

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

At the end of title XII, add the following:

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

3 **SEC. 1281. SHORT TITLE.**

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

6 **SEC. 1282. CERTIFICATION ON NUCLEAR PROGRAM OF**
7 **SAUDI ARABIA.**

8 (a) **IN GENERAL.**—Concurrent with the submission
9 to Congress of the budget of the President for a fiscal
10 year under section 1105(a) of title 31, United States
11 Code, the President shall certify to the chairman and
12 ranking member of each of the appropriate congressional
13 committees that Saudi Arabia does not have, is not pur-
14 chasing or trying to purchase, and is not building or at-
15 tempting to build, nuclear enrichment or reprocessing fa-
16 cilities, including enrichment and reprocessing facilities
17 described in subsection (b).

18 (b) **NUCLEAR ENRICHMENT AND REPROCESSING FA-**
19 **CILITIES DESCRIBED.**—For the purposes of subsection

1 (a), nuclear enrichment and reprocessing facilities include
2 any installations or equipment that can—

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

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

7 (3) create fuel for nuclear reactors; or

8 (4) produce special fissionable material as de-
9 fined in Article XX of the statute of the Inter-
10 national Atomic Energy Agency.

11 (c) CONCURRENCE AND CONSULTATION.—

12 (1) IN GENERAL.—The certification required by
13 subsection (a) should be made with the concurrence
14 of the Director of National Intelligence and after
15 consultation with the Secretary of State, the Sec-
16 retary of Defense and the Secretary of Energy.

17 (2) DISSENTING OPINIONS.—If any of the offi-
18 cials described in paragraph (1) do not concur with
19 the certification required by subsection (a), the offi-
20 cial should produce a dissenting opinion that shall be
21 submitted with such certification to the chairman
22 and ranking member of each of the appropriate con-
23 gressional committees.

1 **SEC. 1283. FAILURE TO MAKE CERTIFICATION ON NUCLEAR**
2 **PROGRAM OF SAUDI ARABIA.**

3 (a) IN GENERAL.—If the President cannot or does
4 not make the certification required by section 1282(a),
5 and until the President is able to make the certification
6 described in described in section 1282(a), the President
7 may not sell, transfer, deliver, license for export, authorize
8 the performance of any service relating to, or otherwise
9 make available any defense article, defense service, or de-
10 sign and construction service, as such terms are defined
11 for purposes of the Arms Export Control Act (22 U.S.C.
12 2751 et seq.), to the Government of Saudi Arabia or to
13 any agents or instrumentalities of such Government.

14 (b) SECRETARY OF DEFENSE ACTIONS.—If the
15 President cannot or does not make the certification de-
16 scribed in section 1282(a), and until the President is able
17 to make the certification described in described in section
18 1282(a), the Secretary of Defense may not—

19 (1) provide any United States assistance, in-
20 cluding security assistance, intelligence, training,
21 equipment, or services relating to maintenance, test-
22 ing, or technical data, to—

23 (A) the Government of Saudi Arabia, in-
24 cluding the Ministries of Defense, Interior, and
25 Intelligence; or

1 (B) any agent or instrumentality of such
2 Government; or

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

5 (c) EXCEPTION FOR THE PROTECTION OF UNITED
6 STATES PERSONNEL AND CITIZENS.—The prohibition
7 under subsection (b) shall not apply with respect to activi-
8 ties of the Department of Defense relating to the protec-
9 tion of United States diplomatic and consular posts or per-
10 sonnel or to the evacuation of United States citizens.

11 **SEC. 1284. WAIVER.**

12 (a) JOINT RESOLUTION OF APPROVAL TO WAIVE.—
13 The prohibitions and sanctions in section 1283 may be
14 waived on a case-by-case basis if—

15 (1) the President submits to the appropriate
16 congressional committees a request to conduct a spe-
17 cific activity otherwise required by such section; and

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

20 (b) REPORT ACCOMPANYING REQUEST.—Each re-
21 quest submitted pursuant to subsection (a)(1) shall also
22 include a report describing how the specific activity that
23 is the subject of the request would advance the national
24 security and defense interests of the United States.

1 **SEC. 1285. REPORT.**

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

12 (b) MATTERS TO BE INCLUDED.—The report re-
13 quired by subsection (a) should include a description of
14 efforts made by the United States to address the Saudi
15 nuclear program at the Board of Governors of the Inter-
16 national Arms Control Agency and the United Nations Se-
17 curity Council

18 **SEC. 1286. APPROPRIATE CONGRESSIONAL COMMITTEES**
19 **DEFINED.**

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

22 (1) the congressional defense committees;

23 (2) the Committee on Energy and Natural Re-
24 sources, the Committee on Foreign Relations, and
25 the Select Committee on Intelligence of the Senate;

26 and

1 (3) the Committee on Energy and Commerce,
2 the Committee on Foreign Affairs, and the Perma-
3 nent Select Committee on Intelligence of the House
4 of Representatives.

