

117TH CONGRESS  
1ST SESSION

# S. 3155

To impose sanctions with respect to individuals responsible for the death of Jamal Khashoggi, to protect human rights in the sale, export, and transfer of defense articles and defense services to Saudi Arabia, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 2021

Mr. MENENDEZ (for himself, Mr. LEAHY, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

---

## A BILL

To impose sanctions with respect to individuals responsible for the death of Jamal Khashoggi, to protect human rights in the sale, export, and transfer of defense articles and defense services to Saudi Arabia, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Jamal Khashoggi  
5 Human Rights Act”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

1           (1) On October 2, 2018, Washington Post jour-  
2           nalist Jamal Khashoggi was murdered by agents of  
3           the Government of Saudi Arabia in the consulate of  
4           Saudi Arabia in Istanbul, Turkey, after having been  
5           monitored through commercial surveillance software.

6           (2) In 2019, the Department of Justice charged  
7           2 Saudi Arabian former employees of Twitter with  
8           acting as illegal agents of the Government of Saudi  
9           Arabia, using their employee access to obtain private  
10          information on dissidents and critics of Saudi Arabia  
11          at the behest of that Government, and, according to  
12          public reporting and human rights groups, the Gov-  
13          ernment of Saudi Arabia has also used commercial  
14          spyware to monitor the movements and communica-  
15          tions of dozens of activists and journalists around  
16          the world and in the United States.

17          (3) On July 30, 2019, the Committee on For-  
18          eign Relations of the Senate approved, in a bipar-  
19          tisan vote, S. 398, 116th Congress, known as the  
20          Saudi Arabia Accountability and Yemen Act of  
21          2019, which required, among other things, the im-  
22          position of sanctions on any person involved in the  
23          death of Jamal Khashoggi.

24          (4) The National Defense Authorization Act for  
25          Fiscal Year 2020 (Public Law 116–92; 133 Stat.

1 1198), enacted on December 20, 2019, required the  
2 Director of National Intelligence to submit to Con-  
3 gress a report including the identification of those  
4 who carried out, participated in, ordered, or were  
5 otherwise complicit in or responsible for the death of  
6 Jamal Khashoggi.

7 (5) On February 26, 2021, consistent with the  
8 National Defense Authorization Act for Fiscal Year  
9 2020, the Director of National Intelligence released  
10 a report entitled “Assessing the Saudi Government’s  
11 Role in the Killing of Jamal Khashoggi”, concluding  
12 that Saudi Crown Prince Mohammed bin Salman  
13 approved the operation that killed Khashoggi. The  
14 Director’s report also identified other senior officials  
15 of the Government of Saudi Arabia who “partici-  
16 pated in, ordered, or were otherwise complicit in or  
17 responsible for the death of Jamal Khashoggi on be-  
18 half of Muhammad bin Salman”.

19 (6) Section 7031(c) of the Consolidated Appro-  
20 priations Act, 2021 (Public Law 116–260) requires  
21 the Secretary of State to deny entry into the United  
22 States of “officials of foreign governments and their  
23 immediate family members about whom the Sec-  
24 retary of State has credible information have been

1 involved, directly or indirectly, in . . . a gross viola-  
2 tion of human rights”.

3 (7) Section 6 of the Arms Export Control Act  
4 (22 U.S.C. 2756) prohibits weapons transfers to for-  
5 eign countries determined by the President to be en-  
6 gaged in a “pattern of acts of intimidation or har-  
7 assment directed against individuals in the United  
8 States”.

9 (8) In February 2020, the Federal Bureau of  
10 Investigation declassified its assessment that offi-  
11 cials of the Government of Saudi Arabia “almost  
12 certainly assist United States-based [citizens of  
13 Saudi Arabia] in fleeing the United States because  
14 of legal issues, undermining the United States judi-  
15 cial process”.

