AMENDMENT TO RULES COMM. PRINT 116–19
OFFERED BY MR. SHERMAN OF CALIFORNIA

At the end of title XII, add the following:

Subtitle I—Keeping Saudi Arabia Non-Nuclear Act of 2019

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the “Keeping Saudi Arabia Non-Nuclear Act of 2019”.

SEC. 1282. CERTIFICATION ON NUCLEAR PROGRAM OF SAUDI ARABIA.

(a) IN GENERAL.—Concurrent with the submission to Congress of the budget of the President for a fiscal year under section 1105(a) of title 31, United States Code, the President shall certify to the chairman and ranking member of each of the appropriate congressional committees that Saudi Arabia does not have, is not purchasing or trying to purchase, and is not building or attempting to build, nuclear enrichment or reprocessing facilities, including enrichment and reprocessing facilities described in subsection (b).

(b) NUCLEAR ENRICHMENT AND REPROCESSING FACILITIES DESCRIBED.—For the purposes of subsection
(a), nuclear enrichment and reprocessing facilities include any installations or equipment that can—

(1) increase the ratio of uranium-235 to that of the total uranium in question;

(2) chemically separate nuclear material from fission products, following dissolution of spent fuel;

(3) create fuel for nuclear reactors; or

(4) produce special fissionable material as defined in Article XX of the statute of the International Atomic Energy Agency.

(c) CONCURRENCE AND CONSULTATION.—

(1) IN GENERAL.—The certification required by subsection (a) should be made with the concurrence of the Director of National Intelligence and after consultation with the Secretary of State, the Secretary of Defense and the Secretary of Energy.

(2) DISSENTING OPINIONS.—If any of the officials described in paragraph (1) do not concur with the certification required by subsection (a), the official should produce a dissenting opinion that shall be submitted with such certification to the chairman and ranking member of each of the appropriate congressional committees.
SEC. 1283. FAILURE TO MAKE CERTIFICATION ON NUCLEAR PROGRAM OF SAUDI ARABIA.

(a) In General.—If the President cannot or does not make the certification required by section 1282(a), and until the President is able to make the certification described in section 1282(a), the President may not sell, transfer, deliver, license for export, authorize the performance of any service relating to, or otherwise make available any defense article, defense service, or design and construction service, as such terms are defined for purposes of the Arms Export Control Act (22 U.S.C. 2751 et seq.), to the Government of Saudi Arabia or to any agents or instrumentalities of such Government.

(b) Secretary of Defense Actions.—If the President cannot or does not make the certification described in section 1282(a), and until the President is able to make the certification described in section 1282(a), the Secretary of Defense may not—

(1) provide any United States assistance, including security assistance, intelligence, training, equipment, or services relating to maintenance, testing, or technical data, to—

(A) the Government of Saudi Arabia, including the Ministries of Defense, Interior, and Intelligence; or
(B) any agent or instrumentality of such Government; or

(2) engage in any defense cooperation with such Government, Ministries, agents, or instrumentalities.

(c) Exception for the Protection of United States Personnel and Citizens.—The prohibition under subsection (b) shall not apply with respect to activities of the Department of Defense relating to the protection of United States diplomatic and consular posts or personnel or to the evacuation of United States citizens.

SEC. 1284. WAIVER.

(a) Joint Resolution of Approval to Waive.—The prohibitions and sanctions in section 1283 may be waived on a case-by-case basis if—

(1) the President submits to the appropriate congressional committees a request to conduct a specific activity otherwise required by such section; and

(2) there is enacted a joint resolution approving the waiver with respect to such specific activity.

(b) Report Accompanying Request.—Each request submitted pursuant to subsection (a)(1) shall also include a report describing how the specific activity that is the subject of the request would advance the national security and defense interests of the United States.
SEC. 1285. REPORT.

(a) IN GENERAL.—Not later than 90 days after submission to Congress of the budget of the President for a fiscal year under section 1105(a) of title 31, United States Code, if the President cannot or does not make the certification described in section 1282(a), the President shall submit to the appropriate congressional committees a report describing the strategy to prevent Saudi Arabia from acquiring enrichment and reprocessing facilities or removing any enrichment and reprocessing facilities it has acquired.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) should include a description of efforts made by the United States to address the Saudi nuclear program at the Board of Governors of the International Arms Control Agency and the United Nations Security Council.

SEC. 1286. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Committee on Energy and Natural Resources, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and
(3) the Committee on Energy and Commerce, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.