazing job” managing President Trump’s inaugural committee and raising donations for Mr. Trump. She noted that Mr. Barrack had longstanding and extensive business ties across the Middle East.
- Ms. McFarland stated that President Trump told Mr. Barrack that he could lead implementation of the Middle East Marshall Plan. She explained that President Trump said Mr. Barrack could not be paid for his role.
- Ms. McFarland disclosed that Mr. Barrack would be meeting with Mr. Harvey that day to discuss the Middle East Marshall Plan, and she told NSC staff: “You should all be meeting *with* Tom.”
- In light of the standing directive to halt all work on this plan, NSC staff subsequently reported this meeting to Mr. Eisenberg’s office.

- **March 17, 2017:**

- IP3 leaders Mr. McFarlane, General Keane, Rear Admiral Hewitt, and General Alexander signed a letter to Saudi Deputy Crown Prince Mohammed bin Salman stating: “The agreements by President Trump and Mohammed bin Salman have established the framework for our unique opportunity to take the next steps with IP3 and the Kingdom of Saudi Arabia.” The letter also referenced a “partnership to acquire Westinghouse between IP3 and Saudi Arabia.”¹⁷

- **March 21, 2017:**

- Mr. Harvey had a conference call with Mr. Barrack to discuss the Middle East Marshall Plan.
- Present for this call in Mr. Harvey’s White House office was Rick Gates, President Trump’s Deputy Campaign Manager and Deputy Inaugural Committee Chairman, whom Mr. Barrack hired to manage the Washington, D.C. office of Mr. Barrack’s company, Colony NorthStar. Rick Gates has now pleaded guilty to financial fraud and lying to investigators, and he is reportedly cooperating with Special Counsel Robert Mueller’s inquiry into Russian interference in the 2016 election.¹⁸

¹⁷ Letter from Keith Alexander, Jack Keane, Bud McFarlane, and Michael Hewitt, IP3, to Deputy Crown Prince Mohammed bin Salman (Mar. 17, 2017). This letter was emailed from Frances Fragos Townsend to National Security Council staff as part of a package on March 28, 2019.

¹⁸ *Plea Agreement*, United States v. Gates (D.D.C. Feb. 23, 2018) (online at

- Also present was a career NSC staffer who later informed colleagues that Mr. Harvey was again trying to promote the IP3 plan “so that Jared Kushner can present it to the President for approval.”
- **March 22, 2017:**
 - NSC staff reported Mr. Harvey’s March 21 conference call with Rick Gates and Tom Barrack about the Middle East Marshall Plan to Mr. Eisenberg.
 - Mr. Eisenberg asked, “Who is Rick Gates?” NSC staff responded by providing an article from the *Washington Post* describing Mr. Gates’s connections with Paul Manafort and Russian oligarchs.
 - Separately, Mr. Harvey raised the Middle East Marshall Plan again during an interagency coordination meeting that day and emphasized that it was a top priority.
 - NSC staff again contacted the NSC Ethics Counsel to report Mr. Harvey’s ongoing engagement with the Middle East Marshall Plan.
- **March 23, 2017:**
 - Energy Secretary Rick Perry raised the subject of the Middle East Marshall Plan during an interagency meeting relating to Saudi Arabia convened by NSC.
 - After the meeting, Mr. Harvey introduced himself to Secretary Perry and expressed interest in continuing the discussion about the Middle East Marshall Plan.
- **March 24, 2017:**
 - Multiple employees of NSC staff reported to Mr. Eisenberg their detailed concerns about gross mismanagement in the Middle East Directorate.
 - They reported in detail unethical and potentially illegal actions by General Flynn and Mr. Harvey to advance the Middle East Marshall Plan, as well as subsequent efforts by General Kellogg and Mr. Harvey to terminate NSC staff’s employment following their protected disclosures about these actions.
- **March 24–25, 2017:**
 - That weekend, Mr. Harvey instructed NSC staff to add language about IP3’s Middle East Marshall Plan—and specifically nuclear power plants—into talking points for President Trump’s upcoming meeting with Egyptian President Abdel Fattah al-Sisi.

