

# Possible U.S.-Saudi Agreements and Normalization with Israel: Considerations for Congress

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The Biden Administration has stated that it considers normalization of the kingdom of Saudi Arabia's relationship with Israel as a U.S. national security interest. The Administration also intends for the United States to remain the kingdom's preferred security partner as the kingdom considers its relationships with the People's Republic of China (PRC) and Russia. Press reports since early 2023 have suggested the Saudi government is seeking formal security commitments from the United States in exchange for normalization of relations with Israel, Saudi commitments to forgo certain cooperation with U.S. strategic competitors, or both. The kingdom also reportedly seeks accommodations in U.S. policy on the kingdom's nuclear energy program, and, in connection with potential Saudi-Israeli normalization, U.S.-facilitated changes to Israel's policies toward the Palestinians. Since April 2024, Biden Administration officials have publicly stated that U.S. and Saudi negotiators are close to completing a series of agreements that could create incentives for Saudi-Israeli normalization and deepen U.S.-Saudi partnership in a number of areas including defense, nuclear energy, and economic cooperation. In June 2024, unnamed U.S. and Saudi officials said the two countries are drafting a defense treaty akin to the 1960 U.S.-Japan Treaty of Mutual Cooperation and Security and an executive defense cooperation agreement to enhance military ties.

For decades, the kingdom of Saudi Arabia has maintained a conditional approach to possible normalization with Israel, based on Saudi support for the advancement of Palestinian interests and the establishment of a Palestinian state. In the context of the Israel-Hamas conflict and Israeli military operations in the Gaza Strip since October 2023, the kingdom said in February 2024 that "there will be no diplomatic relations with Israel unless an independent Palestinian state is recognized on the 1967 borders with East Jerusalem as its capital, and that the Israeli aggression on the Gaza Strip stops and all Israeli occupation forces withdraw from the Gaza Strip." Israel's current government has stated its intent to eliminate threats to Israel emanating from the Gaza Strip, opposed Palestinian statehood, and rejected other parties' recognition of such statehood. Israeli and Saudi stated positions and ongoing fighting in Gaza suggest that prompt normalization may not be likely. Future opportunities may remain contingent on developments in the conflict and the posture and policies of the Israeli, Saudi, and U.S. governments concerning the conflict, Palestinian statehood, and the feasibility of other security understandings.

Biden Administration officials have described the negotiations as part of a unified vision for regional security and have described Saudi-Israeli normalization and potential U.S.-Saudi agreements as linked. To the extent that regional security conditions and policy developments present obstacles to Saudi-Israeli normalization, progress on U.S.-Saudi defense, energy, technology, or other agreements could proceed or may be delayed.

Congress may debate how to respond to the Administration's initiatives toward Saudi Arabia, including efforts to create incentives for Saudi-Israeli normalization. Depending on the content, format, timing, and structure of any prospective U.S.-Saudi agreements, Congress may have different constitutional roles in reviewing, ratifying, or otherwise considering them. While media commentary has focused on the prospect of a grand bargain or single "megadeal" linking normalization and a range of possible U.S.-Saudi understandings, U.S. officials have stated that U.S.-Saudi talks have focused on a number of discrete elements that may each invite unique consideration by Congress. U.S., Saudi, and Israeli views on possible agreements, their merits, and the extent to which they should remain linked may vary and could change based on new developments.

Elements proposed as treaties, legislatively endorsed bilateral agreements, civil nuclear cooperation agreements, trade or investment agreements, and/or executive agreements each may present distinct legislative considerations and implicate different congressional processes, entities, and tools. In evaluating executive branch proposals, Congress may review current U.S.-Saudi cooperative initiatives and examine selected policy and procedural considerations. For more information about U.S.-Saudi relations, see CRS Report RL33533, *Saudi Arabia: Background and U.S. Relations*, by Christopher M. Blanchard.

# Contents

Introduction and Issues for Congress .....	1
Background: U.S.-Saudi Cooperation and Saudi Policy Priorities .....	2
U.S.-Saudi Security Cooperation and Commitments .....	3
What is the nature of U.S.-Saudi security cooperation? .....	3
What security commitments has the United States made to Saudi Arabia? .....	6
What type of mutual security commitment is under consideration? .....	6
Saudi Arabia's Policy Toward Israel and the Palestinians .....	7
What is the nature of Saudi Arabia's relationship with Israel? .....	7
What has Saudi Arabia said about the Palestinian issue in relation to normalization? .....	7
What might Israel and Saudi Arabia negotiate and what factors might shape Saudi-Israeli agreements? .....	9
U.S.-Saudi Civilian Nuclear Cooperation .....	10
What are Saudi Arabia's civilian nuclear energy plans? .....	10
What nonproliferation commitments has Saudi Arabia made? .....	11
What is the status of U.S.-Saudi civil nuclear cooperation and what might be considered? .....	12
Saudi Transformation Initiatives and U.S. Partnership .....	13
What are Saudi Arabia's domestic economic goals and what progress has the kingdom made toward them? .....	13
What is the status of U.S.-Saudi economic and technology cooperation? .....	14
Potential Policy Considerations for Congress .....	15
Potential Merits and Risks of Proposed Agreements Individually or in Combination .....	15
Potential Implications for U.S. Global Strategy and for U.S. Foreign and Defense Policy Programs .....	16
Threats to Saudi Arabia and Saudi Defense Capabilities .....	16
Possible Reactions from Adversaries, Rivals, and Partners .....	17
Israeli and Palestinian Politics .....	18
Saudi Influence on Normalization Beyond the Middle East Region .....	19
U.S. Regional and Global Nonproliferation Policy .....	19
Public Opinion and Saudi Arabia's Political Future .....	20
Technology Transfer .....	21
Human Rights Issues .....	22
Potential Process Considerations for Congress .....	22
What form might security commitments and defense agreements take? How might Congress shape their content and oversee implementation? .....	23
What elements might a mutual defense commitment agreement contain? .....	25
How has Congress considered other mutual defense commitment agreements and other bilateral agreements? .....	26
How could Congress conduct oversight of U.S.-Saudi negotiations and agreements and shape their implementation? .....	27
How might Congress review security cooperation with Saudi Arabia under existing and potentially new agreements? .....	27
How might Congress shape and review a possible nuclear cooperation agreement with Saudi Arabia? .....	28

How adequate is the information available to Congress when reviewing any proposed agreements?.....	29
How sufficient is the timeline for legislative review and consideration of proposed agreements?.....	29

## Appendixes

Appendix A. Additional CRS Resources.....	30
Appendix B. Selected Examples of U.S.-Saudi Security Commitments and Considerations.....	31
Appendix C. Saudi Arabia and Israel: From Rejection to Conditional Normalization .....	34

## Contacts

Author Information.....	36
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## Introduction and Issues for Congress

This report provides background information and analyzes issues for Congress regarding possible U.S.-Saudi agreements and the potential normalization of Saudi Arabia's relationship with Israel. Issues for Congress include the potential advantages and disadvantages of proposed treaties or agreements, and potential implications for the processes by which Congress may review and assess them. Decisions that Congress makes on these issues in turn could have implications for U.S. foreign and defense policy, relations among Middle East countries, and Congress's powers and prerogatives relating to the review and assessment of proposed treaties and agreements.

The Biden Administration and the kingdom of Saudi Arabia reportedly are considering a proposed mutual security commitment and executive defense cooperation agreement that could provide a basis for enduring U.S.-Saudi strategic ties, possibly in conjunction with the normalization of the kingdom's relationship with Israel.<sup>1</sup> Civil nuclear cooperation and economic relations also could expand pursuant to new bilateral agreements. U.S.-Saudi agreements or treaties may present legislative considerations for Congress and implicate different congressional processes, entities, and tools. In determining how to respond to the Administration's initiatives with Saudi Arabia, Congress may review current U.S.-Saudi cooperative initiatives and examine certain policy and procedural considerations.

Regarding the potential advantages and disadvantages of proposed agreements, Congress may consider issues including but not necessarily limited to the following:

- The potential merits or risks of proposed agreements, whether individually or in combination.
- The potential effects of any security agreements on U.S. global strategy and interests, including contributions to U.S. security, implications for the credibility and sustainability of U.S. commitments and partnerships around the world, and the potential implications for U.S. defense and foreign assistance policy, programs, and spending.
- Potential threats to Saudi security, Saudi self-defense capabilities, and their implications for any proposed security commitments.
- The potential responses from global competitors such as Russia and the People's Republic of China, and the views of other states in the Middle East region including antagonists such as Iran and U.S. partners such as the United Arab Emirates.
- The relationship between proposed agreements and Israeli and Palestinian politics.
- The potential for Saudi Arabia-Israel normalization to affect normalization decisions by other states.
- Potential implications for U.S. nuclear nonproliferation policy.
- The Saudi government's domestic stability and security concerns, its policies, Saudi public opinion, and their implications for any proposed U.S. commitments and technology transfers.
- Potential implications for U.S. human rights policy.

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<sup>1</sup> See, for example, Stephen Kalin and Michael R. Gordon. "U.S. to Offer Landmark Defense Treaty to Saudi Arabia in Effort to Spur Israel Normalization Deal," *Wall Street Journal*, June 9, 2024.

Regarding Congress's powers and prerogatives relating to the review and assessment of proposed treaties and agreements, potential issues for Congress include but are not necessarily limited to the following:

- The institutional roles of Congress and the President in overseeing and implementing agreements involving U.S. commitments abroad and the constitutional role of the Senate in providing advice and consent to treaties.
- The adequacy of information available to Congress for reviewing and assessing proposed agreement(s) and their possible implementation.
- Whether the Administration's proposed schedule for reviewing and assessing the proposed agreements provides Congress with sufficient time to carry out its duties and functions fully.

For other CRS products on Saudi Arabia, Israel and the Palestinians, and congressional procedures for the consideration of treaties and other international agreements, including agreements involving nuclear cooperation, see **Appendix A**. For selected examples of past U.S. security assurances and statements regarding Saudi Arabia, see **Appendix B**. For information about past Saudi policy toward Israel and the Palestinians, see **Appendix C**.

## Background: U.S.-Saudi Cooperation and Saudi Policy Priorities

U.S.-Saudi discussions about deepening defense, energy, and economic ties, including potentially binding mutual security commitments, reflect a reinvigoration of decades-long trends that have drawn the kingdom and the United States closer together in pursuit of shared interests. Reported progress in U.S.-Saudi negotiations suggests that the Biden Administration is pivoting back toward a regional partnership approach with U.S.-Saudi relations as an anchor, after reevaluating U.S. partnership with the kingdom over Saudi military operations in Yemen and human rights in the kingdom during the President's first year in office. Since 2022, the Administration has reengaged Saudi leaders amid U.S. concerns about Russia's war against Ukraine, security in East Asia, and the People's Republic of China's inroads in the Gulf region; global oil prices, climate change, and energy transition issues; and conflicts in the Middle East and East Africa. The changing diplomatic approach reflects the Administration's apparent intention for the United States to remain the kingdom's preferred security partner as the kingdom considers its relationships with the People's Republic of China (PRC) and Russia.<sup>2</sup>

The Administration also has sought Saudi leaders' support for long-standing U.S. goals for normalization between Arab states and Israel. Having long taken a conditional approach to possible Arab-Israeli normalization, Saudi officials have restated the country's criteria for future diplomatic recognition of Israel in the context of the Israel-Hamas war, emphasizing the need for an end to Israeli military operations in the Gaza Strip and a defined path toward Palestinian statehood. Specifically, they have stipulated that the kingdom will not normalize its relations with Israel while the Israeli military remains in Gaza and until additional steps toward Palestinian statehood or its greater international recognition takes place.<sup>3</sup>

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<sup>2</sup> U.S. Central Command (CENTCOM), "USMTM Mission, Vision, and Commander's Intent," at <https://www.centcom.mil/OPERATIONS-AND-EXERCISES/USMTM/>.

<sup>3</sup> The kingdom said in February 2024 that "there will be no diplomatic relations with Israel unless an independent Palestinian state is recognized on the 1967 borders with East Jerusalem as its capital, and that the Israeli aggression on (continued...)"

In June 2024, press reports suggested that U.S.-Saudi talks may yield a security agreement akin to the 1960 U.S.-Japan Treaty of Mutual Cooperation and Security. A similar bilateral agreement between the United States and Saudi Arabia could see the kingdom agree to grant U.S. forces conditional-but-enduring military access in exchange for a U.S. commitment to view attacks on the kingdom as dangerous to U.S. security and to act in response in accordance with U.S. constitutional provisions and practices. U.S. and Saudi officials also may reach an agreement concerning civil nuclear energy cooperation, including provisions related to the cooperative production of nuclear fuel using Saudi uranium resources. Other defense and technology cooperation or economic agreements could accompany Administration proposals in these areas.

In response to a press briefing question about whether U.S.-Saudi agreements could possibly move forward without Saudi-Israeli normalization and a pathway to a two-state solution, a Department of State spokesperson said on May 2, 2024, that the United States and Saudi Arabia have been “very clear that this is a package deal that would include a bilateral component and also include a path to two states.”<sup>4</sup> It is unclear whether U.S.-Saudi bilateral agreements might or might not explicitly include provisions or references to normalization or future Palestinian statehood.

In August 2024, the U.S. Ambassador to Saudi Arabia told a Saudi-owned news outlet that

it’s more than just a single agreement. It’s really a package of agreements that need to be agreed upon, negotiated and signed together. Part of that is a strengthened U.S.-Saudi strategic partnership and military agreement. The second piece is normalization of relations between Saudi Arabia and Israel. There’s an economic component. And of course, an important piece of this relates to the Palestinians. It includes a credible pathway with benefits toward statehood for the Palestinian people. All of these are part of a package, and you really can’t disentangle one from another. So while we came very close and are very close on very important elements of this agreement, it’s important that we finalize all of it together.<sup>5</sup>

As a baseline for engagement with executive branch counterparts and foreign officials in evaluating possible agreements and diplomacy, Congress may review ongoing U.S.-Saudi security cooperation, existing security commitments, the evolution of the kingdom’s approach to normalization, and its civil nuclear energy plans.

## U.S.-Saudi Security Cooperation and Commitments

### What is the nature of U.S.-Saudi security cooperation?

The United States has played a central role in the development of Saudi Arabia’s military forces and defense infrastructure since the 1960s and remains the principal provider of defense articles and services to the kingdom. From 1950 to 2022, U.S. foreign military sales to the kingdom totaled more than \$164 billion, making Saudi Arabia by far the largest U.S. defense customer by value worldwide.<sup>6</sup> As of June 2024, approximately 2,300 U.S. military personnel were deployed

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the Gaza Strip stops and all Israeli occupation forces withdraw from the Gaza Strip.” The kingdom has not publicly specified precise criteria related to some of these conditions. Saudi officials may or may not accept as sufficient the conclusion and maintenance of a ceasefire agreement between Israel and Hamas and/or the de jure recognition of the principle of Palestinian statehood by Israel, the United States or others.

<sup>4</sup> Department of State Press Briefing, May 2, 2024.

<sup>5</sup> U.S. Ambassador Michael Ratney, Interview with *Al Sharq Al Awsat*, August 25, 2024.

