

THE UNITED STATES AND SAUDI ARABIA: A POSSIBLE PATH FORWARD

BY BRADLEY BOWMAN, ORDE KITTRIE, AND RYAN BROBST

APRIL 28, 2023

The United States and Saudi Arabia are at a crossroads. The decades-long arrangement in which the United States essentially guaranteed Saudi security in return for the reliable export of oil may be on the ropes. Much of Washington is eager to downsize its commitments in the Middle East to focus on the People’s Republic of China (PRC) and the Indo-Pacific. Meanwhile, Riyadh, for its part, is contending with a deteriorating regional security environment and declining trust in American security assurances. Saudi Arabia now reportedly seeks security guarantees from the United States, reliable and expeditious access to American weapons, and U.S. cooperation with a civilian nuclear program, including Saudi enrichment of uranium.¹

The Biden administration will likely be unable to agree to Riyadh’s requests without congressional acquiescence, which seems unlikely owing to anti-Saudi sentiment among some members of Congress. Riyadh is therefore increasingly sidling up to Beijing.² It is not clear whether Riyadh realizes that this strategy risks sending already-strained U.S.-Saudi relations into a freefall. Americans of both parties increasingly believe that countries that “side” with the Chinese Communist Party (CCP) are not America’s friends (or partners).

So, what comes next? Should the two countries go their separate ways, accepting a strategic divorce? Or is there a path forward to put the relationship on a firmer footing and perhaps move toward a strategic partnership agreement that would be consistent with American interests and address key Saudi concerns? What could such an agreement look like?

Attempting to answer or at least explore those questions is the purpose of this memo, which is organized into three sections. The first section describes the strategic context for the bilateral relationship by detailing what appear to be the key priorities and concerns in both capitals, summarizing the essential problems in the relationship, and highlighting the role of the People’s Republic of China — the elephant (or dragon) in the room. Despite the differences and disagreements between the United States and Saudi Arabia, the second section attempts to identify

.....
1. Dion Nissenbaum, Dov Lieber, and Stephen Kalin, “Saudi Arabia Seeks U.S. Security Pledges, Nuclear Help for Peace With Israel,” *The Wall Street Journal*, March 9, 2023. (<https://www.wsj.com/articles/saudi-arabia-seeks-u-s-security-pledges-nuclear-help-for-peace-with-israel-cd47baaf>)

2. Edward Wong, Vivian Nereim, and Kate Kelly, “Inside Saudi Arabia’s Global Push for Nuclear Power,” *The New York Times*, April 1, 2023. (<https://www.nytimes.com/2023/04/01/us/politics/saudi-arabia-nuclear-biden-administration.html>); Stephen Kalin and Summer Said, “Saudi Crown Prince Test Drives Nonaligned Foreign Policy,” *The Wall Street Journal*, March 14, 2023. (<https://www.wsj.com/articles/saudi-crown-prince-test-drives-nonaligned-foreign-policy-450ddefb?st=88mjhtal7if0j4>)

common objectives that the two governments share or around which they could at least build bilateral consensus. The final section analyzes seven areas that could perhaps constitute a U.S.-Saudi Arabia strategic partnership agreement that would serve American interests, address key Saudi objectives, and garner support in both capitals. Those areas include: security assurances and cooperation; preventing a nuclear-armed Iran; arms transfers; oil, gas, and petrochemicals; nuclear energy; terrorism; and human rights.

THE STRATEGIC CONTEXT

To make sense of what is happening in Washington with respect to Riyadh, one must take into account the People's Republic of China. In the United States, a bipartisan consensus has emerged that Beijing represents the preeminent threat to the United States. "The PRC is the only competitor with both the intent to reshape the international order and, increasingly, the economic, diplomatic, military, and technological power to do it," the Biden administration declared in its 2022 National Security Strategy.³ "The most comprehensive and serious challenge to U.S. national security is the PRC's coercive and increasingly aggressive endeavor to refashion the Indo-Pacific region and the international system to suit its interests and authoritarian preferences," the Pentagon assessed in its National Defense Strategy that same year.⁴

Lest international observers, including those in Riyadh, think this focus on China is a passing partisan fad that will dissipate when a Republican occupies the White House, it is worth noting that these assessments regarding the threat from the PRC are remarkably aligned with the Trump administration's 2017 National Security Strategy and the 2018 National Defense Strategy.⁵

Indeed, it is difficult to identify a topic in U.S. foreign policy and national security thinking that enjoys more consensus among Americans. According to a Pew Research Center poll published on April 12, 2023, 83 percent of U.S. adults expressed an unfavorable view of China, including 44 percent who have a *very* unfavorable view. Republican and Republican-leaning independents (89 percent) were only slightly more negative toward China than Democrats and Democratic-leaning independents (81 percent).⁶

This bipartisan alignment⁷ regarding the threat from China has been on full display in the recent hearings of the Select Committee on the Chinese Communist Party (CCP), led by Chairman Mike Gallagher (R-WI) and Ranking Member Raja Krishnamoorthi (D-IL).⁸ This negative view of China that spans the American political divide influences virtually every foreign policy and national security issue Washington considers. That encompasses most bilateral relationships the United States manages, including the relationship with Saudi Arabia.

.....
3. The White House, "National Security Strategy of the United States of America," October 2022. (<https://www.whitehouse.gov/wp-content/uploads/2022/10/Biden-Harris-Administrations-National-Security-Strategy-10.2022.pdf>)

4. Department of Defense, "National Defense Strategy of the United States of America," 2022. (<https://media.defense.gov/2022/Oct/27/2003103845/-1/-1/1/2022-NATIONAL-DEFENSE-STRATEGY-NPR-MDR.PDF>)

5. White House, "National Security Strategy of the United States of America," December 2017. (<https://trumpwhitehouse.archives.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf>); Department of Defense, "National Defense Strategy of the United States of America," 2018. (<https://dod.defense.gov/Portals/1/Documents/pubs/2018-National-Defense-Strategy-Summary.pdf>)

6. Laura Silver, Christine Huang, Laura Clancy, and Moira Fagan, "Americans Are Critical of China's Global Role – as Well as Its Relationship With Russia," *Pew Research Center*, April 12, 2023. (<https://www.pewresearch.org/global/2023/04/12/americans-are-critical-of-chinas-global-role-as-well-as-its-relationship-with-russia>)

7. Admittedly, there is some nuance between the parties when it comes to areas of focus and how to respond.

8. "The Select Committee on the Chinese Communist Party," *The Select Committee on the Chinese Communist Party*, accessed April 26, 2023. (<https://selectcommitteeontheccp.house.gov>)

The primary effect has been to incentivize decision makers in Washington to minimize the investment of finite military resources in the Middle East so that the Department of Defense can conduct its belated and vital modernization effort and better deter aggression in the Indo-Pacific. This impulse is grounded in sound strategic thinking. The essence of strategy, after all, is the coordination of ends and means and the realization that resources are not infinite. If the PRC is the leading threat and that threat is most acute in the Indo-Pacific,⁹ then risks must inevitably be taken elsewhere (and mitigated as best as possible).

Accordingly, the United States has reduced its military posture in the Middle East in recent years. The number of U.S. troops in the Central Command (CENTCOM) area of operations is down 85 percent from its 2008 peak.¹⁰ That is mostly due to the fact that only about 2,500 U.S. troops remain in Iraq, down from a peak of over 170,000 U.S. troops there in 2007.¹¹ It is also due, of course, to the fact that no American forces remain in Afghanistan following the 2021 withdrawal. Approximately 100,000 U.S. troops were there in 2011.¹²

This reduction in U.S. forces aligns with the prevailing zeitgeist in the United States. The negative experiences in Iraq and Afghanistan are still fresh for many Americans. They are often cited by U.S. military leaders as the reason why the American military is playing catch-up with the Chinese threat.¹³ A significant portion of the Pentagon is eager to make the long-awaited “pivot to Asia.” Meanwhile, longtime proponents of American military withdrawals from the Middle East on the far left and in the libertarian right are happy to welcome some hawkish and centrist Americans to the fold, helping to form a potent coalition pushing for retrenchment.

While these sentiments are understandable on some level, there are a few problems with them. First, the United States retains important national security interests in the wider Middle East, including the need to work with partners there to keep pressure on terror groups so they cannot regain strength and attack Americans and our homeland.¹⁴ The United States also has a vital interest in countering nuclear proliferation in the region, especially in preventing the Islamic Republic of Iran from acquiring a nuclear weapon and avoiding the potential proliferation cascade an Iranian nuclear bomb could cause.¹⁵ Other important interests include ensuring Israel has the means to defend itself and securing the freedom of navigation and reliable energy exports that are fundamental to the security and prosperity of the U.S. and its allies.

.....
9. The White House, “Indo-Pacific Strategy of the United States,” February 2022. (<https://www.whitehouse.gov/wp-content/uploads/2022/02/U.S.-Indo-Pacific-Strategy.pdf>); Bradley Bowman, “Words and Actions in the Taiwan Strait,” *Foreign Podicy*, September 9, 2022. (<https://www.fdd.org/podcasts/2022/09/09/words-and-actions-in-the-taiwan-strait>)

10. General Michael Kurilla, “Statement For The Record General Michael ‘Erik’ Kurilla Commander, US Central Command Before The Senate Armed Services Committee On The Posture Of US Central Command, *Testimony before the Senate Armed Services Committee*, March 13, 2023. (https://www.armed-services.senate.gov/imo/media/doc/Kurilla_SASC_Posture_Final_141200March2023.pdf)

11. Amy Belasco, “Troop Levels in the Afghan and Iraq Wars, FY2001-FY2012: Cost and Other Potential Issues,” *Congressional Research Service*, July 2, 2009. (<https://sgp.fas.org/crs/natsec/R40682.pdf>)

12. Heidi M. Peters, “Department of Defense Contractor and Troop Levels in Afghanistan and Iraq: 2007-2020,” *Congressional Research Service*, February 22, 2021. (<https://sgp.fas.org/crs/natsec/R44116.pdf>)

13. Bradley Bowman, “Deterring Aggression in the Pacific: A Conversation with General Kenneth S. Wilsbach,” *Foreign Podicy*, April 14, 2023. (<https://www.fdd.org/podcasts/2023/04/14/deterring-aggression-in-the-pacific-a-conversation-with-general-kenneth-s-wilsbach>)

14. The premature 2011 withdrawal from Iraq catalyzed a series of events that resulted in the ISIS caliphate and forced the U.S. military to return in 2014 at a greater cost.

15. United States Senate Committee on Foreign Relations, “Chain Reaction: Avoiding A Nuclear Arms Race in The Middle East,” February 2008. (https://irp.fas.org/congress/2008_rpt/chain.pdf)

Therein lies the fundamental challenge. While the United States must strengthen its posture and capabilities in the Indo-Pacific, significant additional military posture reductions in the Middle East could deprive CENTCOM of the means to secure these interests, increasing the chances that smaller problems will become bigger crises, potentially forcing Washington to send larger numbers of U.S. military forces back to the Middle East in the future.¹⁶ That is exactly what happened after the 2011 withdrawal from Iraq, which ignored conditions on the ground and the advice of commanders.¹⁷

That is not an argument for sending tens of thousands of American servicemembers back to the Middle East. It is, however, an argument for maintaining what the military calls an “economy-of-force posture” in the region, strengthening partners, building a combined security architecture (for which Saudi Arabia would be central), and scrutinizing any further proposed withdrawals. After all, as former Secretary of Defense Leon Panetta wrote, “we must also apply the same scrutiny to withdrawals” as we do deployments.¹⁸

Regardless of American force posture, Washington is eager to avoid any new major conflicts in the Middle East. A major new war in the Middle East could deal a body blow to American efforts to deter China in the Indo-Pacific. The paradox, however, is that when adversaries know the United States will do almost anything to avoid military conflict, it simply invites more aggression and can increase the chances of a conflict Washington seeks to avoid.

Another problem with some of the arguments in favor of deeper cuts to U.S. military posture in the Middle East is that they fail to recognize that U.S. competition with the PRC is unfolding around the globe, including in the Middle East.¹⁹ The great irony, therefore, is that while the United States is pulling military forces out of the Middle East to compete with the PRC, Beijing is increasingly moving *into* the Middle East.²⁰ Indeed, if additional American forces depart the region, those smiling and waving goodbye most enthusiastically, other than perhaps the Iranians, will be the Chinese. The primary flow of personnel from Beijing to the Middle East has consisted of diplomats and businesspeople, but Chinese arms sales and security cooperation in the region are increasing.

Many of America’s partners in the Middle East, including the Saudis, now believe the United States is a strong power acting like a weak one and that Washington is interested in little more than finding the nearest exit.²¹ Meanwhile, even as American security assurances seem less reliable, Iran is advancing toward a nuclear weapon, doubling down

.....
16. Bradley Bowman, “To Succeed in Competition with China, Don’t Abandon the Middle East,” *Foundation for Defense of Democracies*, September 10, 2020. (<https://www.fdd.org/analysis/2020/09/10/competition-china-dont-abandon-middle-east>)

17. Bradley Bowman and Leon Panetta, “Defending Forward: Securing America by Projecting Military Power Abroad,” *Foundation for Defense of Democracies*, December 15, 2020. (<https://www.fdd.org/analysis/2020/12/15/defending-forward>)

18. Ibid.

19. Bradley Bowman, Zane Zovak, Ryan Brobst, and Behnam Ben Taleblu, “With US distracted, Tehran and Beijing tighten embrace in the Middle East,” *Breaking Defense*, June 3, 2022. (<https://breakingdefense.com/2022/06/with-us-distracted-tehran-and-beijing-tighten-embrace-in-the-middle-east>)

20. Bradley Bowman and Zane Zovak, “Biden Can No Longer Ignore Growing Iran-China Ties,” *Foreign Policy*, January 13, 2022. (<https://foreignpolicy.com/2022/01/13/iran-china-biden-gulf-security-military>)

21. Jonathan Panikoff, “Shifting Priorities: The US and the Middle East in a multipolar world,” *Atlantic Council*, July 12, 2022. (<https://www.atlanticcouncil.org/in-depth-research-reports/shifting-priorities-the-us-and-the-middle-east-in-a-multipolar-world>)

on its decades-long asymmetrical strategy of terrorism, and bolstering its drone and missile arsenal.²² These twin perceptions of increased threat and a less reliable United States are heightening Saudi Arabia's sense of insecurity.²³

American military power (both deployed forces and the availability of rapid reinforcements) remains unmatched in the Middle East, but past experiences may leave Riyadh wondering whether the United States will actually employ its military strength when push comes to shove. In June 2019, when Iran shot down a U.S. Global Hawk surveillance drone worth over \$100 million, the Trump administration aborted a military response.²⁴ A few months later, in September, when Tehran struck Saudi oil infrastructure at Abqaiq and Khurais with a combination of drones and cruise missiles, the United States again did not respond with military force.

To be fair, after the Abqaiq attacks, Washington deployed equipment and personnel to Saudi Arabia to bolster capabilities and deter future attacks,²⁵ but the United States did not respond kinetically.²⁶ Abdulkhaleq Abdulla, a prominent political scientist in the United Arab Emirates (UAE), called the lack of response “an utter failure and utter disappointment.”²⁷ American inaction left Riyadh asking fundamental questions about the reliability of American security assurances.²⁸

The United States now risks being viewed as something akin to a bodybuilder who looks tough in the gym but is reluctant to throw a punch on the street. Neighborhood thugs soon learn not to fear him, despite his foreboding appearance.

