

116TH CONGRESS 1ST SESSION H.R. 4507

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

IN THE HOUSE OF REPRESENTATIVES

September 26, 2019

Mr. Connolly introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Permanent Select Committee on Intelligence, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Protection of Saudi
- 5 Dissidents Act of 2019".
- 6 SEC. 2. FINDINGS.
- 7 Congress finds the following:
- 8 (1) Jamal Khashoggi, a Saudi journalist and
- 9 Washington Post columnist, was killed and dis-

- 1 membered in the Saudi consulate in Istanbul, Tur-2 key on October 2, 2018, by agents with close ties to 3 the Government of Saudi Arabia.
 - (2) Khashoggi was a longtime resident of the United States, living in Virginia under an "O" visa and was in the process of applying for a permanent residency. Two of his four children are United States citizens.
 - (3) For many years, Khashoggi wrote on Saudi political and cultural issues and after criticisms of Crown Prince Mohammed Bin Salman, Khashoggi chose to reside in the United States due to his growing fear of arrest in Saudi Arabia. From a self-imposed exile, he wrote monthly columns in the Washington Post, including columns that criticized various Saudi policies.
 - (4) On October 2, 2018, Khashoggi visited the Saudi consulate in Istanbul with his fiancée to conduct routine consular matters. She waited for him for over ten hours outside the consulate, but he never re-emerged. The Turkish authorities subsequently reported that Khashoggi was murdered inside the Saudi consulate.
 - (5) For over two weeks following the murder, Saudi Arabia denied any knowledge of Khashoggi's

- whereabouts and claimed the allegations were
 "false" and "baseless". However, on October 20,
 3 2018, state television in Saudi Arabia reported that
 4 the journalist was murdered in a "rogue operation"
 5 under the orders of intelligence officers.
 - (6) Though Saudi Arabia has detained 21 people, dismissed two senior officials, and charged eleven people for Khashoggi's murder, the Government of Saudi Arabia has denied that Saudi leadership ordered the killing and has refused to extradite any suspects to Turkey.
 - (7) To date the United States Government has taken no actions to force an independent, international investigation of the killing of Jamal Khashoggi nor shown any willingness to hold accountable the highest levels of Saudi leadership.

17 SEC. 3. RESTRICTIONS ON TRANSFERS OF DEFENSE ARTI-

- 18 CLES AND SERVICES, ANY DESIGN AND CON-
- 19 STRUCTION SERVICES, AND ANY MAJOR DE-
- 20 FENSE EQUIPMENT TO SAUDI ARABIA.
- 21 (a) Initial Period.—During the 120-day period be-
- 22 ginning on the date of the enactment of this Act, the
- 23 President may not transfer, sell, or authorize a license for
- 24 export of any defense articles or services, any design and
- 25 construction services, or any major defense equipment

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- 1 under the Arms Export Control Act (22 U.S.C. 2751 et
- 2 seq.), regardless of the amount of such articles, services,
- 3 or equipment, to an intelligence, internal security, or law
- 4 enforcement agency or instrumentality of the Government
- 5 of Saudi Arabia, or to any person acting as an agent of
- 6 or on behalf of such agency or instrumentality.

(b) Subsequent Periods.—

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(1) In General.—During the 120-day period beginning on the day after the end of the 120-day period described in subsection (a), and every 120 days thereafter, the President may not transfer, sell, or authorize a license for export of any defense articles or services, any design and construction services, or any 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 submits to the chairman and ranking member of the appropriate congressional committees a certification described in

paragraph (2) with respect to such 120-day period.