<sup>6</sup> U.S. Defense Security Cooperation Agency (DSCA), *Historical Sales Book Fiscal Years 1950 to 2022*, FY2022 Edition. The next highest totals are for Israel (\$53.4 billion) and Japan (\$52.9 billion).



in the kingdom “to protect U.S. forces and interests in the region against hostile action by Iran and Iran-backed groups.”<sup>7</sup> U.S. forces deployed to the kingdom in 1990 to deter Iraqi forces following Iraq’s invasion of Kuwait and remained in the kingdom until 2003. U.S. forces redeployed to the kingdom in October 2019 following attacks on Saudi energy infrastructure attributed to Iran and Iran-backed groups. U.S. forces in the kingdom include U.S. personnel operating and maintaining U.S. fighter aircraft, and are in addition to hundreds of U.S. personnel supporting long-running U.S.-Saudi security cooperation programs for Saudi military, national guard, and internal security forces.

As of 2024, U.S.-Saudi security cooperation initiatives include

- the **U.S. Military Training Mission (USMTM)** has operated in the kingdom since U.S. military assistance began in the 1950s.<sup>8</sup> USMTM oversees U.S. cooperation with the kingdom’s conventional military forces pursuant to bilateral executive agreements.<sup>9</sup>
- the **Office of the Program Manager-Saudi Arabian National Guard (OPM-SANG)**, which has operated in the kingdom since the 1970s and supports the SANG’s development and mission implementation pursuant to a bilateral executive agreement.<sup>10</sup>
- the **U.S. Army Military Advisory Group (USA-MAG)/Program of Technical Cooperation (PTC)**, which under a 2008 agreement focused on critical infrastructure protection forces under the Ministry of Interior (MOI), realigned and rebranded to support the State Security Presidency (SSP), MOI forces, and other non-military security forces pursuant to a 2023 bilateral executive Agreement for Technical Cooperation on infrastructure protection, counterterrorism, emergency management, related foreign military sales, training, and other security support.<sup>11</sup> The U.S. Army Security Assistance Command administers the USA-MAG program. The U.S. State Department Bureau of Near Eastern Affairs leads other interagency partners in supporting PTC implementation.

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<sup>7</sup> The White House, “Letter to the Speaker of the House of Representatives and President pro tempore of the Senate—War Powers Report,” June 7, 2024.

<sup>8</sup> In 1951, the United States and Saudi Arabia reached a bilateral executive agreement providing for U.S. military assistance to the kingdom at cost pursuant to the Mutual Defense Act of 1949 (P.L.81-329), as amended. In 1953, the United States and the kingdom reached an agreement for the presence of a U.S. Military Assistance Advisory Group. See Agreements on U.S.-Saudi Arabia Mutual Defense Assistance, TIAS 2289, 2 U.S.T. 1460, June 18, 1951; and, United States Military Assistance Advisory Group to Saudi Arabia, TIAS 2812, 4 U.S.T. 1482, June 27, 1953.

<sup>9</sup> Under a 1977 agreement, the U.S. advisory group evolved into USMTM. See Military Training Mission, TIAS 8558, 28 U.S.T. 2409, February 27, 1977. See also, DSCA, “Saudi Arabia – Security Assistance Office (SAO) Support Services, U.S. Training Mission to Saudi Arabia (USMTM),” Case 20-58, December 1, 2020; and, U.S. Central Command (CENTCOM), “USMTM Mission, Vision, and Commander’s Intent,” at <https://www.centcom.mil/OPERATIONS-AND-EXERCISES/USMTM/>.

<sup>10</sup> In 1973, the United States and Saudi Arabia reached an agreement providing for U.S. Department of Defense support for the modernization of the Saudi National Guard. See Memorandum of Understanding Between the Government of the United States of America and the Government of Saudi Arabia Concerning the Saudi Arabian National Guard Modernization Program, TIAS 7634, 24 U.S.T. 1106, March 19, 1973.

<sup>11</sup> The Saudi government created the SSP in 2017 to serve as the kingdom’s “principal domestic intelligence and counterterrorism authority.” U.S. State Department, Country Reports on Terrorism, 2017 – Saudi Arabia. Elements that have received U.S. assistance under USA-MAG include the SSP, MOI, Border Guard, Facilities Security Forces, and MOI Special Security Force. See Technical Cooperation Agreement Between the United States of America and the Kingdom of Saudi Arabia, TIAS 08-516, May 16, 2008, extended January 16, 2013; and, Agreement for Technical Cooperation Between the United States of America and the Kingdom of Saudi Arabia, TIAS 23-508, May 8, 2023.



- the **U.S. Army Corps of Engineers** has implemented Saudi-funded military engineering and construction projects in the kingdom since the 1950s, pursuant to bilateral executive agreements.<sup>12</sup>

Saudi Arabia pays for U.S. government-facilitated training, advising, equipment, and construction for its military and internal security forces with its national funds through the Foreign Military Sales (FMS) program and pursuant to authorities under the Foreign Assistance Act of 1961, as amended.<sup>13</sup> Saudi Arabia also makes substantial defense article and services purchases pursuant to the FMS and Direct Commercial Sales (DCS) programs. In support of Saudi Arabia's defense sector transformation initiatives, Saudi Arabia has sought U.S. advice for its Defense Ministry and national security leaders on institutional reorganization and changes to training, force management, and acquisition processes.<sup>14</sup>

In August 2024, an unnamed senior State Department official cited unspecified "positive steps that the Saudi Ministry of Defense have taken over the past three years to substantially improve their civilian harm mitigation processes" in describing the Administration's decision to resume sales of air-to-ground munitions to the kingdom.<sup>15</sup> Saudi Arabia reportedly seeks to replenish its supplies of these munitions in light of regional tensions after expending ordnance in strikes in Yemen from 2015 to 2022.<sup>16</sup>

Congress may exercise oversight of the implementation of U.S.-Saudi bilateral executive agreements and may review the authorities that provide for the sale of defense articles and services to the kingdom, and funding and authorities for related activities by U.S. military and civilian personnel. Congress has not required regular reporting on the activities, goals, and effectiveness of U.S. security cooperation organizations and initiatives in the kingdom.

Congress has periodically challenged executive branch preferences with regard to proposed arms sales to Saudi Arabia and, on occasion, has voted to disapprove or enact conditions on the sale and transfer of defense articles and services to Saudi Arabia. For example Congress enacted annual prohibitions on the availability of International Military Education and Training (IMET) assistance for the kingdom from FY2019 through FY2023.<sup>17</sup> Congress directed that no IMET funds "should" be made available for assistance to the kingdom in the Further Consolidated

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<sup>12</sup> U.S. Army Corps of Engineers (USACE) assistance activities in the kingdom date back to the 1950s and expanded under a bilateral agreement in 1965. See Defense: Construction of Military Facilities, TIAS 5380, May 24, 1965. See also, USACE, "Historical Vignette 065 - Middle East Division's Extensive Construction Program," November 2009; and, Catherine Carroll, USACE, "USACE Transatlantic Division: Setting Extraordinary Standards as 'Partner of Choice' in CENTCOM AOR," February 7, 2024.

<sup>13</sup> FMS sales provide for training under USMTM and PM-SANG. The USA-MAG/PTC programs are administered pursuant to authorities in 22 U.S.C. §2357 (furnishing of services and commodities on an advance-of-funds or reimbursement basis to friendly countries); 22 U.S.C. §2349aa-2 (anti-terrorism assistance); and 22 U.S.C. §§2751, et seq. (the Arms Export Control Act, as amended).

<sup>14</sup> Bilal Y. Saab, "The Other Saudi Transformation," *Middle East Policy*, Volume 29, Issue 2, May 2022.

<sup>15</sup> Karen DeYoung, "U.S. restarts offensive weapons sales to Saudi Arabia after lengthy ban," *Washington Post*, August 9, 2024.

<sup>16</sup> Ibid.

<sup>17</sup> IMET funds the attendance of mid-to-senior level foreign military personnel, as well as select civilian personnel, in U.S. professional military courses at Department of Defense (DOD) institutions. From 2002 through 2018, Saudi Arabia received roughly \$10,000-\$25,000 per year in IMET assistance authorized by the Foreign Assistance Act of 1961. This nominal amount made the kingdom eligible for a discount on other training that it purchased through the Foreign Military Sales program for training initiatives overseen by the U.S. Military Training Mission (USMTM) and other U.S. entities. Successive Administrations waived congressionally enacted restrictions on the provision of this assistance from 2004 to 2009 and argued that the aid and related discount supported continued Saudi participation in U.S. training programs, which in turn supported the maintenance of important military-to-military relationships and improved Saudi capabilities.

Appropriations Act, 2024 (Division F, Section 7041(h) of P.L. 118-47). The House and Senate versions of the FY2025 State and Foreign Operations Appropriations bill (H.R. 8771 and S. 4797) contains the same provision.

### **What security commitments has the United States made to Saudi Arabia?**

Saudi leaders have long sought assurances about the nature and extent of U.S. security commitments to the kingdom, and U.S. officials for decades have communicated varying types and degrees of U.S. commitment through private correspondence and public statements. In May 2022, National Security Advisor Jake Sullivan “reaffirmed President Joe Biden’s commitment to help Saudi Arabia defend its territory” in a meeting with a senior Saudi defense official.<sup>18</sup> This formulation—under which President Biden committed the United States to assisting Saudi Arabia’s own efforts to defend Saudi territory—reflects previous U.S. public statements. At times, past U.S. Administrations have offered similarly limited security assurances to Saudi Arabia in private correspondence, but the United States has, with the exception of the 1990-1991 Gulf War, generally refrained from making public commitments to directly defend Saudi Arabia using U.S. military forces. The formulation has in various iterations communicated U.S. respect for Saudi Arabia’s sovereignty, emphasized the kingdom’s responsibility for its own defense, and defined U.S. commitments as aid in the defense of Saudi territory rather than the Saudi government. At times U.S. officials have noted the geo-economic importance of Saudi Arabia’s oil exports in implying that the United States would respond to critical threats to the availability of the kingdom’s oil reserves to global markets.<sup>19</sup>

For a historical account of select U.S. security assurances, commitments, and statements of national interests regarding Saudi Arabia see **Appendix B**.

### **What type of mutual security commitment is under consideration?**

According to the U.S. ambassador, Saudi leaders desire congressional endorsement of any U.S.-Saudi strategic agreements to increase their political durability, whether through the Senate’s advice and consent to a treaty or through bicameral endorsement of authorizing legislation.<sup>20</sup>

Press reporting in June 2024 cited unnamed U.S. and Saudi officials as indicating that a possible U.S.-Saudi mutual security agreement could be modeled on the 1960 U.S.-Japan Treaty of Mutual Cooperation and Security.<sup>21</sup> A similar bilateral agreement between the United States and Saudi Arabia could see the kingdom agree to grant U.S. forces conditional-but-enduring military access in exchange for a U.S. commitment to view attacks on the kingdom as dangerous to U.S. security and to act in response in accordance with U.S. constitutional provisions and practices. Such an agreement would not appear to require the United States to use military force against entities responsible for attacks on the kingdom or to preempt, deter, or counter such attacks, but could create expectations that the United States would do so. U.S. actions thus could affect perceptions

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<sup>18</sup> The White House, “Readout from NSC Spokesperson Adrienne Watson on National Security Advisor Jake Sullivan’s Meeting with Saudi Vice Minister of Defense Khalid bin Salman,” May 17, 2022.

<sup>19</sup> In 1981, President Ronald Reagan said “Saudi Arabia, we will not permit to be an Iran.... There is no way, as long as Saudi Arabia and the OPEC nations there in the East—and Saudi Arabia’s the most important—provide the bulk of the energy that is needed to turn the wheels of industry in the Western World, there’s no way that we could stand by and see that taken over by anyone that would shut off that oil.” President Ronald Reagan, The President’s News Conference, October 1, 1981, in U.S. GPO, Public Papers of the Presidents of the United States, Ronald Reagan, January 20 to December 31, 1981.

<sup>20</sup> U.S. Ambassador to Saudi Arabia Michael Ratney interview with Frankly Speaking, *Arab News*, June 2, 2024.

<sup>21</sup> Treaty of Mutual Cooperation and Security, 11 UST 4509, January 19, 1960, at <https://tile.loc.gov/storage-services/service/l1/ltreaties/ltreaties-11-2/ltreaties-11-2.pdf#page=340>.

of other U.S. security commitments, including commitments to allies and partners in Europe, East Asia, and the Middle East.

Executive branch responses to congressional concerns during consideration of treaties with security commitment language in the 1950s emphasized that the U.S. government reserves the right to use its own judgment about what constitutes actions requiring a treaty response and that determinations of aid and assistance in response are “wholly within the determination of the United States.”<sup>22</sup> Declarations of war would require congressional action, though the President could take a range of actions pursuant to constitutional authorities that may implicate the War Powers Resolution.

## **Saudi Arabia’s Policy Toward Israel and the Palestinians**

### **What is the nature of Saudi Arabia’s relationship with Israel?**

Since the 1970s, the Saudi government has developed an approach to Israel in which it has stated that recognition and formal engagement will only come if Israel makes peace with the Palestinians and its Arab state neighbors under certain terms. While maintaining this approach, the kingdom has tacitly agreed not to undermine other Arab states’ burgeoning ties to Israel in line with U.S. goals,<sup>23</sup> leaving the Palestinian question as the main unresolved issue. Saudi Arabia led other Arab states in developing a consensus position on conditional normalization with Israel in the 2002 Arab Peace Initiative (see **Appendix C**).<sup>24</sup> Saudi Arabia publicly supports key Palestinian demands, while Saudi leaders reportedly at times have engaged quietly with Israel based on shared security concerns about Iran.<sup>25</sup> After the 2020 Abraham Accords between Israel and various Arab states, Saudi Arabia granted Israel flyover rights within its airspace to facilitate direct Israeli airline travel to the United Arab Emirates (UAE) and Bahrain, and in July 2022, Saudi Arabia opened its airspace to all civilian air traffic bound to or departing from Israel. The Biden Administration in July 2022 announced changes to the U.S. military observer presence on the Red Sea island of Tiran in conjunction with the island’s transfer to Saudi control under a Saudi-Egyptian agreement endorsed by Israel.<sup>26</sup> Israel’s Minister for Tourism visited the kingdom in September 2023, marking the first public visit by an Israel cabinet minister to the kingdom.

### **What has Saudi Arabia said about the Palestinian issue in relation to normalization?**

Prior to the October 2023 onset of the Israel-Hamas conflict, Saudi officials appeared to uphold the kingdom’s commitment to the Saudi-sponsored 2002 Arab Peace Initiative as a reference point for the kingdom’s conditions on normalization with Israel. Saudi leaders acknowledged the

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<sup>22</sup> Secretary of State John Foster Dulles, *Hearing on Mutual Defense Treaty with Korea*, Jan 13-14, 1954, p. 18.

<sup>23</sup> Saudi officials privately discussed the possibility of normalization of Saudi-Israeli relations with the Carter Administration in the context of diplomatic talks concerning Israeli-Arab peace and U.S.-supported negotiations between Egypt and Israel.