Recent events risk confirming such a narrative. U.S. Defense Secretary Lloyd Austin told Congress in March that Iran-backed groups had struck U.S. positions in Syria and Iraq 83 times since January 2021 — with only four U.S.

22. Behnam Ben Taleblu, “Arsenal: Assessing the Islamic Republic of Iran’s Ballistic Missile Program,” *Foundation for Defense of Democracies*, February 15, 2023. (<https://www.fdd.org/analysis/2023/02/15/arsenal-assessing-the-islamic-republic-of-irans-ballistic-missile-program>)

23. Steven A. Cook and Martin S. Indyk, “The Case for a New U.S.-Saudi Strategic Compact,” *Council on Foreign Relations*, June 2022. (<https://www.cfr.org/report/case-new-us-saudi-strategic-compact>)

24. Nasser Karimi and Jon Gambrell, “Iran shoots down US surveillance drone, heightening tensions,” *Associated Press*, June 20, 2019. (<https://apnews.com/article/strait-of-hormuz-donald-trump-ap-top-news-tehran-international-news-e4316eb989d5499c9828350de8524963>)

25. Heather L. Greenley, Christopher M. Blanchard, and Michael Ratner, “Attacks on Saudi Oil Facilities: Effects and Responses,” *Congressional Research Service*, October 1, 2019. (<https://crsreports.congress.gov/product/pdf/IN/IN11173>)

26. On January 3, 2020 — almost four months later — the United States conducted a strike that killed Islamic Revolutionary Guard Corps Quds Force Commander Qassem Soleimani. This attack may have belatedly restored some level of American deterrence against Iran, but it is worth noting that Iran responded a few days later by firing a salvo of missiles into Iraq at bases housing U.S. troops. More than 100 Americans suffered traumatic brain injuries — and the United States did not respond with military force. Barbara Starr, “Over 100 US troops have been diagnosed with traumatic brain injuries following Iran strike,” *CNN*, February 10, 2020. (<https://www.cnn.com/2020/02/10/politics/traumatic-brain-injuries-iran-strike/index.html>)

27. David D. Kirkpatrick and Ben Hubbard, “Attack on Saudi Oil Facilities Tests U.S. Guarantee to Defend Gulf,” *The New York Times*, September 19, 2019. (<https://www.nytimes.com/2019/09/19/world/middleeast/saudi-iran-attack-oil.html>)

28. Seth J. Frantzman, “Are air defense systems ready to confront drone swarms?” *Defense News*, September 26, 2019. (<https://www.defensenews.com/global/mideast-africa/2019/09/26/are-air-defense-systems-ready-to-confront-drone-swarms>); David Reid, “Saudi Aramco reveals attack damage at oil production plants,” *CNBC*, September 21, 2019. (<https://www.cNBC.com/2019/09/20/oil-drone-attack-damage-revealed-at-saudi-aramco-facility.html>); Stephen Kalin and Summer Said, “Saudi Crown Prince Test Drives Nonaligned Foreign Policy,” *The Wall Street Journal*, March 14, 2023. (<https://www.wsj.com/articles/saudi-crown-prince-test-drives-nonaligned-foreign-policy-450ddefb?st=88mjhpatal7if0j4>)

responses.²⁹ That approach seems tailor-made to invite more attacks and to leave Washington's Arab partners with a growing feeling of insecurity. Exacerbating matters, Riyadh has encountered delays and difficulties in procuring American weapons to defend itself.

To address this growing sense of insecurity, Riyadh appears to be seeking three things. The first is "firm guarantees that the U.S. will come to the kingdom's defense when needed," according to a March 9, 2023, *Wall Street Journal* report.³⁰ The second is more reliable and expeditious access to American weapons.³¹ Third, Riyadh wants U.S. support for a civilian nuclear program, which would include Saudi enrichment of uranium.³²

The problem for the Saudis is that in order for the administration to accommodate these three objectives, Congress must acquiesce. That is virtually impossible right now, given current sentiment on Capitol Hill stemming from grievous Saudi actions on the battlefield in Yemen as well as the murder of Saudi dissident Jamal Khashoggi in Turkey in 2018.

Frustrated, Riyadh is increasingly turning to China in a variety of areas. In recent years, Saudi Arabia has purchased weapons from China after the United States declined to sell certain systems. Saudi Arabia, for example, ordered hundreds of Chinese Wing Loong II drones in 2017.³³ Saudi Arabia has also signed partnerships³⁴ with Chinese state-owned firms to design and manufacture other drones on Saudi soil. And satellite imagery obtained by CNN³⁵ in 2021 revealed that Saudi Arabia was manufacturing ballistic missiles domestically with Chinese help.

On the nuclear front, Riyadh and Beijing have reportedly signed several agreements related to civil nuclear collaboration.³⁶ China is reportedly helping Saudi Arabia identify and map its mineable uranium ore deposits.³⁷

29. Jeff Schogol, "Iran has attacked US troops 83 times since Biden became president," *Task and Purpose*, March 28, 2023. (<https://taskandpurpose.com/news/iran-attacks-us-military-iraq-syria-biden>)

30. Dion Nissenbaum, Dov Lieber, and Stephen Kalin, "Saudi Arabia Seeks U.S. Security Pledges, Nuclear Help for Peace With Israel," *The Wall Street Journal*, March 9, 2023. (<https://www.wsj.com/articles/saudi-arabia-seeks-u-s-security-pledges-nuclear-help-for-peace-with-israel-cd47baaf>)

31. Abigail Ng, "Saudi prince says the U.S. should not withdraw Patriot missiles from Saudi Arabia," *CNBC*, September 13, 2021. (<https://www.cnn.com/2021/09/09/saudi-prince-us-should-not-pull-patriot-missiles-from-saudi-arabia.html>)

32. Dion Nissenbaum, Dov Lieber, and Stephen Kalin, "Saudi Arabia Seeks U.S. Security Pledges, Nuclear Help for Peace With Israel," *The Wall Street Journal*, March 9, 2023. (<https://www.wsj.com/articles/saudi-arabia-seeks-u-s-security-pledges-nuclear-help-for-peace-with-israel-cd47baaf>)

33. Chen Chuanren and Chris Pocock, "Saudi Arabia Buying and Building Chinese Armed Drones," *Aviation International News*, April 12, 2017. (<https://www.ainonline.com/aviation-news/defense/2017-04-12/saudi-arabia-buying-and-building-chinese-armed-drones>)

34. Dominic Dudley, "How China Is Fueling The Arms Race In Drones In The Middle East," *Forbes*, December 17, 2018. (<https://www.forbes.com/sites/dominicdudley/2018/12/17/china-fueling-drones-arms-race-middle-east/?sh=3c70c6394bb4>)

35. Zachary Cohen, "US intel and satellite images show Saudi Arabia is now building its own ballistic missiles with help of China," *CNN*, December 23, 2021. (<https://www.cnn.com/2021/12/23/politics/saudi-ballistic-missiles-china/index.html>)

36. Mordechai Chaziza, "Saudi Arabia's Nuclear Program and China," *Middle East Institute*, August 18, 2020. (<https://www.mei.edu/publications/saudi-arabias-nuclear-program-and-china>); Warren P. Strobel, Michael R. Gordon, and Felicia Schwartz, "Saudi Arabia, With China's Help, Expands Its Nuclear Program," *The Wall Street Journal*, August 4, 2020. (<https://www.wsj.com/articles/saudi-arabia-with-chinas-help-expands-its-nuclear-program-11596575671>)

37. Edward Wong, Vivian Nereim, and Kate Kelly, "Inside Saudi Arabia's Global Push for Nuclear Power," *New York Times*, April 1, 2023. (<https://www.nytimes.com/2023/04/01/us/politics/saudi-arabia-nuclear-biden-administration.html>)

Unconfirmed reports also suggest that China has helped the Saudis construct a milling facility for extracting yellowcake from uranium ore.³⁸

In the diplomatic domain, China brokered a deal between Saudi Arabia and Iran in March 2023 to restore relations.³⁹ Later last month, Saudi Arabia's cabinet approved a decision to join the China-dominated Shanghai Cooperation Organization,⁴⁰ a clear step away from Washington and toward Beijing.

As troubling as these steps are from an American perspective, it seems unlikely that Riyadh has made an irreversible decision to break with the United States and to fully align with Beijing. Instead, Riyadh may be pursuing a strategy to foster substantive relations with both Washington and Beijing while using growing ties with Beijing to elicit maximum concessions from the United States — all the while maintaining the strategic partnership with Washington.

Summarizing the private comments of Saudi officials to them, *Wall Street Journal* correspondents Stephen Kalin and Summer Said wrote on March 14, 2023, that “the crown prince has said he expects that by playing major powers against each other, Saudi Arabia can eventually pressure Washington to concede to its demands for better access to U.S. weapons and nuclear technology.”⁴¹ That is consistent with recent comments he made to Graeme Wood, a staff writer for *The Atlantic*. “Where is the potential in the world today?” the crown prince asked rhetorically. Answering his own question, he said, “It’s in Saudi Arabia. And if you want to miss it, I believe other people in the East are going to be super happy.”⁴²

Regardless, Riyadh's moves toward Beijing could backfire in Washington — and badly. As detailed above, Americans of both parties increasingly believe that countries that cross certain lines with the CCP cannot be America's partners. It is also unclear whether Riyadh realizes that the PRC utterly lacks both the political will and the military capability to replace the United States when it comes to countering the Iranian threat. Based on that reality, Riyadh may want to pause before taking any additional major steps toward the PRC that risk further aggravating Saudi Arabia's most powerful partner.

Despite strained relations — and despite changes in world politics and energy markets in recent years — Saudi Arabia and the United States still need each other. “The United States needs a responsible Saudi partner, and Saudi Arabia needs a reliable U.S. one,” Steven Cook and Martin Indyk wrote in a Council on Foreign Relations report published in June 2022.⁴³ A new U.S.-Saudi Arabia strategic partnership agreement is needed. The question is where to begin and what might such an agreement look like.

.....
38. Edward Wong, Vivian Nereim, and Kate Kelly, “Inside Saudi Arabia's Global Push for Nuclear Power,” *The New York Times*, April 1, 2023. (<https://www.nytimes.com/2023/04/01/us/politics/saudi-arabia-nuclear-biden-administration.html>); Warren P. Strobel, Michael R. Gordon, and Felicia Schwartz, “Saudi Arabia, With China's Help, Expands Its Nuclear Program,” *The Wall Street Journal*, August 4, 2020. (<https://www.wsj.com/articles/saudi-arabia-with-chinas-help-expands-its-nuclear-program-11596575671>)

39. Peter Baker, “Chinese-Brokered Deal Upends Mideast Diplomacy and Challenges U.S.,” *The New York Times*, March 11, 2023. (<https://www.nytimes.com/2023/03/11/us/politics/saudi-arabia-iran-china-biden.html>)

40. Ruxandra Iordache, “Saudi Arabia takes step to join China-led security bloc, as ties with Beijing strengthen,” *CNBC*, March 29, 2023. (<https://www.cnbc.com/2023/03/29/saudi-arabia-takes-step-to-join-china-led-security-bloc-as-ties-with-beijing-strengthen.html>)

41. Stephen Kalin and Summer Said, “Saudi Crown Prince Test Drives Nonaligned Foreign Policy,” *The Wall Street Journal*, March 14, 2023. (<https://www.wsj.com/articles/saudi-crown-prince-test-drives-nonaligned-foreign-policy-450ddefb?st=88mjhptal7if0j4>)

42. Graeme Wood, “Absolute Power,” *The Atlantic*, March 3, 2022. (<https://www.theatlantic.com/magazine/archive/2022/04/mohammed-bin-salman-saudi-arabia-palace-interview/622822>)

43. Steven A. Cook and Martin S. Indyk, “The Case for a New U.S.-Saudi Strategic Compact,” *Council on Foreign Relations*, June 2022. (<https://www.cfr.org/report/case-new-us-saudi-strategic-compact>)

COMMON OBJECTIVES: A PLACE TO BEGIN

To put relations on a firmer footing, and perhaps move toward some sort of a strategic partnership agreement, it may be helpful to identify a few shared objectives around which Washington and Riyadh could build bilateral consensus.

Much of the suggestions below are informed by the July 15, 2022, “Jeddah Communique: A Joint Statement Between the United States of America and the Kingdom of Saudi Arabia,” which was issued by the two countries during President Biden’s visit to Saudi Arabia.

Both governments:

- **Value their longstanding and strategic security and energy partnership.** Saudi Arabia and the United States have both benefited from their longstanding partnership, which fulfills vital interests for both governments. Saudi Arabia has benefited tangibly from U.S. security assistance and military power, and the United States and allied economies continue to benefit from Saudi Arabian oil, particularly when the Saudi government is willing to coordinate on oil price and supply issues. Both governments are committed to fostering a stable global energy market.⁴⁴
- **Oppose aggression and terrorism.** The two governments seek to deter Iranian aggression in the Middle East while advancing toward a more peaceful, secure, prosperous, and stable region. Both governments have a shared national security interest in “countering violent extremist propaganda.”⁴⁵
- **Oppose armed attacks on Saudi Arabia.** Both governments have political, security, and economic interests in peace and stability in Saudi Arabia as well as adjacent international airspace and waters. Washington has long articulated that an armed attack against Saudi Arabia is a threat to important U.S. interests.
- **Support strengthening Saudi Arabia’s means of self-defense.** Both governments seek to strengthen Saudi Arabia’s military capabilities to deter aggression and operate more effectively with U.S. forces.⁴⁶ The two governments aim to strengthen Saudi Arabia’s ability to detect and defeat cyber, missile, drone, or maritime attacks on the kingdom. Washington and Riyadh both seek to establish a regional multilateral security architecture in which Saudi Arabia would play a leading role.
- **Oppose a nuclear-armed Iran and Iranian-supported terrorism.** Both governments oppose Iran acquiring nuclear weapons and have opposed Iran’s systematic campaign of aggression and destabilizing activities, whether undertaken directly or through Iranian-supported terrorist organizations or other proxies.⁴⁷
- **Support retaining a sufficient U.S. military posture in the Middle East.** Understanding that America has global commitments and interests, both governments have asserted that the United States should retain sufficient

.....
44. The White House, “The Jeddah Communique: A Joint Statement Between the United States of America and the Kingdom of Saudi Arabia,” July 15, 2022. (<https://www.whitehouse.gov/briefing-room/statements-releases/2022/07/15/the-jeddah-communique-a-joint-statement-between-the-united-states-of-america-and-the-kingdom-of-saudi-arabia>)

45. Ibid.

46. Ibid.

47. Ibid.

military posture in the Middle East that Washington could quickly reinforce to promote regional security and defeat aggression.⁴⁸

- **Seek peace in Yemen and a durable end to attacks emanating from there.** Both governments seek a durable peace in Yemen and a permanent end to attacks on Saudi Arabia emanating from Yemen.⁴⁹ Washington and Riyadh oppose illicit weapon shipments to Yemen, which enable attacks on Saudi Arabia, fuel conflict, and inhibit peace — deepening and extending the tragic humanitarian crisis in Yemen.
- **Support the goals and objectives of Vision 2030.** Both governments have asserted that Saudi Arabia’s Vision 2030 is a positive effort to modernize and diversify the Saudi economy.⁵⁰

TOWARD A U.S.-SAUDI STRATEGIC PARTNERSHIP AGREEMENT?

Despite these common objectives, negotiating a comprehensive and substantive strategic partnership agreement between the United States and Saudi Arabia may be challenging under the current circumstances. But there are compelling reasons for the two countries to avoid the temptation to throw up their hands and walk away.

