

# Congress Considers Possible Responses to the Disappearance of a Saudi Journalist

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Congress is considering potential responses to the disappearance and reported death of prominent Saudi Arabian journalist and former diplomatic advisor Jamal Khashoggi. Some members of Congress have requested additional information from the executive branch, raised the prospect of targeted U.S. sanctions, or introduced legislation to limit security cooperation with Saudi Arabia until the executive branch makes a determination concerning alleged Saudi government involvement.

Khashoggi, an outspoken, self-exiled critic of Saudi Crown Prince Mohammed bin Salman bin Abd al Aziz Al Saud, disappeared on October 2 in conjunction with his visit to the Saudi Arabian consulate in Istanbul, Turkey. Khashoggi had resided in the United States since 2017, but he was not a lawful permanent resident. His whereabouts and the circumstances surrounding his disappearance and presumed death have yet to be definitively established. The Saudi government denies that its personnel were involved in Khashoggi's disappearance or reported death, despite allegations, including some sourced to unnamed Turkish officials, of evidence of such involvement. U.S. officials are reviewing the charges, and President Trump and his top aides have consulted with counterparts in Saudi Arabia and Turkey and welcomed both governments' pledges to conduct thorough investigations.

U.S.-Saudi relations are close and multifaceted, reflecting decades of economic, diplomatic, energy, and security cooperation. Differing policy preferences with regard to governance, human rights, and regional affairs have tested relations at times. The United States provides limited foreign assistance to Saudi Arabia, but security and defense cooperation is substantial and rooted in billions of dollars in congressionally reviewed sales of U.S. defense articles and services. Bilateral intelligence and counterterrorism partnerships are well developed and mutually valued. U.S.-Saudi relations have remained transactional, and current patterns of cooperation would be challenging and costly for either side to significantly modify or replace.

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Some members of Congress are considering options for responding to the Khashoggi case to achieve different and potentially competing goals. These include

- obtaining authoritative, verified information;
- bolstering U.S. credibility in defense of human rights;
- deterring future such incidents;
- shaping Saudi decisions;
- maintaining productive U.S.-Saudi cooperation; and/or
- establishing new terms for U.S.-Saudi relations.

The potential security, diplomatic, and/or economic repercussions for the United States of various courses of action are uncertain and appear contingent on evolving conditions and the choices of others. Congress could act directly or require executive branch action, or it could authorize executive branch actions pursuant to presidential determinations or waivers. Members may change their views about the appropriate nature and/or duration of different responses as new facts emerge, including information regarding any official Saudi involvement, and as the U.S. and Saudi governments make decisions.

Possible options for congressional action considered or invoked to date include proposals related to:

- **Sanctions Pursuant to the Global Magnitsky Human Rights Accountability Act** – Some Senators wrote to President Trump to request a determination within 120 days as to whether any foreign person is responsible for the extrajudicial killing or torture of Jamal Khashoggi or any other gross violation of his internationally recognized human rights. The request seeks consideration of information “with respect to the highest ranking officials in the Government of Saudi Arabia,” and a determination on the imposition of U.S. travel and economic sanctions provided for in the act (P.L. 114-328, Subtitle F).
- **Saudi Diplomatic Operations in the United States** – Congress could direct the executive branch to limit or condition movements by Saudi diplomatic personnel in the United States (e.g., Division N, Section 502 of P.L. 115-31). Some Members of Congress have expressed concern about the alleged misuse in Turkey of Saudi consular facilities and diplomatic privileges and seek further information from the Administration on “Saudi nationals credentialed to diplomatic and consular posts in the United States.” Diplomatic conventions provide for reciprocal treatment; hundreds of U.S. diplomatic and military personnel and their families are present in Saudi Arabia.

The 115<sup>th</sup> Congress also has debated U.S. support to Saudi-led coalition military operations in Yemen and potential U.S.-Saudi nuclear cooperation, reflecting congressional concerns about regional security, humanitarian conditions, and nuclear nonproliferation. Some in Congress may seek to link concerns about the Khashoggi case to these or other issues, including energy and investment ties. Others may argue against linkage, or seek to preserve the status quo. Related issues include:

- **U.S. Arms Sales and Military Assistance** – Congress has considered conditioning or disapproving arms sales and military assistance to Saudi Arabia based on some Members’ concerns about the conduct of Saudi-led coalition military operations in Yemen. Some Members may support similar measures based on concerns related to the Khashoggi case. The Arms Export Control Act defines processes for congressional review of certain proposed arms sales. Congress may condition or disapprove of sales by passing joint resolutions of disapproval or other legislation in both chambers, subject to presidential veto. Congress also may seek to approve only certain categories of sales, limit weapons’ capabilities, or condition deliveries.

- **Oil Transactions** – Congress could restrict imports of Saudi crude oil, with uncertain and potentially significant price effects on global markets, Saudi oil revenues, and U.S. refinery costs/margins. U.S. imports of Saudi oil are limited, and constraints in the global oil delivery system created by U.S. restrictions would likely resolve themselves over time. Market participants currently expect that Saudi Arabia will increase exports to meet demand from consumers who are expected to curtail imports from Iran because of U.S. sanctions. If Saudi Arabia declines to increase production and/or export volumes, crude oil and gasoline prices will likely rise. Other proposed legislation could make Saudi actions in conjunction with fellow Organization of Petroleum Exporting Countries (OPEC) members subject to U.S. anti-trust penalties (S. 3214 and H.R. 5904).
- **U.S. Investments** – Congress could condition and/or restrict U.S. investment in or encourage divestment from Saudi Arabia, Saudi government securities, or projects involving Saudi state-owned enterprises, as it has in other cases. Saudi Arabia is borrowing to support its budget deficit and seeks foreign investment in government-backed programs to promote growth in non-oil related activities. Saudi government holdings of U.S. Treasury securities are substantial, and Saudi state entities also are exploring significant private sector investment in the United States.

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