<sup>24</sup> Prior to the October 2023 Hamas-led attack on Israel and the Israel-Hamas war, King Salman had reiterated the kingdom’s commitment to the terms of the peace initiative put forward by his predecessor King Abdullah under the auspices of the Arab League in 2002. This initiative calls for normalization of Arab relations with Israel following the conclusion of a comprehensive Israeli-Palestinian peace accord, the establishment of a Palestinian state with a capital in East Jerusalem, and a “just solution” for Palestinian refugees. Saudi Arabia has joined multilateral statements with other Arab states calling for steps in accordance with the initiative. See for example

<sup>25</sup> Reuters, “Covert Israeli-Saudi meeting sends Biden a strong message on Iran,” November 27, 2020.

<sup>26</sup> Barak Ravid, “Scoop: Jake Sullivan discussed Saudi-Israel normalization with MBS,” *Axios*, October 20, 2021.

potential regional benefits of Saudi-Israel normalization, but called variously for giving the Palestinians “hope,” “dignity,” “a state,” and/or “a pathway” toward “peace,” “a two-state solution” and/or “justice” as a prerequisite for normalization.<sup>27</sup>

In August 2023, the kingdom named its Ambassador to Jordan as nonresident Ambassador to “the State of Palestine and consul general in the city of Jerusalem.”<sup>28</sup> In a September 2023 interview, Crown Prince Mohammed bin Salman declined to specify what Palestinian-related terms Saudi Arabia would insist on as part of a potential normalization agreement, saying that he did not want to affect ongoing negotiations with the Biden Administration. The Crown Prince called the Palestinian issue “very important” and said, “We need to solve that path. ... we hope that it will reach a place that will ease the life of the Palestinians.”<sup>29</sup> Days later in a speech to the UN General Assembly, the Saudi Foreign Minister said, “the Kingdom of Saudi Arabia emphasizes that the security of the Middle East region requires swiftly finding a just, comprehensive solution to the Palestinian issue; this solution must be based on legitimate international resolutions and the Arab Peace Initiative in a way that guarantees the right of the Palestinian people to establish their independent state on the 1967 borders with its capital in East Jerusalem.”<sup>30</sup>

The Hamas-led attacks on Israel of October 7, 2023, and the ensuing Israel-Hamas war prompted a halt to U.S.-Saudi discussions that had been taking place regarding potential bilateral agreements in concert with possible Saudi-Israeli normalization. Since January 2024, both U.S. executive branch officials and Members of Congress have resumed engagement with Saudi counterparts on these issues.<sup>31</sup>

On February 7, 2024, the Saudi government said

the kingdom has communicated its firm position to the U.S. administration that there will be no diplomatic relations with Israel unless an independent Palestinian state is recognized on the 1967 borders with East Jerusalem as its capital, and that the Israeli aggression on the Gaza Strip stops and all Israeli occupation forces withdraw from the Gaza Strip. The Kingdom reiterates its call to the permanent members of the UN Security Council that have not yet recognized the Palestinian state to expedite the recognition of a Palestinian state on the 1967 borders, with East Jerusalem as its capital ...<sup>32</sup>

In May 2024, Saudi Arabia joined other Arab League members in issuing a joint declaration in Manama, Bahrain to reiterate the League’s

firm position and call for a just and comprehensive peaceful settlement of the Palestinian issue, and we support the call of His Excellency President Mahmoud Abbas, President of the State of Palestine, to convene an international peace conference and to take irreversible steps to implement the two-state solution in accordance with the Arab Peace Initiative and

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<sup>27</sup> Saudi Foreign Minister comments in Davos, Switzerland, reported in Abeer Abu Omar and Manus Cranny, “Saudi Arabia Says a Palestinian State Is Key to Ties with Israel,” January 19, 2023. U.S. Department of State, “Secretary Antony J. Blinken and Saudi Foreign Minister Prince Faisal bin Farhan Al Saud at a Joint Press Availability,” June 8, 2023.

<sup>28</sup> Saudi Press Agency, “Ambassador Al-Sudairi delivers a copy of his credentials as Non-Resident Ambassador Extraordinary to the State of Palestine and Consul General in the city of Jerusalem to the Advisor to the Palestinian President,” August 12, 2023.

<sup>29</sup> “Crown Prince Mohammed Bin Salman,” interview by Bret Baier, *Special Report*, Fox News, September 20, 2023.

<sup>30</sup> Saudi Foreign Minister Faisal bin Farhan, Remarks before the UN General Assembly, at UN News, “Saudi Foreign Minister outlines plans for better, greener Middle East,” September 23, 2023.

<sup>31</sup> Sam Dagher and Jennifer Jacobs, “Saudis Resume US Defense Talks After Pause From Israel-Hamas War,” *Bloomberg*, January 31, 2024.

<sup>32</sup> Saudi Arabia Ministry of Foreign Affairs, X post, February 7, 2024 at: <https://x.com/ksamofaen/status/1755020860836962666>.

resolutions of international legitimacy to establish an independent and sovereign Palestinian state on the lines of 4 June 1967 with East Jerusalem as its capital, and to accept its membership in the United Nations as an independent and fully sovereign state in common with other countries in the world, and to ensure the restoration of all legitimate rights of the Palestinian people, in particular, the right to return and self-determination, empowerment and support.<sup>33</sup>

Some Saudi statements have criticized Israeli officials' actions at Islamic holy sites in Jerusalem and the conduct of Israeli military operations in stark terms, calling for an end to what the Saudi Foreign Ministry described in July 2024 as "continued genocidal massacres against the Palestinian people at the hands of the Israeli war machine."<sup>34</sup> After the killing of Hamas leader Ismail Haniyeh in Iran, a Saudi official said the kingdom rejects "any violation of the sovereignty of states or interference in the internal affairs of any country."<sup>35</sup> At an August 2024 cabinet meeting, Saudi officials stated their "support for efforts to achieve a ceasefire in Gaza, emphasizing the need to end the occupation to achieve peace and restore the legitimate rights of the Palestinian people."<sup>36</sup>

Saudi leaders have not clarified publicly to what extent the Arab Peace Initiative remains a specific reference point for their policy, or what they might or might not accept in lieu of a fully executed and implemented Israeli-Palestinian agreement leading to the establishment of an independent Palestinian state. Saudi officials have spoken of the need to "chart a clear and irreversible path towards the two-state solution," but have not publicly elaborated on what specific elements or timelines they believe such a course would require.<sup>37</sup> Saudi officials also have not clarified whether the kingdom would view the diplomatic recognition of Palestinian statehood by the United States or certain other permanent members of the UN Security Council prior to the establishment of a Palestinian state and exercise of Palestinian statehood as meeting Saudi requirements to pursue normalization or proceed with agreements with the United States.

### **What might Israel and Saudi Arabia negotiate and what factors might shape Saudi-Israeli agreements?**

Saudi and Israeli officials could negotiate security, technology, and/or economic agreements in conjunction with any understandings reached on normalization. Israel historically has sought to maintain a Qualitative Military Edge (QME) over the kingdom and other Arab states both individually and in combination.<sup>38</sup> This has led successive Israeli governments to monitor and at times oppose the U.S. transfer of certain defense systems to the kingdom and argue that certain U.S.-origin weapons systems should not be deployed in areas of Saudi Arabia within range of Israeli territory. U.S. law requires the executive branch to certify that U.S. arms transfers to the Middle East region will not erode Israel's QME.<sup>39</sup>

<sup>33</sup> Bahrain News Agency, "Bahrain Declaration of 33<sup>rd</sup> Arab Summit issued," May 17, 2024.

<sup>34</sup> *Arab News*, "Saudi foreign ministry condemns continued genocide against Palestinian people," July 14, 2024; and, Saudi Arabia Ministry of Foreign Affairs, X post, August 12, 2024 at <https://x.com/ksamofaen/status/1823394531779428704>.

<sup>35</sup> Reuters, "Saudi Arabia says Hamas leader's killing was 'blatant violation' of Iran's sovereignty," August 7, 2024.

<sup>36</sup> *Arab News*, "HRH the Crown Prince Chairs Cabinet Session," August 13, 2024.

<sup>37</sup> Saudi FM Emphasizes Need for Immediate Ceasefire in Gaza, *Al Sharq Al Awsat*, May 30, 2024 and CSPAN Washington Journal, Saudi Embassy Spokesperson Fahad Nazer on Saudi Arabia and Israel-Hamas War, May 8, 2024.

<sup>38</sup> See "Israel's Qualitative Military Edge (QME)" in CRS Report R44984, *Arms Sales in the Middle East: Trends and Analytical Perspectives for U.S. Policy*, coordinated by Clayton Thomas.

<sup>39</sup> Lawmakers codified U.S. support for Israel's QME as U.S. policy in 2008 (P.L. 110-429, §201, 22 U.S.C. §2776 note).



If normalization were achieved, Israel and the kingdom's bilateral relations could resemble Israeli-Emirati ties established after the September 2020 "Abraham Accords" diplomatic normalization agreements. Though Saudi ties with Israel may develop more slowly than Emirati-Israel ties did due to Saudi domestic concerns, Israel and the kingdom could engage in defense trade and cooperation. Israel and the kingdom also could cooperate in responding to shared Iran-related security concerns, including Iran-backed armed groups in the Middle East. On the economic and social fronts, Saudi and Israeli officials could attempt to negotiate agreements similar to the free trade agreement and multisector understandings reached between Israel and the United Arab Emirates in the course of their normalization in 2020.<sup>40</sup>

The State Department has supported the Negev Forum platform established under the auspices of Israel's normalization agreements with other Arab states.<sup>41</sup> The Administration has promoted the development of an India-Middle East-Europe Economic Corridor based on railway, port, infrastructure, and information technology linkages that could one day include Israel and Saudi Arabia.<sup>42</sup>

Congress has acted to require additional reporting on the Administration's strategy to promote Arab-Israeli normalization and on anti-normalization laws and actions in Arab states through March 2027 [Israel Relations Normalization Act of 2022 (Div Z, P.L. 117-103)]. Congress has also included provisions in national defense authorization acts for FY2023 and FY2024 that impose requirements for the Administration to develop and submit to Congress strategies regarding integration of the aerial and maritime security capabilities of countries in the U.S. CENTCOM area of responsibility, which includes Israel (see Section 1658 of P.L. 117-263 and Section 1261 of P.L. 118-31).

## **U.S.-Saudi Civilian Nuclear Cooperation**

### **What are Saudi Arabia's civilian nuclear energy plans?**

In July 2017, Saudi Arabia approved a National Project for Atomic Energy, including plans to build large and small nuclear reactors for electricity production and water desalination. The project is part of a broader Saudi government effort to diversify the kingdom's economy and expand the use of non-fossil-fuel-based energy.

In 2017, the Saudi government solicited marketing information from foreign companies for reactor construction, but did not meet its original timeline for initiating a formal bidding process. From 2017 to 2019, the U.S. Department of Energy (DOE) granted seven "Part 810" authorizations (per 10 C.F.R. §810) for U.S. companies to engage in civil nuclear discussions, including marketing, with Saudi Arabia in response to the kingdom's 2017 request for marketing information. In May 2022, Saudi officials invited technical bids from companies in Russia, China, France, and South Korea related to the planned construction of two 1.4 giga-watt electric (GWe) reactors at Khor Duweihin, a coastal area on the Persian Gulf between the kingdom's borders with Qatar and the United Arab Emirates.

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<sup>40</sup> The Treaty of Peace, Diplomatic Relations and Full Normalization Between the United Arab Emirates and the State of Israel states the intent of the parties to conclude agreements covering finance and investment, civil aviation, visas and consular services, innovation, trade and economic relations, health care, science, technology and peaceful uses of outer-space, tourism, culture and sport, energy, environment, education, maritime arrangements, telecommunications and post, agriculture and food security, water, and legal cooperation.

<sup>41</sup> See <https://www.state.gov/the-negev-forum-working-groups-and-regional-cooperation-framework/>.

<sup>42</sup> The White House, "FACT SHEET: World Leaders Launch a Landmark India-Middle East-Europe Economic Corridor," September 9, 2023.

Saudi authorities have worked to develop required legal and regulatory frameworks with the support of the International Atomic Energy Agency (IAEA). IAEA officials completed a nuclear infrastructure review in Saudi Arabia in 2018 and issued a final report in January 2019. The kingdom established a Nuclear and Radiological Regulatory Commission in March 2018, and, in March 2022, created the Saudi Nuclear Energy Holding Company (SNEHC) to develop and operate planned nuclear facilities.

In June 2023, the Saudi Foreign Minister said the kingdom would “very much prefer to be able to have the U.S. as one of the bidders” for its program, noting “there are others that are bidding, and obviously we would like to build our program with the best technology in the world, and that will require a certain agreement [with the United States] to be in place.”<sup>43</sup> The kingdom extended its deadline for final bid offers to July 1, 2024.<sup>44</sup> As of July 2024, China National Nuclear Corporation, EDF of France, the Korea Electric Power Corporation (KEPCO), and Rosatom of Russia were approved bidders.

### What nonproliferation commitments has Saudi Arabia made?

Saudi state policy maintains that Saudi nuclear energy pursuits are limited to peaceful purposes.<sup>45</sup> Saudi Arabia is a state party to the nuclear Nonproliferation Treaty (NPT), which requires the government to accept IAEA safeguards on all nuclear facilities. Comprehensive safeguards agreements (CSA) impede the development of nuclear weapons.<sup>46</sup> Saudi Arabia has not concluded an additional protocol to its 2009 safeguards agreement with the IAEA.<sup>47</sup> Such protocols increase the agency’s ability to investigate undeclared nuclear facilities and activities by increasing the IAEA’s authority to inspect certain nuclear-related facilities and demand information from member states. Saudi Arabia’s safeguards agreement does include a small quantities protocol (SQP) which, according to the IAEA, “holds in abeyance” most comprehensive safeguards agreement procedures if the government neither possesses more than a specified amount of nuclear material nor has introduced nuclear material into a facility. In September 2023, Saudi officials told the IAEA they intend to rescind the SQP and “implement the full” CSA.<sup>48</sup> In August 2024, the IAEA said Saudi Arabia had deposited an Instrument of Acceptance for the Agreement on the Privileges and Immunities of the IAEA, “providing protection” to IAEA staff in the kingdom.<sup>49</sup>

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<sup>43</sup> U.S. Department of State, “Secretary Antony J. Blinken and Saudi Foreign Minister Prince Faisal bin Farhan Al Saud at a Joint Press Availability,” June 8, 2023.

<sup>44</sup> Jennifer Aguinaldo, “Saudi Arabia sets July nuclear plant bid deadline,” *Middle East Economic Digest*, June 3, 2024.

<sup>45</sup> Kingdom of Saudi Arabia Nuclear and Radiological Regulatory Commission, “National Policy for the Atomic Energy Program of the Kingdom of Saudi Arabia,” March 3, 2018. See also, National Report of Kingdom of Saudi Arabia, Convention on Nuclear Safety Joint 8<sup>th</sup> and 9<sup>th</sup> Review Meeting, November 2023.

<sup>46</sup> Comprehensive safeguards agreements are based on a model described in INFCIRC 153, which states that such agreements “should provide for the Agency’s right and obligation to ensure that safeguards will be applied” to all nuclear material of potential proliferation concern “in all peaceful nuclear activities within the territory of the State, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.”

