

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4507
OFFERED BY MR. MCCAUL OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Protection of Saudi
3 Dissidents Act of 2020”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:

6 (1) Jamal Khashoggi, a United States resident,
7 Saudi journalist, and Washington Post columnist,
8 was killed and dismembered in the Saudi consulate
9 in Istanbul, Turkey on October 2, 2018, by at least
10 14 intelligence officers of the Government of Saudi
11 Arabia. Khashoggi was lured to the consulate under
12 the false cover of needing to address a consular mat-
13 ter. Following the killing, 17 officers from the Saudi
14 intelligence service, or Mabahith, reportedly visited
15 Istanbul and cleansed the crime scene.

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

1 (3) A subsequent, highly-credible investigation
2 by the United Nations concluded that Khashoggi's
3 killing was premeditated and that the mission was
4 endorsed, planned, and overseen by senior Saudi of-
5 ficials.

6 **SEC. 3. SANCTIONS WITH RESPECT TO HUMAN RIGHTS VIO-**
7 **LATIONS AGAINST SAUDI DISSIDENTS**
8 **ABROAD.**

9 (a) IN GENERAL.—Not later than 120 days after the
10 date of the enactment of this Act, the President shall sub-
11 mit to the appropriate congressional committees a deter-
12 mination of whether, during the 120-day period preceding
13 the date of submission of the determination, the Govern-
14 ment of Saudi Arabia conducted any activities through its
15 intelligence, internal security, or law enforcement agencies
16 or instrumentalities that constitute forced repatriation, si-
17 lencing, or killing of dissidents in other countries.

18 (b) IMPOSITION OF SANCTIONS.—If the President de-
19 termines that the Government of Saudi Arabia has con-
20 ducted any activities described in subsection (a), the Presi-
21 dent shall impose one or more of the sanctions described
22 in section 1263(b) of the Global Magnitsky Human Rights
23 Accountability Act (22 U.S.C. 2656 note) with respect to
24 one or more officials of the Government of Saudi Arabia

1 whom the President determines has engaged in such ac-
2 tivities.

3 (c) EXCEPTIONS.—

4 (1) TO COMPLY WITH UNITED NATIONS HEAD-
5 QUARTERS AGREEMENT.—Sanctions under para-
6 graph (1) of section 1263(b) of the Global
7 Magnitsky Human Rights Accountability Act shall
8 not apply with respect to a foreign person who is an
9 official of the Government of Saudi Arabia described
10 in subsection (b) if admitting or paroling the foreign
11 person into the United States is necessary to permit
12 the United States to comply with the Agreement re-
13 garding the Headquarters of the United Nations,
14 signed at Lake Success June 26, 1947, and entered
15 into force November 21, 1947, between the United
16 Nations and the United States, or other applicable
17 international obligations.

18 (2) TO COMPLY WITH NATIONAL SECURITY.—

19 The following activities shall be exempt from sanc-
20 tions under this section:

21 (A) Activities subject to the reporting re-
22 quirements under title V of the National Secu-
23 rity Act of 1947 (50 U.S.C. 3091 et seq.).

24 (B) Any authorized intelligence or law en-
25 forcement activities of the United States.

1 (d) IMPLEMENTATION; PENALTIES.—

2 (1) IMPLEMENTATION.—The President may ex-
3 ercise all authorities provided under sections 203
4 and 205 of the International Emergency Economic
5 Powers Act (50 U.S.C. 1702 and 1704) to carry out
6 this section and shall issue such regulations, li-
7 censes, and orders as are necessary to carry out this
8 section.

9 (2) PENALTIES.—Any person that violates, at-
10 tempts to violate, conspires to violate, or causes a
11 violation of this section or any regulation, license, or
12 order issued to carry out paragraph (1) shall be sub-
13 ject to the penalties provided for in subsections (b)
14 and (c) of section 206 of the International Emer-
15 gency Economic Powers Act (50 U.S.C. 1705) to the
16 same extent as a person that commits an unlawful
17 act described in subsection (a) of that section.

18 (e) WAIVER.—The President may waive the require-
19 ment in subsection (b) if the President determines and
20 submits to the appropriate congressional committees writ-
21 ten notice and justification not later than 15 days before
22 the granting of such waiver, that such a waiver is in the
23 national security interests of the United States.

