

AMENDMENT TO RULES COMM. PRINT 117-13
OFFERED BY MR. CONNOLLY OF VIRGINIA

At the appropriate place in title LX of division E,
insert the following:

1 **SEC. ____ . PROTECTION OF SAUDI DISSIDENTS ACT OF 2021.**

2 (a) RESTRICTIONS ON TRANSFERS OF DEFENSE AR-
3 TICLES AND SERVICES, DESIGN AND CONSTRUCTION
4 SERVICES, AND MAJOR DEFENSE EQUIPMENT TO SAUDI
5 ARABIA.—

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

17 (2) SUBSEQUENT PERIODS.—

18 (A) IN GENERAL.—During the 120-day pe-
19 riod beginning after the end of the 120-day pe-

1 riod described in paragraph (1), and each 120-
2 day period thereafter, the President may not
3 sell, authorize a license for the export of, or
4 otherwise transfer any defense articles or serv-
5 ices, design and construction services, or major
6 defense equipment under the Arms Export Con-
7 trol Act (22 U.S.C. 2751 et seq.), regardless of
8 the amount of such articles, services, or equip-
9 ment, to an intelligence, internal security, or
10 law enforcement agency or instrumentality of
11 the Government of Saudi Arabia, or to any per-
12 son acting as an agent of or on behalf of such
13 agency or instrumentality, unless the President
14 has submitted to the chairman and ranking
15 member of the appropriate congressional com-
16 mittees a certification described in subpara-
17 graph (B).

18 (B) CERTIFICATION.—A certification de-
19 scribed in this subparagraph is a certification
20 that contains a determination of the President
21 that, during the 120-day period preceding the
22 date of submission of the certification, the
23 United States Government has not determined
24 that the Government of Saudi Arabia has con-
25 ducted any of the following activities:

1 (i) Forced repatriation, intimidation,
2 or killing of dissidents in other countries.

3 (ii) The unjust imprisonment in Saudi
4 Arabia of United States citizens or aliens
5 lawfully admitted for permanent residence
6 or the prohibition on these individuals and
7 their family members from exiting Saudi
8 Arabia.

9 (iii) Torture of detainees in the cus-
10 tody of the Government of Saudi Arabia.

11 (3) EXCEPTION.—The restrictions in this sec-
12 tion shall not apply with respect to the sale, author-
13 ization of a license for export, or transfer of any de-
14 fense articles or services, design and construction
15 services, or major defense equipment under the
16 Arms Export Control Act (22 U.S.C. 2751 et seq.)
17 for use in—

18 (A) the defense of the territory of Saudi
19 Arabia from external threats; or

20 (B) the defense of United States military
21 or diplomatic personnel or United States facili-
22 ties located in Saudi Arabia.

23 (4) WAIVER.—

24 (A) IN GENERAL.—The President may
25 waive the restrictions in this section if the

1 President submits to the appropriate congress-
2 sional committees a report not later than 15
3 days before the granting of such waiver that
4 contains—

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

8 (ii) a detailed justification for the use
9 of such waiver and the reasons why the re-
10 strictions in this section cannot be met.

11 (B) FORM.—The report required by this
12 paragraph shall be submitted in unclassified
13 form, but may contain a classified annex.

14 (5) SUNSET.—This subsection shall terminate
15 on the date that is 3 years after the date of the en-
16 actment of this Act.

17 (6) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES DEFINED.—In this subsection, the term “ap-
19 propriate congressional committees” means—

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

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

4 (b) REPORT ON CONSISTENT PATTERN OF ACTS OF
5 INTIMIDATION OR HARASSMENT DIRECTED AGAINST IN-
6 DIVIDUALS IN THE UNITED STATES.—

7 (1) FINDINGS.—Congress finds the following:

8 (A) Section 6 of the Arms Export Control
9 Act (22 U.S.C. 2756) states that “no transfers
10 or letters of offer may be issued, no credits or
11 guarantees may be extended, and no export li-
12 censes may be issued under this Act with re-
13 spect to any country determined by the Presi-
14 dent to be engaged in a consistent pattern of
15 acts of intimidation or harassment directed
16 against individuals in the United States”.