<sup>47</sup> IAEA, Agreement between the Kingdom of Saudi Arabia and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, INFCIRC/746, February 16, 2009.

<sup>48</sup> Statement of the Kingdom of Saudi Arabia at the 67<sup>th</sup> Session of the General Conference of the IAEA, Vienna, Austria, September 25-29, 2023, at [https://www.iaea.org/sites/default/files/23/09/saudi-arabia-gc67\\_en.pdf](https://www.iaea.org/sites/default/files/23/09/saudi-arabia-gc67_en.pdf).

<sup>49</sup> IAEA Director General Rafael Mariano Grossi (@rafaelmgrossi), X Post, August 7, 2024, at: <https://x.com/rafaelmgrossi/status/1821125110478053855>.



Saudi Energy Minister Prince Abd al Aziz bin Salman Al Saud said in January 2023 that Saudi Arabia intends to use its domestic uranium resources for producing low enriched uranium, which is not used as fissile material in nuclear weapons, as fuel for its nuclear energy program.<sup>50</sup>

Crown Prince Mohammed bin Salman said in September 2023 that if Iran were to obtain a nuclear weapon, the kingdom “will have to” follow suit.<sup>51</sup>

### **Nuclear Fuel and Nonproliferation Concerns**

Both highly enriched uranium and plutonium can be used as fuel in some types of nuclear reactors but also are used as fissile material in nuclear weapons. Consequently, ostensibly peaceful enrichment and reprocessing facilities frequently generate concern that a government’s facilities may aid nuclear weapons programs. Conversely, a nuclear program without such facilities generally poses little proliferation risk, but may pose security and/or environmental risks.

## **What is the status of U.S.-Saudi civil nuclear cooperation and what might be considered?**

In 2008, the United States and Saudi Arabia signed a Memorandum of Understanding (MOU) stating bilateral intent to cooperate on nuclear activities in the fields of medicine, industry, and electricity production. The nonbinding MOU stated Saudi Arabia’s intent “to rely on existing international markets for nuclear fuel services as an alternative to the pursuit of enrichment and reprocessing.”<sup>52</sup> In 2022, U.S. and Saudi officials signed an MOU on the exchange of technical information and cooperation in nuclear safety matters.<sup>53</sup>

Section 123 of the Atomic Energy Act of 1954, as amended (AEA, 42 U.S.C. §§2011 et seq.), requires nuclear cooperation agreements for significant nuclear cooperation with foreign governments.<sup>54</sup> The Obama and Trump Administrations engaged the kingdom on the prospects for reaching a bilateral civil nuclear energy agreement, including through formal negotiations over the text of a proposed “123 agreement” (see below) in 2012 and 2018. The U.S. Government Accountability Office (GAO) reported in 2020 that the governments had “not made significant progress toward a nuclear cooperation agreement because of persistent differences ... over nonproliferation conditions, including U.S. insistence that Saudi Arabia conclude an Additional

<sup>50</sup> According to Reuters, the Minister said, “The kingdom intends to utilise its national uranium resources, including in joint ventures with willing partners in accordance with international commitments and transparency standards,” adding that Saudi Arabia’s nuclear program would include “the production of yellowcake, low enriched uranium and the manufacturing of nuclear fuel both for our national use and of course for export.” Reuters, “Saudi Arabia plans to use domestic uranium for nuclear fuel,” January 11, 2023.

<sup>51</sup> Regarding Iran, the Crown Prince said, “If they get one, we will have to get one too.” Interview with Brett Baier, Fox News Channel, September 20, 2023.

<sup>52</sup> Memorandum of Understanding between the Government of the United States of America and the Government of the Kingdom of Saudi Arabia Concerning Cooperation in Nuclear Energy and other Energy Fields, May 16, 2008.

<sup>53</sup> Memorandum of Understanding between the Government of the United States of America and the Government of the Kingdom of Saudi Arabia for the Exchange of Technical Information and Cooperation in Nuclear Safety Matters, TIAS 22-926, September 26, 2022.

<sup>54</sup> Such cooperation includes the transfer of certain U.S.-origin nuclear material subject to licensing for commercial, medical, and industrial purposes; the export of reactors and critical reactor components; and other commodities under Nuclear Regulatory Commission export licensing authority. Foreign entities’ nuclear exports to Saudi Arabia containing U.S.-origin technology might require U.S. consent.

Protocol with the IAEA and that Saudi Arabia agree to restrictions on enrichment and reprocessing.”<sup>55</sup>

In April 2023, U.S. National Nuclear Security Administration Administrator Jill Hruby told the Senate Armed Services Committee that she and Secretary of Energy Jennifer Granholm had talked to Saudi leaders about the government’s nuclear program and said that the Administration was then “asking the Saudis to be consistent with nonproliferation standards that we have for every other country that we work with.”<sup>56</sup>

In May 2024, Secretary of State Blinken said, “Any nuclear cooperation agreement that we reach will have to address all of our nonproliferation goals and we want to make sure that of course we have gold standard agreements with whomever we reach these agreements.”<sup>57</sup> The term “gold standard” is used in the nonproliferation and nuclear energy cooperation policy community to refer to agreements in which a partner country forgoes the development of its own capacity to produce nuclear fuel using uranium enrichment or fuel reprocessing.<sup>58</sup> (See “What nonproliferation commitments has Saudi Arabia made?” above.)

According to unnamed U.S. and Israeli officials cited in a September 2023 press report, the United States was then considering a U.S.-run uranium enrichment operation in partnership with Saudi Arabia in conjunction with proposals to encourage Saudi Arabia to normalize relations with Israel.<sup>59</sup> In July 2024, President Biden said that he had discussed with Saudi leaders the establishment of a U.S.-run civilian nuclear facility in Saudi Arabia, possibly with U.S. military security support.<sup>60</sup>

## Saudi Transformation Initiatives and U.S. Partnership

### What are Saudi Arabia’s domestic economic goals and what progress has the kingdom made toward them?

Saudi Arabia’s *Vision 2030* initiatives set ambitious targets for transformation of the kingdom’s economy, government operations, energy sector, and society. Central to the Vision 2030 plans are goals for increasing private sector economic activity and boosting non-oil-dependent sources of growth, employment, and state revenue.<sup>61</sup> The U.S. government has said “Vision 2030 has the

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<sup>55</sup> U.S. Government Accountability Office, *U.S.-Saudi Nuclear Cooperation: Progress Is Stalled over Nonproliferation Conditions and Agency Management of Negotiations Is Unclear*, GAO-20-343, April 3, 2020.

<sup>56</sup> National Nuclear Security Administration Administrator Jill Hruby testimony before the Senate Armed Services Committee, *CQ Congressional Transcripts*, “Senate Armed Services Committee Holds Hearing on the Fiscal Year 2024 Department of Energy and National Nuclear Security Administration Atomic Energy Defense Activities Defense Authorization Request,” April 26, 2023.

<sup>57</sup> Secretary of State Antony Blinken testimony before the House Foreign Affairs Committee, *CQ Congressional Transcripts*, “House Foreign Affairs Committee Holds Hearing on the State of American Diplomacy,” May 22, 2024.

<sup>58</sup> See Appendix B in CRS Report RS22937, *Nuclear Cooperation with Other Countries: A Primer*, by Paul K. Kerr and Mary Beth D. Nikitin.

<sup>59</sup> Dion Nissenbaum and Dov Lieber, “Saudi Uranium Enrichment Floated Under Possible Israel Deal,” *Wall Street Journal*, September 21, 2023.

<sup>60</sup> 360 With Speedy, “The President Biden Interview,” *Complex Magazine*, July 12, 2024, at <https://www.youtube.com/watch?v=XJP2zIH2nt8>.

<sup>61</sup> For an overview of Vision 2030, see <https://www.vision2030.gov.sa/en/vision-2030/overview/> and, Karen E. Young, “The MBS Economy,” *Foreign Affairs*, January 27, 2022.

potential to exponentially expand the U.S.-Saudi Arabia bilateral trade and investment relationship.”<sup>62</sup>

As of 2024, the kingdom has achieved some of its Vision 2030 targets and made progress toward others. Notably, non-oil sector growth has increased, as has the contribution of non-oil sources to state revenue. Saudi women’s participation in the labor force has exceeded Vision 2030 targets, and unemployment has declined. The kingdom’s fiscal balance has improved, but oil proceeds remain essential to the state budget and the stimulus provided by the state-owned Public Investment Fund (PIF) is a critical engine of the non-oil economy. Press reports in 2024 have highlighted Saudi decisions to reduce the scope or delay some proposed Vision 2030 projects, sell U.S. stocks, and sell additional shares in state-owned oil company Aramco in a bid to rein in costs and raise funds.<sup>63</sup> In July 2024, the International Monetary Fund revised its projections for Saudi Arabia’s annual economic growth down nearly a full percentage point, citing oil production cuts.<sup>64</sup> The kingdom’s transformation programs seek to attract foreign partnership and investment and could benefit from agreements that facilitate new U.S. and/or Israeli engagement in the Saudi economy.

### **What is the status of U.S.-Saudi economic and technology cooperation?**

Saudi Arabia and the United States signed a Trade and Investment Framework Agreement (TIFA) in 2003, and held their latest TIFA consultations in March 2023. The countries signed a bilateral agreement on science and cooperation in 2008 and renewed the agreement in 2019.<sup>65</sup> In July 2024, U.S. and Saudi officials signed a framework agreement on aeronautics cooperation and space exploration.

U.S.-Saudi trade has evolved since the early 2000s as increased U.S. production of domestic oil resources has replaced imports, including Saudi crude oil. Overall, U.S. exports to the kingdom have declined, as the kingdom has increased its imports of goods from Asia, especially from the People’s Republic of China. After Israel and the United Arab Emirates, Saudi Arabia was the third-largest U.S. trading partner for goods in the Middle East by overall value in 2023.<sup>66</sup> According to the U.S. Department of Commerce International Trade Administration, in 2023, U.S. goods imports from Saudi Arabia were valued at nearly \$15.9 billion (down from more than \$18.8 billion in 2017), and U.S. goods exports to Saudi Arabia were valued at more than \$13.8 billion (down from more than \$16.4 billion in 2017).<sup>67</sup> To a considerable extent, U.S. exports of commercially sold weapons, machinery, and vehicles to Saudi Arabia and fluctuations in the volume and value U.S. imports of hydrocarbons from the kingdom have dictated the annual value of U.S.-Saudi trade.

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<sup>62</sup> U.S. Department of Commerce Commercial Service, “The United States of America and Saudi Arabia – 75 Years of Partnership,” 2020.

<sup>63</sup> Ahmed al Omran, “Saudi Arabia scales back flagship projects,” *Financial Times*, May 14, 2024; and, Eliot Brown, “Saudi Arabia’s \$54 Billion Haul Still Leaves It Craving Cash,” *Wall Street Journal*, June 21, 2024.

<sup>64</sup> International Monetary Fund, *World Economic Outlook Update: The Global Economy in a Sticky Spot*, July 2024.

<sup>65</sup> U.S. State Department Office of Treaty Affairs, Saudi Arabia (09-1020) – *Agreement on Science and Technology Cooperation*, October 20, 2009; and Saudi Arabia (22-414) – *Protocol Amending and Extending Agreement on Science and Technology Cooperation*, April 14, 2022.

<sup>66</sup> U.S. Census Bureau data at <https://www.census.gov/foreign-trade/balance/c5170.html>.

<sup>67</sup> U.S. Census Bureau data at <https://www.census.gov/foreign-trade/balance/c5170.html>.

Since Saudi Arabia launched its Vision 2030 initiatives in 2016, U.S. direct investment in Saudi Arabia has increased from \$10.16 billion to \$11.31 billion.<sup>68</sup> Saudi investments in U.S. domestic industries and infrastructure create business opportunities for some U.S. firms. In March 2023, the Biden Administration welcomed Saudi Arabia's decision to purchase up to 121 Boeing 787 Dreamliner aircraft for its new Riyadh Air and legacy Saudia Airlines in an agreement estimated to be worth nearly \$37 billion.<sup>69</sup> Saudia Airlines placed an order for 105 aircraft from Airbus in May 2024. Riyadh Air, Saudia Airlines, and the Saudi government-owned airline Flyadeal are expected to place additional large orders to complete their fleets.<sup>70</sup> Certain Saudi investment transactions in the United States, including Saudi investments implicating water rights in the U.S. southwest and Saudi involvement in the PGA Tour/LIV Golf merger, for example, have raised U.S. national security or other concerns (e.g., human rights) expressed by some Members of Congress and other stakeholders.<sup>71</sup>

## Potential Policy Considerations for Congress

In considering possible U.S.-Saudi agreements and Saudi-Israeli normalization, Members of Congress may debate the national and global implications of proposals for a number of U.S. policy concerns including competition with China and Russia; the utility and viability of U.S. security commitments; the security and use of U.S.-origin defense equipment and technology; nonproliferation of nuclear weapons; maintenance of Israel's security and qualitative military edge; the security of other U.S. partners in the Middle East and North Africa and beyond; the potential for peace and normalization in the Middle East region to create economic opportunity and contribute to growth; and the image of the United States as an advocate for accountable governance and human rights.

Congress may consider the policy issues below when determining how to respond to executive branch proposals and whether to endorse, reject, expand, or impose limits on any emergent U.S.-Saudi-Israeli agreements.

## Potential Merits and Risks of Proposed Agreements Individually or in Combination

Members of Congress may assess the relative merits and risks involved with proposed defense, diplomatic, civil nuclear cooperation, and other agreements differently if considering them individually or in combination and in light of progress or a lack thereof regarding Saudi-Israeli normalization. In response to a press briefing question about whether U.S.-Saudi agreements could possibly move forward without Saudi-Israeli normalization and a pathway to a two-state solution, a Department of State spokesperson said on May 2, 2024, that the United States and Saudi Arabia have been "very clear that this is a package deal that would include a bilateral

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<sup>68</sup> U.S. Bureau of Economic Analysis, Saudi Arabia - International Trade and Investment Country Facts, Direct Investment at <https://apps.bea.gov/international/factsheet/factsheet.html#511>.

<sup>69</sup> The White House, "Statement from White House Press Secretary Karine Jean-Pierre on Saudi Arabia's Historic Purchase of Boeing Aircraft," March 14, 2023.

<sup>70</sup> Shivansh Tiwary and Aditi Shah, "Saudia turns to Airbus, Boeing wide-body jets amid single-aisle shortage," Reuters, June 6, 2024.

<sup>71</sup> See PBS, "In drought-stricken Arizona, fresh scrutiny of Saudi Arabia-owned farm's water use," April 28, 2023; and, U.S. Senate Committee on Banking, Housing, and Urban Affairs, "Waters, Brown Ask CFIUS to Evaluate National Security Risks of PGA Tour Merger with Saudi-Backed LIV," June 16, 2023.

component and also include a path to two states.”<sup>72</sup> It is unclear whether U.S.-Saudi bilateral agreements might or might not explicitly include provisions or references to normalization or future Palestinian statehood.