- Mr. Harvey claimed that Mr. Eisenberg and Senior Official 1 had both approved adding the Middle East Marshall Plan language into the talking points.
- Mr. Eisenberg and Senior Official 1 subsequently informed NSC staff that they had not approved including the Middle East Marshall Plan language in the talking points.
- **March 27, 2017:**
 - General McMaster informed relevant NSC staff that he and Eisenberg agreed that nobody at the NSC should work on the Middle East Marshall Plan anymore. “John [Eisenberg] and I agree that this is done. Nobody should work on this anymore.”
 - NSC staff noted Mr. Harvey’s attempts over the previous weekend to insert references to the Marshall Plan and nuclear power plants into talking points for President Trump’s upcoming meeting with the Egyptian President.
 - NSC staff further inquired about why Derek Harvey and others were still pursuing the IP3 Middle East Marshall Plan. Mr. Eisenberg was unable to provide an explanation.
- **March 28, 2017:**
 - Frances Fragos Townsend—the Homeland Security Advisor under President George W. Bush and a Director on IP3’s Board—contacted White House Homeland Security Advisor Thomas Bossert about the Middle East Marshall Plan.
 - Ms. Townsend subsequently sent NSC staff several documents: (1) an overview of the Middle East Marshall Plan that appeared to be produced by IP3; (2) a document entitled “The Trump Middle East Marshall Plan (White Paper by Tom Barrack)” dated March 10, 2017; (3) the letter that IP3 leaders Mr. McFarlane, General Keane, Rear Admiral Hewitt, and General Alexander addressed to Saudi Deputy Crown Prince Mohammed bin Salman on March 17, 2017; and (4) the January 1, 2017, letter to Deputy Crown Prince Mohammed bin Salman signed by IP3 leaders General Alexander, General Keane, Bud McFarlane, and Rear Admiral Hewitt, as well as the chief executives of six companies: Exelon Corporation, Toshiba Energy, Bechtel Corporation, Centrus, GE Power, and Siemens USA.
 - Mr. Barrack’s white paper stated: “The President will appoint a special representative for the Trump Middle East Marshall Plan with the diplomatic rank of ambassador or special advisor the President.” It also stated that the Special Envoy should “coordinate and work hand-in-hand” with government officials, including Mr. Kushner. The white paper stated that the President should implement the Middle East Marshall Plan through an executive order. It described the Special Envoy as building “long-line relationships with U.S. private sector leaders acting as their expediter in clearing the traditional regional and regulatory hurdles to their participation” and “trusted relationships with top leaders of GCC countries, Israel, Egypt, Jordan, and Iraq.”

- Mr. Bossert directed NSC Nonproliferation Directorate staff to meet with Ms. Townsend. This email chain was forwarded to Mr. Eisenberg.
- **March 2017:**
 - Sometime in March, President Trump and his advisors reportedly told Israeli Prime Minister Benjamin Netanyahu that “if the U.S. does not sell the Saudis nuclear reactors, other countries like Russia or France will.”¹⁹
- **April 3, 2017:**
 - Andrea Thompson—the Vice President’s National Security Advisor—asked a staffer on Vice President Pence’s national security team to meet with IP3 to discuss the Middle East Marshall Plan.
 - This outreach from IP3 to the Vice President’s national security team was reported to Mr. Eisenberg.

¹⁹ *Israel Presented U.S. with “Red Lines” for Saudi Nuclear Deal*, Axios (July 8, 2018) (online at www.axios.com/israel-united-states-red-lines-demands-saudi-arabia-nuclear-deal-d010de3e-69ad-4de1-bc5e-0387dd5b91dc.html).

II. CONTINUED EFFORTS TO PROMOTE THE TRANSFER OF SENSITIVE NUCLEAR TECHNOLOGY TO SAUDI ARABIA

The whistleblowers described above provided detailed information and references to specific documents to corroborate their claims. However, their accounts are limited to the beginning of the Trump Administration, and many questions remain unanswered—including whether and how the Trump Administration is moving forward with these efforts today.

Recent press accounts indicate that the effort to provide Saudi Arabia with sensitive U.S. nuclear technology has shifted to Secretary Rick Perry at the Department of Energy, although the White House—and Mr. Kushner—allegedly remain directly involved. In fact, the President is reported to be directly engaged in the effort, maintaining contact with IP3 about the plans and expressing his support for the transfer of nuclear technology to Saudi Arabia. These reports also indicate that Saudi Arabia is refusing to agree to prohibitions on enriching uranium and processing plutonium similar to those agreed to by other countries in the region.

