Congress of the United States
Washington, DC 20515

January 26, 2021

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Blinken:

We write today to share our hopes and expectations for a meaningful adjustment in the U.S.-Saudi relationship to ensure that it better advances American interests and values. Bipartisan majorities in the Congress have repeatedly urged such a shift in recent years, passing multiple bills and resolutions to disapprove arms sales, to require accountability for the murder of Jamal Khashoggi, and to secure the release of unjustly detained American citizens and Saudi political prisoners. Last year, while still a candidate for president, President Biden promised that his administration would "reassess our relationship with the Kingdom, end U.S. support for Saudi Arabia's war in Yemen, and make sure America does not check its values at the door to sell arms or buy oil."

President Biden will undoubtedly face pressure from Saudi Arabia and its Gulf allies to forget this pledge. We hope you will nonetheless make it clear that the burden for maintaining a positive relationship cannot fall entirely on the United States. The Saudi government must show greater respect for American concerns about the treatment of our citizens and residents, the humanitarian catastrophe in Yemen, and fundamental human rights.

We therefore ask that you prioritize the following early actions that share a grounding in bipartisan, bicameral expressions of Congressional intent:

1. **Implement immediate accountability measures for the Khashoggi assassination**: We appreciated Director of National Intelligence (DNI) Haines' public commitment to ensure that ODNI releases an unclassified report, pursuant to law, detailing the Saudi government's culpability in the brutal killing of Jamal Khashoggi. [i] We hope the DNI will do so without delay.[ii] Furthermore, if the report lists individuals not held accountable under preceding rounds of sanctions related to the murder, you should promptly take action against any such individuals under mandatory and permissive sanctions authorities administered by your Department. These sanctions would normally be triggered when the U.S. government possesses credible evidence of culpability in a gross human rights abuse.[iii] This would align U.S. policy with the *Saudi Arabia Human Rights and Accountability Act of 2019,* which passed by a 405-7 vote in the House of Representatives, and other measures such as the *Protection of Saudi Dissidents Act*.

2. **Freeze delivery of offensive weapons to Saudi Arabia to allow for a review of those contributing to the Yemen conflict and promote a political settlement:** Continued delivery of U.S.-supplied munitions and offensive weapons to the Saudi Air Force implicates the United States in the Yemen conflict, responsible for the world's worst humanitarian disaster. It also associates the U.S. with Saudi airstrikes responsible for an estimated 18,500 civilians killed or maimed in the conflict.[iv] As a result of bipartisan consensus that Saudi airstrikes are driving the conflict, empowering Iranian proxies, and undermining U.S. interests, Congress has passed

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multiple joint resolutions of disapproval to limit the transfer of munitions to Saudi Arabia (the first since 1986).[v] These followed the historic first-ever passage of a Joint War Powers Resolution to prohibit U.S. involvement in the Saudi-led war in Yemen.[vi] We encourage the administration to take quick, corrective action to withdraw U.S. support for the Saudi-led war in Yemen and to intensify U.S. diplomacy in support of a political settlement.

3. **Reverse the FTO designation of the Houthis:** In an eleventh hour move reportedly at the behest of Saudi officials, the previous administration designated Ansar Allah of Yemen as a foreign terrorist organization on 11 January 2021. While we should hold the Houthis accountable for their human rights abuses and their part in prolonging the war, designation of an entire group controlling over 80% of the Yemeni population will severely limit delivery of food and medicine to people who bear no responsibility for the Houthis' crimes. To deny such life-saving aid to civilians in the middle of both a famine in Yemen and a global pandemic is profoundly wrong.[vii] In addition to reversing the designation, we urge the State Department, in partnership with the Treasury Department and USAID, to take all necessary steps to help facilitate a rapid resumption of life-saving humanitarian assistance.

4. **Demand release of American citizens arbitrarily detained by the Saudi Government** during your first month in office. In December, for example, after several years of arbitrary detention, Saudi courts convicted American citizen Walid Fitaihi on charges that included becoming an American citizen "without permission."[viii] We hope you will stress to Saudi authorities that there can be no return to a normal relationship with the United States until Fitaihi and all unjustly detained Americans and their families are released and allowed to leave the country. We urge you also to make clear than any further efforts by Saudi Arabia to threaten or harm anyone in the United States will lead to severe consequences, including a suspension of all arms sales (as envisioned in provisions of the Arms Export Control Act restricting weapons transfers to countries that engage in a consistent pattern of intimidation of persons in the United States).[ix]

We recognize that the United States has important interests that working constructively with Saudi Arabia can help us to advance. But Saudi Arabia also depends on its partnership with the United States to maintain security in the Persian Gulf and to deter aggression by its rivals, something that no other country is able or willing to do. American support for the Kingdom is not a blank check and Saudi Arabia should understand that we will no longer overlook actions inconsistent with American interests and values to preserve a relationship that, over the past several years, has served Saudi interests more than it has served our own. Early actions by the Biden administration that reinforce a message already delivered by broad bipartisan majorities in the Congress will help us to build a more balanced, healthy, and principled relationship with the Kingdom.