## **Potential Implications for U.S. Global Strategy and for U.S. Foreign and Defense Policy Programs**

Members of Congress may consider what implications, if any, proposed agreement(s) might have for the future scale of the U.S. role and depth of U.S. security commitments in the Middle East region, and consequently for resources that might be available for meeting U.S. commitments in other parts of the world. Successive U.S. Administrations since the 2010s have signaled their desire to rebalance U.S. national security policy to meet challenges posed by China in the Indo-Pacific region (and by Russia and China globally). They have found that developments in the Middle East and Europe continue to demand U.S. attention and resources. Patterns of energy trade between the Middle East region and East Asia and greater PRC economic and diplomatic involvement in the Middle East region since 2020 also suggest strategic linkages between these regions that may affect future U.S. calculations.

The degree to which any proposed U.S.-Saudi agreements may require or alleviate demands on U.S. resources may vary according to their content and terms. Resource demands could be alleviated to the degree that security commitments would be bolstered by other arrangements to promote burden sharing. Possible elements could include agreements to implement new regional partnerships for domain awareness and monitoring, more robust intra-regional security cooperation, and arms sales to ensure interoperability. To date, efforts of these types have faced hurdles related to regional politics, including apparent reluctance among some U.S. Gulf Arab partners to integrate their defense systems and planning. Greater reliance on U.S.-backed partners to provide security in the Middle East region may entail greater U.S. association with the policies and actions of regional security partners, with attendant diplomatic, security, and political effects. In examining burden-sharing options and commitments, Congress may review existing authorities and programs that provide for burden-sharing investments in the Middle East region, Europe, and Asia.

## **Threats to Saudi Arabia and Saudi Defense Capabilities**

Since the 1940s, Saudi leaders have sought and, in some cases, have received U.S. assistance in defending the kingdom from external attack, and bilateral cooperation continues to contribute to the success of Saudi counterterrorism and critical infrastructure protection efforts. Congress may consider present and future threats to the kingdom when evaluating the possible extension of a U.S. security commitment.

The principal risks to the kingdom’s security since the 1991 Gulf War have come from transnational terrorist groups and from state and non-state actors’ long-range attacks on critical infrastructure or populated areas using rockets, missiles, or unmanned aerial vehicles. With some exceptions, the military capacity of neighboring states to conduct lasting conventional air, naval, or ground operations that might threaten Saudi Arabia’s territorial integrity or political independence appears limited. Threats to the kingdom from non-state actors, including the Houthis and armed groups in Iraq, have been demonstrated by attacks since 2016.

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<sup>72</sup> Department of State Press Briefing, May 2, 2024.

The lasting disruption or closure of air or sea access and lines of communication in or around the kingdom could pose serious economic risks to Saudi Arabia. Global security effects would vary based on the extent to which such disruptions jeopardized Saudi oil exports or limited trade and civilian travel to and from the kingdom or in the airspace above and seas around the Arabian Peninsula. The security and administration of the central holy sites of Islam in Mecca and Medina also have global implications for the world's Muslim population.

Saudi Arabia has a well-equipped air force and well-resourced military and internal security forces, though actual Saudi warfighting abilities may be more limited. The Saudi military and Saudi defense leaders demonstrated their capabilities and limits in the war in Yemen from 2015 to 2022, conducting a campaign of targeted air strikes, providing assistance to Yemeni partner forces, preventing major Houthi incursions into southwestern Saudi Arabia, and imposing access constraints on Yemen's airspace and waters. Preventing civilian harm in Yemen and defending against Houthi long-range counterattacks on Saudi critical infrastructure and populated areas proved more challenging, and the Saudi-led campaign failed to dislodge the Houthis from most areas they seized. International criticism of the Saudi-led coalition's military conduct grew in connection with civilian casualties and deteriorating humanitarian conditions during the war.

Saudi counterterrorism operations appear to have contained and eliminated most networks associated with Al Qaeda and the Islamic State group in the country after 2003, but according to the State Department, "terrorism continues to be a concern in Saudi Arabia" and "attacks can occur with little or no warning."<sup>73</sup> The State Department reports that missile, drone, or rocket attacks may reoccur and that militant groups have threatened to conduct attacks in Saudi Arabia.<sup>74</sup>

Since the October 7, 2023, Hamas attacks and Israel's military response in Gaza, the Houthi movement has targeted Israeli territory and commercial and naval vessels near the Bab al Mandeb Strait, a key maritime choke point. Saudi naval forces are not among those identified by the Operation Prosperity Guardian coalition as participating in multinational efforts to escort ships transiting the southern Red Sea amid Houthi maritime threats since late 2023. Saudi Arabia commands Combined Maritime Forces Task Force 152, which operates in the Persian Gulf to protect critical infrastructure and counter threats from illicit non-state actors. Additional maritime security support and participation from Saudi Arabia could lower requirements for U.S. and other extra-regional deployments, but also could contribute to intra-regional tensions or conflict. In July 2024, the Houthis threatened to resume attacks on Saudi Arabia if the kingdom provided support to efforts to limit Houthi finances or restrict use of Houthi-controlled infrastructure.

## **Possible Reactions from Adversaries, Rivals, and Partners**

U.S. adversaries, rivals, and partners may reconsider their interests and policies based on the nature, timing, and terms of any U.S.-Saudi or Saudi-Israeli agreements.

- **Iran.** It seems likely that Iran's government would regard Saudi-Israeli normalization and U.S.-Saudi mutual defense commitments negatively and could act to undermine them, whether through pressure, closer relations with Palestinian groups that may support violence against Israel, or increased assistance to armed groups in Yemen, Iraq, Syria, and/or Lebanon.<sup>75</sup> Iran also

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<sup>73</sup> U.S. State Department, Saudi Arabia Travel Advisory, January 24, 2024.

<sup>74</sup> U.S. State Department, Saudi Arabia Travel Advisory, January 24, 2024.

<sup>75</sup> In September 2023 interviews, Iran's late president Ibrahim Raisi said "We are against any bilateral relations between our regional countries and the Zionist regime," and that Arab government normalization with Israel "doesn't equal the acceptance of those nations, of those people. People in those countries, in those Persian Gulf Arab countries (continued...)"



- could argue that any civil nuclear cooperation arrangements that provide for nuclear fuel production in Saudi Arabia justify Iran's continued operation of nuclear fuel production infrastructure.
- **Terrorist Groups.** Transnational extremist groups such as Al Qaeda and the Islamic State could attempt to exploit any popular rejection of closer Saudi ties to the United States or Israel to recruit and incite violence.
  - **Russia and China.** U.S. strategic competitors could react to any provisions in U.S.-Saudi agreements that preclude closer cooperation between them and the kingdom by making their own overtures for closer cooperation with Saudi Arabia that could undermine U.S.-Saudi ties, or to bolster closer ties to other regional countries such as Iran, Syria, the United Arab Emirates, or Iraq.
  - **U.S. Partners.** Other close U.S. partners such as Israel, Jordan, the UAE, Qatar, and Egypt could seek comparable security assurances or commitments or seek to revise existing bilateral agreements with the United States to reach more favorable terms.

As part of a U.S.-Saudi agreement to support Saudi-Israeli normalization, the United States could propose the sale of advanced U.S. defense systems not yet made available to Saudi Arabia such as the F-35 fighter aircraft, armed unmanned aerial vehicles, or longer-range missiles and rockets.<sup>76</sup> Members may consider assessing the regional security implications of such transfers, including their effect on the regional military balance of power, Israel's Qualitative Military Edge, other countries' desire for comparable systems, the security of U.S. technology, and the likelihood of partners' responsible use of such systems in conflict.

## Israeli and Palestinian Politics

Israel's domestic politics have resulted in several changes of government since 2020, and Israelis have vigorously debated proposed changes to domestic and foreign policy. The participation of parties opposed to concessions to the Palestinians in the current Israeli government led by Prime Minister Benjamin Netanyahu has led some analysts to assess that changes to Israel's ruling coalition or the emergence of a new coalition would be needed before any policy changes toward the Palestinians that might encourage Saudi Arabia to normalize relations with Israel could be expected. In a September 2023 interview, Crown Prince Mohammed bin Salman said that the kingdom is not seeking to alter or interfere in Israeli politics and said that, in the context of a U.S.-backed agreement with Israel, Saudi Arabia would work with any Israeli counterparts committed to the agreement.<sup>77</sup>

Saudi leaders have not made specific comments about the prospect for changes in Palestinian leadership or governance or how such changes might affect Saudi-Palestinian relations. Palestinian Authority President Mahmoud Abbas has sought and received political support from the kingdom, despite reported periodic Saudi frustrations with Abbas, the Fatah movement, and

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have a great deal of hate for the Israeli actions." CNN, "Interview With Iranian President Ebrahim Raisi," *Fareed Zakaria GPS*, September 24, 2023.

<sup>76</sup> For discussion of arms sale proposals in the context of the UAE's normalization with Israel, see CRS Report R46580, *Israel's Qualitative Military Edge and Possible U.S. Arms Sales to the United Arab Emirates*, coordinated by Jeremy M. Sharp and Jim Zanotti.

<sup>77</sup> "Crown Prince Mohammed Bin Salman," interview by Bret Baier, *Special Report*, Fox News, September 20, 2023.



Palestinian politics in general.<sup>78</sup> President Abbas visited Saudi Arabia in August 2024 and met with the Crown Prince, who reemphasized the kingdom's support for the Palestinian people.

Historically, Hamas raised funds from private donors in Saudi Arabia, but Saudi arrests and trials of individuals with reported links to Hamas since 2020 suggest that Hamas has faced restrictions on its ability to operate in the kingdom. Both Fatah and Hamas leaders have visited the kingdom since 2023 for religious pilgrimages and consultations with Saudi officials.<sup>79</sup>

Saudi Arabia negotiated a 2007 power sharing agreement between Hamas and Fatah but has not publicly indicated that it seeks to be an arbiter of a new Palestinian political arrangement in the wake of the Israel-Hamas war.

## Saudi Influence on Normalization Beyond the Middle East Region

The Saudi monarchy's role as custodian of Islam's holiest sites, the Saudi government's leadership in multilateral Islamic organizations, and the historic role Saudis have played in supporting Sunni Islamic proselytization around the world lead some analysts to argue that a Saudi government decision to normalize relations with Israel could encourage governments in other Sunni-majority countries to follow suit and lead to greater global endorsement of normalization among Sunni Muslims.<sup>80</sup> There is little evidence that Sunni Muslims around the world view the Al Saud monarchy with any particular reverence or base their personal views of Israel and the Israeli-Palestinian conflict on Saudi government policy. Nevertheless, it is possible that the kingdom's traditional image as a global exponent of Sunni Islam, reinforced by its stewardship of Islamic holy sites, could lead other governments to calculate that a potential Saudi decision to normalize relations with Israel would provide a symbolic opening for them to do likewise. Other governments' decisions to embrace normalization have not resulted in major changes in public views of the desirability or benefits of normalization. Saudi diplomatic and financial influence with other governments could prove more decisive in related official decisions.

## U.S. Regional and Global Nonproliferation Policy

Congress and successive presidential Administrations have sought the kingdom's commitment to forgo the most proliferation-sensitive nuclear facilities—those for enriching uranium or reprocessing spent nuclear fuel to obtain plutonium—and Saudi Arabia's acceptance of enhanced international safeguards on its nuclear program.<sup>81</sup> Previous administrations linked prospects for a U.S.-Saudi nuclear cooperation agreement to these conditions, and Congress has limited the use of certain funds to support possible U.S. nuclear exports to Saudi Arabia unless the kingdom makes such commitments.<sup>82</sup> The U.S. government has not insisted all U.S. partners forgo enrichment or reprocessing, so the negotiation and conclusion of a Saudi-U.S. nuclear

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<sup>78</sup> See for example, Mohammed Assadi and Ali Sawafta, "Squabbling Palestinian movement gets Saudi scolding," Reuters, August 6, 2009.

<sup>79</sup> Barak Ravid, "Hamas and Abbas make separate trips to Saudi Arabia," *Axios*, April 19, 2023.

<sup>80</sup> See, for example, Marc Schneier, "Opinion: The religious promise of Saudi-Israel normalization," *The Hill*, July 23, 2024; and Dennis Ross, "Saudi-Israel normalization would transform Middle East – opinion," *The Jerusalem Post*, October 5, 2023.

<sup>81</sup> See CRS In Focus IF10799, *Prospects for U.S.-Saudi Nuclear Energy Cooperation*, by Christopher M. Blanchard and Paul K. Kerr.

<sup>82</sup> See discussion in CRS In Focus IF10799, *Prospects for U.S.-Saudi Nuclear Energy Cooperation*, by Christopher M. Blanchard and Paul K. Kerr.

cooperation agreement that allows for or rejects those processes may minimally affect global expectations about future U.S. civil nuclear cooperation and nuclear nonproliferation policies.

As noted above, Section 123 of the Atomic Energy Act of 1954, as amended (AEA, 42 U.S.C. §§2011 et seq.), requires nuclear cooperation agreements for significant nuclear cooperation with foreign governments.<sup>83</sup> So-called “123 agreements” must include the terms, conditions, duration, nature, and scope of cooperation, as well as meet several nonproliferation criteria. The President must make a written determination “that the performance of the proposed agreement will promote, and will not constitute an unreasonable risk to, the common defense and security.”

Section 123 agreements do not require recipient governments to forgo enrichment or reprocessing. The AEA does mandate that U.S. nuclear cooperation agreements require U.S. consent for any “alteration in form or content” (to include enrichment or reprocessing) of U.S.-origin material or any material processed in a plant containing transferred U.S. nuclear technology. Such agreements also require U.S. consent for any retransfer of material or technology.

Some 123 agreements contain provisions designed to discourage enrichment and reprocessing programs in the Middle East. For example, the 2009 U.S.-UAE 123 agreement provides the United States the right to terminate nuclear cooperation with that country if the UAE “possesses sensitive nuclear facilities within its territory or otherwise engages in activities within its territory relating to enrichment of uranium or reprocessing of nuclear fuel.”<sup>84</sup> An agreed minute to that agreement states that its terms “shall be no less favorable in scope and effect than those which may be accorded” to other countries in the Middle East. The minute also explains that, if the U.S. government concludes a more-favorable 123 agreement with another regional government, the United States will, at the UAE’s request, consult with the government “regarding the possibility of amending” the 123 agreement with equally favorable terms.

## Public Opinion and Saudi Arabia’s Political Future

The U.S. Senate has considered the domestic politics of defense treaty partners in the past and has reflected on conditions and trends in its advice and consent to such treaties. In considering the 1960 U.S.-Japan treaty for example, the Senate Foreign Relations Committee noted the Japanese public’s views of the previous and revised treaties, the Japanese legislature’s endorsement of the new agreement, and prevailing trends in public opinion.<sup>85</sup> The Committee described the deletion of a provision allowing for the use of U.S. forces to put down domestic disturbances in Japan as a “concession to Japanese opinion.”

