H. R. ______

To protect Saudi dissidents in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CONNOLLY introduced the following bill; which was referred to the Committee on 

A BILL

To protect Saudi dissidents in the United States, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Protection of Saudi Dissidents Act of 2021”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:

6 (1) Jamal Khashoggi, a United States resident,

7 Saudi journalist, and Washington Post columnist,
was killed and dismembered in the Saudi consulate in Istanbul, Turkey on October 2, 2018, by at least 14 intelligence officers of the Government of Saudi Arabia. Khashoggi was lured to the consulate under the false cover of needing to address a consular matter. Following the killing, 17 officers from the Saudi intelligence service, or Mabahith, reportedly visited Istanbul and cleansed the crime scene.

(2) At the time of his murder, Khashoggi was living in Virginia under an “O” visa and was in the process of applying for a permanent residency.

(3) A subsequent, highly-credible investigation by the United Nations concluded that Khashoggi’s killing was premeditated and that the mission was endorsed, planned, and overseen by senior Saudi officials.

SEC. 3. RESTRICTIONS ON TRANSFERS OF DEFENSE ARTICLES AND SERVICES, DESIGN AND CONSTRUCTION SERVICES, AND MAJOR DEFENSE EQUIPMENT TO SAUDI ARABIA.

(a) 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 de-
fense 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.

(b) SUBSEQUENT PERIODS.—

(1) IN GENERAL.—During the 120-day period beginning after the end of the 120-day period described in subsection (a), 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 paragraph (2).

(2) CERTIFICATION.—A certification described in this paragraph 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 Government of Saudi Arabia has not conducted any of the following activities:

(A) Forced repatriation, silencing, or killing of dissidents in other countries.

(B) 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.

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

(c) WAIVER.—

(1) 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—

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

(B) a detailed justification for the use of such waiver and the reasons why the restrictions in this section cannot be met.
(2) FORM.—The report required by this subsection shall be submitted in unclassified form, but may contain a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives; and

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

SEC. 4. REPORT ON CONSISTENT PATTERN OF ACTS OF INTIMIDATION OR HARASSMENT DIRECTED AGAINST INDIVIDUALS IN THE UNITED STATES.

(a) FINDINGS.—Congress finds the following:

(1) 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 licenses may be issued under this Act with respect to any country determined by the President to be engaged in a consistent
pattern of acts of intimidation or harassment directed against individuals in the United States”.

(2) 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 Representatives, and to the chairman of the Committee on Foreign Relations of the Senate.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on—

(1) 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

(2) whether any United States-origin defense articles were used in the activities described in paragraph (1).

(c) FORM.—The report required by subsection (b) shall be submitted in unclassified form but may contain a classified annex.
(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

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

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

SEC. 5. REPORT AND CERTIFICATION WITH RESPECT TO SAUDI DIPLOMATS AND DIPLOMATIC FACILITIES IN THE UNITED STATES.

(a) 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.

(b) CERTIFICATION.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall, if the President determines that such is the case, submit to the appropriate congres-
sional committees a certification that covered per-
sons are not using diplomatic credentials, visas, or
covered facilities to facilitate monitoring, tracking,
surveillance, or harassment of, or harm to, other na-
tionals of Saudi Arabia living in the United States
during the time period covered by each such certifi-
cation.

(2) Failure to submit certification.—If
the President does not submit a certification under
paragraph (1), the President shall—

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

(B) submit to the appropriate congres-
sional committee a report that contains—

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

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

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

(d) WAIVER.—

(1) 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—

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

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

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

(e) DEFINITIONS.—In this section:
(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate 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.

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

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

SEC. 6. REPORT ON THE DUTY TO WARN OBLIGATION OF THE GOVERNMENT OF THE UNITED STATES.

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

(1) 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 directed at a person, the agency must
“warn the intended victim or those responsible for
protecting the intended victim, as appropriate”; and
(2) 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.

(b) REPORT.—Not later than 90 days after the date
of the enactment of this Act, the Director of National In-
telligence, in coordination with the heads of other relevant
United States intelligence agencies, shall submit to the ap-
propriate congressional committees a report with respect
to—

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

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

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

(d) DEFINITIONS.—In this section:
(1) Appropriate Congressional Committees.—The term “appropriate 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.

(2) 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.

(3) 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)).

(4) 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.