- In November 2017, it was reported that the Middle East Marshall Plan had “stirred back to life as the Saudi government kicked off a formal process to solicit bids for their first reactors.” In the “days before Thanksgiving, senior U.S. officials from several agencies met at the White House to discuss the policy, according to current and former officials.”²⁰
- In December 2017, Secretary Perry led a delegation to Saudi Arabia to conduct talks on civil nuclear cooperation with Crown Prince Mohammed bin Salman and Saudi Energy Minister Khalid al-Falih.²¹ It was reported: “During the meeting, they discussed the strategic partnership between the two countries in various fields, especially in energy, environment, industry and joint investments between the two countries, especially in the petrochemical, infrastructure and energy sectors.”²²
- In January 2018, Brookfield Business Partners, a subsidiary of Brookfield Asset Management, announced its plans to acquire Westinghouse Electric for \$4.6 billion. Westinghouse Electric is the bankrupt nuclear services company that is part of IP3’s proposed consortium to build nuclear reactors in Saudi Arabia, and which stands to benefit from the Middle East Marshall Plan.²³ In August 2018, Brookfield Asset Management purchased a partnership stake in 666 Fifth Avenue, a building owned by Jared Kushner’s family company.²⁴

²⁰ *White House May Share Nuclear Power Technology with Saudi Arabia*, ProPublica (Nov. 29, 2017) (online at www.propublica.org/article/white-house-may-share-nuclear-power-technology-with-saudi-arabia).

²¹ @SecretaryPerry, Twitter (Dec. 5, 2017) (online at <https://twitter.com/secretaryperry/status/938021024339251202>).

²² *Saudi Crown Prince Meets with US Secretary of Energy Rick Perry*, Al Arabiya English (Dec. 4, 2017) (online at <http://english.alarabiya.net/en/business/energy/2017/12/04/Saudi-crown-prince-meets-with-US-Secretary-of-Energy-Rick-Perry.html>).

²³ *Brookfield Business Partners to buy Westinghouse for \$4.6 Billion*, Reuters (Jan. 4, 2018) (online at www.reuters.com/article/us-westinghouse-m-a-brookfieldbusinesspa/brookfield-business-partners-to-buy-westinghouse-for-4-6-billion-idUSKBN1ET1MQ).

²⁴ *Deal Gives Kushners Cash Infusion on 666 Fifth Avenue*, New York Times (Aug. 3, 2018) (online at

- On February 27, 2018, Goldman Sachs announced that former Deputy National Security Advisor Dina Powell, who had helped manage Jared Kushner’s relationship with Saudi Crown Prince Mohammed bin Salman and plan President Trump’s 2017 visit to Saudi Arabia, would be joining the Goldman Sachs’ sovereign wealth group.²⁵ Goldman Sachs wrote in an internal memorandum that “Dina will focus on enhancing the firm’s relationships with sovereign clients around the world.”²⁶ Ms. Powell reportedly “is especially close to Saudi Arabia’s Public Investment Fund and the country’s ruling family.”²⁷
- In February 2018, it was reported: “The administration is considering permitting Saudi Arabia to enrich and reprocess uranium as part of a deal that would allow Westinghouse Electric Co. and other American companies to build nuclear reactors in the Middle East kingdom.”²⁸
- In March 2018, it was reported that the Saudi government was spending more than \$450,000 over a one-month period to lobby the Trump administration to approve a sale of nuclear reactors to Saudi Arabia.²⁹
- A Foreign Agent Registration Act form filed by one law firm hired by Saudi Arabia stated that it “will advise the Ministry of Energy, Industry, and Resources of the Kingdom of Saudi Arabia in connection with a potential bilateral agreement on cooperation with the United States concerning peaceful uses of nuclear energy under Section 123 of the Atomic Energy Act of 1954 and related legal matters concerning the development of a commercial nuclear program within Saudi Arabia.”³⁰
- A filing by a consultant retained by Saudi Arabia stated: “Those matters on which the registrant will provide legal and consulting services have come to include the Saudi National Atomic Energy Project.” It also stated: “It is anticipated that registrant will participate in interaction with agencies and departments of the U.S. Government and members of Congress on behalf of the Ministry with respect to the Section 123 Agreement and related agreements in connection with the Kingdom’s development of a

www.nytimes.com/2018/08/03/nyregion/kushners-building-fifth-avenue-brookfield-lease.html).

²⁵ *Dina Powell, Influential Foreign Policy Adviser, Is Set to Exit White House*, New York Times (Dec. 8, 2017) (online at www.nytimes.com/2017/12/08/us/politics/dina-powell-trump-resign.html).