16 (9) Section 502B(a)(3) of the Foreign Assist-  
17 ance Act of 1961 (22 U.S.C. 2304(a)(3)) directs the  
18 President to formulate and conduct international se-  
19 curity assistance programs of the United States in  
20 a manner which will “avoid identification of the  
21 United States, through such programs, with govern-  
22 ments which deny to their people internationally rec-  
23 ognized human rights and fundamental freedoms”.

24 (10) Secretary of State Antony Blinken has af-  
25 firmed the United States national interest in pre-

1 venting authoritarian foreign governments from  
 2 reaching beyond their borders to intimidate or harm  
 3 persons within the United States, stating, “As a  
 4 matter of safety for all within our borders, perpetra-  
 5 tors targeting perceived dissidents on behalf of any  
 6 foreign government should not be permitted to reach  
 7 American soil . . . We have made absolutely clear  
 8 that extraterritorial threats and assaults by Saudi  
 9 Arabia against activists, dissidents, and journalists  
 10 must end.”.

11 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO PER-**  
 12 **SONS RESPONSIBLE FOR THE DEATH OF**  
 13 **JAMAL KHASHOGGI.**

14 (a) IN GENERAL.—On and after the date that is 90  
 15 days after the date of the enactment of this Act, all per-  
 16 sons named in the qualifying report shall be subject to  
 17 the same sanctions as a person included on the list of spe-  
 18 cially designated nationals and blocked persons main-  
 19 tained by the Office of Foreign Assets Control of the De-  
 20 partment of the Treasury.

21 (b) NATIONAL SECURITY WAIVER.—

22 (1) IN GENERAL.—The President may, on a  
 23 case-by-case basis, waive for a period of not more  
 24 than 90 days the imposition of sanctions under sub-  
 25 section (a) with respect to a person if the President

1 submits to the appropriate congressional commit-  
2 tees—

3 (A) a written determination that the waiv-  
4 er is vital to the national security interests of  
5 the United States;

6 (B) a detailed explanation of how the waiv-  
7 er is vital to those interests; and

8 (C) a certification that the Government of  
9 Saudi Arabia is making significant progress to-  
10 ward meeting the following criteria:

11 (i) The Government of Saudi Arabia  
12 has brought to justice officials of the Gov-  
13 ernment of Saudi Arabia and members of  
14 the royal family of Saudi Arabia named in  
15 the qualifying report.

16 (ii) The Government of Saudi Arabia  
17 is not detaining, charging, or imposing  
18 travel bans on citizens or legal residents of  
19 the United States or any other third coun-  
20 try for political reasons, including criticism  
21 of policies of that Government, peaceful  
22 advocacy of political beliefs, or the pursuit  
23 of United States citizenship.

24 (iii) The Government of Saudi Arabia  
25 is cooperating in outstanding criminal pro-

ceedings in the United States in which a citizen or national of Saudi Arabia departed from the United States while the citizen or national was awaiting trial or sentencing for a criminal offense committed in the United States.

(iv) The Government of Saudi Arabia is not detaining, charging, or imposing travel bans on citizens of Saudi Arabia, including civil society activists, journalists, bloggers, lawyers, or religious figures, for political reasons, including criticism of policies of that Government or peaceful advocacy of political beliefs.

(v) The Government of Saudi Arabia has disbanded any units of its intelligence or security apparatus dedicated to the forced repatriation of dissidents or critical voices in other countries.

(vi) The Government of Saudi Arabia has made meaningful commitments to a multilateral framework on the lawful use, sale, and transfer of digital surveillance items and services that can be used to abuse human rights.

1 (vii) The Government of Saudi Arabia  
2 has instituted meaningful legal reforms to  
3 protect the rights of freedom of expression,  
4 religion, and due process, and women's  
5 rights, in its judicial system.

6 (2) RENEWAL.—A waiver issued under para-  
7 graph (1) with respect to an individual may be re-  
8 newed, on a case-by-case basis, if the President sub-  
9 mits to the appropriate congressional committees,  
10 with respect to each such waiver, the determination,  
11 explanation, and certification required under para-  
12 graph (1).

