

AMENDMENT TO
RULES COMMITTEE PRINT 117-54
OFFERED BY MR. CONNOLLY OF VIRGINIA

At the end of division E, insert the following:

1 **TITLE LIX—PROTECTION OF**
2 **SAUDI DISSIDENTS**

3 **SEC. 5901. RESTRICTIONS ON TRANSFERS OF DEFENSE AR-**
4 **TICLES AND SERVICES, DESIGN AND CON-**
5 **STRUCTION SERVICES, AND MAJOR DEFENSE**
6 **EQUIPMENT TO SAUDI ARABIA.**

7 (a) INITIAL PERIOD.—During the 120-day period be-
8 ginning on the date of the enactment of this Act, the
9 President may not sell, authorize a license for the export
10 of, or otherwise transfer any defense articles or defense
11 services, design and construction services, or major de-
12 fense equipment under the Arms Export Control Act (22
13 U.S.C. 2751 et seq.) to an intelligence, internal security,
14 or law enforcement agency or instrumentality of the Gov-
15 ernment of Saudi Arabia, or to any person acting as an
16 agent of or on behalf of such agency or instrumentality.

17 (b) SUBSEQUENT PERIODS.—

18 (1) IN GENERAL.—During the 120-day period
19 beginning after the end of the 120-day period de-

1 scribed in subsection (a), and each 120-day period
2 thereafter, the President may not sell, authorize a li-
3 cense for the export of, or otherwise transfer any de-
4 fense articles or services, design and construction
5 services, or major defense equipment under the
6 Arms Export Control Act (22 U.S.C. 2751 et seq.),
7 regardless of the amount of such articles, services,
8 or equipment, to an intelligence, internal security, or
9 law enforcement agency or instrumentality of the
10 Government of Saudi Arabia, or to any person act-
11 ing as an agent of or on behalf of such agency or
12 instrumentality, unless the President has submitted
13 to the chairman and ranking member of the appro-
14 priate congressional committees a certification de-
15 scribed in paragraph (2).

16 (2) CERTIFICATION.—A certification described
17 in this paragraph is a certification that contains a
18 determination of the President that, during the 120-
19 day period preceding the date of submission of the
20 certification, the United States Government has not
21 determined that the Government of Saudi Arabia
22 has conducted any of the following activities:

23 (A) Forced repatriation, intimidation, or
24 killing of dissidents in other countries.

1 (B) The unjust imprisonment in Saudi
2 Arabia of United States citizens or aliens law-
3 fully admitted for permanent residence or the
4 prohibition on these individuals and their family
5 members from exiting Saudi Arabia.

6 (C) Torture of detainees in the custody of
7 the Government of Saudi Arabia.

8 (e) EXCEPTION.—The restrictions in this section
9 shall not apply with respect to the sale, authorization of
10 a license for export, or transfer of any defense articles or
11 services, design and construction services, or major de-
12 fense equipment under the Arms Export Control Act (22
13 U.S.C. 2751 et seq.) for use in—

14 (1) the defense of the territory of Saudi Arabia
15 from external threats; or

16 (2) the defense of United States military or dip-
17 lomatic personnel or United States facilities located
18 in Saudi Arabia.

19 (d) WAIVER.—

20 (1) IN GENERAL.—The President may waive
21 the restrictions in this section if the President sub-
22 mits to the appropriate congressional committees a
23 report not later than 15 days before the granting of
24 such waiver that contains—

1 (A) a determination of the President that
2 such a waiver is in the vital national security
3 interests of the United States; and

4 (B) a detailed justification for the use of
5 such waiver and the reasons why the restric-
6 tions in this section cannot be met.

7 (2) FORM.—The report required by this sub-
8 section shall be submitted in unclassified form but
9 may contain a classified annex.

10 (e) SUNSET.—This section shall terminate on the
11 date that is 3 years after the date of the enactment of
12 this Act.

