

117TH CONGRESS
1ST SESSION

H. R. 1392

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2021

Mr. CONNOLLY (for himself and Ms. BASS) 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 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Jamal Khashoggi, a United States resident,
9 Saudi journalist, and Washington Post columnist,

1 was killed and dismembered in the Saudi consulate
2 in Istanbul, Turkey on October 2, 2018, by at least
3 14 intelligence officers of the Government of Saudi
4 Arabia. Khashoggi was lured to the consulate under
5 the false cover of needing to address a consular mat-
6 ter. Following the killing, 17 officers from the Saudi
7 intelligence service, or Mabahith, reportedly visited
8 Istanbul and cleansed the crime scene.

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

12 (3) A subsequent, highly-credible investigation
13 by the United Nations concluded that Khashoggi’s
14 killing was premeditated and that the mission was
15 endorsed, planned, and overseen by senior Saudi of-
16 ficials.

17 **SEC. 3. RESTRICTIONS ON TRANSFERS OF DEFENSE ARTI-**
18 **CLES AND SERVICES, DESIGN AND CON-**
19 **STRUCTION SERVICES, AND MAJOR DEFENSE**
20 **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 sell, authorize a license for the export
24 of, or otherwise transfer any defense articles or defense
25 services, design and construction services, or major de-

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

6 (b) SUBSEQUENT PERIODS.—

7 (1) IN GENERAL.—During the 120-day period
8 beginning after the end of the 120-day period de-
9 scribed in subsection (a), and each 120-day period
10 thereafter, the President may not sell, authorize a li-
11 cense for the export of, or otherwise transfer any de-
12 fense articles or services, design and construction
13 services, or major defense equipment under the
14 Arms Export Control Act (22 U.S.C. 2751 et seq.),
15 regardless of the amount of such articles, services,
16 or equipment, to an intelligence, internal security, or
17 law enforcement agency or instrumentality of the
18 Government of Saudi Arabia, or to any person act-
19 ing as an agent of or on behalf of such agency or
20 instrumentality, unless the President has submitted
21 to the chairman and ranking member of the appro-
22 priate congressional committees a certification de-
23 scribed in paragraph (2).

24 (2) CERTIFICATION.—A certification described
25 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.

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

4 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
 5 DEFINED.—In this section, the term “appropriate con-
 6 gressional committees” means—

7 (1) the Committee on Foreign Affairs, the Per-
 8 manent Select Committee on Intelligence, and the
 9 Committee on Armed Services of the House of Rep-
 10 resentatives; and

11 (2) the Committee on Foreign Relations, the
 12 Select Committee on Intelligence, and the Com-
 13 mittee on Armed Services of the Senate.

14 **SEC. 4. REPORT ON CONSISTENT PATTERN OF ACTS OF IN-**
 15 **TIMIDATION OR HARASSMENT DIRECTED**
 16 **AGAINST INDIVIDUALS IN THE UNITED**
 17 **STATES.**

18 (a) FINDINGS.—Congress finds the following:

19 (1) Section 6 of the Arms Export Control Act
 20 (22 U.S.C. 2756) states that “no transfers or letters
 21 of offer may be issued, no credits or guarantees may
 22 be extended, and no export licenses may be issued
 23 under this Act with respect to any country deter-
 24 mined by the President to be engaged in a consistent

1 pattern of acts of intimidation or harassment di-
2 rected against individuals in the United States”.

3 (2) Section 6 of the Arms Export Control Act
4 further requires the President to report any such de-
5 termination promptly to the Speaker of the House of
6 Representatives, the Committee on Foreign Affairs
7 of the House of Representatives, and to the chair-
8 man of the Committee on Foreign Relations of the
9 Senate.

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

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

18 (2) whether any United States-origin defense
19 articles were used in the activities described in para-
20 graph (1).

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

1 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term “appropriate con-
3 gressional committees” means—

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

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

9 **SEC. 5. REPORT AND CERTIFICATION WITH RESPECT TO**
10 **SAUDI DIPLOMATS AND DIPLOMATIC FACILI-**
11 **TIES IN THE UNITED STATES.**

12 (a) REPORT.—Not later than 120 days after the date
13 of the enactment of this Act, the President shall submit
14 to the appropriate congressional committees a report cov-
15 ering the three-year period preceding such date of enact-
16 ment regarding whether and to what extent covered per-
17 sons used diplomatic credentials, visas, or covered facilities
18 to facilitate monitoring, tracking, surveillance, or harass-
19 ment of, or harm to, other nationals of Saudi Arabia living
20 in the United States.

21 (b) CERTIFICATION.—

22 (1) IN GENERAL.—Not later than 120 days
23 after the date of the enactment of this Act, the
24 President shall, if the President determines that
25 such is the case, submit to the appropriate congres-

1 sional committees a certification that covered per-
2 sons are not using diplomatic credentials, visas, or
3 covered facilities to facilitate monitoring, tracking,
4 surveillance, or harassment of, or harm to, other na-
5 tionals of Saudi Arabia living in the United States
6 during the time period covered by each such certifi-
7 cation.

8 (2) FAILURE TO SUBMIT CERTIFICATION.—If
9 the President does not submit a certification under
10 paragraph (1), the President shall—

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

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

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

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

1 (iii) a description of actions the
2 United States Government has taken or in-
3 tends to take in response to the use of dip-
4 lomatic credentials, visas, or covered facili-
5 ties described in paragraph (1).

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

10 (d) WAIVER.—

11 (1) IN GENERAL.—The President may waive
12 the restrictions in this section if the President sub-
13 mits to the appropriate congressional committees a
14 report not later than 15 days before the granting of
15 such waiver that contains—

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

19 (B) a detailed justification for the use of
20 such waiver and the reasons why the restric-
21 tions in this section cannot be met.

22 (2) FORM.—The report required by this sub-
23 section shall be submitted in unclassified form, but
24 may contain a classified annex.

25 (e) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

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

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

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

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

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

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

20 (1) when an element of the intelligence commu-
21 nity of the United States collects or acquires credible
22 and specific information indicating an impending
23 threat of intentional killing, serious bodily injury, or
24 kidnapping directed at a person, the agency must

1 “warn the intended victim or those responsible for
2 protecting the intended victim, as appropriate”; and

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

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

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

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

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

24 (d) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

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

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

10 (2) DUTY TO WARN.—The term “duty to warn”
11 has the meaning given that term in Intelligence
12 Community Directive 191, as in effect on July 21,
13 2015.

14 (3) INTELLIGENCE COMMUNITY.—The term
15 “intelligence community” has the meaning given
16 such term in section 3(4) of the National Security
17 Act of 1947 (50 U.S.C. 3003(4)).

18 (4) RELEVANT UNITED STATES INTELLIGENCE
19 AGENCY.—The term “relevant United States intel-
20 ligence agency” means any element of the intel-
21 ligence community that may have possessed intel-
22 ligence reporting regarding threats to Jamal
23 Khashoggi.

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