Sincerely,

Tom Malinowski
Member of Congress

Gregory W. Meeks
Chairman, House Committee on Foreign Affairs

Adam Smith
Chairman, House Committee on Armed Services

James P. McGovern
Chairman, House Committee on Rules

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Adam Schiff
Chairman, House Permanent Select
Committee on Intelligence

Ted Deutch
Chairman, House Foreign Affairs Subcommittee
on Middle East, North Africa, & Global
Counterterrorism

Dean Phillips
Member of Congress

Gerald E. Connolly
Member of Congress

Ted Lieu
Member of Congress

Colin Allred
Member of Congress

cc:

The Honorable Mike Rogers, Ranking Member, House Armed Services Committee
The Honorable Michael McCaul, Ranking Member, House Committee on Foreign Affairs
The Honorable Robert Menendez, Chairman, Senate Committee on Foreign Relations
The Honorable James Risch, Ranking Member, Senate Committee on Foreign Relations

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[i] Sections 1277 (*Report on intelligence community assessment relating to the killing of Washington Post columnist Jamal Khashoggi*) and 5714 (*Report on death of Jamal Khashoggi*) of S. 1790, the National Defense Authorization Act for Fiscal Year 2020.

[ii] This could be most easily accomplished by ODNI declassifying a "classified annex" that it provided to Congress in February 2020, with appropriate redactions that should not alter or obscure in any way the Intelligence Community's determinations, presentations of evidence, or identification of relevant persons, as required by the law.

[iii] Section 7031(c) of H.R.133, *the Consolidated Appropriations Act, 2021* requires that visa ineligibilities be invoked concerning "officials of foreign governments and their immediate family members about whom the Secretary of State has credible information have been involved, directly or indirectly, in…a gross violation of human rights." The Secretary of State is thus legally required to apply sanctions under Section 7031(c) to any individuals identified in the ODNI report on Khashoggi's assassination. Furthermore, the previous administration has taken action using Global Magnitsky sanctions against 17 Saudi nationals found to have been involved in Khashoggi's murder. Electing not to do so with regard to any additional individuals named in the ODNI report would suggest that the United States is protecting those certain individuals ultimately responsible for this crime.

[iv] https://www.yemendataproject.org/

[v] S.J.Res.36 - *A joint resolution providing for congressional disapproval of the proposed transfer to the Kingdom of Saudi Arabia, the United Kingdom of Great Britain and Northern Ireland, the Kingdom of Spain, and the Italian Republic of certain defense articles and services.* (vetoed)

S.J.Res.38 - *A joint resolution providing for congressional disapproval of the proposed export to the Kingdom of Saudi Arabia and the United Kingdom of Great Britain and Northern Ireland of certain defense articles and services.* (vetoed)

[vi] S.J.Res.7 - A joint resolution to direct the removal of United States Armed Forces from hostilities in the Republic of Yemen that have not been authorized by Congress. (vetoed)

[vii] The Houthis are belligerents of a long-running civil insurgency and then full-blown civil war in Yemen. Large-scale Saudi involvement in the current conflict comes in context of a long history of Saudi involvement in the political affairs of their southern neighbor. Dismayed at the potential of Yemen being controlled by a Shi'a group they feared would advance Iranian objectives and the loss of Yemeni leadership over which they had strong influence, Saudi leaders initiated a multi-year air war that is responsible for the majority of civilians killed or maimed in the conflict and which has caused a strengthening of Houthi-Iranian ties. Strikes have targeted food and water facilities, medical centers, private residences, while many likely war crimes have been documented by independent observers. In response to Saudi initiation of major cross-border hostilities and airstrikes, the Houthis have retaliated with missile strikes and cross-border raids targeting civilians in Saudi Arabia.

[viii] Washington Post: Saudi court sentences American citizen to six years in prison despite appeals from the U.S.

[ix] 22 USC 2756: Foreign intimidation and harassment of individuals in United States

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