²⁶ *Dina Powell is Returning to Goldman Sachs*, Axios (Feb. 27, 2018) (online at www.axios.com/dina-powell-returning-to-goldman-sachs-b762eeeb-f9dd-4a5b-b5c0-5b6bc8aeb6d8.html).

²⁷ *Dina Powell Withdraws from U.N. Ambassador Consideration*, Wall Street Journal (Oct. 11, 2018) (online at www.wsj.com/articles/dina-powell-withdraws-from-u-n-ambassador-consideration-1539302582).

²⁸ *Perry Plans Nuclear-Energy Talks with Saudis, Sources Say*, Bloomberg (Feb. 26, 2018) (online at www.bloomberg.com/news/articles/2018-02-26/u-s-energy-chief-is-said-to-plan-nuclear-deal-talks-with-saudis).

²⁹ *Saudis Spending Up to \$450K in Push for US Nuclear Sale*, The Hill (Mar. 8, 2018) (online at <http://thehill.com/business-a-lobbying/lobbying-contracts/377507-saudis-spending-up-to-450k-in-push-for-us-nuclear>).

³⁰ Foreign Agents Registration Act Registration for Pillsbury Winthrop Shaw Pittman, Department of Justice (Feb. 20, 2018) (online at www.fara.gov/docs/5198-Exhibit-AB-20180220-43.pdf).

commercial nuclear program, and Congressional review of the Section 123 Agreement.”³¹

- Also in March 2018, Crown Prince Mohammed bin Salman undertook a “last-minute visit to New York,” where he housed his entourage at the Trump International Hotel in Manhattan for five days, a stay that reportedly “was enough to boost the hotel’s revenue” by 13 percent “for the entire quarter.”³²
- At a hearing on May 9, 2018, before the Committee on Science, Space, and Technology, Secretary Perry stated that the goal of his civil-nuclear discussions with Saudi Arabia was to convince it to use Westinghouse to construct its reactors: “[W]e tried to really drive home to the crown prince ... that if you want the best reactors in world, you have to come to the United States and you have to use Westinghouse.”³³
- In July 2018, it was reported that “Energy Secretary Rick Perry has been pushing officials in Saudi Arabia to hire American companies like Westinghouse to build nuclear power plants.”³⁴
- On September 26, 2018, the U.S. consortium to build nuclear reactors was reported to be on Saudi Arabia’s “shortlist of potential partners competing to build nuclear-power plants in the kingdom.” Secretary Perry reportedly informed reporters that “the kingdom recently made a decision that keeps U.S. businesses—foremost Westinghouse Electric Co.—in the mix for what could ultimately become a market worth tens of billions of dollars.”³⁵
- On October 2, 2018, journalist Jamal Khashoggi, a prominent critic of Crown Prince Mohammed bin Salman, was murdered at the Saudi consulate in Istanbul, Turkey. After days of denying any Saudi role in Mr. Khashoggi’s killing, Saudi Arabia admitted that Mr. Khashoggi died in a “fistfight” inside the Saudi consulate, and that Saudi officials who killed Mr. Khashoggi were involved in a “cover-up” of Mr. Khashoggi’s murder.³⁶

³¹ Foreign Agents Registration Act Registration for Law Office of David B. Kultgen, PLLC, Department of Justice (Feb. 20, 2018) (online at www.fara.gov/docs/6527-Exhibit-AB-20180220-1.pdf).

³² *At President Trump’s Hotel in New York, Revenue Went Up This Spring—Thanks to a Visit from Big-Spending Saudis*, Washington Post (Aug. 3, 2018) (online at www.washingtonpost.com/politics/at-president-trumps-hotel-in-new-york-revenue-went-up-this-spring--thanks-to-a-visit-from-big-spending-saudis/2018/08/03/58755392-9112-11e8-bcd5-9d911c784c38_story.html).

³³ Committee on Science, Space, and Technology, *Hearing on the Budget Proposal for the Department of Energy for FY 2019*, 115th Cong. (May 9, 2018) (online at <https://science.house.gov/legislation/hearings/overview-budget-proposal-department-energy-fiscal-year-2019>).

³⁴ *Kushner’s Firm Deepens Ties to Those with Business in Washington*, New York Times (July 11, 2018) (online at www.nytimes.com/2018/07/11/business/jared-kushner-business-washington.html).