In that spirit, this section attempts to identify key elements that could perhaps be included in a strategic partnership agreement that might serve American interests and address key Saudi objectives. Admittedly, both governments may need to abandon some maximalist demands and make difficult compromises. But if sufficient political will exists, a combination of the elements below could help to form an agreement.

An executive agreement along the lines of the proposals below need not be a treaty. Such provisions need not require Senate advice and consent or any other congressional action. Further-reaching commitments by the United States (presumably in exchange for further-reaching commitments by Saudi Arabia) could be included in a subsequent U.S.-Saudi treaty or other agreement requiring congressional action. The key areas explored are: security assurances and cooperation; preventing a nuclear-armed Iran; arms sales; oil, gas, and petrochemicals; nuclear energy; terrorism; and human rights.

SECURITY ASSURANCES AND COOPERATION

According to published analysis by various experts, the Saudis may desire a written agreement defining U.S. commitments in the event that Saudi Arabia is attacked.⁵¹ The preeminent example of such an agreement, of course, is the North Atlantic Treaty and its foundational Article 5.⁵²

.....
48. There is a robust debate, of course, on what a sufficient military posture specifically looks like, but there appears to be a general consensus between the two governments that the United States should retain enough forces in the region to deter aggression and that could quickly be bolstered by U.S. reinforcements if necessary.

49. The White House, “The Jeddah Communique: A Joint Statement Between the United States of America and the Kingdom of Saudi Arabia,” July 15, 2022. (<https://www.whitehouse.gov/briefing-room/statements-releases/2022/07/15/the-jeddah-communique-a-joint-statement-between-the-united-states-of-america-and-the-kingdom-of-saudi-arabia>)

50. Ibid.

51. John Hannah, “Israel can normalize ties with Saudi Arabia - with Biden's help,” *The Jerusalem Post* (Israel), January 4, 2023. (<https://www.jpost.com/opinion/article-726558>)

52. The North Atlantic Treaty, Washington, DC, April 4, 1949. (https://www.nato.int/cps/en/natohq/official_texts_17120.htm)

There is little chance that Washington would extend an Article 5-like commitment to Riyadh that would legally obligate the United States to consider an attack on the kingdom an attack on the United States. If that is a non-negotiable demand of Riyadh's, then a strategic partnership agreement will be impossible.⁵³ However, if Riyadh is willing to accept something more than the status quo yet short of an Article 5-like commitment in return for valuable Saudi commitments to Washington, such an agreement might be possible.

*What could the security provisions of such an agreement perhaps look like?*⁵⁴

As a first step, the United States could designate Saudi Arabia a Major Defense Partner (MDP). To understand why this might be an option and why it might help facilitate a strategic partnership agreement, it is worth considering the background.

In a non-binding joint statement issued by President Barack Obama and Prime Minister of India Narendra Modi on June 7, 2016, the United States "recognized" India as a "Major Defense Partner."⁵⁵ India remains the only country to enjoy that designation from the U.S. government. President Obama issued this designation using his executive powers without reference to any statutory authority or previous congressional action. One month prior (on May 18, 2016), the House of Representatives passed a bill (the National Defense Authorization Act for Fiscal Year 2017) requiring the U.S. government to "recognize India's status as a major defense partner of the United States."⁵⁶ But the Senate did not pass this bill until after the joint statement, and the bill did not become law until December 23, 2016.

The term "Major Defense Partner" was not defined in the June 7, 2016, joint statement. Nor has it been defined by legislation. The National Defense Authorization Act for Fiscal Year 2018 required the Commerce, Defense, and State Departments to "jointly produce a common definition that recognizes India's status as a 'Major Defense Partner' for joint use" by those departments.⁵⁷ Such a definition, if it exists, does not appear in the Code of Federal Regulations and it is not readily available online.

In practical terms, the president publicly committed to strengthening technology sharing with India, supporting its "Make in India" initiative, and bolstering its "defense industries and their integration into the global supply chain."⁵⁸

That was a prudent step for the United States given the importance of India to Washington's efforts in the Indo-Pacific, as part of an effort to forge a coalition to deter aggression from the People's Republic of China. India's designation as an MDP symbolically boosted the bilateral relationship in the short-term and helped catalyze a series of subsequent steps that continue to bolster security and economic cooperation between the two countries.

.....
53. It is worth noting that no other country, including China, likely has the political will and military capability to extend such a commitment to Saudi Arabia.

54. Below are some ideas based on independent analysis of the current bilateral relationship and an extensive review of relevant American treaties, agreements, statements, and declarations. Some of the specific language offered below as possible candidates for inclusion in a strategic partnership agreement derives from some of these documents.

55. The White House, "The United States and India: Enduring Global Partners in the 21st Century," June 7, 2016. (<https://obamawhitehouse.archives.gov/the-press-office/2016/06/07/joint-statement-united-states-and-india-enduring-global-partners-21st>)

56. National Defense Authorization Act for Fiscal Year 2017, Pub. L. 114-328, 130 Stat. 2000. (<https://www.congress.gov/114/bills/hr4909/BILLS-114hr4909eh.pdf>)

57. Need for international defense cooperation and military export controls; Presidential waiver; report to Congress; arms sales policy, 22 U.S.C. §2751.

58. The White House, "The United States and India: Enduring Global Partners in the 21st Century," June 7, 2016. (<https://obamawhitehouse.archives.gov/the-press-office/2016/06/07/joint-statement-united-states-and-india-enduring-global-partners-21st>)

There appears to be no restriction on the executive branch using the term “Major Defense Partner” for another country. President Biden could designate Saudi Arabia as a Major Defense Partner utilizing his current authorities as president. This would send a powerful signal of the importance the United States places on its defense relationship with Saudi Arabia without necessarily committing the United States to take any particular substantive steps. Nor would it serve as an endorsement of everything the government in Saudi Arabia has done that Washington does not condone.

The designation, however, would formally recognize the truth: Saudi Arabia has been and should remain a major defense partner of the United States in practice despite their differences. Such a formal designation could begin to heal some of the damage in the relationship, signal that Washington values the security partnership despite several lingering challenges, provide Washington with more leverage to encourage reform in the kingdom, counter Riyadh’s drift toward Beijing, and pave the way to tangibly strengthen security cooperation.

For its part, Saudi Arabia might appreciate being designated as the second U.S. Major Defense Partner alongside tangible defense and economic benefits that advance the kingdom’s security and prosperity.

As with the 2016 U.S.-India statement, designating Saudi Arabia as an MDP could be accompanied by new efforts to facilitate technology sharing. Similar to the U.S.-India statement, a U.S.-Saudi agreement could (as appropriate) commit to the provision of license-free access to a wide range of dual-use technologies focused on defensive capabilities in return for a commitment from Riyadh to advance export control objectives. The announcement could also be linked to key elements of Saudi Arabia’s Vision 2030 that are consistent with U.S. interests.

Following Obama’s June 7, 2016, designation of India as an MDP, Congress enacted legislation, the National Defense Authorization Acts for fiscal years 2017 and 2018 that supported the designation, pushed the Departments of State and Defense to implement and expand U.S.-India cooperation, and sought to hold the executive branch accountable for results. This included, for example, congressional support for the Communications Interoperability and Security Memorandum of Agreement and the Basic Exchange and Cooperation Agreement for Geospatial Cooperation, two agreements valued by New Delhi that could be replicated in some way with Riyadh, as appropriate.

Admittedly, unless perceptions of Saudi Arabia change significantly in Congress, there is no reason to believe the relevant committees and the two chambers would vote to take analogous actions with respect to Saudi Arabia following its designation as an MDP. Nonetheless, the important symbolic benefit associated with an MDP designation of Saudi Arabia could be bolstered with several accompanying presidential and executive branch actions relying on the president’s existing authorities. As political perceptions in the relationship potentially improve, Congress could build on the designation.

In addition to potentially designating Saudi Arabia an MDP, the United States could perhaps designate Saudi Arabia a Major Non-NATO Ally (MNNA). This status under U.S. law “provides foreign partners with certain benefits in the areas of defense trade and security cooperation,” according to the Department of State. However, the status “does not entail any security commitments to the designated country.”⁵⁹ In other words, MNNA status

.....
59. U.S. Department of State, Fact Sheet, “Major Non-NATO Ally Status,” January 20, 2021. (<https://www.state.gov/major-non-nato-ally-status>)

does not, for example, include a commitment that an attack on an MNNA shall be considered an attack on the United States, as is codified in Article 5 of the North Atlantic Treaty.⁶⁰

Nonetheless, MNNA status confers several privileges under U.S. law. As the Department of State notes, those include eligibility for some types of cooperative research, development, testing, and evaluation; prepositioning of stocks; training; excess defense articles; and ammunition.⁶¹ Designation can also make the respective country eligible for cooperative research and development projects related to defense equipment; allow firms of the MNNA to bid on certain maintenance-related contracts outside the United States; and allow potential funding for projects under the auspices of the Department of State's Technical Support Working Group.⁶²

The following countries are currently MNNAs: Argentina, Australia, Bahrain, Brazil, Colombia, Egypt, Israel, Japan, Jordan, Kuwait, Morocco, New Zealand, Pakistan, the Philippines, Qatar, South Korea, Thailand, and Tunisia. Moreover, under U.S. law, Taiwan is treated as an MNNA even though it has not been formally designated as such.⁶³ All things considered, it seems difficult to argue that Pakistan and Qatar should be MNNAs and Saudi Arabia should not.

If the Biden administration decided to take this step, the president would notify Congress pursuant to 22 U.S.C. 2321k at least 30 days before the formal designation of Saudi Arabia as an MNNA. After the requisite time elapsed, Saudi Arabia would become an MNNA unless Congress passed a law preventing it and was able to overcome a presumed presidential veto with a two-thirds majority in each chamber.⁶⁴

The designation of Saudi Arabia as an MDP and MNNA may not be sufficient to persuade Riyadh that it needs to make difficult compromises. Additional American steps related to military readiness; the deployment of U.S. forces; defense planning, military exercises, and intelligence sharing; security consultations; and armed attacks may be necessary and potentially prudent for the United States to secure its interests.

For its part, Riyadh likely would value assurances that the United States will maintain — subject to its respective constitutional provisions — the defense capabilities, capacities, and readiness levels necessary to resist armed attacks on Saudi Arabia. Notably, this would not represent a collective defense commitment but rather an intent to maintain the military *means* to respond to an attack on Saudi Arabia.

The United States could also commit to keeping forward deployed conventional forces in the Central Command area of responsibility in addition to other forces outside the region capable of punishing aggression and quickly deploying to the region as reinforcements.⁶⁵ Such a commitment need not delineate how many forces, which types, where they might be based in the region, or whether they would be permanent or rotational deployments.

.....
60. The North Atlantic Treaty, Washington, DC, April 4, 1949. (https://www.nato.int/cps/en/natohq/official_texts_17120.htm)

61. U.S. Department of State, Fact Sheet, "Major Non-NATO Ally Status," January 20, 2021. (<https://www.state.gov/major-non-nato-ally-status/>)

62. Ibid.

63. Ibid.

64. Designation of major non-NATO allies, 22 U.S.C. § 2321k, (Pub. L. 87-195, pt. II, § 517, as added Pub. L. 104-164, title I, § 147(a)(1), July 21, 1996, 110 Stat. 1434.) (<https://www.law.cornell.edu/uscode/text/22/2321k>)

65. The Juniper Oak 23 military exercise was designed, in part, to demonstrate the unparalleled American ability to quickly send American reinforcements into the region. Bradley Bowman, "Junipers, Oaks, and Killer Tomatoes" *Foreign Policy*, February 6, 2023. (<https://www.fdd.org/podcasts/2023/02/06/junipers-oaks-and-killer-tomatoes>)

Despite that nuance, some pundits on the political extremes might resist such a commitment in their eagerness to reduce U.S. military posture in the Middle East even further. That would be a mistake from an American perspective.⁶⁶ U.S. military posture in the U.S. Central Command area of responsibility is already down 85 percent from its 2008 peak, according to March 13, 2023, congressional testimony by CENTCOM commander General Michael “Erik” Kurilla. U.S. force levels in the region “decreased 15% over the course of 2022 alone,” he said.⁶⁷

There is a broad consensus in Washington that the United States must bolster its military deterrent posture in the Indo-Pacific Command’s area of operations. Since U.S. military resources are finite, that certainly requires leaders to scrutinize defense investments elsewhere.

At the same time, it is clear that the competition with the PRC is a global one that is increasingly taking place in the Middle East. For that reason, and to counter the grave threat from Iran and multiple terrorist groups in the region, the United States should maintain an economy-of-force military posture in the Middle East. Failure to do so will increase the chances that national security challenges will worsen, likely forcing the U.S. military to return to the region later in larger numbers and at a higher cost. For that reason, a general commitment to Saudi Arabia along the lines discussed above would seem to be consistent with U.S. interests.

In return for such a commitment, Saudi Arabia, in consultation with the United States, could commit to strengthening and maintaining the infrastructure and systems necessary to host U.S. military reinforcements should they be deployed, at Saudi Arabia’s invitation and consistent with the U.S. Constitution, to address an impending crisis or armed attack. This would encourage proactive Saudi investment to facilitate American military deployments during a contingency. Saudi Arabia could encourage other Gulf Cooperation Council countries to make similar investments as appropriate.

The two governments could in such an agreement commit, subject to U.S. constitutional requirements, to increase bilateral defense planning to deter and defeat armed attacks against Saudi Arabia. They could enhance and expand ongoing exercises and training to identify necessary improvements, increase readiness, and strengthen the ability of the two militaries to operate together.⁶⁸

Recognizing that accurate information and sound analysis are at the foundation of deterring and defeating aggression, the two governments could also commit to sharing additional relevant intelligence and the exchange of views on international situations of mutual interest, especially in the Middle East.⁶⁹ That could include close consultations on relevant threats, defense policies, military exercises, arms sales, and military postures. Conversations should also address military capability gaps and building an effective regional security architecture focused particularly on air and missile defense, maritime security, and counterterrorism. For example, building on elements of the

.....
⁶⁶. Bradley Bowman and Leon Panetta, “Defending Forward: Securing America by Projecting Military Power Abroad,” *Foundation for Defense of Democracies*, December 15, 2020. (<https://www.fdd.org/analysis/2020/12/15/defending-forward>)

⁶⁷. General Michael Kurilla, “Statement For The Record General Michael “Erik” Kurilla Commander, US Central Command Before The Senate Armed Services Committee On The Posture Of US Central Command, *Testimony before the Senate Armed Services Committee*, March 13, 2023. (https://www.armed-services.senate.gov/imo/media/doc/Kurilla_SASC_Posture_Final_141200March2023.pdf)

⁶⁸. U.S. Department of State, Fact Sheet, “U.S. Security Cooperation with Saudi Arabia,” January 20, 2021. (<https://www.state.gov/u-s-security-cooperation-with-saudi-arabia>)

⁶⁹. U.S. Department of Defense, Readout, “Readout of U.S. - Kingdom of Saudi Arabia (KSA) Strategic Joint Planning Committee (SJPC) May 17-18, 2022,” May 19, 2022. (<https://www.defense.gov/News/Releases/Release/Article/3037284/readout-of-us-kingdom-of-saudi-arabia-ksa-strategic-joint-planning-committee-sj>)

Jeddah Communique, Saudi Arabia could provide a permanent staff officer for United States Naval Forces Central Command's Task Force 59 to identify appropriate and creative workarounds to the often lethargic foreign military sales process. That could help Saudi Arabia procure naval intelligence, surveillance, and reconnaissance capabilities faster to counter common threats and address important military requirements.