13 (c) DEFINITIONS.—In this section:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
15 TEES.—The term “appropriate congressional com-  
16 mittees” means—

17 (A) the Committee on Foreign Relations,  
18 the Committee on Appropriations, and the  
19 Committee on Banking, Housing, and Urban  
20 Affairs of the Senate; and

21 (B) the Committee on Foreign Affairs, the  
22 Committee on Appropriations, and the Com-  
23 mittee on Financial Services of the House of  
24 Representatives.

(2) QUALIFYING REPORT.—The term “qualifying report” means the report issued by the Office of the Director of National Intelligence entitled “Assessing the Saudi Government’s Role in the Killing of Jamal Khashoggi”, dated February 11, 2021, and declassified by Director of National Intelligence Avril D. Haines on February 25, 2021.

**SEC. 4. REPORT ON AND SUSPENSION OF ASSISTANCE FOR INCIDENTS OF ARBITRARY DETENTION, VIOLENCE, AND STATE-SANCTIONED HARASSMENT BY THE GOVERNMENT OF SAUDI ARABIA AGAINST UNITED STATES PERSONS AND FAMILY MEMBERS.**

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State, in consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report on incidents of arbitrary detention, violence, and state-sanctioned harassment committed by the Government of Saudi Arabia against United States persons, or their fam-

1        ily members who are not United States persons, in  
2        the United States or foreign countries.

3            (2) MATTERS TO BE INCLUDED.—Each report  
4        required by paragraph (1) shall include the fol-  
5        lowing:

6            (A) A detailed description of the incidents  
7        described in paragraph (1) that took place dur-  
8        ing the 1-year period preceding the date on  
9        which the report is submitted.

10          (B) A certification of whether Saudi Ara-  
11        bia is engaging in a “consistent pattern of acts  
12        of intimidation or harassment directed against  
13        individuals in the United States” for purposes  
14        of section 6 of the Arms Export Control Act  
15        (22 U.S.C. 2756).

16          (C) A description of any actions taken to  
17        deter incidents of intimidation or harassment  
18        committed by the security agencies of such Gov-  
19        ernment against United States persons and  
20        their family members who are not United  
21        States persons.

22            (3) FORM.—Each report required by paragraph  
23        (1) shall be submitted in unclassified form, but may  
24        include a classified annex if necessary.

1       (b) SUSPENSION OF ASSISTANCE.—If the President  
2 determines in any report submitted under subsection (a)  
3 that the Government of Saudi Arabia has engaged in a  
4 pattern of acts of intimidation or harassment directed  
5 against United States persons or their family members  
6 who are not United States persons, the President shall  
7 cancel or suspend any letter of offer, credit, guarantee,  
8 or export license with the Government, in compliance with  
9 section 6 of the Arms Export Control Act (22 U.S.C.  
10 2756), until such time as the President determines that  
11 the pattern of acts of intimidation or harassment has  
12 ceased.

13       (c) DEFINITIONS.—In this section:

14           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
15 TEES.—The term “appropriate congressional com-  
16 mittees” means—

17               (A) the Committee on Foreign Relations,  
18               the Committee on Armed Services, the Com-  
19               mittee on Appropriations, the Committee on Fi-  
20               nance, and the Select Committee on Intelligence  
21               of the Senate; and

22               (B) the Committee on Foreign Affairs, the  
23               Committee on Armed Services, the Committee  
24               on Appropriations, the Committee on Ways and

1 Means, and the Permanent Select Committee  
2 on Intelligence of the House of Representatives.

3 (2) UNITED STATES PERSON.—The term  
4 “United States person” means—

5 (A) a citizen of the United States or an  
6 alien lawfully admitted for permanent residence  
7 to the United States; or

8 (B) an entity organized under the laws of  
9 the United States or any jurisdiction within the  
10 United States, including a foreign branch of  
11 such entity.