The kingdom of Saudi Arabia appears stable, having weathered internal security challenges posed in the 1990s and 2000s by terrorist groups. The opaque nature of the kingdom’s elite politics and its security sector, however, provide limited data on which to base conclusions about its potential fragility. Diplomatic reopening appears to have ended a period of overt antagonism in Saudi-Iranian relations that prevailed from 2016 to 2023, though Iran and Iran-backed armed groups

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<sup>83</sup> 42 U.S.C. §2153. Such cooperation includes the transfer of certain U.S.-origin nuclear material subject to licensing for commercial, medical, and industrial purposes; the export of reactors and critical reactor components; and other commodities under Nuclear Regulatory Commission export licensing authority. Foreign entities’ nuclear exports to Saudi Arabia containing U.S.-origin technology might require U.S. consent.

<sup>84</sup> See archived CRS Report R40344, *The United Arab Emirates Nuclear Program and Proposed U.S. Nuclear Cooperation*, by Christopher M. Blanchard and Paul K. Kerr. House Document 111-43, Agreement for Cooperation Between the Government of the United States and the Government of the United Arab Emirates, May 21, 2009, p. 36.

<sup>85</sup> U.S. Congress, Senate Committee on Foreign Relations, *Treaty of Mutual Cooperation and Security with Japan*, Executive Report No. 8 to Accompany Ex. E, 86<sup>th</sup> Cong., 2d sess., June 14, 1960.

still pose risks to Saudi security. Since 2017, the kingdom's ambitious economic transformation and social reform programs have recast long established patterns and relationships among many Saudis, inviting some endorsement and some objections. Formerly empowered religious conservatives have been stripped of their authority and capability to enforce religious norms in public and the government has taken some steps to codify the kingdom's laws and introduce regularity to a legal system long dominated by relatively independent religious judges.

Those disempowered or disgruntled by these changes have not mounted observable challenges to state authority, nor have broad popular movements emerged seeking to fundamentally challenge or change the structure of the kingdom's governance. While relations between some members of the ruling Al Saud family have appeared strained since 2017, there are few public indications that intra-royal family differences might disrupt or delay the expected succession from King Salman to Crown Prince Mohammed bin Salman. Uncertainty remains over how the Al Saud family will provide for future succession and identify a future heir apparent. The Crown Prince reportedly has informed some Members of Congress that he feels that normalization of the kingdom's relationship with Israel could prompt personal security threats to him.<sup>86</sup>

Several Saudi religious scholars who had large transnational followings have seen their influence and freedom of expression curtailed since 2017. During this period, Saudi Arabia has disempowered or detained some religious scholars who were especially critical of Israel, though officials did not cite this as a motivating factor. Existing constraints on freedom of expression suggest that if Saudi leaders choose to normalize relations with Israel, the government could continue to limit public criticism of its decisions. Saudi government statements since 2023 suggest that even after any normalization of relations with Israel, the Saudi government and Saudi nationals are likely to remain vigilant about and critical of perceived violations of Islamic religious interests, especially in Jerusalem.

The views of the Saudi population about domestic politics, social change, the role of religion in public life, relations with Israel, and cooperation with the United States remain difficult to authoritatively measure. Saudi Arabia remains a politically closed monarchy with little tolerance for public dissent and significant limits on expression, complicating efforts to measure public opinion. Anecdotal reporting suggests that younger Saudis and Saudis in some urban areas have embraced many changes introduced under the kingdom's current leadership, while older Saudis, social and religious conservatives, and those in more rural areas may have differing views.

Polling studies released in December 2023 and January 2024 suggested that Saudi public solidarity with Palestinians had increased since the onset of the Israel-Hamas war, support for economic ties with Israel had declined, and many Saudis agreed with the premise that Arab states should break political, economic, and diplomatic ties with Israel "in protest of its military action in Gaza."<sup>87</sup> Broad Saudi popular opposition to normalization could complicate U.S.-Saudi-Israeli trilateral cooperation and/or affect the kingdom's domestic politics.

## Technology Transfer

In considering technology transfers, U.S. officials have long sought to deny U.S. adversaries access to sensitive U.S. technologies, including defense articles and other items, and to prevent the misuse of U.S. technology transferred to U.S. partners globally. There is no present public indication that dramatic political change is imminent or likely in Saudi Arabia (see "Public

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<sup>86</sup> Nahal Toosi, "The Saudi Crown Prince Is Talking About an Assassination. His Own." *Politico*, August 14, 2024.

<sup>87</sup> Catherine Cleveland and David Pollock, "New Poll Sheds Light on Saudi Views of Israel-Hamas War," Washington Institute for Near East Policy, December 21, 2023; and Arab Center for Research and Policy Studies, "Arab Public Opinion about the Israeli War on Gaza," January 10, 2024.

Opinion and Saudi Arabia's Political Future" above). Nevertheless, technology and knowledge transferred to Saudi Arabia pursuant to U.S. agreements presumably could prove difficult or impossible to control or retrieve in the event the kingdom's leadership abruptly changes in makeup or orientation. One House Member has cited the rapid political change that unfolded in Iran in the 1970s in raising questions about the potential future implications of nuclear technology transfers under U.S.-Saudi agreements.<sup>88</sup> Requirements for maintenance, spare parts, and service may degrade the utility of transferred technologies over time and provide the United States opportunities to influence their future use.

## Human Rights Issues

The potential exchange of mutual defense commitments between the United States and Saudi Arabia may raise questions among some Members of Congress regarding the kingdom's human rights record, including issues of women's rights, free expression, and religious freedom. Some Members of Congress have questioned U.S.-Saudi partnership based on human rights concerns, including in relation to the treatment of U.S. citizens and residents. In the 118<sup>th</sup> Congress, for example, H.R. 5833, the Protection of Saudi Dissidents Act of 2023, would restrict transfers of defense articles and services to Saudi Arabia until the President certifies that Saudi Arabia has not engaged in specific human rights violations and submits other reports and certifications with regard to transnational repression against Saudi dissidents.<sup>89</sup>

State Department reports describe "significant human rights issues" in the kingdom, and the U.S. government has designated the kingdom as a Country of Particular Concern pursuant to the International Religious Freedom Act of 1998 (P.L. 105-292; 22 U.S.C. §§6401 et seq.) "for having engaged in or tolerated particularly severe violations of religious freedom."<sup>90</sup> State Department reporting describes changes that have created new social and economic opportunities for women in the kingdom under reforms introduced since 2017, but notes substantial remaining limits on women's rights, autonomy, and equality under the law. The Saudi government rejects international scrutiny and criticism of its human rights practices as interference in Saudi domestic affairs.

## Potential Process Considerations for Congress

The Biden Administration and Members of Congress may consider proposed U.S.-Saudi agreements and possible Saudi-Israeli normalization with Congress's institutional interests and processes in mind. The President, executive branch agencies, and Members of Congress may view their constitutional roles and responsibilities in relation to proposed agreements differently and may consider different precedents and preferences as any agreements are discussed.

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<sup>88</sup> See Representative Sherman remarks in CQ Congressional Transcripts, "House Foreign Affairs Committee Holds Hearing on the State of American Diplomacy" May 22, 2024; and "House Foreign Affairs Subcommittee on Middle East, North Africa, and Central Asia Holds Hearing on the Fiscal Year 2025 Bureau of Near Eastern Affairs Budget Request," May 23, 2024.

<sup>89</sup> Resolutions introduced in the House and Senate would commemorate the anniversary of the 2018 killing of Saudi journalist and U.S. resident Jamal Khashoggi and call for greater accountability. See H.Res. 753 and S.J.Res. 46.

<sup>90</sup> U.S. State Department, *2023 Country Reports on Human Rights Practices: Saudi Arabia*, April 2024; *2023 Report on International Religious Freedom: Saudi Arabia*, June 2024; and, Religious Freedom Designations, January 4, 2024.

## What form might security commitments and defense agreements take? How might Congress shape their content and oversee implementation?

International agreements involving mutual defense commitments are relatively few and mostly have been entered into through treaties negotiated by the executive branch and then considered for advice and consent purposes in the U.S. Senate, as the Constitution requires. If the Biden Administration were to conclude a mutual defense treaty with Saudi Arabia, then the Senate would consider whether to provide advice and/or consent to ratification. This could include review of a treaty and accompanying agreed minutes, exchanges of notes, and executive agreements intended to implement or provide guidance for articles of a treaty. The Senate could seek to limit or clarify U.S. obligations under a treaty through reservations, understandings, and declarations.

Alternately, Congress and the Administration could enact regular legislation defining authorities for a bilateral agreement or the amendment or development of legislation extending defense benefits to Saudi Arabia, including but not limited to the following two approaches.

The first approach could be a congressional-executive agreement with Saudi Arabia through which Congress would authorize a particular agreement (or type of agreement) and provide tailored implementing authorities to executive agencies. Congress also might or might not act to extend certain privileges to Saudi Arabia beyond those that it already has. Additional privileges could include the preferential arms export terms and other benefits enjoyed by the so-called NATO+ group under the Arms Export Control Act (AECA, P.L. 90-629, 22 U.S.C. §§2751 et seq.) and Major Non-NATO Allies (MNNA). The AECA provides for shorter military sales review periods and higher value thresholds for congressional notification for certain U.S. partners.<sup>91</sup> MNNA status would allow the kingdom to purchase certain U.S. arms, receive excess defense articles (EDA), and engage in defense research cooperation with the United States, for which it would not otherwise be eligible.

The second approach could be for Congress to define a tailored partnership arrangement with Saudi Arabia and direct the executive branch to facilitate or restrict defense trade, advanced technology transfer, military planning and exercises, refined end-use monitoring arrangements, or other elements. Since 2016, Congress has provided authority and direction for this type of cooperation with India<sup>92</sup> and Singapore.<sup>93</sup> In the 118<sup>th</sup> Congress, the Senate version of the FY2024 National Defense Authorization Act would have identified Saudi Arabia and some other regional partners as “major security partners” and would have enhanced related priority and allocation ratings for the processing of foreign military sales.<sup>94</sup> Congressionally defined authorities for a bilateral agreement or the amendment or development of legislation extending defense benefits to

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<sup>91</sup> CRS Report RL31675, *Arms Sales: Congressional Review Process*, by Paul K. Kerr. After any review periods set forth under the AECA, Congress retains authority to regulate or restrict any arms transfers to a foreign country before delivery via the regular legislative process.

<sup>92</sup> Congress designated India a Major Defense Partner of the United States and directed the executive branch to take a range of actions to promote and enhance defense cooperation. Congress terminated related reporting requirements in 2021. See P.L. 114-328, div. A, title XII, §1292, December 23, 2016, as amended by P.L. 115-91, div. A, title XII, §1258(a), (c)(2), December 12, 2017; and, P.L. 115-232, div. A, title XII, §1266, August 13, 2018.

<sup>93</sup> Congress has recognized Singapore as a “major security cooperation partner” and stated its view that the executive branch should “continue to enhance defense and security cooperation,” “explore additional steps to better facilitate interoperability,” and, including through “combined exercises and training.” See P.L. 116-92, §1260G, December 20, 2019, and P.L. 117-81, §1252, December 27, 2021.

<sup>94</sup> See §1399K of H.R. 2670EAS, July 27, 2023.



Saudi Arabia would require the passage of legislation by both houses of Congress and the President's approval (or a successful veto override) to become law.

Another possible avenue for the executive branch would be a sole executive agreement with Saudi Arabia addressing matters of mutual defense. The parties might or might not define all or part of such an agreement as binding and thus it follows that other international actors' views of such an agreement's strategic and diplomatic implications and its moral and political weight might vary. In 2023, the United States and Bahrain signed a "Comprehensive Security Integration and Prosperity Agreement" addressing defense, trade, and scientific-technical cooperation. The agreement commits the United States and Bahrain (a MNNA) to regard external aggression or threats of external aggression against either of them as a matter of grave concern and "to develop and implement appropriate defense and deterrent responses" consistent with their respective constitutions and laws.

Current law provides for executive branch submission and congressional review of sole executive agreements, including on mutual defense matters. Legislation seeking to outline new procedures or additional requirements for congressional review of an executive agreement [for example, as provided for in the Iran Nuclear Agreement Review Act of 2015 (P.L. 114-17)] would require the passage of legislation by both houses of Congress and the President's approval (or a successful veto override) to become law.

The executive branch also could prefer to continue bilateral cooperation under existing executive agreements and foreign assistance and defense authorities rather than developing new ones. Press reporting suggests that Saudi officials desire a substantive upgrade in the nature and extent of U.S. cooperation and the U.S. Ambassador to the kingdom has said Saudi leaders specifically seek congressional endorsement as a means of insulating bilateral arrangements from future political changes in the United States.<sup>95</sup>

In case of a Senate-endorsed treaty or other bilateral agreement, past examples indicate that future legislators would have opportunity and legislative prerogatives under the U.S. Constitution to monitor, expand, or reduce U.S. cooperation with Saudi Arabia.

#### CRS Resources: International Agreements, Treaties, and Congress

- For more information on **Senate consideration of treaties**, see CRS Report 98-384, *Senate Consideration of Treaties*, by Valerie Heitshusen.
- For more information on the Senate's **options for conditioning advice and consent** to treaties, see CRS In Focus IFI2208, *Reservations, Understandings, Declarations, and Other Conditions to Treaties*, by Steve P. Mulligan.
- For more information on **U.S. international agreements and their effect on U.S. law**, see CRS Report RL32528, *International Law and Agreements: Their Effect upon U.S. Law*, by Steve P. Mulligan.
- For more information on **the agreement making process, tools for congressional influence, and transparency measures**, see CRS Legal Sidebar LSB11048, *International Agreements (Part I): Overview and Agreement-Making Process*; CRS Legal Sidebar LSB11049, *International Agreements (Part II): Examining Tools for Congressional Influence Over International Instruments*; and CRS Legal Sidebar LSB11050, *International Agreements (Part III): Transparency Measures*, by Steve P. Mulligan.
- For an example of **enacted congressional procedures in relation to a specific executive agreement**, see CRS Report R44085, *Procedures for Congressional Action in Relation to a Nuclear Agreement with Iran: In Brief*, by Valerie Heitshusen.
- For information on **war powers** and the relationship between the **War Powers Resolution** and U.S. security treaties and agreements see CRS In Focus IFI0534, *Defense Primer: President's Constitutional Authority with Regard to the Armed Forces*, by Jennifer K. Elsea; CRS In Focus IFI0535, *Defense Primer: Congress's*

<sup>95</sup> U.S. Ambassador to Saudi Arabia Michael Ratney interview with Frankly Speaking, *Arab News*, June 2, 2024.

*Constitutional Authority with Regard to the Armed Forces*, by Jennifer K. Elsea; and archived CRS Report R42699, *The War Powers Resolution: Concepts and Practice*, by Matthew C. Weed.

## What elements might a mutual defense commitment agreement contain?

The content of other U.S. security treaties and agreements may suggest areas of interest or questions that Congress could consider in relation to a proposed U.S.-Saudi security agreement. Positions outlined and precedents set during executive-congressional consideration of other extant agreements also may be informative.