Finally, while an Article 5-like commitment is not realistic, the United States could note in a strategic partnership agreement that an armed attack on Saudi Arabia would endanger regional security and threaten important U.S. interests. That is both a factual statement and one that builds on the Jeddah Communique's statement that "affirmed the United States' continued commitment to supporting Saudi Arabia's security and territorial defense." Finally, the United States, as a permanent member of the United Nations Security Council (UNSC), could commit, as appropriate, to requesting UNSC action if such an attack occurs against Saudi Arabia.

PREVENTING A NUCLEAR-ARMED IRAN

Given Riyadh's concerns regarding the potential for the Islamic Republic of Iran to acquire a nuclear weapon and fears that the United States may fail to prevent such an outcome, it seems likely that Riyadh would insist that any strategic partnership agreement include a clear statement from Washington related to Iran's nuclear weapons program. Such a statement could use language similar to that in the joint U.S.-Israel declaration, signed by President Biden on July 14, 2022, in which the United States expressed its "commitment never to allow Iran to acquire a nuclear weapon, and that it is prepared to use all elements of its national power to ensure that outcome."⁷⁰

Riyadh would likely welcome such a U.S. commitment to Saudi Arabia. It would represent an upgrade over the language contained in the Jeddah Communique: "The Kingdom of Saudi Arabia and the United States stressed the importance of preventing Iran from acquiring a nuclear weapon."⁷¹ Admittedly, even if Washington agreed to this stronger language, Saudi concerns would likely still not be allayed. Saudi leaders would likely still doubt that the United States will take such military action if push comes to shove.

On this question, Riyadh should consider whether Saudi Arabia has a genuine alternative to U.S. protection against the possibility of a nuclear-armed Iran. Specifically, does Riyadh believe Beijing has both the capability *and* the political will to employ military force to prevent Iran from acquiring a nuclear weapon? This seems highly unlikely.

Some in Riyadh might recognize this political-military reality but then note that Beijing enjoys diplomatic influence in Tehran that Washington obviously does not. The hope here would be that diplomatic pressure from Beijing might possibly persuade Tehran not to pursue nuclear weapons. It would be quite a gamble for Riyadh. It is entirely unclear how Chinese diplomatic influence could persuade the regime to set aside a nuclear project it has pursued for decades with dogged determination. Beijing might actually welcome a sprint by Tehran to such a capability, hoping it would sap and divert American resources and attention away from the Taiwan Strait.

In short, the Biden administration will presumably be willing to reiterate to Saudi Arabia a commitment it has already made related to a nuclear-armed Iran. Such an explicit commitment in the context of a potential strategic

70. The White House, "The Jerusalem U.S.-Israel Strategic Partnership Joint Declaration," July 14, 2022. (<https://www.whitehouse.gov/briefing-room/statements-releases/2022/07/14/the-jerusalem-u-s-israel-strategic-partnership-joint-declaration>)

71. The White House, "The Jeddah Communique: A Joint Statement Between the United States of America and the Kingdom of Saudi Arabia," July 15, 2022. (<https://www.whitehouse.gov/briefing-room/statements-releases/2022/07/15/the-jeddah-communique-a-joint-statement-between-the-united-states-of-america-and-the-kingdom-of-saudi-arabia>)

partnership agreement between the United States and Saudi Arabia could engender additional goodwill from Riyadh at a time when it does not appear to have any reliable alternatives.

ARMS TRANSFERS

An emboldened Iran and declining confidence in security assurances from Washington are a bad combination from Riyadh's perspective. When those dynamics are combined with the delay and difficulty Saudi Arabia sometimes confronts in procuring American weapons, it becomes clear why Riyadh might be looking for new partners.⁷²

The Biden administration initially paused arms sales to Saudi Arabia after taking office.⁷³ But delays associated with arms sales have more often been driven by Congress. As the Congressional Research Service notes, "Congress has, by expressing strong opposition to prospective arms sales, during consultations with the executive branch, affected the timing and the composition of some arms sales, and may have dissuaded the President from formally proposing certain arms sales."⁷⁴

Congress has certainly expressed disapproval of some arms sales to Saudi Arabia. During the Trump administration, Congress passed resolutions of disapproval, eventually overridden by presidential vetoes, to block the sale of certain weapons to Saudi Arabia.⁷⁵ After the Biden administration lifted its halt on arms sales, the State Department announced a sale of AIM-120 air-to-air missiles to Saudi Arabia, which Saudi Arabia needed to intercept Houthi drones targeting its infrastructure.⁷⁶ Nearly a third of the Senate voted for a resolution to prohibit the sale, although the vote ultimately failed.⁷⁷

It is not hard to understand that Saudi Arabia is frustrated by this uncertainty regarding the ability to acquire means of self-defense. Riyadh knows that Beijing may be willing to eventually provide weapons more quickly and with fewer questions.

If current realities in the bilateral relationship remain unchanged, it would not be surprising if Riyadh increasingly looked elsewhere for arms, including potentially from Beijing.⁷⁸ Indeed, Saudi Arabia already started to procure Chinese drones in 2014.⁷⁹ According to the Stockholm International Peace Research Institute (SIPRI), Saudi

.....
72. Bradley Bowman, Aykan Erdemir, and Ryan Brobst, "U.S. Security Partners and Putin's S-400," *Foundation for Defense of Democracies*, April 29, 2021. (<https://www.fdd.org/analysis/2021/04/29/us-security-partners-and-putins-s-400>)

73. Warren P. Strobel, "Biden Re-Examining U.S. Arms Sales to Saudi Arabia, U.A.E.," *The Wall Street Journal*, January 27, 2021. (<https://www.wsj.com/articles/biden-freezes-u-s-arms-sales-to-saudi-arabia-uae-11611773191>)

74. Paul K. Kerr, "Arms Sales: Congressional Review Process," *Congressional Research Service*, June 10, 2022. (<https://sgp.fas.org/crs/weapons/RL31675.pdf>)

75. Deb Riechmann, "Trump vetoes congressional effort to block Saudi arms sales," *Associated Press*, July 25, 2019. (<https://apnews.com/article/d3d146d8d7ae40749b16183e5fa87746>)

76. Bradley Bowman, Hussain Abdul-Hussain, and Ryan Brobst, "Congress should support the Biden administration's effort to sell defensive missiles to Saudi Arabia," *Defense News*, November 24, 2021. (<https://www.defensenews.com/opinion/commentary/2021/11/24/congress-should-support-the-biden-administrations-effort-to-sell-defensive-missiles-to-saudi-arabia>)

77. Patricia Zengerle, "U.S. Senate backs sale of missiles to Saudi Arabia," *Reuters*, December 7, 2021. (<https://www.reuters.com/world/middle-east/us-senate-back-sale-missiles-saudi-arabia-2021-12-07>)

78. Bradley Bowman, Maj. Jared Thompson, and Ryan Brobst, "Egypt's transition away from American weapons is a national security issue," *Defense News*, May 25, 2021. (<https://www.defensenews.com/opinion/commentary/2021/05/25/egypts-transition-away-from-american-weapons-is-a-national-security-issue>)

79. Bradley Bowman, Maj. Jared Thompson, and Ryan Brobst, "China's surprising drone sales in the Middle East," *Defense News*, April 23, 2021. (<https://www.defensenews.com/opinion/2021/04/23/chinas-surprising-drone-sales-in-the-middle-east>)

procurement of Chinese weapons increased by over 80 percent between 2018 and 2022, compared to between 2013 and 2017. However, Saudi Arabia still purchases the vast majority of its weapons from the United States — approximately 68 percent between 2013 and 2022, according to SIPRI data.⁸⁰ This includes items like F-15 jets, Apache and Black Hawk helicopters, Abrams tanks, and numerous missiles and bombs.⁸¹

Should Riyadh markedly increase its weapon purchases from China, it would inject significant additional tension into the U.S.-Saudi relationship and further undermine perceptions of Riyadh in Washington. The bipartisan consensus regarding the unparalleled threat from Beijing is only growing. A concerted move by Riyadh toward the procurement of major Chinese weapons systems or large quantities of Chinese weapons could play a decisive role in transforming a potentially manageable set of disagreements into a divorce in the strategic partnership.

From an American perspective, if U.S.-origin weapons were steadily replaced by Chinese weapons in Saudi Arabia, U.S. interests would be compromised. Indeed, the provision of U.S. weapons to security partners can reduce America's security burden, improve the ability of the recipient country's military to operate with U.S. forces, facilitate U.S. military access, facilitate favorable regional balances of power, enable valuable training opportunities, strengthen the U.S. defense sector, reduce U.S. weapons costs for the Pentagon and the American taxpayer, and accrue decades-long diplomatic benefits and leverage for Washington. When a country such as Saudi Arabia procures American weapons, it also deprives competitors and adversaries from accruing these benefits.⁸²

Some in the United States shrug in response to such benefits and argue that Washington should not engage in a “race to the bottom,” providing weapons to partners who might misuse them. To be sure, there is a moral component to arms sales. It would, for example, be wrong and inconsistent with U.S. law and policy⁸³ to provide U.S. technology and weapons to a partner if there is reason to believe the partner will use those weapons systematically or deliberately in an unacceptable manner.⁸⁴ There is a widespread view in Washington that Saudi Arabia, unfortunately, did exactly that in Yemen for several years.

During the 2015-2018 timeframe, Saudi forces repeatedly used U.S.-provided air-to-ground munitions in strikes in Yemen that resulted in tragic civilian deaths.⁸⁵ In response, the U.S. Senate and House passed a resolution in March/April 2019, which was eventually vetoed by the President, that would have prohibited U.S. personnel from

80. “Importer/Exporter TIV tables,” *Stockholm International Peace Research Institute*, accessed April 19, 2023. (<https://armstrade.sipri.org/armstrade/page/values.php>)

81. “Trade Registers,” *Stockholm International Peace Research Institute*, accessed April 19, 2023. (https://armstrade.sipri.org/armstrade/page/trade_register.php)

82. Bradley Bowman, “Objectives of U.S. Arms Sales to the Gulf: Examining Strategic Goals, Risks, and Benefits,” *Testimony before the House Committee on Foreign Affairs, Subcommittee on Middle East, North Africa, and International Terrorism*, June 16, 2020. (<https://www.congress.gov/116/meeting/house/110808/witnesses/HHRG-116-FA13-Wstate-BowmanB-20200616.pdf>)

83. Paul K. Kerr and Michael A. Weber, “U.S. Arms Sales and Human Rights: Legislative Basis and Frequently Asked Questions,” *Congressional Research Service*, April 7, 2023. (<https://sgp.fas.org/crs/weapons/IF11197.pdf>)

84. An example of such behavior would be Beijing's international export of technology and systems honed in Xinjiang against the Uyghurs to help other authoritarian governments control and oppress their populations.

85. Nima Elbagir, Salma Abdelaziz, and Laura Smith-Spark, “Made in America: Shrapnel found in Yemen ties US bombs to string of civilian deaths over course of bloody civil war,” *CNN*, September 2018. (<https://edition.cnn.com/interactive/2018/09/world/yemen-airstrikes-intl>); Shuaib Almosawa, “Wedding Is Hit by Airstrike in Yemen, Killing More Than 20,” *The New York Times*, April 23, 2018. (<https://www.nytimes.com/2018/04/23/world/middleeast/yemen-wedding-bombing.html>)

participating in the war in Yemen.⁸⁶ This followed several previous attempts by Congress to limit U.S. support for Saudi Arabia and involvement in the war in Yemen.⁸⁷ Saudi-caused civilian casualties tapered off significantly in the following years, but that did not stop some legislators from introducing another resolution,⁸⁸ in July 2022, to prohibit intelligence sharing and logistical support for Saudi forces in Yemen, months after a truce had already been reached in Yemen.⁸⁹

Clearly, the Islamic Republic of Iran was fueling the conflict with illicit arms transfers to the Houthis, who regularly employed human shields and other illegal tactics.⁹⁰ Indeed, the Houthis have launched hundreds of Iranian-made or Iranian-designed drones at Saudi Arabia over the past several years⁹¹ — facts that some in Washington ignore.

Riyadh's learning curve in Yemen has been steep. Riyadh may now understand that strikes that result in avoidable civilian casualties are self-inflicted wounds that can damage the bilateral relationship and impact the U.S. provision of weapons Saudi Arabia needs, especially "offensive" weapons that could be misused in Yemen. Indeed, Riyadh may now see that its actions in Yemen often played right into Tehran's hands, stoking tension with Washington and driving a wedge between Saudi Arabia and its most powerful partner. That realization, combined with the tentative ceasefire in Yemen, hopefully will put the Yemen conflict in the rearview mirror. As a result, perceptions in Washington regarding arms sales to Saudi Arabia may begin to evolve over time.

Of course, some legislators may remain indefinitely opposed to arms sales to Saudi Arabia based on past actions in Yemen. From a practical standpoint, however, the question is whether the administration and a bipartisan majority in both chambers and leaders on key committees will support the provision of appropriate arms to Saudi Arabia. There is reason to believe such support already exists for "defensive" arms that could not be misused in Yemen. For example, Congress rejected efforts to block the sale of AIM-120 and Patriot missiles, which the Saudi military uses to defend Saudi airspace from incoming missiles and drones.⁹²

.....
86. Patricia Zengerle, "Senate upholds veto of Yemen resolution in victory for Trump Saudi policy," *Reuters*, May 2, 2019. (<https://www.reuters.com/article/us-usa-saudi-yemen/senate-upholds-veto-of-yemen-resolution-in-victory-for-trump-saudi-policy-idUSKCN1S81UU>)

87. Leigh Ann Caldwell, "Senate blocks war powers resolution for Yemen," *NBC News*, March 20, 2018. (<https://www.nbcnews.com/politics/congress/senate-blocks-war-powers-resolution-yemen-n858451>)

88. A joint resolution directing the removal of United States Armed Forces from hostilities in the Republic of Yemen that have not been authorized by Congress., S.J.Res. 56, 117th Congress (2022). (<https://www.congress.gov/bill/117th-congress/senate-joint-resolution/56/text>)

89. Mohammed Ghobari and Alaa Swilam, "Yemen's warring parties agree two-month truce in major breakthrough," *Reuters*, April 1, 2022. (<https://www.reuters.com/world/middle-east/yemen-govt-help-with-release-prisoners-open-sanaa-airport-truce-moves-2022-04-01>)

90. Michelle Nichols, "Exclusive: U.N. report on Yemen says Houthis used human shields, Islamic State got cash," *Reuters*, August 4, 2016. (<https://www.reuters.com/article/us-yemen-security-un-exclusive/exclusive-u-n-report-on-yemen-says-houthis-used-human-shields-islamic-state-got-cash-idUSKCN10F28B>)

91. Mohammed Benmansour and Aziz El Yaakoubi, "Houthis have fired 430 missiles, 851 drones at Saudi Arabia since 2015 - Saudi-led coalition," *Reuters*, December 26, 2021. (<https://www.reuters.com/world/middle-east/houthis-have-fired-430-missiles-851-drones-saudi-arabia-since-2015-saudi-led-2021-12-26>)

92. Patricia Zengerle, "U.S. Senate backs sale of missiles to Saudi Arabia," *Reuters*, December 7, 2021. (<https://www.reuters.com/world/middle-east/us-senate-back-sale-missiles-saudi-arabia-2021-12-07>); Ismail Shakil, "U.S. approves potential sale of Patriot missiles to Saudi Arabia - Pentagon," *Reuters*, August 2, 2022. (<https://www.reuters.com/world/middle-east/us-approves-potential-sale-patriot-missiles-saudi-arabia-pentagon-2022-08-02>)

With arms transfers to any country, it is important for the United States to take all reasonable measures to ensure U.S.-provided weapons are used in a manner consistent with U.S. interests and with “international humanitarian law and human rights,” as noted in the United States Conventional Arms Transfer Policy the Biden administration issued on February 23, 2023.⁹³ That policy establishes a standard that “no arms transfer will be authorized where the United States assesses that it is more likely than not that the arms to be transferred will be used by the recipient” in unacceptable ways, including to commit “serious violations of international humanitarian or human rights law.”