13 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
14 FINED.—In this section, the term “appropriate congres-
15 sional committees” means—

16 (1) the Committee on Foreign Affairs, the Per-
17 manent Select Committee on Intelligence, and the
18 Committee on Armed Services of the House of Rep-
19 resentatives; and

20 (2) the Committee on Foreign Relations, the
21 Select Committee on Intelligence, and the Com-
22 mittee on Armed Services of the Senate.

1 **SEC. 5902. REPORT ON CONSISTENT PATTERN OF ACTS OF**
2 **INTIMIDATION OR HARASSMENT DIRECTED**
3 **AGAINST INDIVIDUALS IN THE UNITED**
4 **STATES.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Section 6 of the Arms Export Control Act
7 (22 U.S.C. 2756) states the following: “No letters of
8 offer may be issued, no credits or guarantees may be
9 extended, and no export licenses may be issued
10 under this Act with respect to any country deter-
11 mined by the President to be engaged in a consistent
12 pattern of acts of intimidation or harassment di-
13 rected against individuals in the United States”.

14 (2) Section 6 of the Arms Export Control Act
15 further requires the President to report any such de-
16 termination promptly to the Speaker of the House of
17 Representatives, the Committee on Foreign Affairs
18 of the House of Representatives, and to the chair-
19 man of the Committee on Foreign Relations of the
20 Senate.

21 (b) REPORT ON ACTS OF INTIMIDATION OR HARASS-
22 MENT AGAINST INDIVIDUALS IN THE UNITED STATES.—
23 Not later than 60 days after the date of the enactment
24 of this Act, the President shall submit to the appropriate
25 congressional committees a report on—

1 (1) whether any official of the Government of
2 Saudi Arabia engaged in a consistent pattern of acts
3 of intimidation or harassment directed against
4 Jamal Khashoggi or any individual in the United
5 States; and

6 (2) whether any United States-origin defense
7 articles were used in the activities described in para-
8 graph (1).

9 (c) FORM.—The report required by subsection (b)
10 shall be submitted in unclassified form but may contain
11 a classified annex.

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

15 (1) the Committee on Foreign Affairs and the
16 Permanent Select Committee on Intelligence of the
17 House of Representatives; and

18 (2) the Committee on Foreign Relations and
19 the Select Committee on Intelligence of the Senate.

20 **SEC. 5903. REPORT AND CERTIFICATION WITH RESPECT TO**
21 **SAUDI DIPLOMATS AND DIPLOMATIC FACILI-**
22 **TIES IN THE UNITED STATES.**

23 (a) REPORT ON SAUDI DIPLOMATS AND DIPLOMATIC
24 FACILITIES IN UNITED STATES.—Not later than 120
25 days after the date of the enactment of this Act, the Presi-

1 dent shall submit to the appropriate congressional com-
2 mittees a report covering the three-year period preceding
3 such date of enactment regarding whether and to what
4 extent covered persons used diplomatic credentials, visas,
5 or covered facilities to facilitate monitoring, tracking, sur-
6 veillance, or harassment of, or harm to, other nationals
7 of Saudi Arabia living in the United States.

8 (b) CERTIFICATION.—

9 (1) IN GENERAL.—Not later than 120 days
10 after the date of the enactment of this Act, and each
11 120-day period thereafter, the President shall, if the
12 President determines that such is the case, submit
13 to the appropriate congressional committees a cer-
14 tification that the United States Government has
15 not determined covered persons to be using diplo-
16 matic credentials, visas, or covered facilities to facili-
17 tate serious harassment of, or harm to, other nation-
18 als of Saudi Arabia living in the United States dur-
19 ing the time period covered by each such certifi-
20 cation.

21 (2) FAILURE TO SUBMIT CERTIFICATION.—If
22 the President does not submit a certification under
23 paragraph (1), the President shall—

1 (A) close one or more covered facilities for
2 such period of time until the President does
3 submit such a certification; and

4 (B) submit to the appropriate congress-
5 sional committee a report that contains—

6 (i) a detailed explanation of why the
7 President is unable to make such a certifi-
8 cation;

9 (ii) a list and summary of engage-
10 ments of the United States Government
11 with the Government of Saudi Arabia re-
12 garding the use of diplomatic credentials,
13 visas, or covered facilities described in
14 paragraph (1); and

15 (iii) a description of actions the
16 United States Government has taken or in-
17 tends to take in response to the use of dip-
18 lomatic credentials, visas, or covered facili-
19 ties described in paragraph (1).

