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:

SEC. ___ . PROTECTION OF SAUDI DISSIDENTS ACT OF 2021.

(a) Restrictions on Transfers of Defense Articles and Services, Design and Construction Services, and Major Defense Equipment to Saudi Arabia.—

(1) Initial period.—During the 120-day period beginning on the date of the enactment of this Act, the President may not sell, authorize a license for the export of, or otherwise transfer any defense articles or defense services, design and construction services, or major defense equipment under the Arms Export Control Act (22 U.S.C. 2751 et seq.) to an intelligence, internal security, or law enforcement agency or instrumentality of the Government of Saudi Arabia, or to any person acting as an agent of or on behalf of such agency or instrumentality.

(2) Subsequent periods.—

(A) In general.—During the 120-day period beginning after the end of the 120-day pe-
period described in paragraph (1), and each 120-day period thereafter, the President may not sell, authorize a license for the export of, or otherwise transfer any defense articles or services, design and construction services, or major defense equipment under the Arms Export Control Act (22 U.S.C. 2751 et seq.), regardless of the amount of such articles, services, or equipment, to an intelligence, internal security, or law enforcement agency or instrumentality of the Government of Saudi Arabia, or to any person acting as an agent of or on behalf of such agency or instrumentality, unless the President has submitted to the chairman and ranking member of the appropriate congressional committees a certification described in subparagraph (B).

(B) Certification.—A certification described in this subparagraph is a certification that contains a determination of the President that, during the 120-day period preceding the date of submission of the certification, the United States Government has not determined that the Government of Saudi Arabia has conducted any of the following activities:
(i) Forced repatriation, intimidation, or killing of dissidents in other countries.

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

(iii) Torture of detainees in the custody of the Government of Saudi Arabia.

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

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

(B) the defense of United States military or diplomatic personnel or United States facilities located in Saudi Arabia.

(4) WAIVER.—

(A) IN GENERAL.—The President may waive the restrictions in this section if the
President submits to the appropriate congressional committees a report not later than 15 days before the granting of such waiver that contains—

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

(ii) a detailed justification for the use of such waiver and the reasons why the restrictions in this section cannot be met.

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

(5) Sunset.—This subsection shall terminate on the date that is 3 years after the date of the enactment of this Act.

(6) Appropriate Congressional Committees Defined.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives; and
(B) the Committee on Foreign Relations,
the Select Committee on Intelligence, and the
Committee on Armed Services of the Senate.

(b) Report on Consistent Pattern of Acts of
Intimidation or Harassment Directed Against In-
dividuals in the United States.—

(1) Findings.—Congress finds the following:

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

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

(2) Report.—Not later than 60 days after the
date of the enactment of this Act, the President
shall submit to the appropriate congressional com-
mittees a report on—

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

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

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

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

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

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

(e) REPORT AND CERTIFICATION WITH RESPECT TO
SAUDI DIPLOMATS AND DIPLOMATIC FACILITIES IN THE
UNITED STATES.—
(1) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report covering the three-year period preceding such date of enactment regarding whether and to what extent covered persons used diplomatic credentials, visas, or covered facilities to facilitate monitoring, tracking, surveillance, or harassment of, or harm to, other nationals of Saudi Arabia living in the United States.

(2) **CERTIFICATION.**—

(A) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, and each 120-day period thereafter, the President shall, if the President determines that such is the case, submit to the appropriate congressional committees a certification that the United States Government has not determined covered persons to be using diplomatic credentials, visas, or covered facilities to facilitate serious harassment of, or harm to, other nationals of Saudi Arabia living in the United States during the time period covered by each such certification.
(B) Failure to Submit Certification.—If the President does not submit a certification under subparagraph (A), the President shall—

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

(ii) submit to the appropriate congressional committee a report that contains—

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

(II) a list and summary of engagements of the United States Government with the Government of Saudi Arabia regarding the use of diplomatic credentials, visas, or covered facilities described in subparagraph (A); and

(III) a description of actions the United States Government has taken or intends to take in response to the use of diplomatic credentials, visas, or covered facilities described in subparagraph (A).
(3) FORM.—The report required by paragraph (1) and the certification and report required by paragraph (2) shall be submitted in unclassified form but may contain a classified annex.

(4) WAIVER.—

(A) IN GENERAL.—The President may waive the restrictions in this section if the President submits to the appropriate congressional committees a report not later than 15 days before the granting of such waiver that contains—

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

(ii) a detailed justification for the use of such waiver and the reasons why the restrictions in this section cannot be met.

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

(5) SUNSET.—This subsection shall terminate on the date that is 3 years after the date of the enactment of this Act.

(6) DEFINITIONS.—In this subsection:
(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(i) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives; and

(ii) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

(B) COVERED FACILITY.—The term “covered facility” means a diplomatic or consular facility of Saudi Arabia in the United States.

(C) COVERED PERSON.—The term “covered person” means a national of Saudi Arabia credentialed to a covered facility.

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

(1) FINDINGS.—Congress finds that Intelligence Community Directive 191 provides that—

(A) when an element of the intelligence community of the United States collects or acquires credible and specific information indicating an impending threat of intentional killing, serious bodily injury, or kidnapping di-
rected at a person, the agency must “warn the
intended victim or those responsible for pro-
protecting the intended victim, as appropriate” un-
less an applicable waiver of the duty is granted
by the appropriate official within the element;
and

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

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

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

(B) in the case of the intelligence commu-
nity not fulfilling its duty to warn as described
in paragraph (1), why the intelligence community did not fulfill this duty.

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

(4) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(i) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives; and

(ii) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

(B) DUTY TO WARN.—The term “duty to warn” has the meaning given that term in Intelligence Community Directive 191, as in effect on July 21, 2015.

(C) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).
(D) RELEVANT UNITED STATES INTELLIGENCE AGENCY.—The term “relevant United States intelligence agency” means any element of the intelligence community that may have possessed intelligence reporting regarding threats to Jamal Khashoggi.