12 **SEC. 5. PROTECTION OF HUMAN RIGHTS IN THE SALE, EX-**  
13 **PORT, AND TRANSFER OF DEFENSE ARTI-**  
14 **CLES AND DEFENSE SERVICES TO SAUDI**  
15 **ARABIA.**

16 (a) ASSESSMENT AND CERTIFICATIONS RE-  
17 QUIRED.—

18 (1) IN GENERAL.—Not later than 30 days be-  
19 fore any letter of offer to sell a defense article or de-  
20 fense service controlled for export to Saudi Arabia is  
21 concluded, or any license to export or transfer such  
22 an article or service to Saudi Arabia is authorized,  
23 the Secretary of State shall transmit to the appro-  
24 priate congressional committees the following:

1           (A) An assessment by the Secretary of the  
2 risk that the article or service will be used in  
3 the commission of violations of international  
4 humanitarian law or internationally recognized  
5 human rights.

6           (B) A certification that the Government of  
7 Saudi Arabia has provided a written commit-  
8 ment not to use such article or service in the  
9 commission, or to enable the commission, of a  
10 violation of international humanitarian law or  
11 internationally recognized human rights.

12          (C) A certification that an effective end-  
13 use monitoring program will be instituted to en-  
14 sure that such article or service is not used to  
15 violate international humanitarian law or inter-  
16 nationally recognized human rights.

17          (D) A certification that the United States  
18 Government has secured the legal right to re-  
19 quire the return of any United States-origin de-  
20 fense article sold, exported, or transferred to  
21 Saudi Arabia if the article has been used in the  
22 commission, or has enabled the commission, of  
23 a violation of international humanitarian law or  
24 internationally recognized human rights.

1           (2) BIENNIAL REPORT ON END-USE MONI-  
2           TORING.—On a biennial basis, the Secretary shall  
3           submit to the appropriate congressional committees  
4           a report on the results of the end-use monitoring  
5           program described in paragraph (1)(C).

6           (b) RESTRICTION ON SERVICES.—

7           (1) IN GENERAL.—No export license may be  
8           issued and no letter of offer may be concluded by  
9           the United States Government for the provision of  
10          services for military, paramilitary, security, or intel-  
11          ligence-gathering activities to Saudi Arabia.

12          (2) EXCEPTIONS.—The restriction under para-  
13          graph (1) shall not apply to the provision, under the  
14          supervision and monitoring of United States Govern-  
15          ment personnel, of logistics, supply, repair, support,  
16          or training services associated with the lawful export  
17          of defense articles, or training in support of those  
18          services, upon certification by the Secretary of State  
19          to the appropriate committees of Congress that such  
20          services will not be used in the surveillance or har-  
21          assment of activists, critics of the Government of  
22          Saudi Arabia, journalists, bloggers, lawyers, and re-  
23          ligious figures in Saudi Arabia.

24          (3) END-USE MONITORING.—Beginning not  
25          later than 45 days after the date of the enactment

1 of this Act, and thereafter on a quarterly basis, the  
2 Secretary shall—

3 (A) verify whether any defense services  
4 provided pursuant to export licenses or other  
5 authorizations are enabling the provision of  
6 services described in paragraph (1); and

7 (B) submit to the appropriate congressional  
8 committees a report on the results of  
9 such verification.

10 (c) DEFINITIONS.—In this section:

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
12 TEES.—The term “appropriate congressional com-  
13 mittees” means—

14 (A) the Committee on Foreign Relations  
15 and the Committee on Finance of the Senate;  
16 and

17 (B) the Committee on Foreign Affairs and  
18 the Committee on Ways and Means of the  
19 House of Representatives.

20 (2) DEFENSE ARTICLE; DEFENSE SERVICE.—  
21 The terms “defense article” and “defense service”  
22 have the meanings given those terms in section 47  
23 of the Arms Export Control Act (22 U.S.C. 2794).

