

117TH CONGRESS
2D SESSION

H. R. 6601

To provide for the prohibition on issuance of licenses authorizing exports of certain defense services to Saudi Arabia, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2022

Mr. MALINOWSKI (for himself, Mr. MCGOVERN, Mr. LIEU, Mr. MOULTON, Mr. ALLRED, Ms. PORTER, and Mr. CASTRO of Texas) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To provide for the prohibition on issuance of licenses authorizing exports of certain 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 “Saudi Arabia Legiti-
5 mate Self Defense Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that, for purposes of com-
8 pliance with and implementation of section 502 of the For-
9 eign Assistance Act of 1961 (22 U.S.C. 2302; relating to

1 utilization of defense articles) and section 4 of the Foreign
2 Military Sales Act (22 U.S.C. 2754; relating to purposes
3 for which military sales by the United States are author-
4 ized)—

5 (1) officials from the Department of State and
6 Department of Defense who oversee security co-
7 operation with the Kingdom of Saudi Arabia have an
8 obligation to be alert to and report to the Secretary
9 of Defense and Secretary of State any indication
10 that United States-origin defense articles are being
11 used against anything other than legitimate military
12 targets; and

13 (2) the Department of State is responsible,
14 under United States law and consistent with United
15 States policy, for investigating such incidents of po-
16 tential misuse and imposing restrictions, as appro-
17 priate, on the Kingdom of Saudi Arabia in instances
18 in which it is suspected of not utilizing United
19 States-origin defense articles consistent with United
20 States law.

21 **SEC. 3. STATEMENT OF POLICY.**

22 It shall be the policy of the United States that—

23 (1) for purposes of compliance with section 502
24 of the Foreign Assistance Act of 1961 (22 U.S.C.
25 2302; relating to utilization of defense articles) and

1 section 4 of the Foreign Military Sales Act (22
2 U.S.C. 2754; relating to purposes for which military
3 sales by the United States are authorized), offensive
4 strikes on Houthi (Ansar Allah) ground forces in
5 Yemen by the armed forces of the Kingdom of Saudi
6 Arabia do not constitute “legitimate self defense”,
7 “internal security”, nor “preventing or hindering the
8 proliferation of weapons of mass destruction or the
9 means of delivering such weapons”; and

10 (2) consistent with section 3(g) of the Foreign
11 Military Sales Act (22 U.S.C. 2753(g); relating to
12 unauthorized use of articles), the United States re-
13 tains the right to verify credible reports that Saudi
14 Air Force aircraft have been used for purposes other
15 than those authorized under contract terms con-
16 sistent with the Arms Export Control Act.

17 **SEC. 4. REPORT.**

18 (a) IN GENERAL.—For purposes of compliance with
19 section 502 of the Foreign Assistance Act of 1961 (22
20 U.S.C. 2302; relating to utilization of defense articles) and
21 section 4 of the Foreign Military Sales Act (22 U.S.C.
22 2754; relating to purposes for which military sales by the
23 United States are authorized), the Secretary of State
24 shall, not later than 30 days after the date of the enact-

1 ment of this Act, submit to the appropriate congressional
2 committees a report that includes the following:

3 (1) A description of strikes by the Saudi Air
4 Force in Yemen, from 2015 to the present, that the
5 United States Government considers “legitimate self
6 defense”, “internal security”, and “preventing or
7 hindering the proliferation of weapons of mass de-
8 struction or the means of delivering such weapons”.

9 (2) A description of strikes by Saudi Arabia in
10 Yemen, from 2015 from present, that the intel-
11 ligence community assesses do not constitute “legiti-
12 mate self defense”, “internal security”, and “pre-
13 venting or hindering the proliferation of weapons of
14 mass destruction or the means of delivering such
15 weapons,” consistent with the statement of policy
16 described in section 3.

17 (3) A description of the investigations that the
18 United States Government carried out relating to
19 the strikes described in paragraph (2).

20 (4) A description of any violations of the terms
21 of sale for United States Munitions List-listed air-
22 craft to Saudi Arabia for purposes of compliance
23 with 3(c)(2) of the Foreign Military Sales Act that
24 the investigations described in paragraph (3) found.

1 (5) A copy of the Department of State's stand-
2 ing guidance to all personnel, including those oper-
3 ating under Chief of Mission supervision at United
4 States embassies, for reporting any indication that
5 United States-origin defense articles are being used
6 by Saudi Arabia in Yemen against anything other
7 than legitimate military targets.