17 (B) Section 6 of the Arms Export Control
18 Act further requires the President to report any
19 such determination promptly to the Speaker of
20 the House of Representatives, the Committee
21 on Foreign Affairs of the House of Representa-
22 tives, and to the chairman of the Committee on
23 Foreign Relations of the Senate.

24 (2) REPORT.—Not later than 60 days after the
25 date of the enactment of this Act, the President

1 shall submit to the appropriate congressional com-
2 mittees a report on—

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

8 (B) whether any United States-origin de-
9 fense articles were used in the activities de-
10 scribed in subparagraph (A).

11 (3) FORM.—The report required by paragraph
12 (2) shall be submitted in unclassified form but may
13 contain a classified annex.

14 (4) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES DEFINED.—In this subsection, the term “ap-
16 propriate congressional committees” means—

17 (A) the Committee on Foreign Affairs and
18 the Permanent Select Committee on Intelligence
19 of the House of Representatives; and

20 (B) the Committee on Foreign Relations
21 and the Select Committee on Intelligence of the
22 Senate.

23 (c) REPORT AND CERTIFICATION WITH RESPECT TO
24 SAUDI DIPLOMATS AND DIPLOMATIC FACILITIES IN THE
25 UNITED STATES.—

1 (1) REPORT.—Not later than 120 days after
2 the date of the enactment of this Act, the President
3 shall submit to the appropriate congressional com-
4 mittees a report covering the three-year period pre-
5 ceding such date of enactment regarding whether
6 and to what extent covered persons used diplomatic
7 credentials, visas, or covered facilities to facilitate
8 monitoring, tracking, surveillance, or harassment of,
9 or harm to, other nationals of Saudi Arabia living in
10 the United States.

11 (2) CERTIFICATION.—

12 (A) IN GENERAL.—Not later than 120
13 days after the date of the enactment of this
14 Act, and each 120-day period thereafter, the
15 President shall, if the President determines that
16 such is the case, submit to the appropriate con-
17 gressional committees a certification that the
18 United States Government has not determined
19 covered persons to be using diplomatic creden-
20 tials, visas, or covered facilities to facilitate seri-
21 ous harassment of, or harm to, other nationals
22 of Saudi Arabia living in the United States dur-
23 ing the time period covered by each such certifi-
24 cation.

1 (B) FAILURE TO SUBMIT CERTIFI-
2 CATION.—If the President does not submit a
3 certification under subparagraph (A), the Presi-
4 dent shall—

5 (i) close one or more covered facilities
6 for such period of time until the President
7 does submit such a certification; and

8 (ii) submit to the appropriate congres-
9 sional committee a report that contains—

10 (I) a detailed explanation of why
11 the President is unable to make such
12 a certification;

13 (II) a list and summary of en-
14 gagements of the United States Gov-
15 ernment with the Government of
16 Saudi Arabia regarding the use of
17 diplomatic credentials, visas, or cov-
18 ered facilities described in subpara-
19 graph (A); and

20 (III) a description of actions the
21 United States Government has taken
22 or intends to take in response to the
23 use of diplomatic credentials, visas, or
24 covered facilities described in subpara-
25 graph (A).

1 (3) FORM.—The report required by paragraph
2 (1) and the certification and report required by
3 paragraph (2) shall be submitted in unclassified
4 form but may contain a classified annex.

5 (4) WAIVER.—

6 (A) IN GENERAL.—The President may
7 waive the restrictions in this section if the
8 President submits to the appropriate congress-
9 sional committees a report not later than 15
10 days before the granting of such waiver that
11 contains—

12 (i) a determination of the President
13 that such a waiver is in the vital national
14 security interests of the United States; and

15 (ii) a detailed justification for the use
16 of such waiver and the reasons why the re-
17 strictions in this section cannot be met.