If Saudi Arabia is able to persuade the U.S. Congress and executive branch that its use of weapons scrupulously avoids violations of international humanitarian and human rights law, a *modus operandi* might be possible between the two countries that could facilitate a more reliable transfer of weapons, especially those related to air and missile defense and maritime security. If there is a bilateral political consensus, the United States could commit in a strategic partnership agreement to providing Saudi Arabia arms of a defensive character reliably and expeditiously. This would be subject to constitutional processes, congressional review, and robust Saudi implementation of its commitments to comply with all end-use requirements and employ such weapons in a manner consistent with international law.

To facilitate the more timely consideration of potential arms transfers to Saudi Arabia, the administration could submit a formal legislative proposal to Congress that 22 U.S.C. 2776 subsections (b)(1)(P); (b)(2); (c)(2)(A); (c)(5); and (d)(2)(A) be amended to include Saudi Arabia, along with appropriate conforming edits. These amendments would reduce the congressional review period for qualified transfers from 30 days to 15 days between congressional notification and the ability of the administration to issue a letter of offer or to approve an export, technical assistance, or manufacturing license. The current countries subject to such a reduced congressional review period are NATO members, Australia, Japan, the Republic of Korea, Israel, and New Zealand.⁹⁴

To be clear, even if such legislation were adopted and became law, Congress would still be able to adopt a joint resolution of disapproval blocking a particular sale until the arms were delivered. However, Congress has never successfully used a joint resolution of disapproval to formally block an arms sale proposed by an administration, according to the Congressional Research Service.⁹⁵ That is because opponents of such arms sales have been unable to muster enough votes in both chambers to overturn a presidential veto of a joint resolution to block the sale.

The willingness of Congress to adopt legislation adding Saudi Arabia to the list of countries receiving a reduced congressional review period would depend on congressional perceptions of Saudi reliability. Those inclined to indefinitely oppose arms sales to Saudi Arabia even if Riyadh persuasively demonstrates scrupulous compliance with weapons-use restrictions should consider whether they believe Washington or Beijing will apply more pressure on Riyadh to avoid civilian casualties in future conflicts. They also may want to consider whether the purchase by Riyadh of American weapons — instead of Chinese weapons — might retain and extend leverage that can be used for other beneficial purposes in the future.

.....
93. The White House, “Memorandum on United States Conventional Arms Transfer Policy,” February 23, 2023. (<https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/23/memorandum-on-united-states-conventional-arms-transfer-policy>)

94. Reports and certifications to Congress on military exports, 22 U.S.C. § 2776. (<https://www.law.cornell.edu/uscode/text/22/2776>)

95. Paul K. Kerr, “Arms Sales: Congressional Review Process,” *Congressional Research Service*, June 10, 2022. (<https://sgp.fas.org/crs/weapons/RL31675.pdf>)

Some in Riyadh may therefore wonder whether attempting to procure American arms is worth the hassle. In the end, that is a decision only the Saudi government can make, of course. Regardless, it is a decision that Riyadh may want to consider carefully.

First, in many, if not most, cases, American weapons remain the best in the world. Second, Saudi procurement of certain advanced military systems from China could guarantee that the United States would not want to sell Saudi Arabia other advanced systems that Washington would not want operated or stationed in proximity to some Chinese systems. Washington's eviction of Turkey from the F-35 program following Ankara's procurement of the Russian S-400 air defense system provides a cautionary case in point.⁹⁶

Similarly, if Saudi Arabia purchases major weapon systems from China (or Russia), it could make continued progress toward the establishment of a mutually beneficial U.S.-Saudi-led regional security architecture difficult, if not impossible.⁹⁷ An effective security architecture requires the integration of sensors, command and control elements, and "shooters" that can communicate and share information quickly and seamlessly with one another. If Saudi Arabia procures major Chinese military systems, the United States would not support their integration into a security architecture that includes American systems and networks. Even some Chinese systems operating independently in close proximity might present a challenge for the establishment or operation of such an architecture. Without a U.S.-led regional security architecture, Riyadh becomes more vulnerable to Tehran and other malign actors. Once again, China is currently unprepared to fulfill the American security role that Riyadh may seek to replace.

It is further worth noting that Saudi Arabia possesses a huge arsenal of American weapons that require spare parts and sustainment for decades to come. If Riyadh pursues a divorce from Washington and jumps with both feet into China's sphere of influence, perceptions of the kingdom will almost certainly enter a freefall in Washington. In such a scenario, Riyadh might find Congress attempting to block the spare parts and services that Riyadh needs to keep its American-origin equipment and weapons functional, never mind the updates and upgrades that are periodically required.

Finally, Saudi political leaders unfamiliar with military hardware and software may want to ask their engineers and military experts about the difficulty associated with transitioning from one system to another and the challenges of maintaining a "mixed fleet." As a general rule, such transitions are often far more difficult and time consuming than imagined. In addition, Riyadh may want to seriously consider how Beijing's growing relationship with Tehran could influence the reliability of Chinese weapons and China as an arms provider.

In short, there are strong reasons for both Washington and Riyadh to come to an understanding when it comes to American arms sales. The core elements of such an agreement are clear. They feature a commitment by Riyadh to scrupulously avoid repeating the mistakes it made in Yemen and a commitment by the United States to provide the kingdom more reliable and expeditious means of self-defense.

.....
⁹⁶. Aaron Mehta, "Turkey officially kicked out of F-35 program, costing US half a billion dollars," *Defense News*, July 17, 2019. (<https://www.defensenews.com/air/2019/07/17/turkey-officially-kicked-out-of-f-35-program>)

⁹⁷. Bradley Bowman, "Eyeing Tehran, U.S. and GCC Partners Seek to Develop Regional Security Architecture," *Foundation for Defense of Democracies*, February 15, 2023. (<https://www.fdd.org/analysis/2023/02/15/eyeing-tehran-u-s-and-gcc-partners-seek-to-develop-regional-security-architecture>)

OIL, GAS, AND PETROCHEMICALS

The U.S.-Saudi relationship has long been characterized as Saudi Arabia receiving American security protection in exchange for the Saudis providing the United States and the global oil market with access to affordable oil supplies.⁹⁸ Since at least 1974, the U.S.-Saudi arrangement has also included the Saudis both insisting that all purchasers pay for Saudi oil with U.S. dollars and also investing billions of their petrodollar revenues into buying U.S. debt from the Treasury.

Over the last 20 years, Saudi Arabia has ceased to be a major source of petroleum for the U.S. market. In 2022, only 7 percent of U.S. petroleum imports were from Saudi Arabia (behind 52 percent from Canada and 10 percent from Mexico).⁹⁹ Imports from Saudi Arabia represented less than 3 percent of total U.S. petroleum consumption.¹⁰⁰

However, Saudi Arabia continues to wield pivotal influence over global oil market supply and prices. Saudi Arabia's unique ability to influence the global oil market stems from its status as the world's largest exporter of crude oil and its maintenance of the world's greatest spare production capacity. Saudi Arabia has typically kept more than 1.5 million barrels per day of spare capacity on hand for "market management."¹⁰¹ Tensions between the United States and Saudi Arabia over how the Saudis exercise their influence over the global oil market came to a head in October 2022, when the Saudis played a leading role in the decision of the OPEC-Plus group of oil-producing countries to slash oil production by two million barrels per day.¹⁰²

The October 2022 OPEC-Plus decision contradicted assurances the Biden administration thought it received from Saudi Arabia.¹⁰³ Biden publicly vowed to impose "consequences" on Saudi Arabia. His staff said it would "review" the U.S.-Saudi relationship, and leading Democratic Senators accused the Saudis of siding with Russia against the United States. They even raised the possibility of a freeze in arms sales and of passing "NOPEC" legislation to punish the Saudis by allowing lawsuits for price fixing.¹⁰⁴

.....
98. Bruce Riedel, "75 years after a historic meeting on the USS Quincy, US-Saudi relations are in need of a true re-think," *The Brookings Institution*, February 10, 2020. (<https://www.brookings.edu/blog/order-from-chaos/2020/02/10/75-years-after-a-historic-meeting-on-the-uss-quincy-us-saudi-relations-are-in-need-of-a-true-re-think>)

99. "How much petroleum does the United States import and export?" *U.S. Energy Information Administration*, accessed April 26, 2023. (<https://www.eia.gov/tools/faqs/faq.php?id=727&t=6#:~:text=The%20top%20five%20source%20countries,Arabia%2C%20Iraq%2C%20and%20Colombia>)

100. "How much oil is consumed in the United States," *U.S. Energy Information Administration*, accessed April 26, 2023. (<https://www.eia.gov/tools/faqs/faq.php?id=33&t=6>)

101. U.S. Energy Information Administration, "What drives crude oil prices: Supply OPEC," (<https://www.eia.gov/finance/markets/crudeoil/supply-opec.php#:~:text=Saudi%20Arabia%2C%20the%20largest%20oil,on%20hand%20for%20market%20management>)

102. Mark Mazzetti, Edward Wong, and Adam Entous, "U.S. Officials Had a Secret Oil Deal With the Saudis. Or So They Thought," *The New York Times*, October 25, 2022. (<https://www.nytimes.com/2022/10/25/us/politics/us-saudi-oil-deal.html>)

103. Ibid.

104. Peter Baker, "Biden Vows 'Consequences' for Saudi Arabia After Oil Production Cut," *The New York Times*, October 11, 2022. (<https://www.nytimes.com/2022/10/11/us/politics/biden-saudi-arabia-oil-production-cut.html>); Andrew Desiderio and Connor O'Brien, "'Enough is enough': Dems rage at Saudis over oil cut, vow to block weapons sales," *Politico*, October 10, 2022. (<https://www.politico.com/news/2022/10/10/dems-rage-at-saudis-over-oil-cut-vow-to-block-weapons-sales-00061123>)

Saudi Arabia reportedly responded by threatening to sell its U.S. Treasury bonds.¹⁰⁵ With Saudi Arabia holding approximately \$120 billion of such assets during 2022,¹⁰⁶ a sell-off could negatively impact the U.S. economy.

The Saudis have repeatedly discussed the possibility of ending their policy that all purchasers pay for Saudi oil with U.S. dollars.¹⁰⁷ This policy supports the dollar's role as the world's reserve currency, which in turn helps offset U.S. deficit spending.¹⁰⁸ It also provides the United States with sanctions leverage. (U.S. financial sanctions often depend on the fact that most large transnational financial transfers use dollars, which briefly transit the U.S. financial system.)¹⁰⁹

As of mid-April 2023, the Biden administration had reportedly taken no steps to punish Saudi Arabia for the OPEC-Plus decision.¹¹⁰ The administration and Congress had a milder response to an output cut announced on April 3, 2023.¹¹¹ However, Washington continues to have a strong national security, foreign policy, and economic interest in Riyadh's policies relating to the production and pricing of Saudi oil, the primacy of the dollar, and investment of oil revenues. Renewed and enhanced Saudi commitments in this arena might go a long way towards enabling Washington to make commitments on issues important to the Saudis in other arenas.

As part of a potential strategic partnership agreement, the two governments could agree on a global oil market cooperation formula similar to, or even more forward-leaning than, those set forth in the Jeddah Communique of 2022.¹¹² In the communique, the two countries "reaffirmed their commitment to a stable global energy market" and the United States "welcomed Saudi Arabia's commitment to support global oil markets balancing for sustained economic growth." The two countries also "decided to consult regularly on global energy markets in the near- and long- term." A strategic partnership agreement could reify such a consultation commitment through a formal structure, such as a high-level bilateral working group on global energy market issues.

.....
105. Stephen Kalin, Summer Said, and Dion Nissenbaum, "U.S.-Saudi Relations Buckle, Driven by Animosity Between Biden and Mohammed bin Salman," *The Wall Street Journal*, October 24, 2022. (<https://www.wsj.com/articles/u-s-saudi-relations-biden-mbs-animosity-11666623661>)

106. U.S. Department of the Treasury, "Major Foreign Holders of Treasury Securities," March 15, 2023. (<https://ticdata.treasury.gov/Publish/mfh.txt>)

107. Summer Said and Stephen Kalin, "Saudi Arabia Considers Accepting Yuan Instead of Dollars for Chinese Oil Sales," *The Wall Street Journal*, March 15, 2022. (<https://www.wsj.com/articles/saudi-arabia-considers-accepting-yuan-instead-of-dollars-for-chinese-oil-sales-11647351541>); Abeer Abu Omar and Manus Cranny, "Saudi Arabia Says Open to Settling Trade in Other Currencies," *Bloomberg*, January 17, 2023. (<https://www.bloomberg.com/news/articles/2023-01-17/saudi-arabia-open-to-talks-on-trade-in-currencies-besides-dollar>)

108. Summer Said and Stephen Kalin, "Saudi Arabia Considers Accepting Yuan Instead of Dollars for Chinese Oil Sales," *The Wall Street Journal*, March 15, 2022. (<https://www.wsj.com/articles/saudi-arabia-considers-accepting-yuan-instead-of-dollars-for-chinese-oil-sales-11647351541>)

109. Orde F. Kittrie, *Lawfare: Law as a Weapon of War* (Oxford: Oxford University Press, 2016), page 119.

110. MJ Lee and Kevin Liptak, "'There is only so much patience one can have': Biden appears to back off vow to punish Saudi Arabia," *CNN*, February 3, 2023. (<https://www.cnn.com/2023/02/03/politics/joe-biden-saudi-arabia-opec/index.html>); Michelle Toh, Mohammed Tawfeeq, and Anna Cooban, "Oil prices surge after OPEC+ producers announce surprise cuts," *CNN*, April 3, 2023. (<https://www.cnn.com/2023/04/02/business/opec-production-cuts/index.html>)

111. Ben Werschkul, "Washington gives a more muted reaction to a second OPEC oil production cut," *Yahoo Finance*, April 3, 2023. (<https://finance.yahoo.com/news/washington-gives-a-more-muted-reaction-to-a-second-opec-oil-production-cut-185852028.html>)

112. The White House, "The Jeddah Communique: A Joint Statement Between the United States of America and the Kingdom of Saudi Arabia," July 15, 2022. (<https://www.whitehouse.gov/briefing-room/statements-releases/2022/07/15/the-jeddah-communique-a-joint-statement-between-the-united-states-of-america-and-the-kingdom-of-saudi-arabia>)

As part of such a strategic partnership agreement, Saudi Arabia could recommit to its longstanding requirement that all purchasers pay for Saudi oil exports with U.S. dollars. In addition, it could commit to maintaining a level of investment in U.S. Treasury securities. For example, Saudi Arabia could commit, subject to exceptions for specified extraordinary circumstances, to maintaining an investment in U.S. Treasury securities equivalent to the \$119.7 billion that Saudi Arabia held on December 31, 2022,¹¹³ plus an adjustment for inflation since that date.

