

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.

4 (2) Khashoggi was a longtime resident of the
5 United States, living in Virginia under an “O” visa
6 and was in the process of applying for a permanent
7 residency. Two of his four children are United
8 States citizens.

9 (3) For many years, Khashoggi wrote on Saudi
10 political and cultural issues and after criticisms of
11 Crown Prince Mohammed Bin Salman, Khashoggi
12 chose to reside in the United States due to his grow-
13 ing fear of arrest in Saudi Arabia. From a self-im-
14 posed exile, he wrote monthly columns in the Wash-
15 ington Post, including columns that criticized var-
16 ious Saudi policies.

17 (4) On October 2, 2018, Khashoggi visited the
18 Saudi consulate in Istanbul with his fiancée to con-
19 duct routine consular matters. She waited for him
20 for over ten hours outside the consulate, but he
21 never re-emerged. The Turkish authorities subse-
22 quently reported that Khashoggi was murdered in-
23 side the Saudi consulate.

24 (5) For over two weeks following the murder,
25 Saudi Arabia denied any knowledge of Khashoggi’s

1 whereabouts and claimed the allegations were
2 “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 (6) Though Saudi Arabia has detained 21 peo-
7 ple, dismissed two senior officials, and charged elev-
8 en people for Khashoggi’s murder, the Government
9 of Saudi Arabia has denied that Saudi leadership or-
10 dered the killing and has refused to extradite any
11 suspects to Turkey.

12 (7) To date the United States Government has
13 taken no actions to force an independent, inter-
14 national investigation of the killing of Jamal
15 Khashoggi nor shown any willingness to hold ac-
16 countable 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

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.

7 (b) SUBSEQUENT PERIODS.—

8 (1) IN GENERAL.—During the 120-day period
9 beginning on the day after the end of the 120-day
10 period described in subsection (a), and every 120
11 days thereafter, the President may not transfer, sell,
12 or authorize a license for export of any defense arti-
13 cles or services, any design and construction serv-
14 ices, or any major defense equipment under the
15 Arms Export Control Act (22 U.S.C. 2751 et seq.),
16 regardless of the amount of such articles, services,
17 or equipment, to an intelligence, internal security, or
18 law enforcement agency or instrumentality of the
19 Government of Saudi Arabia, or to any person act-
20 ing as an agent of or on behalf of such agency or
21 instrumentality, unless the President submits to the
22 chairman and ranking member of the appropriate
23 congressional committees a certification described in
24 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 congress-
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**
14 **STATES.**

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

16 (1) Section 6 of the Arms Export Control Act
17 (22 U.S.C. 2756) states that no export licenses may
18 be issued to any country determined by the Presi-
19 dent to be engaged in a consistent pattern of acts
20 of intimidation or harassment directed against indi-
21 viduals in the United States.

22 (2) Section 6 of the Arms Export Control Act
23 further requires the President to report any such de-
24 termination promptly to the Speaker of the House of
25 Representatives, the Committee on Foreign Affairs

1 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.

12 (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.—If
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)).

○