1 **SEC. 6. BRIEFINGS AND REPORT ON USE OF COMMERCIAL**  
2 **SURVEILLANCE TECHNOLOGY AGAINST**  
3 **JOURNALISTS.**

4 (a) BRIEFINGS.—Not later than 60 days after the  
5 date of the enactment of this Act and periodically there-  
6 after upon request, the Secretary of State, the Chief Exec-  
7 utive Officer of the United States Agency for Global  
8 Media, and the heads of other relevant agencies shall pro-  
9 vide briefings to the appropriate congressional committees  
10 on—

11 (1) the utilization by foreign governments, in-  
12 cluding the Government of Saudi Arabia, of commer-  
13 cially available cyberintrusion and other surveillance  
14 technology to target journalists, media companies,  
15 dissidents and activists, and United States persons  
16 and interests; and

17 (2) the efforts the executive branch is taking to  
18 combat such utilization.

19 (b) REPORT REQUIRED.—

20 (1) IN GENERAL.—Not later than 180 days  
21 after the date of the enactment of this Act, the Sec-  
22 retary of State, in consultation with the Director of  
23 National Intelligence, shall submit to the appro-  
24 priate congressional committees a report on—

25 (A) the utilization by foreign governments,  
26 including the Government of Saudi Arabia, of

1 commercially available cyberintrusion and other  
 2 surveillance technology to target journalists,  
 3 media companies, dissidents and activists, and  
 4 United States persons and interests; and

5 (B) the efforts the executive branch is tak-  
 6 ing to combat such utilization.

7 (2) FORM.—Thereport required by paragraph  
 8 (1) shall be submitted in unclassified form, but may  
 9 include a classified annex if necessary.

10 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
 11 FINED.—In this section, the term “appropriate congres-  
 12 sional committees” means—

13 (1) the Committee on Foreign Relations, the  
 14 Committee on Armed Services, the Committee on  
 15 Appropriations, the Committee on Finance, and the  
 16 Select Committee on Intelligence of the Senate; and

17 (2) the Committee on Foreign Affairs, the  
 18 Committee on Armed Services, the Committee on  
 19 Appropriations, the Committee on Ways and Means,  
 20 and the Permanent Select Committee on Intelligence  
 21 of the House of Representatives.

22 **SEC. 7. JAMAL KHASHOGGI PRESS FREEDOM AWARD.**

23 (a) ESTABLISHMENT OF AWARD.—The Secretary of  
 24 State may annually present the “Jamal Khashoggi Press  
 25 Freedom Award” (referred to in this section as the

1 “Award”) to not more than 5 individuals or organizations  
2 who have demonstrated extraordinary efforts in jour-  
3 nalism in the face of harassment, detention, prosecution,  
4 or obstruction by foreign governments or non-state actors.

5 (b) ELIGIBLE RECIPIENTS.—To the maximum extent  
6 practicable, the Secretary of State shall present the Award  
7 to—

8 (1) individuals who are United States citizens  
9 or foreign nationals; and

10 (2) domestic or foreign private, nongovern-  
11 mental organizations.

12 (c) SELECTION PROCEDURE.—The Secretary of  
13 State shall establish procedures for selecting recipients of  
14 the Award.

15 (d) REPORT.—The Secretary of State shall submit an  
16 annual report to the appropriate congressional committees  
17 that—

18 (1) lists the recipients of the Award for that  
19 year; and

20 (2) explains the procedures for selecting such  
21 recipients.

22 (e) AWARD CEREMONY.—

23 (1) IN GENERAL.—The Secretary of State shall  
24 host an annual ceremony for recipients of the Award  
25 as soon as practicable after the date on which the

1 Secretary submits the report required under sub-  
2 section (d).

3 (2) TRAVEL EXPENSES.—The Secretary of  
4 State may pay the reasonable travel costs incurred  
5 by each Award recipient and his or her guest to at-  
6 tend the ceremony.

7 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated, for each of the fiscal  
9 years 2022 through 2027, such sums as may be necessary  
10 to carry out this section.

11 (g) APPROPRIATE CONGRESSIONAL COMMITTEES  
12 DEFINED.—In this section, the term “appropriate con-  
13 gressional committees” means—

14 (1) the Committee on Foreign Relations and  
15 the Committee on Appropriations of the Senate; and

16 (2) the Committee on Foreign Affairs and the  
17 Committee on Appropriations of the House of Rep-  
18 resentatives.

○