NUCLEAR ENERGY

Although Saudi Arabia contains the second largest proven oil reserves in the world,¹¹⁴ it has long expressed interest in nuclear power. A 2010 royal decree reportedly stated: “atomic energy is essential to meet the kingdom's growing requirements for energy to generate electricity, produce desalinated water and reduce reliance on depleting hydrocarbon resources.”¹¹⁵ Currently, developing a nuclear energy program is an integral part of Crown Prince Mohammed bin Salman’s Vision 2030 plan to diversify the Saudi economy and its energy resources.¹¹⁶

Over the past dozen years, Saudi Arabia has entered into bilateral civil nuclear arrangements, of various levels and types, with countries including Argentina, China, France, Hungary, Kazakhstan, Russia, South Korea, and the United States.¹¹⁷ While Saudi Arabia does not currently possess any nuclear reactors,¹¹⁸ it has announced its intent to build 16 of them.¹¹⁹ It has started construction of its first in partnership with Argentina.¹²⁰

Despite Saudi interest and the United States’ status as the world’s foremost producer of nuclear power,¹²¹ U.S.-Saudi nuclear cooperation has remained at a low level. Riyadh and Washington entered into a non-binding memorandum of understanding in 2008 that provided for low-level nuclear energy collaboration (and 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”).¹²² The Trump administration controversially¹²³ issued seven authorizations enabling U.S.

113. U.S. Department of the Treasury, “Major Foreign Holders of Treasury Securities,” March 15, 2023. (<https://ticdata.treasury.gov/Publish/mfh.txt>)

114. U.S. Energy Information Administration, “Saudi Arabia,” December 2, 2021. (<https://www.eia.gov/international/analysis/country/SAU>)

115. “Nuclear Power in Saudi Arabia,” *World Nuclear Association*, April 2022. (<https://world-nuclear.org/information-library/country-profiles/countries-o-s/saudi-arabia.aspx>)

116. “Vision 2030: Energy & Sustainability,” *Government of Saudi Arabia*, accessed April 27, 2023. (<https://www.vision2030.gov.sa/the-kingdom/explore/energy>); “Vision 2030 Projects,” *Government of Saudi Arabia*, accessed April 27, 2023. (<https://www.vision2030.gov.sa/v2030/v2030-projects>)

117. “Nuclear Power in Saudi Arabia,” *World Nuclear Association*, April 2022. (<https://world-nuclear.org/information-library/country-profiles/countries-o-s/saudi-arabia.aspx>)

118. Warren P. Strobel, Michael R. Gordon, and Felicia Schwartz, “Saudi Arabia, With China’s Help, Expands Its Nuclear Program,” *The Wall Street Journal*, August 4, 2020. (<https://www.wsj.com/articles/saudi-arabia-with-chinas-help-expands-its-nuclear-program-11596575671>)

119. Ludovica Castelli, “Why does Saudi Arabia want to acquire the nuclear fuel cycle?” *Stimson Center*, March 3, 2023. (<https://www.stimson.org/2023/why-does-saudi-arabia-want-to-acquire-the-nuclear-fuel-cycle>)

120. Warren P. Strobel, Michael R. Gordon, and Felicia Schwartz, “Saudi Arabia, With China’s Help, Expands Its Nuclear Program,” *The Wall Street Journal*, August 4, 2020. (<https://www.wsj.com/articles/saudi-arabia-with-chinas-help-expands-its-nuclear-program-11596575671>)

121. *Ibid.*

122. Christopher M. Blanchard and Paul K. Kerr, “Prospects for U.S.-Saudi Nuclear Energy Cooperation,” *Congressional Research Service*, February 2, 2023. (<https://crsreports.congress.gov/product/pdf/IF/IF10799>)

123. Steven Mufson, “Nuclear regulators were unaware of transfer of sensitive technical information to Saudi Arabia,” *The Washington Post*, April 2, 2019. (https://www.washingtonpost.com/world/national-security/nuclear-regulators-were-unaware-of-transfer-of-sensitive-technical-information-to-saudi-arabia/2019/04/02/2bf7e9ee-5587-11e9-9136-f8e636f1f6df_story.html)

companies to share unclassified nuclear technology with Saudi Arabia for marketing purposes.¹²⁴ In 2022, the two countries entered into a nuclear safety cooperation memorandum of understanding.¹²⁵

Since 2012, Riyadh and Washington have periodically attempted to negotiate an agreement pursuant to Section 123 of the Atomic Energy Act.¹²⁶ Section 123 outlines the process for, and mandatory elements of, an agreement authorizing U.S. exports, for civilian purposes, of major nuclear material and equipment, including components of nuclear reactors. These “123 agreements” are subject to review by Congress, which can block them.¹²⁷

As of December 2022, the United States had “123” nuclear cooperation agreements that govern cooperation with 47 countries, the IAEA, and Taiwan.¹²⁸ In addition to the several nonproliferation commitments required by Section 123 itself, two of the agreements (Taiwan and the UAE) include a further legal commitment, by the recipient country, to forgo enrichment and reprocessing of any nuclear material (whether or not the United States is the source).¹²⁹ Enrichment can be used to produce fuel for nuclear reactors, and enrichment and reprocessing can produce highly enriched uranium or separated plutonium, respectively, for nuclear weapons. The additional commitment to forgo enrichment and reprocessing is often referred to as the nonproliferation “gold standard.”¹³⁰

U.S.-Saudi negotiation of a 123 agreement has reportedly stalled over Saudi rejection of “gold standard” language similar to the U.S.-UAE agreement.¹³¹ The Saudis have noticed that while the United States has been conditioning U.S.-Saudi nuclear cooperation on a commitment to forgo enrichment and reprocessing, the Iranians have not only enriched uranium but do so at near-weapons-grade levels¹³² and in a manner inconsistent with any Iranian civil nuclear power needs (Iran’s one nuclear power reactor — at Bushehr — does not require Iranian enrichment

.....
124. U.S. Department of Energy, “Statement from DOE Press Secretary on Saudi Arabia,” March 28, 2019. (<https://www.energy.gov/articles/statement-doe-press-secretary-saudi-arabia#:~:text=:>); Steven Mufson, “Nuclear regulators were unaware of transfer of sensitive technical information to Saudi Arabia,” *The Washington Post*, April 2, 2019. (https://www.washingtonpost.com/world/national-security/nuclear-regulators-were-unaware-of-transfer-of-sensitive-technical-information-to-saudi-arabia/2019/04/02/2bf7e9ee-5587-11e9-9136-f8e636f1f6df_story.html); Christopher M. Blanchard and Paul K. Kerr, “Prospects for U.S.-Saudi Nuclear Energy Cooperation,” *Congressional Research Service*, February 2, 2023. (<https://crsreports.congress.gov/product/pdf/IF/IF10799>)

125. U.S. Department of State, “Memorandum of Understanding Between the United States of America and Saudi Arabia,” September 26, 2022. <https://www.state.gov/wp-content/uploads/2023/01/22-926-Saudi-Arabia-Nuclear-Energy-Safety-NRC-2022.pdf>

126. Edward Wong, Vivian Nereim, and Kate Kelly, “Inside Saudi Arabia’s Global Push for Nuclear Power,” *The New York Times*, April 1, 2023. (<https://www.nytimes.com/2023/04/01/us/politics/saudi-arabia-nuclear-biden-administration.html>); “U.S.-Saudi Nuclear Cooperation: Progress is Stalled over Nonproliferation Conditions and Agency Management of Negotiations Is Unclear,” *U.S. Government Accountability Office*, May 4, 2020. (<https://www.gao.gov/products/gao-20-343>)

127. Christopher M. Blanchard and Paul K. Kerr, “Prospects for U.S.-Saudi Nuclear Energy Cooperation,” *Congressional Research Service*, February 2, 2023. (<https://crsreports.congress.gov/product/pdf/IF/IF10799>)

128. “123 Agreements for Peaceful Cooperation,” *National Nuclear Security Administration*, December 7, 2022. (<https://www.energy.gov/nnsa/123-agreements-peaceful-cooperation>)

129. “The U.S. Atomic Energy Act Section 123 At a Glance,” *Arms Control Association*, April 2019. (<https://www.armscontrol.org/factsheets/AEASection123>); Robert Einhorn, “US-Saudi civil nuclear negotiations: finding a practical compromise,” *The Bulletin*, January 12, 2018. (<https://thebulletin.org/2018/01/us-saudi-civil-nuclear-negotiations-finding-a-practical-compromise>)

130. Paul K. Kerr and Mary Beth D. Nikitin, “Nuclear Cooperation with Other Countries: A Primer,” *Congressional Research Service*, November 17, 2022. (<https://crsreports.congress.gov/product/pdf/RS/RS22937>)

131. “U.S.-Saudi Nuclear Cooperation: Progress is Stalled over Nonproliferation Conditions and Agency Management of Negotiations Is Unclear,” *U.S. Government Accountability Office*, May 4, 2020. (<https://www.gao.gov/products/gao-20-343>)

132. Laurence Norman, “U.N. Agency Confirms Iran Produced Enriched Uranium Close to Weapons Grade,” *The Wall Street Journal*, February 28, 2023. (<https://www.wsj.com/articles/u-n-agency-confirms-iran-produced-enriched-uranium-close-to-weapons-grade-7ccd4069>)

because its nuclear fuel is supplied by Russia).¹³³ While the 2015 Joint Comprehensive Plan of Action (JCPOA) placed restrictions on Iran's enrichment activities,¹³⁴ it abandoned the previous international requirement that Iran cease "all enrichment-related and reprocessing activities."¹³⁵ The JCPOA's restrictions were also to expire in a specified number of years,¹³⁶ arguably legitimizing Iran's development of an enrichment capacity capable of fueling a nuclear arsenal.

Another obstacle to a U.S.-Saudi 123 agreement is reportedly the U.S. insistence that Saudi Arabia supplement its agreement by entering into an Additional Protocol with the IAEA.¹³⁷ The Additional Protocol provides the IAEA with additional inspection authorities. One hundred forty countries, plus the 27 member states of the European Atomic Energy Community (Euratom), have entered into Additional Protocol agreements with the IAEA.¹³⁸ The UAE entered into such an Additional Protocol in conjunction with the U.S.-UAE 123 agreement.¹³⁹ Indeed, in recent years, the United States has not negotiated any 123 agreements with countries that have not entered into an Additional Protocol.¹⁴⁰

Congress has supported the executive branch's nonproliferation policy toward Saudi Arabia, including on supplementing a 123 agreement with the "gold standard" and Additional Protocol. The Consolidated Appropriations Act for Fiscal Year 2023 (and several of its predecessors) prohibits the use of appropriated funds for Export-Import Bank support of nuclear exports to Saudi Arabia unless the kingdom has a 123 agreement "in effect," "has committed to renounce uranium enrichment and reprocessing on its territory under that agreement," and has "signed and implemented" an Additional Protocol with the IAEA.¹⁴¹

Both Congress and executive branch officials have repeatedly expressed concern that the Saudi nuclear program may be intended in part to position the kingdom for developing nuclear weapons.¹⁴² Saudi Arabia is a party

.....
133. Paul K. Kerr, "Iran's Nuclear Program: Status," *Congressional Research Service*, December 20, 2019. (<https://crsreports.congress.gov/product/pdf/RL/RL34544>)

134. Joint Comprehensive Plan of Action, Vienna, July 14, 2015. (<https://2009-2017.state.gov/documents/organization/245317.pdf>)

135. United Nations Security Council, Resolution 1737, December 27, 2006. (https://www.iaea.org/sites/default/files/unsc_res1737-2006.pdf)

136. "Explainer: Timing of Key Sunsets in Nuclear Deal," *United States Institute of Peace*, January 11, 2023. (<https://iranprimer.usip.org/blog/2023/jan/11/explainer-timing-key-sunsets-nuclear-deal>)

137. United Nations Security Council, Resolution 1737, December 27, 2006. (https://www.iaea.org/sites/default/files/unsc_res1737-2006.pdf)

138. "Additional Protocol," *International Atomic Energy Agency*, accessed April 27, 2023. (<https://www.iaea.org/topics/additional-protocol>)

139. U.S. Government Printing Office, "Agreement for Cooperation Between The Government Of The United States And The Government Of The United Arab Emirates" May 21, 2009. (<https://www.govinfo.gov/content/pkg/CDOC-111hd0c43/pdf/CDOC-111hd0c43.pdf>); International Atomic Energy Agency, Protocol Additional to the Agreement between the United Arab Emirates and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons," January 19, 2011. (<https://www.iaea.org/sites/default/files/publications/documents/infcircs/2003/infcirc622a1.pdf>)

140. "The U.S. Atomic Energy Act Section 123 At a Glance," *Arms Control Association*, April 2019. (<https://www.armscontrol.org/factsheets/AEASection123>)

141. Consolidated Appropriations Act, 2023, Pub. L. 117-328. (<https://www.congress.gov/117/bills/hr2617/BILLS-117hr2617enr.pdf>)

142. Edward Wong, Vivian Nereim, and Kate Kelly, "Inside Saudi Arabia's Global Push for Nuclear Power," *New York Times*, April 1, 2023. (<https://www.nytimes.com/2023/04/01/us/politics/saudi-arabia-nuclear-biden-administration.html>); Mark Mazzetti, David E. Sanger, and William J. Broad, "U.S. Examines Whether Saudi Nuclear Program Could Lead to Bomb Effort," *The New York Times*, August 5, 2020. (<https://www.nytimes.com/2020/08/05/us/politics/us-examines-saudi-nuclear-program.html>); Warren P. Strobel, Michael R. Gordon, and Felicia Schwartz, "Saudi Arabia, With China's Help, Expands Its Nuclear Program," *The Wall Street Journal*, August 4, 2020. (<https://www.wsj.com/articles/saudi-arabia-with-chinas-help-expands-its-nuclear-program-11596575671>); "U.S.-Saudi Nuclear Cooperation: Progress is Stalled over Nonproliferation Conditions and Agency Management of Negotiations Is Unclear," *U.S. Government Accountability Office*, May 4, 2020. (<https://www.gao.gov/products/gao-20-343>)

to the Treaty on the Non-Proliferation of Nuclear Weapons, pursuant to which it is legally obligated “not to manufacture or otherwise acquire nuclear weapons.”¹⁴³ However, several senior Saudi officials, including Crown Prince Mohammed bin Salman, have stated that if Iran acquires a nuclear bomb, the kingdom will follow suit. For example, in March 2018, Crown Prince Mohammed bin Salman said, “Saudi Arabia does not want to acquire any nuclear bomb, but without a doubt if Iran developed a nuclear bomb, we will follow suit as soon as possible.”¹⁴⁴ Moreover, press reports have for two decades alleged that Saudi Arabia funded Pakistan’s nuclear weapons program and that Pakistan may be prepared to transfer nuclear weapons and technology if the Saudis request it.¹⁴⁵

In recent years, Saudi Arabia has increased its nuclear cooperation with China, reportedly resulting in part from frustration with Washington’s strict terms and conditions.¹⁴⁶ Riyadh and Beijing have reportedly signed at least three agreements on civil nuclear collaboration.¹⁴⁷ The two countries are also actively mapping untapped Saudi deposits of mineable uranium ore.¹⁴⁸ While some press reports have described the deposits as “potentially vast,”¹⁴⁹ a joint publication by the IAEA and the Nuclear Energy Agency, released on April 3, 2023, described the Saudi search as thus far finding deposits that would be “severely uneconomic” to mine.¹⁵⁰