18 (B) FORM.—The report required by this
19 paragraph shall be submitted in unclassified
20 form, but may contain a classified annex.

21 (5) SUNSET.—This subsection shall terminate
22 on the date that is 3 years after the date of the en-
23 actment of this Act.

24 (6) DEFINITIONS.—In this subsection:

1 (A) APPROPRIATE CONGRESSIONAL COM-
2 MITTEES.—The term “appropriate congress-
3 sional committees” means—

4 (i) the Committee on Foreign Affairs
5 and the Permanent Select Committee on
6 Intelligence of the House of Representa-
7 tives; and

8 (ii) the Committee on Foreign Rela-
9 tions and the Select Committee on Intel-
10 ligence of the Senate.

11 (B) COVERED FACILITY.—The term “cov-
12 ered facility” means a diplomatic or consular
13 facility of Saudi Arabia in the United States.

14 (C) COVERED PERSON.—The term “cov-
15 ered person” means a national of Saudi Arabia
16 credentialed to a covered facility.

17 (d) REPORT ON THE DUTY TO WARN OBLIGATION
18 OF THE GOVERNMENT OF THE UNITED STATES.—

19 (1) FINDINGS.—Congress finds that Intel-
20 ligence Community Directive 191 provides that—

21 (A) when an element of the intelligence
22 community of the United States collects or ac-
23 quires credible and specific information indi-
24 cating an impending threat of intentional kill-
25 ing, serious bodily injury, or kidnapping di-

1 rected at a person, the agency must “warn the
2 intended victim or those responsible for pro-
3 tecting the intended victim, as appropriate” un-
4 less an applicable waiver of the duty is granted
5 by the appropriate official within the element;
6 and

7 (B) when issues arise with respect to
8 whether the threat information rises to the
9 threshold of “duty to warn”, the directive calls
10 for resolution in favor of warning the intended
11 victim.

12 (2) REPORT.—Not later than 90 days after the
13 date of the enactment of this Act, the Director of
14 National Intelligence, in coordination with the heads
15 of other relevant United States intelligence agencies,
16 shall submit to the appropriate congressional com-
17 mittees a report with respect to—

18 (A) whether and how the intelligence com-
19 munity fulfilled its duty to warn Jamal
20 Khashoggi of threats to his life and liberty pur-
21 suant to Intelligence Community Directive 191;
22 and

23 (B) in the case of the intelligence commu-
24 nity not fulfilling its duty to warn as described

1 in paragraph (1), why the intelligence commu-
2 nity did not fulfill this duty.

3 (3) FORM.—The report required by paragraph
4 (2) shall be submitted in unclassified form but may
5 contain a classified annex.

6 (4) DEFINITIONS.—In this subsection:

7 (A) APPROPRIATE CONGRESSIONAL COM-
8 MITTEES.—The term “appropriate congres-
9 sional committees” means—

10 (i) the Committee on Foreign Affairs
11 and the Permanent Select Committee on
12 Intelligence of the House of Representa-
13 tives; and

14 (ii) the Committee on Foreign Rela-
15 tions and the Select Committee on Intel-
16 ligence of the Senate.

17 (B) DUTY TO WARN.—The term “duty to
18 warn” has the meaning given that term in In-
19 telligence Community Directive 191, as in effect
20 on July 21, 2015.

21 (C) INTELLIGENCE COMMUNITY.—The
22 term “intelligence community” has the meaning
23 given such term in section 3(4) of the National
24 Security Act of 1947 (50 U.S.C. 3003(4)).

1 (D) RELEVANT UNITED STATES INTEL-
2 LIGENCE AGENCY.—The term “relevant United
3 States intelligence agency” means any element
4 of the intelligence community that may have
5 possessed intelligence reporting regarding
6 threats to Jamal Khashoggi.