U.S. agreements with North Atlantic Treaty Organization allies and U.S. treaty allies in Asia consider and suggest several topics that could be addressed in a U.S.-Saudi security agreement. These include

- Circumstances that would require mutual U.S.-Saudi consultation and response, to include armed attacks or the threat of armed attacks on the parties by state or nonstate actors.
- Application with regard to specific territories or areas that may be subject to international dispute, to include maritime claims and shared transboundary resources.
- The extent to which mutual security commitments extend to internal security matters.
- Privileges of military access and use, to include the status of U.S. forces and the process for adjudicating outstanding claims or new claims that may arise from U.S. military operations.
- The scope of independent military activity by the United States in Saudi territory, requirements for prior consultation or assent, and any limits on Saudi partnership with other foreign parties, including Russia and/or China.
- The relationship of a treaty to other existing agreements and their provisions.
- Cost sharing requirements and mechanisms.
- The duration of the treaty and any means for its revision or termination.

### Examples of U.S. Treaty Provisions on Mutual Defense

#### **U.S.-Republic of Korea Mutual Defense Treaty (1954)<sup>96</sup>**

Article III of the treaty states: "Each Party recognizes that an armed attack in the Pacific area on either of the Parties in territories now under their respective administrative control, or hereafter recognized by one of the Parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes."

#### **U.S.-Japan Mutual Security and Cooperation Treaty (1960)<sup>97</sup>**

Article V of the treaty states: "Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes."

<sup>96</sup> United States Treaties and Other International Agreements (TIAS): Volume 5, Part 3 (1954), U.S.-Republic of Korea Mutual Defense Treaty of 1954, TIAS 3097.

<sup>97</sup> TIAS Volume 11, Part 2 (1960), U.S.-Japan Mutual Security and Cooperation Treaty of 1960, TIAS 4509.



**North Atlantic Treaty (1949)<sup>98</sup>**

Article IV of the treaty states: “The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.”

Article V of the treaty states: “The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.”

Article VI of the treaty states that: “For the purpose of Article 5 an armed attack on one or more of the Parties is deemed to include an armed attack on the territory of any of the Parties in Europe or North America” and other defined territories and areas.

## How has Congress considered other mutual defense commitment agreements and other bilateral agreements?

Past processes followed for U.S. security treaties and bilateral agreements relating to national security matters may inform executive and legislative branch consideration of proposed agreements with Saudi Arabia. The Senate Foreign Relations Committee has taken the principal role in reviewing and making recommendations to the Senate for its advice and consent on treaties. The executive branch also has engaged Members of the House Foreign Affairs Committee, along with defense committees, leadership, and Members in both chambers on matters involving U.S. security commitments. Provisions of law direct the executive branch to submit bilateral executive agreements to the Senate and the House for the information and review of committees of jurisdiction.<sup>99</sup>

Congress could seek to review and consult on the drafting of agreements with Saudi Arabia prior to their conclusion and formal presentation. Such steps may occur through private correspondence or consultations, hearings in executive (closed) session, or public hearings and may involve Members of the House and Senate.<sup>100</sup> In the case of the 1952 U.S.-Japan peace and security treaties, the mutual defense treaty with the Philippines, and the security treaty with Australia and New Zealand, then-Secretary of State Dean Acheson praised the principal U.S. negotiator, Ambassador John Foster Dulles, for having kept “both houses of the Congress fully informed as to each stage of the work.”<sup>101</sup> Members of the Senate Foreign Relations Committee praised the ambassador for having kept them “informed of every single step that was taken” to include briefings before, during, and after consultative visits abroad.<sup>102</sup> Ambassador Dulles remarked, “it can properly be said that you have helped write those treaties.”<sup>103</sup>

As part of any review and consultative process, Congress could seek the views of the U.S. military or Department of Defense or both on proposed agreements with Saudi Arabia and

<sup>98</sup> United States Treaty Series, Volume 4, Multilateral Treaties, 1946-1949, North Atlantic Treaty, TIAS 1964.

<sup>99</sup> For more information, see CRS Legal Sidebar LSB11050, *International Agreements (Part III): Transparency Measures*, by Steve P. Mulligan.

<sup>100</sup> For examples of House engagement on treaty consideration see U.S. Congress, House Committee on Foreign Relations, Selected Executive Session Hearings of the Committee, 1951-56; Volume XVII: U.S. Policy in the Far East. Part 1: U.S. Policy and Japan, the Korean War and Peace Negotiations, South Asian and Related Problems, 1980.

<sup>101</sup> U.S. Congress, Senate Committee on Foreign Relations, *Japanese Peace Treaty and Other Treaties Relating to Security in the Pacific*, hearing, 82<sup>nd</sup> Cong., 2<sup>nd</sup> sess., January 21, 1952 (Washington, DC: GPO, 1952).

<sup>102</sup> Comments by Senator John Sparkman, *Ibid*.

<sup>103</sup> *Ibid*.

express the legislative branch's views concerning the appropriate role for the U.S. military in implementing agreement provisions. Such steps may occur through private correspondence or consultation, hearings in executive (closed) session, or public hearings. In the case of the 1952 U.S.-Japan peace and security treaties, the mutual defense treaty with the Philippines, and the security treaty with Australia and New Zealand, Congress specifically sought and received the input of the Joint Chiefs of Staff on provisions of the agreements.<sup>104</sup> In the case of the 1960 U.S.-Japan security treaty, the Senate Foreign Relations Committee included the Assistant Secretary of Defense for International Security Affairs in its public hearing and executive session, and Members of the Committee sought to clarify and express their views of the proper role for the U.S. military under the treaty in executive session and in the committee report.<sup>105</sup>

## How could Congress conduct oversight of U.S.-Saudi negotiations and agreements and shape their implementation?

### How might Congress review security cooperation with Saudi Arabia under existing and potentially new agreements?

Several extant bilateral executive agreements provide for U.S.-Saudi security cooperation, including agreements setting terms for decades-long training and advisory programs. Congress could seek additional information about the implementation of those agreements and programs to date and the effects of any new agreements on their terms and future. Congress could review how U.S. deployments and operations in Saudi territory are funded and examine terms and mechanisms for host nation contributions in countries with which the United States has treaties of mutual defense and security cooperation. Congress also may consider how best to seek to ensure that programs administered or established pursuant to bilateral security agreements reflect or address issues of long-standing congressional interest such as human rights, civilian protection, technology security, end-use monitoring, and international humanitarian law.

Law and established executive-legislative branch procedures provide for congressional consultation, notification, and review of proposed arms sales under the Arms Export Control Act. In addition to considering whether commitments to transfer specific defense systems and capabilities to the kingdom should be made in relation to a possible U.S.-Saudi agreement on Saudi-Israeli normalization, Congress may consider whether to alter Saudi Arabia's treatment under executive-legislative arms sale consideration processes.

#### **CRS Resources: Arms Sales, Security Cooperation, and Burden Sharing**

- For information about congressional review of proposed arms sales, see CRS In Focus IFI0392, *Foreign Military Sales Congressional Review Process*, by Paul K. Kerr.

<sup>104</sup> Then-Chairman of the Joint Chiefs of Staff Gen. Omar Bradley testified alongside Secretary of State Dean Acheson and U.S. Ambassador John Foster Dulles. See U.S. Congress, Senate Committee on Foreign Relations, *Japanese Peace Treaty and Other Treaties Relating to Security in the Pacific*, hearing, 82<sup>nd</sup> Cong., 2<sup>nd</sup> sess., January 21, 1952 (Washington, DC: GPO, 1952).

<sup>105</sup> The Committee report on the treaty states "It is the view of most members of the committee that representatives of the armed services should participate in foreign policy decisions of the kind envisaged on a purely consultative basis only." See U.S. Congress, Senate Committee on Foreign Relations, *Treaty of Mutual Cooperation and Security with Japan*, Executive Report No. 8 to Accompany Ex. E, 86<sup>th</sup> Cong., 2d sess., June 14, 1960; and, U.S. Congress, Senate Committee on Foreign Relations, *Treaty of Mutual Cooperation and Security with Japan*, hearing, 86<sup>th</sup> Cong., 2<sup>nd</sup> sess., June 7, 1960 (Washington, DC: GPO, 1960).

- For information about U.S. Department of Defense security cooperation authorities, see CRS In Focus IFI1677, *Defense Primer: DOD “Title 10” Security Cooperation*, by Christina L. Arabia, Defense Primer: DOD “Title 10” Security Cooperation, by Christina L. Arabia.
- For information about burden-sharing issues in other U.S. partnerships, see CRS Report RL33436, *Japan-U.S. Relations: Issues for Congress*, by Caitlin Campbell, Cathleen D. Cimino-Isaacs, and Mark E. Manyin and CRS In Focus IFI1388, *U.S.-South Korea Alliance: Issues for Congress*, by Caitlin Campbell and Christina L. Arabia.

## How might Congress shape and review a possible nuclear cooperation agreement with Saudi Arabia?

Depending on its nature and extent, possible future U.S.-Saudi nuclear cooperation may require Department of Energy authorizations or congressional approval of U.S.-Saudi agreements, or both. The Atomic Energy Act of 1954, as amended (AEA, 42 U.S.C. §§2011 et seq.) provides for congressional review of an agreement pursuant to Section 123 of the act for two time periods totaling 90 days of continuous session.<sup>106</sup> If the President has not exempted the agreement from any requirements of Section 123(a), it becomes effective at the end of the second period, unless, during that time, Congress adopts a joint resolution disapproving the agreement and the resolution becomes law.

Congress could authorize civil nuclear cooperation on specific terms and exempt such cooperation from certain provisions of the AEA. Such authorization and exemption would require the passage of legislation by both houses of Congress and the President’s approval (or a successful veto override) to become law.

Section 57(b)(2) of the AEA allows for limited cooperation related to the “development or production of any special nuclear material outside of the United States.” A 123 agreement is not necessary for such cooperation, which mostly involves transfers of unclassified nuclear technology and services pursuant to “Part 810 authorizations” that are not subject to congressional review.

### CRS Resources: U.S. Nuclear Cooperation and Congressional Review

- For more information on possible U.S.-Saudi civilian nuclear cooperation and Saudi Arabia’s nuclear energy policies, see CRS In Focus IFI0799, *Prospects for U.S.-Saudi Nuclear Energy Cooperation*, by Christopher M. Blanchard and Paul K. Kerr.
- For information about nuclear energy cooperation and congressional review procedures, see CRS Report R41910, *Nuclear Energy Cooperation with Foreign Countries: Issues for Congress*, by Paul K. Kerr, Mary Beth D. Nikitin, and Mark Holt.
- For information on limited nuclear cooperation not requiring congressional review, see CRS In Focus IFI1183, *Nuclear Cooperation: Part 810 Authorizations*, by Paul K. Kerr and Mary Beth D. Nikitin.

<sup>106</sup> See CRS Report R41910, *Nuclear Energy Cooperation with Foreign Countries: Issues for Congress*, by Paul K. Kerr, Mary Beth D. Nikitin, and Mark Holt, which states: “Under the AEA, Congress has the opportunity to review a 123 agreement for two time periods totaling 90 days of continuous session. The President must submit the text of the proposed nuclear cooperation agreement, along with required supporting documents (including the unclassified [Nuclear Proliferation Assessment Statement] NPAS) to the House Foreign Affairs Committee and the Senate Foreign Relations Committee. The President is to consult with the committees “for a period of not less than 30 days of continuous session.” After this period of consultation, the President is to submit the agreement to Congress, along with the classified annex to the NPAS and a statement of his approval of the agreement as well as a determination that it will not damage the national security interests of the United States. This action begins the second period, which lasts for 60 days of continuous session. In practice, the President has submitted the agreement to Congress, along with the unclassified NPAS, its classified annex, and his approval and determination, at the beginning of the full 90-day period. The 60-day period has been considered as following immediately upon the expiration of the 30-day period.”

- For an example of a bilateral nuclear cooperation agreement that Congress made exempt from AEA requirements and discussion of related executive and legislative branch actions, see CRS Report RL33016, *U.S. Nuclear Cooperation with India: Issues for Congress*, by Paul K. Kerr.

## How adequate is the information available to Congress when reviewing any proposed agreements?

The executive branch may or may not choose to provide Congress with updates on its diplomatic consultations, plans, and concerns. Prevailing arrangements for U.S.-Saudi security cooperation are financed through Saudi purchases and financial transfers authorized under U.S. law. Because existing programs do not require specific appropriations and authorization, Congress typically has not enacted provisions requesting or requiring additional information about U.S. security support to the kingdom in annually considered legislation, with the exception of some appropriations limits imposed on foreign operations and defense funding and certification and reporting provisions related to the war in Yemen. In the 1980s, Congress required the President to certify that certain conditions had been met prior to the transfer to Saudi Arabia of U.S. military aircraft.<sup>107</sup> U.S. law requires the executive branch to provide Congress with advance information on some proposed arms sales and civil nuclear cooperation initiatives. The executive branch is required to submit some executive agreements to Congress for review. For additional information on related reporting requirements and transparency measures, see CRS Legal Sidebar LSB11050, *International Agreements (Part III): Transparency Measures*.

## How sufficient is the timeline for legislative review and consideration of proposed agreements?

Congress may be asked to consider various proposed agreements or initiatives on different timelines based on their content and degree of interconnection assumed by involved parties. Diplomatic, national security, and political considerations also may affect the timing of presentation and review of proposals, including conflict or negotiation developments and decisions regarding the congressional calendar. Possible implied linkage of proposed security agreements, Saudi-Israeli normalization, and civil nuclear cooperation may generate pressure on Congress to quickly consider proposed initiatives, to consider them in total or not at all, or to swiftly deliver expected outcomes and avoid disruption by events or the actions of opposed parties. Members of Congress individually or acting through committees may or may not have opportunities to consult with the executive branch to shape agreements while they are in development and prior to the extension of U.S. commitments.

Senate consideration of treaties proceeds at the discretion of the Senate. U.S. law provides timelines for the review and consideration of proposed civil nuclear cooperation agreements, certain arms sales, and trade agreements that may or may not feature in future U.S.-Saudi-Israeli diplomacy. In advance of formal presentation of initiatives, proposals, and agreements to Congress, Members may consult directly with executive branch counterparts, conduct oversight individually or through committee briefings or hearings, or through travel to Saudi Arabia, Israel, or other parts of the Middle East for consultations on related issues.

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<sup>107</sup> See conditions on security of technology, third-country participation, operations and command, and regional peace and security in Section 131 of the International Security and Development Cooperation Act of 1985, P.L. 99-83.