.....
143. Treaty on the Non-Proliferation of Nuclear Weapons, London, Moscow, and Washington, July 1, 1968. (<https://treaties.unoda.org/t/npt>)

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

145. Bruce Riedel, “Saudi Arabia: Nervously Watching Pakistan,” *The Brookings Institution*, January 28, 2008. (<https://www.brookings.edu/opinions/saudi-arabia-nervously-watching-pakistan>); Laura Smith-Spark and Khushbu Shah, “Is Saudi Arabia seeking nuclear weapons from Pakistan,” *CNN*, May 19, 2015. (<https://www.cnn.com/2015/05/19/world/saudi-pakistan-nuclear-report/index.html>); Mark Mazzetti, David E. Sanger, and William J. Broad, “U.S. Examines Whether Saudi Nuclear Program Could Lead to Bomb Effort,” *The New York Times*, August 5, 2020. (<https://www.nytimes.com/2020/08/05/us/politics/us-examines-saudi-nuclear-program.html>); Mark Urban, “Saudi nuclear weapons ‘on order’ from Pakistan,” *BBC (UK)*, November 6, 2013. (<https://www.bbc.com/news/world-middle-east-24823846>)

146. Edward Wong, Vivian Nereim, and Kate Kelly, “Inside Saudi Arabia’s Global Push for Nuclear Power,” *The New York Times*, April 1, 2023. (<https://www.nytimes.com/2023/04/01/us/politics/saudi-arabia-nuclear-biden-administration.html>); Tom Porter, “Saudi crown prince is plotting to get US nuclear secrets by playing the White House, Russia, and China off against each other, report says,” *Business Insider*, March 15, 2023. (<https://www.businessinsider.com/mohammed-bin-salman-playing-us-secure-nuclear-technology-saudi-report-2023-3>)

147. Mordechai Chaziza, “Saudi Arabia’s Nuclear Program and China,” *Middle East Institute*, August 18, 2020. (<https://www.mei.edu/publications/saudi-arabias-nuclear-program-and-china>); Warren P. Strobel, Michael R. Gordon, and Felicia Schwartz, “Saudi Arabia, With China’s Help, Expands Its Nuclear Program,” *The Wall Street Journal*, August 4, 2020. (<https://www.wsj.com/articles/saudi-arabia-with-chinas-help-expands-its-nuclear-program-11596575671>)

148. Edward Wong, Vivian Nereim, and Kate Kelly, “Inside Saudi Arabia’s Global Push for Nuclear Power,” *The New York Times*, April 1, 2023. (<https://www.nytimes.com/2023/04/01/us/politics/saudi-arabia-nuclear-biden-administration.html>); “CNNC and Saudi Arabia collaborate on uranium extraction from seawater,” *Chinese Atomic Energy Authority*, July 31, 2017. (<http://www.caea.gov.cn/english/n6759361/n6759363/c6794014/content.html>)

149. Edward Wong, Vivian Nereim, and Kate Kelly, “Inside Saudi Arabia’s Global Push for Nuclear Power,” *The New York Times*, April 1, 2023. (<https://www.nytimes.com/2023/04/01/us/politics/saudi-arabia-nuclear-biden-administration.html>)

150. Jonathan Tirone, “Saudi Quest to Become a Nuclear Player Is Coming Up Short,” *Bloomberg News*, April 5, 2023. (<https://www.bloomberg.com/news/articles/2023-04-05/saudi-quest-to-become-a-nuclear-player-is-coming-up-short?sref=3OIZCXOE#xj4y7vzkg>); Nuclear Energy Agency and International Atomic Energy Agency, “Uranium 2022: Resources, Production, and Demand,” February 20, 2023. (https://www.oecd-nea.org/upload/docs/application/pdf/2023-04/7634_uranium_-_resources_production_and_demand_2022.pdf)

Separately, China has provided Riyadh with technology the Saudis have recently started using to build ballistic missiles — the typical delivery system for nuclear weapons.¹⁵¹ There have also been unconfirmed reports¹⁵² that China has helped the Saudis construct a milling facility for extracting yellowcake from uranium ore.

The Saudi government has expressed strong interest in mining and milling uranium ore for both domestic use and export. In January 2023, the Saudi energy minister reiterated the kingdom’s desire to use domestic uranium resources for producing low-enriched uranium as nuclear fuel.¹⁵³ Uranium mining could both facilitate a Saudi nuclear bomb program¹⁵⁴ and provide the country with export revenue.

The United States does not have a monopoly on nuclear reactor technology. Other countries, including China and Russia, are capable of providing a full range of civil nuclear products and services and are highly unlikely to demand nonproliferation commitments as rigorous as those in 123 agreements, let alone insist on the Saudis forgoing enrichment and reprocessing.¹⁵⁵

A U.S.-Saudi strategic partnership agreement would almost certainly address the following nuclear-related issues: a 123 Agreement; a “gold standard” or similar renouncement of enrichment and reprocessing; the Significant Quantities Protocol; the Additional Protocol; and uranium exports. The analysis below addresses each of these in turn.

As a matter of law, the United States cannot engage in major nuclear cooperation with Saudi Arabia, including the export of nuclear reactor components, without meeting the requirements of Section 123 of the Atomic Energy Act. In practice, this means the two countries must negotiate an agreement containing the elements set forth in Section 123.

The U.S. government has long insisted that a U.S.-Saudi agreement for major nuclear cooperation not only meet the standard nonproliferation requirements of Section 123 of the Atomic Energy Act but also include the “gold standard” renouncement of enrichment and reprocessing which was added to the U.S.-UAE agreement.¹⁵⁶

.....
151. Mordechai Chaziza, “Saudi Arabia’s Nuclear Program and China,” *Middle East Institute*, August 18, 2020. (<https://www.mei.edu/publications/saudi-arabias-nuclear-program-and-china>); Zachary Cohen, “US intel and satellite images show Saudi Arabia is now building its own ballistic missiles with help of China,” CNN, December 23, 2021. (<https://www.cnn.com/2021/12/23/politics/saudi-ballistic-missiles-china/index.html>)

152. Edward Wong, Vivian Nereim, and Kate Kelly, “Inside Saudi Arabia’s Global Push for Nuclear Power,” *The New York Times*, April 1, 2023. (<https://www.nytimes.com/2023/04/01/us/politics/saudi-arabia-nuclear-biden-administration.html>); Warren P. Strobel, Michael R. Gordon, and Felicia Schwartz, “Saudi Arabia, With China’s Help, Expands Its Nuclear Program,” *The Wall Street Journal*, August 4, 2020. (<https://www.wsj.com/articles/saudi-arabia-with-chinas-help-expands-its-nuclear-program-11596575671>)

153. Christopher M. Blanchard and Paul K. Kerr, “Prospects for U.S.-Saudi Nuclear Energy Cooperation,” *Congressional Research Service*, February 2, 2023. (<https://crsreports.congress.gov/product/pdf/IF/IF10799>)

154. Emma Graham-Harrison, Stephanie Kirchgaessner, and Julian Borger, “Revealed: Saudi Arabia may have enough uranium ore to produce nuclear fuel,” *The Guardian* (UK), September 17, 2020. (<https://www.theguardian.com/world/2020/sep/17/revealed-saudi-arabia-may-have-enough-uranium-ore-to-produce-nuclear-fuel>)

155. Robert Einhorn, “US-Saudi civil nuclear negotiations: finding a practical compromise,” *The Bulletin*, January 12, 2018. (<https://thebulletin.org/2018/01/us-saudi-civil-nuclear-negotiations-finding-a-practical-compromise>)

156. “U.S.-Saudi Nuclear Cooperation: Progress is Stalled over Nonproliferation Conditions and Agency Management of Negotiations Is Unclear,” *U.S. Government Accountability Office*, May 4, 2020. (<https://www.gao.gov/products/gao-20-343>)

Because the “gold standard” is not required by Section 123,¹⁵⁷ its inclusion is more flexible from a legal perspective. Robert Einhorn, who served in senior nonproliferation positions during the Clinton and Obama administrations, has delineated what he calls “a compromise that serves US interests, including its nonproliferation objectives, without undermining the kingdom’s ability to meet the practical needs of its civil nuclear energy program.”¹⁵⁸ It is unclear if Einhorn’s 2018 proposal represents his current view. The most important points in the compromise include Saudi Arabia agreeing to the gold standard for the first 15 years of the 123 agreement, after which the United States could approve Saudi enrichment and reprocessing on a case-by-case basis.

Einhorn describes his compromise proposal as “serv[ing] US nonproliferation objectives without completely shutting the door to [Saudi enrichment and reprocessing] if, at some future time, the kingdom develops a genuine practical need to pursue such a capability for its civil nuclear program.” Einhorn defends his deviation from the “gold standard” on the grounds that since “in the case of Saudi Arabia, the gold standard is not realistically attainable,” the “real choice” for the United States is between a compromise and not having a 123 agreement with Saudi Arabia. Not having an agreement “could produce a net loss for nonproliferation” because the Saudis would simply purchase from Chinese, Russian, or other “nuclear suppliers less committed to rigorous nonproliferation conditions.”¹⁵⁹

It is important to note that a U.S.-Saudi deviation from the “gold standard” would have implications for the United States’ already-existing 123 agreement with the UAE. The United States has committed to the UAE that if Washington enters into a 123 agreement with “any other non-nuclear weapon State in the Middle East” that contains less restrictive terms, the United States will, if requested by the UAE, “consult” with the UAE “regarding the possibility of amending” the Emirati agreement so as to match the terms of the less restrictive agreement.¹⁶⁰ Thus, if the United States acquiesces to Saudi Arabia, it would likely come under considerable pressure from the UAE to renegotiate the agreement with them to match the Saudi terms.

To make matters more complicated, if the United States weakens nonproliferation criteria in the Middle East, and Saudi Arabia pursues enrichment and reprocessing with U.S. approval, this will potentially lead other American allies in the region (for example Egypt and Jordan) to demand the same capabilities or treatment. This would mean that these countries could get technically close to nuclear weapons and that the United States opened the door for this by loosening its own nonproliferation criteria for the Saudis.

On the other hand, if Russia, China, or another party provides enrichment and reprocessing technology to the Saudis, the United States could seek to counter these developments at the Nuclear Suppliers Group (NSG), a non-binding export control regime that commits members to apply nonproliferation criteria, including the Additional Protocol, for transfers of this nature.¹⁶¹ Washington could also use diplomatic and economic tools outside the NSG to attempt to pressure Riyadh to reverse course.

.....
157. Paul K. Kerr and Mary Beth D. Nikitin, “Nuclear Cooperation with Other Countries: A Primer,” *Congressional Research Service*, November 17, 2022. (<https://crsreports.congress.gov/product/pdf/RS/RS22937>)

158. Robert Einhorn, “US-Saudi civil nuclear negotiations: finding a practical compromise,” *The Bulletin*, January 12, 2018. (<https://thebulletin.org/2018/01/us-saudi-civil-nuclear-negotiations-finding-a-practical-compromise>)

159. Ibid.

160. U.S. Government Printing Office, “Agreement for Cooperation Between The Government Of The United States And The Government Of The United Arab Emirates,” May 21, 2009. (<https://www.govinfo.gov/content/pkg/CDOC-111hdoc43/pdf/CDOC-111hdoc43.pdf>)

161. International Atomic Energy Agency, “Communication received from the Permanent Mission of Kazakhstan to the International Atomic Energy Agency regarding Certain Member States’ Guidelines for the Export of Nuclear Material, Equipment and Technology,” October 18, 2019. (<https://www.iaea.org/sites/default/files/publications/documents/infcircs/1978/infcirc254r14p1.pdf>)

The Saudis have in force with the IAEA an outdated version of the Significant Quantities Protocol, which exempts the Saudis from some obligations relating to IAEA safeguards inspections, which are contained in the Saudi Comprehensive Safeguards Agreement (CSA) with the IAEA.¹⁶² In order to maximize the IAEA's ability to monitor the Saudi nuclear program, the U.S. government will likely insist that the Saudis rescind their Small Quantities Protocol and agree instead to subsidiary arrangements and other measures. This would be consistent with standard practice among IAEA member states, especially those that are developing nuclear power plants and other major nuclear facilities.¹⁶³

The Additional Protocol is an agreement designed by the IAEA to supplement its CSA by giving IAEA inspectors greater access to sites and information relating to a country's nuclear program.¹⁶⁴ While NPT member states are required to enter into a CSA with the IAEA, the Additional Protocol is considered voluntary. However, 140 countries (plus the 27 member states of Euratom) have entered into Additional Protocols¹⁶⁵ and the United States has not negotiated any 123 agreements in recent years with countries that have not entered into an Additional Protocol.¹⁶⁶ Given U.S. concerns about possible Saudi interest in a nuclear weapons program, Washington seems certain to continue to insist on conditioning a U.S.-Saudi 123 agreement on Saudi entry into an Additional Protocol with the IAEA.

Saudi officials have repeatedly expressed interest in deriving export revenue from their unmined uranium ore. While uranium mining could provide the kingdom with both fuel for its own reactors and export revenue, it could also feed an enrichment program for a Saudi nuclear bomb program. As part of a package deal on nuclear issues, the United States will presumably be agreeable to assisting the Saudis with mining uranium ore and exporting it in its unprocessed state.

Yellowcake may be more complicated. The first step in processing mined uranium ore is called "milling," which turns uranium ore into a substance called yellowcake.¹⁶⁷ Most uranium is shipped as yellowcake because it is more cost-effective than transporting unmilled ore.¹⁶⁸ Potential proliferators typically seek to acquire yellowcake rather than unmilled ore.

.....
162. Mark Hibbs, "Safeguards for Saudi Arabia," *Carnegie Endowment for International Peace*, November 27, 2018. (<https://carnegieendowment.org/2018/11/27/safeguards-for-saudi-arabia-pub-77787>); International Atomic Energy Agency, "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," October 18, 2019. (<https://www.iaea.org/sites/default/files/publications/documents/infcircs/2009/infirc746.pdf>)

163. Mark Hibbs, "Safeguards for Saudi Arabia," *Carnegie Endowment for International Peace*, November 27, 2018. (<https://carnegieendowment.org/2018/11/27/safeguards-for-saudi-arabia-pub-77787>)

164. International Atomic Energy Agency, "Additional Protocol," accessed April 27, 2023. (<https://www.iaea.org/topics/additional-protocol>)

165. Ibid.

166. "The U.S. Atomic Energy Act Section 123 At a Glance," *Arms Control Association*, April 2019. (<https://www.armscontrol.org/factsheets/AEASection123>)

167. "Yellowcake," *U.S. Nuclear Regulatory Commission*, March 9, 2021. (<https://www.nrc.gov/reading-rm/basic-ref/glossary/yellowcake.html>)

168. Nicole Jawerth, "Ensuring Safe and Secure Passage for the Nuclear Industry's Vital Natural Resource," *International Atomic Energy Agency*, July 27, 2018. (<https://www.iaea.org/newscenter/news/ensuring-safe-and-secure-passage-for-the-nuclear-industrys-vital-natural-resource#:~:text=Most%20uranium%20is%20shipped%20as,it%20still%20requires%20safe%20handling>)

The IAEA defines 10 metric tons of yellowcake as a “significant quantity,” sufficient to fuel one bomb if the yellowcake is converted into highly enriched uranium. The more yellowcake a country produces, the easier it could be for some of the yellowcake to be diverted to a nuclear weapons program.