8 (6) A copy of the Department of State's proce-
9 dures for investigating and reporting to the Sec-
10 retary of State on the outcome of any investigations
11 of any indication that United States-origin defense
12 articles are being used by Saudi Arabia in Yemen
13 against anything other than legitimate military tar-
14 gets.

15 (7) A certification from the Secretary of State
16 that the guidance described in paragraph (5) is
17 being faithfully and consistently implemented by all
18 Department of State personnel, as required by
19 United States law and policy.

20 (b) FORM.—The report required by subsection (a)
21 shall be submitted in unclassified form, but may contain
22 a classified annex.

1 **SEC. 5. PROHIBITION ON ISSUANCE OF LICENSES AUTHOR-**
2 **IZING EXPORTS OF CERTAIN DEFENSE SERV-**
3 **ICES TO SAUDI ARABIA.**

4 For the 2-year period beginning on the date of the
5 enactment of this Act, the President may not issue any
6 license, and shall suspend any license or other approval
7 that was issued before such date of enactment, authorizing
8 the export to the Government of Saudi Arabia of defense
9 services related to the maintenance or servicing of United
10 States-provided aircraft belonging to military units deter-
11 mined to have undertaken offensive airstrikes inside
12 Yemen in the preceding year that are not related directly
13 to preventing or degrading the ability of Houthi (Ansar
14 Allah) forces to launch missile and unmanned aircraft
15 strikes on the territory of Saudi Arabia or the United
16 Arab Emirates.

17 **SEC. 6. QUARTERLY UPDATES ON END-USE MONITORING**
18 **OF SAUDI ARABIA USE OF UNITED STATES-**
19 **ORIGIN WEAPONS IN YEMEN.**

20 (a) IN GENERAL.—Beginning on the date of the en-
21 actment of this Act and until such a date as the Kingdom
22 of Saudi Arabia is assessed by the intelligence community
23 to no longer be conducting airstrikes in Yemen, the Sec-
24 retary of State, in coordination with the Director of Na-
25 tional Intelligence, shall submit quarterly reports to the
26 relevant committees with the following information:

1 (1) A description of strikes by the Saudi Air
2 Force in Yemen over the past three months that the
3 United States Government considers “legitimate self
4 defense”, “internal security”, and “preventing or
5 hindering the proliferation of weapons of mass de-
6 struction or the means of delivering such weapons”.

7 (2) A description of strikes by Saudi Arabia in
8 Yemen, over the past three months that the intel-
9 ligence community assesses do not constitute “legiti-
10 mate self defense”, “internal security”, and “pre-
11 venting or hindering the proliferation of weapons of
12 mass destruction or the means of delivering such
13 weapons,” consistent with the statement of policy
14 described in section 3.

15 (3) A description of the investigations that the
16 United States Government carried out of the strikes
17 described in paragraph (2).

18 (4) A description of any violations of the terms
19 of sale for United States Munitions List-listed air-
20 craft to Saudi Arabia for purposes of compliance
21 with 3(c)(2) of the Foreign Military Sales Act that
22 the investigations described in paragraph (3) found.

23 (5) A certification from the Secretary of State
24 that, consistent with United States law and policy—

1 (A) all Department of State personnel are
2 implementing faithfully and consistently their
3 obligations under United States law and policy
4 to be alert to and report to the Secretary of
5 State any indication that United States-origin
6 defense articles are being used against anything
7 other than legitimate military targets in Yemen;
8 and

9 (B) the Department of State is inves-
10 tigating any indications that United States-ori-
11 gin defense articles are not being used against
12 anything other than legitimate military targets
13 in Yemen and taking necessary corrective ac-
14 tions to ensure compliance with United States
15 law and policy.

16 (b) FORM.—The report required by subsection (a)
17 shall be submitted in unclassified form, but may contain
18 a classified annex.

19 **SEC. 7. DEFINITIONS.**

20 In this Act:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means—

24 (A) the Committee on Foreign Affairs, the
25 Committee on Armed Services, and the Perma-

1 nent Select Committee on Intelligence of the
2 House of Representatives; and

3 (B) the Committee on Foreign Relations,
4 the Committee on Armed Services, and the Se-
5 lect Committee on Intelligence of the Senate.

6 (2) INTELLIGENCE COMMUNITY.—The term
7 “intelligence community” has the meaning given
8 that term in section 3 of the National Security Act
9 of 1947 (50 U.S.C. 3003).

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