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

24 (d) WAIVER.—

1 (1) IN GENERAL.—The President may waive
2 the restrictions in this section if the President sub-
3 mits to the appropriate congressional committees a
4 report not later than 15 days before the granting of
5 such waiver that contains—

6 (A) a determination of the President that
7 such a waiver is in the vital national security
8 interests of the United States; and

9 (B) a detailed justification for the use of
10 such waiver and the reasons why the restric-
11 tions in this section cannot be met.

12 (2) FORM.—The report required by this sub-
13 section shall be submitted in unclassified form but
14 may contain a classified annex.

15 (e) SUNSET.—This section shall terminate on the
16 date that is 3 years after the date of the enactment of
17 this Act.

18 (f) DEFINITIONS.—In this section:

19 (1) The term “appropriate congressional com-
20 mittees” means—

21 (A) the Committee on Foreign Affairs and
22 the Permanent Select Committee on Intelligence
23 of the House of Representatives; and

1 (B) the Committee on Foreign Relations
2 and the Select Committee on Intelligence of the
3 Senate.

4 (2) The term “covered facility” means a diplo-
5 matic or consular facility of Saudi Arabia in the
6 United States.

7 (3) The term “covered person” means a na-
8 tional of Saudi Arabia credentialed to a covered fa-
9 cility.

10 **SEC. 5904. REPORT ON THE DUTY TO WARN OBLIGATION OF**
11 **THE GOVERNMENT OF THE UNITED STATES.**

12 (a) FINDINGS.—Congress finds that Intelligence
13 Community Directive 191 provides that—

14 (1) when an element of the intelligence commu-
15 nity of the United States collects or acquires credible
16 and specific information indicating an impending
17 threat of intentional killing, serious bodily injury, or
18 kidnapping directed at a person, the agency must
19 “warn the intended victim or those responsible for
20 protecting the intended victim, as appropriate” un-
21 less an applicable waiver of the duty is granted by
22 the appropriate official within the element; and

23 (2) when issues arise with respect to whether
24 the threat information rises to the threshold of

1 “duty to warn”, the directive calls for resolution in
2 favor of warning the intended victim.

3 (b) REPORT ON DUTY TO WARN.—Not later than 90
4 days after the date of the enactment of this Act, the Direc-
5 tor of National Intelligence, in coordination with the heads
6 of other relevant United States intelligence agencies, shall
7 submit to the appropriate congressional committees a re-
8 port with respect to—

9 (1) whether and how the intelligence community
10 fulfilled its duty to warn Jamal Khashoggi of threats
11 to his life and liberty pursuant to Intelligence Com-
12 munity Directive 191; and

13 (2) in the case of the intelligence community
14 not fulfilling its duty to warn as described in para-
15 graph (1), why the intelligence community did not
16 fulfill this duty.

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

20 (d) DEFINITIONS.—In this section:

21 (1) The term “appropriate congressional com-
22 mittees” means—

23 (A) the Committee on Foreign Affairs and
24 the Permanent Select Committee on Intelligence
25 of the House of Representatives; and

1 (B) the Committee on Foreign Relations
2 and the Select Committee on Intelligence of the
3 Senate.

4 (2) The term “duty to warn” has the meaning
5 given that term in Intelligence Community Directive
6 191, as in effect on July 21, 2015.

7 (3) The term “intelligence community” has the
8 meaning given such term in section 3(4) of the Na-
9 tional Security Act of 1947 (50 U.S.C. 3003(4)).

10 (4) The term “relevant United States intel-
11 ligence agency” means any element of the intel-
12 ligence community that may have possessed intel-
13 ligence reporting regarding threats to Jamal
14 Khashoggi.