1	(2) Certification.—A certification described
2	in this paragraph is a certification that contains a
3	determination of the President that—
4	(A) the Government of Saudi Arabia is co-
5	operating with an independent, international in-
6	vestigation into the murder of Jamal
7	Khashoggi;
8	(B) the Government of Saudi Arabia has
9	released any individual who is a journalist,
10	blogger, human rights defender, advocate for
11	religious freedom, or civil society activist de-
12	tained by the Government of Saudi Arabia for
13	such individual's work;
14	(C) the Government of Saudi Arabia is re-
15	fraining from arresting, detaining, and
16	harassing individuals for blasphemy and apos-
17	tasy, and is protecting the equal rights of all
18	citizens to freedom of religion or belief;
19	(D) the Government of Saudi Arabia has
20	taken verifiable steps to end the torture of de-
21	tainees; and
22	(E) the Government of Saudi Arabia has
23	disbanded any units of its intelligence or secu-
24	rity apparatus dedicated to the forced repatri-

1	ation, silencing, or killing of dissidents in other
2	countries.
3	(c) Appropriate Congressional Committees De-
4	FINED.—In this section, the term "appropriate congres-
5	sional committees" means—
6	(1) the Committee on Foreign Affairs and the
7	Committee on Armed Services of the House of Rep-
8	resentatives; and
9	(2) the Committee on Foreign Relations and
10	the Committee on Armed Services of the Senate.
11	SEC. 4. REPORT ON CONSISTENT PATTERN OF ACTS OF IN-
12	TIMIDATION OR HARASSMENT DIRECTED
13	AGAINST INDIVIDUALS IN THE UNITED
1314	AGAINST INDIVIDUALS IN THE UNITED STATES.
14	STATES.
14 15	STATES. (a) FINDINGS.—Congress finds the following:
141516	STATES. (a) FINDINGS.—Congress finds the following: (1) Section 6 of the Arms Export Control Act
14151617	states. (a) Findings.—Congress finds the following: (1) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) states that no export licenses may
14 15 16 17 18	states. (a) Findings.—Congress finds the following: (1) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) states that no export licenses may be issued to any country determined by the Presi-
14 15 16 17 18 19	states. (a) Findings.—Congress finds the following: (1) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) states that no export licenses may be issued to any country determined by the President to be engaged in a consistent pattern of acts
14 15 16 17 18 19 20	states. (a) Findings.—Congress finds the following: (1) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) states that no export licenses may be issued to any country determined by the President to be engaged in a consistent pattern of acts of intimidation or harassment directed against indi-
14 15 16 17 18 19 20 21	states. (a) Findings.—Congress finds the following: (1) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) states that no export licenses may be issued 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.
14 15 16 17 18 19 20 21 22	(a) FINDINGS.—Congress finds the following: (1) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) states that no export licenses may be issued 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

- of the House of Representatives, and to the chair-
- 2 man of the Committee on Foreign Relations of the
- 3 Senate.
- 4 (b) Report.—Not later than 60 days after the date
- 5 of the enactment of this Act, the President shall submit
- 6 to the Committee on Foreign Affairs of the House of Rep-
- 7 resentatives and the Committee on Foreign Relations of
- 8 the Senate a report on whether any official of the Govern-
- 9 ment of Saudi Arabia engaged in a consistent pattern of
- 10 acts of intimidation or harassment directed against Jamal
- 11 Khashoggi or any individual in the United States.
- (c) FORM.—The report required by subsection (b)
- 13 shall be submitted in unclassified form but may contain
- 14 a classified annex.
- 15 SEC. 5. REPORT AND CERTIFICATION WITH RESPECT TO
- 16 SAUDI DIPLOMATS AND DIPLOMATIC FACILI-
- 17 TIES IN THE UNITED STATES.
- 18 (a) Report.—Not later than 120 days after the date
- 19 of the enactment of this Act, the Secretary of State and
- 20 the Director of National Intelligence shall submit to the
- 21 appropriate congressional committees a report covering
- 22 the three year period before such date regarding whether
- 23 and to what extent covered persons used diplomatic cre-
- 24 dentials or covered facilities to monitor, track, surveil, har-