In 2020, Saudi officials denied press reports claiming that the kingdom had, with China’s help, built a facility for milling uranium oxide ore. The Saudi CSA requires Riyadh to declare such a facility to the IAEA.¹⁶⁹

As part of a comprehensive agreement, it is possible that the United States may be amenable to agreeing to assist the Saudis with producing and exporting yellowcake. If Saudi Arabia indeed has vast untapped deposits of mineable uranium ore, U.S. assistance in milling and exporting it could serve as a significant incentive.

TERRORISM

U.S.-Saudi cooperation on countering terrorism has come a long way since the September 11 attacks of 2001. In its most recent annual country reports on terrorism, the State Department assessed that, as of 2021, “Saudi Arabia continued to work closely with U.S. and international counterparts to deploy a comprehensive and well-resourced counterterrorism strategy that included security measures, threat detection and deterrence, measures to counter terrorist financing, and counter-radicalization efforts.”¹⁷⁰

The report lists several Saudi-funded and U.S.-implemented programs designed to improve Saudi counterterrorism capacities. These include “training to protect critical infrastructure sites such as maritime ports, aviation assets, energy infrastructure, and desalination plants from terrorist threats.” Saudi Arabia also hosts “the Terrorist Financing Targeting Center that brings together the United States and Gulf partners to confront new and evolving networks and lead efforts on anti-money laundering and counterterrorist financing measures.”¹⁷¹ These actions are particularly valuable from an American perspective, given Saudi Arabia’s unique leadership role among Arab and majority-Muslim nations.

The Jeddah Communique of July 2022 underscored the centrality of countering terrorism to the U.S.-Saudi partnership.¹⁷² The communique made numerous references to shared counterterrorism priorities of the two countries, including:

- “the need for supporting governments in the region facing threats from terrorists or proxy groups backed by outside powers;”
- “the need to further deter Iran’s . . . support for terrorism through its armed proxies;”
- the importance of enabling Lebanon to “resist the threats of violent extremist and terrorist groups” and of Lebanese government control “over all Lebanese territory” so that Lebanon “does not become a launching point for terrorists, drug smuggling, or other criminal activities that threatens the stability and security of the region;”

169. Christopher M. Blanchard and Paul K. Kerr, “Prospects for U.S.-Saudi Nuclear Energy Cooperation,” *Congressional Research Service*, February 2, 2023. (<https://crsreports.congress.gov/product/pdf/IF/IF10799>)

170. U.S. Department of State, “Country Reports on Terrorism 2021: Saudi Arabia,” accessed April 27, 2023. (<https://www.state.gov/reports/country-reports-on-terrorism-2021/saudi-arabia>)

171. *Ibid.*

172. The White House, “The Jeddah Communique: A Joint Statement Between the United States of America and the Kingdom of Saudi Arabia,” July 15, 2022. (<https://www.whitehouse.gov/briefing-room/statements-releases/2022/07/15/the-jeddah-communique-a-joint-statement-between-the-united-states-of-america-and-the-kingdom-of-saudi-arabia>)

- the need to “address the threat posed by Afghanistan-based terrorists;”
- “continued commitment to countering al-Qaeda and ISIS, stemming the flow of foreign fighters, countering violent extremist propaganda, and cutting off terrorist financing streams;”
- “joint efforts through the Terrorist Financing Center,” which is based in Saudi Arabia; and
- the need for continuation of the Global Coalition to Defeat ISIS and “to make long-term and multi-year efforts to return both detained ISIS fighters and the tens of thousands of ISIS family members from northeastern Syria to their home countries.”¹⁷³

Expressing continued commitment to these efforts and strengthening them where possible could represent a key feature of a new strategic partnership agreement. There are multiple areas of mutual interest.

Iran’s sponsorship of terrorism and support for destabilizing forces across the region present persistent challenges to U.S. interests at a time when Washington is simultaneously attempting to counter Russian aggression in Europe and China’s growing power in the Pacific. Tehran’s sponsorship of terrorism is a leading concern for Riyadh too, given how often Tehran has targeted Saudi interests. This shared perspective creates several avenues for deeper cooperation.

The State Department Country Report on Terrorism for Saudi Arabia highlighted Houthi cross-border attacks, noting that such attacks “surpassed 400 in 2021, more than double the number of attacks in 2020.”¹⁷⁴ A U.S.-Saudi strategic partnership agreement could bolster combined diplomatic, economic, and intelligence efforts to prevent such attacks in the future. A new agreement could also help ensure Saudi Arabia has the strongest possible air and missile defense capabilities to protect its citizens should Iran, the Houthis, or other Iranian proxies target Saudi Arabia.

A U.S.-Saudi strategic partnership agreement should also build upon current counterterrorism initiatives relating to: countering al-Qaeda and ISIS; rolling back Iranian proxies; protecting critical infrastructure; detecting and deterring threats; cutting off terrorist financing streams; stemming the flow of foreign fighters; and intercepting illicit weapons shipments. Any agreement should also strengthen bilateral cooperation in countering violent extremist propaganda and ideology.

To counter Iran more broadly, the agreement could also provide for Washington and Riyadh to supplement existing cooperation to wage economic warfare designed to isolate Iran, and to reduce the revenues with which it sponsors terrorism and finances its nuclear program. For example, Riyadh could agree to put key Chinese and other international companies to a choice between doing business with Saudi Arabia and its trillion dollar economy¹⁷⁵ or doing business with Iran and its far smaller \$360 billion economy.¹⁷⁶

.....
173. Ibid.

174. U.S. Department of State, “Country Reports on Terrorism 2021: Saudi Arabia,” accessed April 27, 2023. (<https://www.state.gov/reports/country-reports-on-terrorism-2021/saudi-arabia>)

175. Salim A. Essaid, “Saudi Arabia’s 2022 GDP breaks record, exceeds \$1 trillion,” *Al-Monitor*, March 10, 2023. (<https://www.al-monitor.com/originals/2023/03/saudi-arabias-2022-gdp-breaks-record-exceeds-1-trillion>)

176. “GDP (current US\$) - Iran, Islamic Rep.), *World Bank*, accessed April 27, 2023. (<https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=IR>); Mark Dubowitz and Orde Kittrie, “Strategy for a New Comprehensive U.S. Policy on Iran,” *Foundation for Defense of Democracies*, January 10, 2023.

HUMAN RIGHTS

The Saudi government has significantly loosened restrictions on women's rights. The kingdom has lifted its longstanding ban on women driving as of June 2018 and has amended male guardianship rules restricting women's autonomy.¹⁷⁷

However, U.S.-Saudi tensions over human rights linger over the death of Jamal Khashoggi, a Saudi national, U.S. permanent resident, and writer for *The Washington Post*.¹⁷⁸ Khashoggi was killed by fellow Saudi nationals in 2018 during a visit to the Saudi consulate in Istanbul.¹⁷⁹ The killing deeply damaged perceptions of the Saudi government in the United States. Repairing that damage will require tangible positive action and the passage of time.

But the problem runs deeper than the Khashoggi affair. Members of Congress advocate regularly for improved Saudi human rights practices.¹⁸⁰ According to a March 2023 Congressional Research Service report, “[m]ore aggressive human rights restrictions have accompanied recent social change,” and “[c]hannels for Saudis to express dissent appear to have narrowed considerably since 2017.”¹⁸¹ The State Department's 2022 Country Report on Human Rights Practices in Saudi Arabia includes a list of “[s]ignificant human rights issues,” including “credible reports that members of the security forces committed numerous abuses,” such as: “extrajudicial killings; enforced disappearances; [and] torture.” The report also highlights “serious restrictions on freedom of expression and media [and the] inability of citizens to choose their government peacefully through free and fair elections.”¹⁸²

The most recent version of the annual Freedom House rating of political rights and civil liberties in 210 countries and territories worldwide ranks Saudi Arabia as tied for 13th worst,¹⁸³ assigning it a “not free” label and a score of one out of a possible 40 points for political rights and seven out of a possible 60 points for civil liberties.¹⁸⁴

The Biden administration would undoubtedly find it much easier to make concessions to the Saudis on other issues if the Saudi government were to improve its human rights practices and commitments. One way for the Saudi government to signal improvement would be by releasing non-violent political prisoners. The State Department human rights report lists dissidents and critics who have “neither espoused nor committed violence” yet have been detained or arrested on security-related charges.¹⁸⁵ A March 27, 2023, letter to the crown prince from a bipartisan group of House members, led by Reps. Jamie Raskin (D-MD) and Nancy Mace (R-SC), called attention

.....
177. Christopher M. Blanchard, “Saudi Arabia,” *Congressional Research Service*, March 10, 2023. (<https://crsreports.congress.gov/product/pdf/IF/IF10822>)

178. Julian E. Barnes and David E. Sanger, “Saudi Crown Prince Is Held Responsible for Khashoggi Killing in U.S. Report,” *The New York Times*, July 17, 2021. (<https://www.nytimes.com/2021/02/26/us/politics/jamal-khashoggi-killing-cia-report.html>)

179. Ibid.

180. See, for example, Patricia Zengerle, “US senators adopt new strategy to push Saudi Arabia on human rights,” *Reuters*, March 15, 2023. (<https://www.reuters.com/world/middle-east/us-senators-adopt-new-strategy-push-saudi-arabia-human-rights-2023-03-15>)

181. Ibid.

182. U.S. Department of State, “2022 Country Reports on Human Rights Practices: Saudi Arabia,” accessed April 27, 2023. (<https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/saudi-arabia>)

183. “Countries and Territories,” *Freedom House*, accessed April 27, 2023. (<https://freedomhouse.org/countries/freedom-world/scores>)

184. “Saudi Arabia,” *Freedom House*, accessed April 27, 2023. (<https://freedomhouse.org/country/saudi-arabia/freedom-world/2023>)

185. U.S. Department of State, “2022 Country Reports on Human Rights Practices: Saudi Arabia,” accessed April 27, 2023. (<https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/saudi-arabia>)

to the plight of Saudis imprisoned merely for sending tweets criticizing the Saudi government.¹⁸⁶ Amnesty for such prisoners could be a helpful step.

A second way to signal improvement would be to definitively change Saudi practices that violate both Saudi law and fundamental international human rights obligations to which Saudi Arabia is a party. One such practice, listed in the State Department's 2022 Country Report on Human Rights Practices, is the regular use of torture to coerce confessions.¹⁸⁷

A third way to signal improvement would be for Saudi Arabia to announce and implement, perhaps in partnership with the U.S. government, a robust mechanism for monitoring and otherwise ensuring its compliance with key international human rights treaties and other instruments to which Saudi Arabia is already committed. These include: the Convention on the Elimination of All Forms of Discrimination Against Women;¹⁸⁸ the Convention Against Torture;¹⁸⁹ the Gulf Cooperation Council Human Rights Declaration;¹⁹⁰ and the Universal Declaration of Human Rights.¹⁹¹

A fourth way to signal an improved approach to human rights would be for Saudi Arabia to join additional international human rights treaties. Saudi Arabia is currently a party to relatively few international human rights treaties. One obvious and important treaty which Saudi Arabia has not yet joined is the International Covenant on Civil and Political Rights, which has been joined by 173 other countries including the United States and several of the kingdom's fellow members of the Gulf Cooperation Council.¹⁹²

SOME FINAL THOUGHTS

If Washington neglects its partners in the Middle East out of a desire to further reduce commitments in the region and focus elsewhere, the United States could find itself in a position of having to send additional forces back to the region in the future in response to events that could have been avoided, deterred, or managed.

Riyadh, for its part, risks making too many maximalist demands of Washington. If Riyadh, owing to its impatience with Washington, deepens its partnership with Beijing, Saudi Arabia's stock in Washington will plummet, making

.....
186. Jamie Raskin and Nancy Mace, "Letter to His Royal Highness Mohammad bin Salman," March 27, 2023. (https://raskin.house.gov/_cache/files/e/8/e8a2fda7-e486-4ef5-8dc4-682d342c1601/87311B84B2EA40F3C581F420D99AE388.2023-03-27-letter-to-hrh-mohammad-bin-salman-from-members-of-congress.pdf)

187. U.S. Department of State, "2022 Country Reports on Human Rights Practices: Saudi Arabia," accessed April 27, 2023. (<https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/saudi-arabia>)

188. "United Nations Treaty Body Database: Ratification Status for CEDAW - Convention on the Elimination of All Forms of Discrimination against Women," *Office of the High Commissioner for Human Rights*, accessed April 27, 2023. (https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en)

189. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, New York, December 10, 1984.

190. The Cooperation Council for the Arab States of the Gulf, "GCC Human Rights Declaration," December 9, 2014. (<https://www.gcc-sg.org/en-us/CognitiveSources/DigitalLibrary/Lists/DigitalLibrary/Human%20Rights/1453192982.pdf>)

191. The Universal Declaration of Human Rights (UDHR) is not a treaty and has not been signed or ratified by states. Instead, it was adopted by the UN General Assembly in 1948 as a resolution. Saudi Arabia abstained on the vote to adopt the resolution. However, in 2020, Saudi Arabia joined with the United States and dozens of other UN member states to "recommit" themselves to the UDHR. U.S. Mission to the United Nations, "Joint Statement on the Universal Declaration of Human Rights," December 10, 2020. (<https://usun.usmission.gov/joint-statement-on-the-universal-declaration-of-human-rights>)

192. International Covenant on Civil and Political Rights, New York, December 16, 1966. (https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=_en&mtdsg_no=IV-4&src=IND)

constructive negotiations with the United States less likely and propelling the two governments toward a painful divorce after decades of a strategic partnership. Riyadh would then quickly realize that Beijing is no substitute for Washington when it comes to the political will and military capability to counter Iran.

Thankfully, neither outcome is inevitable. With the strategic context in mind and an appreciation for the objectives the two governments share, there is a possible path forward. The purpose of this memo has been to offer a range of ideas that — in some form or combination — could perhaps contribute to a new U.S.-Saudi Arabia strategic partnership agreement.

There is still a window to pursue such a path, but if both sides are not careful, that window could close.

Foundation for Defense of Democracies (FDD)

FDD is a Washington, DC-based nonpartisan research institute focusing on national security and foreign policy. FDD does not accept donations from any foreign governments.

FDD's Center on Military and Political Power

FDD's Center on Military and Political Power promotes understanding of the defense strategies, policies, and capabilities necessary to deter and defeat threats to the freedom, security, and prosperity of Americans and our allies, by providing rigorous, timely, and relevant research and analysis.

Bradley Bowman serves as senior director of FDD's Center on Military and Political Power. He has almost nine years of experience in the U.S. Senate, where he served as a national security advisor to members of the Senate Armed Services and Foreign Relations committees. He has also served as an active-duty U.S. Army officer, Black Hawk pilot, staff officer in Afghanistan, Council on Foreign Relations international affairs fellow, and assistant professor at West Point.

Orde F. Kittrie is a senior fellow at the Foundation for Defense of Democracies and a law professor at Arizona State University. He is a leading expert on international law and policy, particularly as it relates to the Middle East; on nonproliferation law and policy; and on U.S. regulation of international business transactions. He previously served for 10 years as a U.S. State Department attorney.

Ryan Brobst is a research analyst at FDD's Center on Military and Political Power. His research focuses on Middle East security, including arms sales and weapons development as well as regional military operations and exercises. Prior to joining FDD, Ryan served as a policy analyst at the Hoover Institution and as a graduate research assistant at Stanford University's Center for International Security and Cooperation.

FDD values diversity of opinion and the independent views of its scholars, fellows, and board members. The views of the authors do not necessarily reflect the views of FDD, its staff, or its advisors.