³⁵ *U.S. Makes Shortlist for Saudi Nuclear-Plant Deal*, Wall Street Journal (Sept. 26, 2018) (online at www.wsj.com/articles/u-s-makes-shortlist-for-saudi-nuclear-plant-deal-1538006144).

³⁶ *Saudi Arabia Admits Khashoggi Killed but Claims He Died in “Fistfight,”* The Guardian (Oct. 20, 2018) (online at www.theguardian.com/world/2018/oct/19/jamal-khashoggi-dead-saudi-arabian-state-television-confirms).

After significant public pressure, Treasury Secretary Steven Mnuchin and Mr. Barrack dropped out of the Future Investment Initiative summit in Saudi Arabia, at which they were scheduled to speak together on a panel.³⁷ In the ensuing uproar over Mr. Khashoggi's killing, Mr. Kushner has reportedly "offered the crown prince advice about how to weather the storm, urging him to resolve his conflicts around the region and avoid further embarrassments."³⁸

- On December 20, 2018, it was reported that Secretary Perry led an interagency delegation to Riyadh weeks earlier to discuss a potential deal to share American nuclear power technology with Saudi Arabia. Secretary Perry reportedly told the Saudis that it would be important "to be perceived to be strong on non-proliferation."³⁹
- On February 7, 2019, the White House announced that Mr. Kushner would be traveling to Saudi Arabia, the United Arab Emirates, Oman, Bahrain, and Qatar in late February in order to "share elements of the economic plan" of a U.S. peace proposal for the Middle East.⁴⁰
- On February 8, 2019, the White House ignored a 120-day statutory deadline to submit a report to Congress regarding the murder of Mr. Khashoggi, which had been requested on a bipartisan basis by the Senate Foreign Relations Committee.⁴¹
- On February 12, 2019, Mr. Barrack stated of Mr. Khashoggi's murder, "whatever happened in Saudi Arabia, the atrocities in America are equal, or worse."⁴² On February 13, 2019, Mr. Barrack released a statement calling the Khashoggi murder "atrocious" and "inexcusable," and apologizing for "not making this clear in my comments earlier this week." He added, "I feel strongly that the bad acts of a few should not be interpreted as the failure of an entire sovereign kingdom."⁴³

³⁷ *Investor and Trump Friend Tom Barrack Not Going to Saudi Conference*, CNBC (Oct. 19, 2018) (online at www.cnbc.com/2018/10/19/investor-and-trump-friend-tom-barrack-not-going-to-saudi-conference.html).

³⁸ *The Wooing of Jared Kushner: How the Saudis Got a Friend in the White House*, New York Times (Dec. 8, 2018) (online at www.nytimes.com/2018/12/08/world/middleeast/saudi-mbs-jared-kushner.html).

³⁹ *What We Know About the Progress on Saudi-US Nuclear Deal Discussions*, Al Arabiya English (Dec. 20, 2018) (online at <http://english.alarabiya.net/en/business/energy/2018/12/20/What-we-know-about-the-progress-on-Saudi-US-nuclear-deal-discussions-.html>).

⁴⁰ *Trump Adviser Kushner to Visit Middle East on Peace Plan's Economic Part*, Reuters (Feb. 7, 2019) (online at www.reuters.com/article/us-usa-trump-mideast/trump-adviser-kushner-to-visit-middle-east-on-peace-plans-economic-part-idUSKCN1PW2RF).

⁴¹ *Trump Defies Congressional Deadline on Khashoggi Report*, New York Times (Feb. 8, 2019) (online at www.nytimes.com/2019/02/08/us/politics/trump-khashoggi-congress.html).

⁴² *Trump Pal Tom Barrack Defends Khashoggi Murder*, Talking Points Memo (Feb. 12, 2019) (online at <https://talkingpointsmemo.com/news/trump-pal-tom-barrack-defends-khashoggi-murder>).

⁴³ *Trump Confidant Thomas Barrack Apologizes for Saying U.S. Has Committed "Equal Or Worse" Atrocities to Killing Of Saudi Journalist Jamal Khashoggi*, Washington Post (Feb. 13, 2019) (online at www.washingtonpost.com/politics/in-wake-of-khashoggi-killing-trump-confidant-thomas-barrack-defends-saudi-arabia-says-us-has-committed-equal-or-worse-atrocities/2019/02/13/5ed0f5e4-2fb3-11e9-86ab-5d02109aeb01_story.html).