1	ass, or harm other Saudi nationals living in the United
2	States.
3	(b) CERTIFICATION.—
4	(1) In general.—Not later than 120 days
5	after the date of the enactment of this Act and an-
6	nually thereafter for five years, the Secretary of
7	State shall, if the Secretary determines that such is
8	the case, submit to the appropriate congressional
9	committees a certification that covered persons are
10	not using diplomatic credentials or covered facilities
11	to monitor, track, surveil, harass, or harm Saudi na-
12	tionals living in the United States during the time
13	period covered by each such certification.
14	(2) Failure to submit certification.—In
15	the Secretary of State does not submit a certifi-
16	cation under paragraph (1), the Secretary shall—
17	(A) close one or more covered facilities for
18	such period of time until the Secretary does
19	submit such a certification; and
20	(B) submit to the appropriate congres-
21	sional committee a report that contains—
22	(i) a detailed explanation of why the
23	Secretary is unable to make such a certifi-
24	cation; and

1	(ii) an identification of the locations
2	of the covered facilities referred to in sub-
3	paragraph (A).
4	(c) FORM.—Each report required by subsection (a)
5	and the certification and report required by subsection (b)
6	shall be submitted in unclassified form but may contain
7	a classified annex.
8	(d) DEFINITIONS.—In this section:
9	(1) Appropriate congressional commit-
10	TEES.—The term "appropriate congressional com-
11	mittees" means—
12	(A) the Committee on Foreign Affairs and
13	the Permanent Select Committee on Intelligence
14	of the House of Representatives; and
15	(B) the Committee on Foreign Relations
16	and the Select Committee on Intelligence of the
17	Senate.
18	(2) COVERED FACILITY.—The term "covered
19	facility" means a diplomatic or consular facility of
20	Saudi Arabia in the United States.
21	(3) COVERED PERSON.—The term "covered
22	person" means a Saudi national credentialed to a
23	covered facility.

1	SEC. 6. REPORT ON THE DUTY TO WARN OBLIGATION OF
2	THE GOVERNMENT OF THE UNITED STATES.
3	(a) Findings.—Congress finds that Intelligence
4	Community Directive 191 provides that—
5	(1) when an element of the intelligence commu-
6	nity of the United States collects or acquires credible
7	and specific information indicating an impending
8	threat of intentional killing, serious bodily injury, or
9	kidnapping directed at a person, the agency must
10	"warn the intended victim or those responsible for
11	protecting the intended victim, as appropriate"; and
12	(2) when issues arise with respect to whether
13	the threat information rises to the threshold of
14	"duty to warn", the directive calls for resolution in
15	favor of warning the intended victim.
16	(b) Report.—Not later than 90 days after the date
17	of the enactment of this Act, the Director of National In-
18	telligence shall submit to the appropriate congressional
19	committees a report with respect to—
20	(1) whether and how the intelligence community
21	fulfilled its duty to warn Jamal Khashoggi of threats
22	to his life and liberty pursuant to Intelligence Com-
23	munity Directive 191; and
24	(2) in the case of the intelligence community
25	not fulfilling its duty to warn as described in para-

1	graph (1), why the intelligence community did not
2	fulfill this duty.
3	(c) FORM.—The report required by subsection (b)
4	shall be submitted in unclassified form but may contain
5	a classified annex.
6	(d) Definitions.—In this section:
7	(1) Appropriate congressional commit-
8	TEES.—The term "appropriate congressional com-
9	mittees" means—
10	(A) the Committee on Foreign Affairs and
11	the Permanent Select Committee on Intelligence
12	of the House of Representatives; and
13	(B) the Committee on Foreign Relations
14	and the Select Committee on Intelligence of the
15	Senate.
16	(2) Duty to Warn.—The term "duty to warn"
17	has the meaning given that term in Intelligence
18	Community Directive 191, as in effect on July 21,
19	2015.
20	(3) Intelligence community.—The term
21	"intelligence community" has the meaning given
22	such term in section 3(4) of the National Security
23	Act of 1947 (50 U.S.C. 3003(4))