## Appendix A. Additional CRS Resources

For information on congressional powers and procedures for the consideration of treaties and other international agreements, including agreements involving nuclear cooperation, see the following CRS products:

- CRS Report 98-384, *Senate Consideration of Treaties*, by Valerie Heitshusen
- CRS In Focus IF12208, *Reservations, Understandings, Declarations, and Other Conditions to Treaties*, by Steve P. Mulligan
- CRS Legal Sidebar LSB11048, *International Agreements (Part I): Overview and Agreement-Making Process*, by Steve P. Mulligan
- CRS Legal Sidebar LSB11049, *International Agreements (Part II): Examining Tools for Congressional Influence Over International Instruments*, by Steve P. Mulligan
- CRS Legal Sidebar LSB11050, *International Agreements (Part III): Transparency Measures*, by Steve P. Mulligan
- CRS Report R41910, *Nuclear Energy Cooperation with Foreign Countries: Issues for Congress*, by Paul K. Kerr, Mary Beth D. Nikitin, and Mark Holt

For information on U.S.-Saudi relations, Israel, the Palestinians, and the Israel-Hamas conflict, see

- CRS Report RL33533, *Saudi Arabia: Background and U.S. Relations*, by Christopher M. Blanchard
- CRS In Focus IF10799, *Prospects for U.S.-Saudi Nuclear Energy Cooperation*, by Christopher M. Blanchard and Paul K. Kerr
- CRS Report R44245, *Israel: Major Issues and U.S. Relations*, by Jim Zanotti
- CRS In Focus IF10644, *The Palestinians: Overview, Aid, and U.S. Policy Issues*, by Jim Zanotti
- CRS Report R47828, *Israel and Hamas Conflict In Brief: Overview, U.S. Policy, and Options for Congress*, by Jim Zanotti and Jeremy M. Sharp

## Appendix B. Selected Examples of U.S.-Saudi Security Commitments and Considerations

Past U.S. Administrations at times have offered limited security assurances to Saudi Arabia in private correspondence, but the United States has, with the exception of the 1990-1991 Gulf War, generally refrained from making public commitments to directly defend Saudi Arabia using U.S. military forces. U.S. officials at times have emphasized U.S. vital interests in the Persian Gulf region or the sovereign independence and energy exports of Saudi Arabia, stating that the United States would respond to critical threats to the region or the availability of the kingdom's oil reserves to global markets, or both. During the Cold War, U.S. military planners prepared contingency plans for military support to and intervention in Saudi Arabia, to include counterinsurgency and defense from external attack.

- In 1949, the Truman Administration communicated a series of “assurances” to then-King Abd al Aziz ibn Saud in the context of discussions about the potential extension of U.S. access rights to a nascent military airfield at Dhahran in eastern Saudi Arabia. In November and December 1949, the U.S. government privately but formally expressed to the king its “concern for Saudi Arabia” and “desire to insure [sic] its territorial integrity and political independence.”<sup>108</sup> President Harry Truman reaffirmed those assurances in a 1950 letter to King Abd al Aziz, writing “the United States is interested in the preservation of the independence and territorial integrity of Saudi Arabia. No threat to your Kingdom could occur which would not be a matter of immediate concern to the United States.”<sup>109</sup>
- Following the Suez crisis of 1956 in which Israel, Great Britain, and France attempted to seize the Suez Canal Zone, President Eisenhower in 1957 wrote to then-King Saud bin Abd al Aziz and said that, “Should Israel attempt to conquer any Arab state the United States would, as it did last October, take action to prevent this.... The United States stands fully prepared to meet aggression against the free states of the Middle East.”<sup>110</sup>
- In March 1963, President John F. Kennedy reassured then-Crown Prince Faisal bin Abd al Aziz, writing “we agree that Saudi Arabia’s integrity and stability must be defended against external intrusions,” and “Like you, we are not a fickle people who change their policies and loyalties overnight. The United States, and I personally, have a great and undiminished concern for the security and integrity of Saudi Arabia.”<sup>111</sup> After deploying U.S. Air Force aircraft to the kingdom, the President wrote again, saying “It is my hope that the presence of the unit will

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<sup>108</sup> U.S. Department of State, Office of the Historian, “Editorial Note,” November 29-December 5, 1949 in *Foreign Relations of the United States (FRUS), 1949, Saudi Arabia*, Volume VI, p. 1624.

<sup>109</sup> See U.S. Department of State, Office of the Historian, “President Truman to King Abdul Aziz Ibn Saud of Saudi Arabia,” October 31, 1950 in *FRUS, 1950, The Near East, South Asia, and Africa*, Volume V, 711.56386A/10–3050.

<sup>110</sup> “Message From President Eisenhower to King Saud.,” September 12, 1957 in *Foreign Relations of the United States, 1955–1957, Arab-Israeli Dispute, 1957*, Volume XVII, 783.00/9–1157. In March 1957, Congress passed legislation stating that “the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any such nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism.” See P.L.85-7, §2. In the 118<sup>th</sup> Cong., H.R. 4445 would repeal P.L.85-7, 90 days after enactment.

<sup>111</sup> U.S. Department of State, Office of the Historian, in “Letter from President Kennedy to Crown Prince Faisal,” in *FRUS, 1961–1963, Volume XVIII, Near East, 1962–1963*, Document 172, March 1, 1963.



- demonstrate to all concerned the undiminished interest of the United States in the security and integrity of your country.”<sup>112</sup>
- In 1978, Saudi leaders expressed concern about Soviet encirclement and subversion and sought to clarify the degree to which the United States was prepared to offer support.<sup>113</sup> President Carter sent King Khalid a letter in April 1978 outlining U.S. concerns for Saudi Arabia’s security, pledging continued security cooperation and U.S. assistance to the kingdom in providing for its own defense, but stopping short of offering a commitment that the United States would respond militarily. According to the U.S. Ambassador to Saudi Arabia at the time, “the commitment as set forth in the letter was as strong a commitment as the President and the administration could make without some formal action by the Congress.”<sup>114</sup>
  - In 1980, President Jimmy Carter said in his State of the Union Address, “An attempt by any outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States of America, and such an assault will be repelled by any means necessary, including military force.”<sup>115</sup>
  - In 1981, President Ronald Reagan said “Saudi Arabia, we will not permit to be an Iran.... There is no way, as long as Saudi Arabia and the OPEC nations there in the East—and Saudi Arabia’s the most important—provide the bulk of the energy that is needed to turn the wheels of industry in the Western World, there’s no way that we could stand by and see that taken over by anyone that would shut off that oil.”<sup>116</sup>
  - In August 1990, President George H.W. Bush announced the deployment of U.S. military personnel and equipment to Saudi Arabia at the request of the Saudi government following Iraq’s invasion of neighboring Kuwait. President Bush said that “the sovereign independence of Saudi Arabia is of vital interest to the United States,” and defined the U.S. forces’ mission as “to assist the Saudi Arabian Government in the defense of its homeland,” and “to preserve the integrity of Saudi Arabia and to deter further Iraqi aggression.” President Bush said U.S. forces would “defend themselves, the Kingdom of Saudi Arabia, and other friends in the Persian Gulf.”<sup>117</sup> U.S. forces remained in the kingdom at the Saudi government’s invitation until 2003.
  - In October 2019, the United States deployed fighter aircraft and air and missile defense systems to the kingdom to “assure and enhance the defense of Saudi

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<sup>112</sup> U.S. Department of State, Office of the Historian, “Message from President Kennedy to Crown Prince Faisal,” in *FRUS, 1961–1963, Volume XVIII, Near East, 1962–1963*, Document 286, July 1, 1963.

<sup>113</sup> U.S. Department of State, Office of the Historian, “Memorandum from Secretary of State Vance to President Carter - Saudi Desire for Assurances of Our Support and Protection,” *FRUS, 1977–1980, Volume XVIII, Middle East Region; Arabian Peninsula*, Document 170, undated.

<sup>114</sup> U.S. Department of State, Office of the Historian, “Telegram from the Embassy in Saudi Arabia to the Department of State” (Jidda 6452), *FRUS, 1977–1980, Volume XVIII, Middle East Region; Arabian Peninsula*, Document 255, September 9, 1978.

<sup>115</sup> President Jimmy Carter, State of the Union Address, January 23, 1980.

<sup>116</sup> President Ronald Reagan, The President’s News Conference, October 1, 1981, in U.S. GPO, Public Papers of the Presidents of the United States, Ronald Reagan, January 20 to December 31, 1981.

<sup>117</sup> President George H.W. Bush, “Address to the Nation Announcing the Deployment of United States Armed Forces to Saudi Arabia,” August 8, 1990.



Arabia” following an Iran-linked attack on Saudi oil infrastructure.<sup>118</sup> President Donald Trump said, “You read where we’re sending some troops to Saudi Arabia. That’s true. Because we want to help Saudi Arabia. They have been a very good ally. They’ve agreed to pay for the cost of those troops. They’ve agreed to pay fully for the cost of everything we’re doing over there.... Saudi Arabia is paying for 100 percent of the cost, including the cost of our soldiers. And that negotiation took a very short time—like, maybe, about 35 seconds.”<sup>119</sup>

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<sup>118</sup> U.S. Department of Defense, “DOD Statement on Deployment of Additional U.S. Forces and Equipment to the Kingdom of Saudi Arabia,” October 11, 2019.

<sup>119</sup> Glenn Kessler, “Trump’s claim the Saudis will pay ‘100 percent of the cost,’” *Washington Post*, October 21, 2019.

## Appendix C. Saudi Arabia and Israel: From Rejection to Conditional Normalization

Saudi Arabia has a long history of formal opposition to Israel and its actions in the region. Saudi Arabia joined other Arab states in contesting the UN partition plan for the British Mandate in Palestine and refused to recognize Israel's declaration of independence in May 1948. The kingdom sent a small military force to participate in the 1948 Arab-Israeli war; a contingent of Saudi forces remained in Egypt afterward. Israel and Saudi Arabia both opposed Egypt's military support to anti-royalist forces in Yemen during the 1960s. A small number of Saudi troops deployed in Jordan following the 1967 Arab-Israeli war, and a small number of Saudi forces were deployed to the Syrian-Israeli front during the 1973 Arab-Israeli war. Saudi Arabia imposed temporary oil export embargoes on countries providing military support to Israel, including the United States, in conjunction with the 1967 and 1973 wars. In the latter case, the Saudi-led oil embargo led to fundamental changes in world energy markets and contributed to economic disruptions in the United States and other oil consuming countries.

Following the 1973 war, the kingdom in 1974 recognized the Palestine Liberation Organization as the political representative of the Palestinian people. Amid U.S.-supported Arab-Israeli peace initiatives in the 1970s, Saudi leaders engaged the United States and fellow Arab governments in private, high-level discussions over possible terms for peace and normalization with Israel. Saudi leaders expressed support for U.S.-led peace efforts and told U.S. officials they were encouraging other Arab governments and Palestinian leaders to engage in similar talks and back U.S. initiatives. Following the signing of the peace treaty between Egypt and Israel in 1979, Saudi Arabia joined other League of Arab States (LAS, Arab League) members in withdrawing its ambassador from Egypt and publicly expressing opposition to the treaty. However, Saudi officials had privately assured U.S. officials of their support and remained engaged in private talks with the United States and other Arab states on regional peace.<sup>120</sup>

In 1981, Saudi Arabia's then-Crown Prince Fahd bin Abd al Aziz Al Saud publicly stated eight "guidelines toward a just settlement" of the Palestinian issue. Among those guidelines was an "affirmation of the right of all states in the region to live in peace."<sup>121</sup> This provision's implied recognition of the state of Israel and its suggestion of conditional normalization proved controversial among some other Arab governments who rejected the idea of future peace with Israel. The provision was amended when the Arab League adopted a version of the Saudi-proposed guidelines at its 1982 Fez summit to call for, "The establishment by the United Nations Security Council of guarantees of peace between all States of the region, including the independent Palestinian State."<sup>122</sup>

Saudi officials remained vocal supporters of the Palestinian cause through the ensuing decades, and recognized the Palestinian declaration of statehood in November 1988. Saudi Arabia participated in the 1991 Madrid peace talks and remained engaged with U.S. officials in private discussions about regional peace and the Israeli-Palestinian conflict. The Saudi government provided financial support to various Palestinian organizations and causes during this period and encouraged and facilitated similar support by Saudi nationals through public and private

<sup>120</sup> U.S. Department of State, Office of the Historian, "Memorandum of Conversation, Riyadh," March 17, 1979, in *FRUS, Arab-Israeli Dispute August 1978– December 1980, Volume IX*.

<sup>121</sup> U.S. Foreign Broadcast Information System (FBIS), LD072355, "Saudi Crown Prince Fahd on peace," August 6, 1981.

<sup>122</sup> UN Document A/37/696-S/15510, "Letter dated 3 December 1982 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General," December 15, 1982.

channels. The U.S. government and Saudi officials have acknowledged some Saudi nationals' past financial support to Hamas.<sup>123</sup>

During the heightened violence of the second Palestinian intifada (or uprising) and resulting Israeli military operations of the early 2000s (and in the wake of the September 11, 2001, terrorist attacks on the United States), Saudi Arabia revisited and restated its guidelines for peace and normalization. In February 2002, Saudi Crown Prince Abdullah bin Abd al Aziz Al Saud discussed possible terms for normalization with Israel in an interview with the *New York Times*.<sup>124</sup> In March 2002, the Arab League adopted a version of the Saudi proposal as the Arab Peace Initiative.<sup>125</sup> The initiative called on Israel to withdraw from territories occupied after June 4, 1967, to support a "just and agreed" solution for Palestinian refugees, and to accept the establishment of an independent and sovereign Palestinian state in the West Bank and Gaza with its capital in East Jerusalem in exchange for Arab states then considering the Arab-Israeli conflict "at an end," entering into "a peace agreement," and establishing "normal relations with Israel in the context of this comprehensive peace."

Other Arab governments' decisions to normalize relations with Israel in the context of the U.S.-supported Abraham Accords during the Trump Administration reflected a departure from the 2002 Arab League consensus position, but Saudi Arabia did not publicly oppose or demonstrably seek to undermine others' engagement in the accords. In an interview published in March 2022, Crown Prince Mohammed bin Salman said, "We look at Israel as a potential ally but before that it should solve its problems with the Palestinians."<sup>126</sup>

Following the Biden Administration's reengagement with Saudi Arabia in mid-2022, public speculation about possible Saudi-Israeli normalization grew in the context of reports that the Biden Administration was engaging in talks with Saudi counterparts about bilateral agreements to incentivize progress in that direction. President Biden has stated his view that the Hamas-led terrorist attacks on Israel in October 2023 may have been intended to preempt or undermine Saudi-Israeli normalization.<sup>127</sup> The attacks and ensuing Israel-Hamas conflict have likely led U.S., Israeli, and Saudi parties to reexamine their priorities with regard to normalization and what may follow the conflict's end.

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<sup>123</sup> In its annual report on terrorism for the year 2001 (Patterns of Global Terrorism, 2001), the State Department noted that Hamas received funding from "private benefactors in Saudi Arabia and other moderate Arab states." The 2002 and 2003 editions of the report did not mention Saudi Arabia as a specific source of funding for Hamas. The State Department's 2005 Country Reports on Terrorism (released in March 2006) indicated that "private benefactors in Saudi Arabia and other Arab states" remained a primary source of funding for Hamas. In 2003, a Saudi spokesperson said he considered it "very likely" that "some Saudi individuals" had provided financial support to Hamas. AFP, "Saudi Official Condemns Terrorism, But Not Hamas," June 12, 2003.

<sup>124</sup> Thomas Friedman, "An Intriguing Signal from the Saudi Crown Prince," *New York Times*, February 17, 2002.

<sup>125</sup> UN Document A/56/1026-S/2002/932, "Letter dated 24 April 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General," August 15, 2002.

<sup>126</sup> Al Arabiya, "Saudi Arabia open to full ties with Israel, on condition of Palestine state: Saudi FM," December 5, 2020.

<sup>127</sup> The White House, "Remarks by President Biden at a Campaign Reception," October 20, 2023.

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