1 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—In this section, the term “appropriate congres-
3 sional committees” means—

4 (1) the Committee on Foreign Affairs, the Per-
5 manent Select Committee on Intelligence, and the
6 Committee on Armed Services of the House of Rep-
7 resentatives; and

8 (2) the Committee on Foreign Relations, the
9 Select Committee on Intelligence, and the Com-
10 mittee 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 or
18 other authorizations may be issued for the export of
19 goods or services to any country determined by the
20 President to be engaged in a consistent pattern of
21 acts of intimidation or harassment directed against
22 individuals in the United States.

23 (2) Section 6 of the Arms Export Control Act
24 further requires the President to report any such de-
25 termination promptly to the Speaker of the House of

1 Representatives, the Committee on Foreign Affairs
2 of the House of Representatives, and to the chair-
3 man of the Committee on Foreign Relations of the
4 Senate.

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

8 (1) whether any official of the Government of
9 Saudi Arabia engaged in a consistent pattern of acts
10 of intimidation or harassment directed against
11 Jamal Khashoggi or any individual in the United
12 States; and

13 (2) whether any United States-origin defense
14 articles were used in the activities described in para-
15 graph (1).

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

19 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
20 DEFINED.—In this section, the term “appropriate con-
21 gressional committees” means—

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

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

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

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

15 (b) CERTIFICATION.—

16 (1) IN GENERAL.—Not later than 120 days
17 after the date of the enactment of this Act, the
18 President shall, if the President determines that
19 such is the case, submit to the appropriate congress-
20 sional committees a certification that covered per-
21 sons are not using diplomatic credentials, visas, or
22 covered facilities to facilitate monitoring, tracking,
23 surveillance, or harassment of, or harm to, other na-
24 tionals of Saudi Arabia living in the United States

1 during the time period covered by each such certifi-
2 cation.

3 (2) FAILURE TO SUBMIT CERTIFICATION.—If
4 the President does not submit a certification under
5 paragraph (1), the President shall—

6 (A) utilize existing authorities to respond
7 appropriately to the monitoring, tracking, sur-
8 veillance, or harassment of, or harm to, other
9 nationals of Saudi Arabia within the United
10 States; and

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

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

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

22 (iii) a description of actions the
23 United States Government has taken or in-
24 tends to take in response to the use of dip-

1 lomatic credentials, visas, or covered facili-
2 ties described in paragraph (1).

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

7 (d) WAIVER.—The President may waive the require-
8 ment in subsection (b) if the President determines and
9 submits to the appropriate congressional committees writ-
10 ten notice and justification not later than 15 days before
11 the granting of such waiver, that such a waiver is in the
12 national security interests of the United States.

13 (e) DEFINITIONS.—In this section:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means—

17 (A) the Committee on Foreign Affairs and
18 the Permanent Select Committee on Intelligence
19 of the House of Representatives; and

20 (B) the Committee on Foreign Relations
21 and the Select Committee on Intelligence of the
22 Senate.

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

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

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

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

8 (1) when an element of the intelligence commu-
9 nity of the United States collects or acquires credible
10 and specific information indicating an impending
11 threat of intentional killing, serious bodily injury, or
12 kidnapping directed at a person, the agency must
13 “warn the intended victim or those responsible for
14 protecting the intended victim, as appropriate”; and

15 (2) when issues arise with respect to whether
16 the threat information rises to the threshold of
17 “duty to warn”, the directive calls for resolution in
18 favor of warning the intended victim.

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

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

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

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

12 (d) DEFINITIONS.—In this section:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term “appropriate congressional com-
15 mittees” means—

16 (A) the Committee on Foreign Affairs and
17 the Permanent Select Committee on Intelligence
18 of the House of Representatives; and

19 (B) the Committee on Foreign Relations
20 and the Select Committee on Intelligence of the
21 Senate.

22 (2) DUTY TO WARN.—The term “duty to warn”
23 has the meaning given that term in Intelligence
24 Community Directive 191, as in effect on July 21,
25 2015.

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

5 (4) RELEVANT UNITED STATES INTELLIGENCE
6 AGENCY.—The term “relevant United States intel-
7 ligence agency” means any element of the intel-
8 ligence community that may have possessed intel-
9 ligence reporting regarding threats to Jamal
10 Khashoggi.