- On February 12, 2019, it was reported that President Trump participated in a White House meeting with private nuclear power developers, “initiated by IP3 International.” The meeting was reported to include discussions about U.S. efforts “to secure agreements to share U.S. nuclear technology with Middle East nations, including Jordan and Saudi Arabia.” Participants reportedly included Rear Admiral Hewitt and General Keane from IP3, as well as representatives from Westinghouse, General Electric, Exelon, Nuscale, TerraPower, Lightbridge, AECOM, BWXT, Centrus Energy Corp., and X-energy.⁴⁴ President Trump was reportedly “supportive” of the executives’ plans to sell nuclear technology to Saudi Arabia.⁴⁵

- On February 12, 2019, it was reported that a White House official stated about the White House meeting with nuclear developers: “This is being led by General Keane. This is a group that he has put together; the president talks with him periodically.”⁴⁶

⁴⁴ *CEOs Ask Trump to Help Them Sell Nuclear Power Plants Abroad*, Bloomberg News (Feb. 13, 2019) (online at www.bloomberg.com/news/articles/2019-02-12/trump-said-to-meet-with-nuclear-developers-looking-globally).

⁴⁵ *U.S. Senate Proposal Would Block Saudi Path to Atomic Weapon in Nuclear Deal*, Reuters (Feb. 12, 2019) (online at www.reuters.com/article/uk-usa-nuclear-saudi/u-s-senate-proposal-would-block-saudi-path-to-atomic-weapon-in-nuclear-deal-idUKKCN1Q2002).

⁴⁶ *Trump to Huddle with U.S. Energy Executives to Discuss Nuclear Exports*, Axios (Feb. 12, 2019) (online at www.axios.com/trump-to-discuss-nuclear-power-saudi-arabia-4c44905c-e38f-4f4c-ae6f-1108566c42be.html).

CONCLUSION

There is now serious, bipartisan concern with the Trump Administration's efforts to transfer sensitive U.S. nuclear technology to Saudi Arabia.

For example, on October 31, 2018, Republican Senators Marco Rubio, Todd Young, Cory Gardner, Rand Paul, and Dean Heller sent a letter to President Trump urging him to "suspend talks related to a potential civil nuclear cooperation agreement between the United States and Saudi Arabia" due to "serious concerns about the transparency, accountability, and judgment of current decisionmakers in Saudi Arabia." They explained:

[W]e remain concerned that the Saudi Government has refused, for many years, to consider any agreement that includes so-called "Gold Standard" requirements against pursuing technologies to enrich uranium and reprocess plutonium-laden spent nuclear fuel.⁴⁷

On February 12, 2019, Senators Ed Markey, Jeff Merkley, and Rand Paul introduced a bipartisan resolution requiring that any deal to share nuclear technology with Saudi Arabia block the Kingdom from creating a nuclear weapon.⁴⁸

Despite these concerns, the White House appears to be proceeding. As recently as February 12, 2019, the President reportedly met with nuclear power developers at the White House to discuss sharing nuclear technology with Saudi Arabia.

Further investigation is needed to determine whether the actions being pursued by the Trump Administration are in the national security interest of the United States or, rather, serve those who stand to gain financially as a result of this potential change in U.S. foreign policy.

In order to obtain this information, today the Committee is sending requests for additional documents to the White House, the Departments of Commerce, Defense, Energy, State, and Treasury, the Joint Chiefs of Staff, the Central Intelligence Agency, and companies involved with this effort, including IP3, the Flynn Intel Group, ACU Strategies, and Colony NorthStar. The Committee is also seeking interviews with key personnel involved with promoting this plan to the White House.

⁴⁷ Letter from Senators Marco Rubio, Todd Young, Cory Gardner, Rand Paul, and Dean Heller to President Donald J. Trump (Oct. 31, 2018) (online at www.rubio.senate.gov/public/_cache/files/0559a194-b2d2-46c5-b75a-5fd4ed7ec35b/920279CC56197E202AEEA9EB460402F2.20181031-letter-to-potus-re-u.s.-saudi-civil-nuclear-cooperation-agreeme....pdf).

⁴⁸ *U.S. Senate Proposal Would Block Saudi Path to Atomic Weapon in Nuclear Deal*, Reuters (Feb. 12, 2019) (online at www.reuters.com/article/uk-usa-nuclear-saudi/u-s-senate-proposal-would-block-saudi-path-to-atomic-weapon-in-nuclear-deal-idUKKCN1Q2002).