

AMENDMENT TO H.R. 1392
OFFERED BY MR. MEEKS OF NEW YORK

Strike section 3 and insert the following:

1 **SEC. 3. RESTRICTIONS ON TRANSFERS OF DEFENSE ARTI-**
2 **CLES AND SERVICES, DESIGN AND CON-**
3 **STRUCTION SERVICES, AND MAJOR DEFENSE**
4 **EQUIPMENT TO SAUDI ARABIA.**

5 (a) INITIAL PERIOD.—During the 120-day period be-
6 ginning on the date of the enactment of this Act, the
7 President may not sell, authorize a license for the export
8 of, or otherwise transfer any defense articles or defense
9 services, design and construction services, or major de-
10 fense equipment under the Arms Export Control Act (22
11 U.S.C. 2751 et seq.) to an intelligence, internal security,
12 or law enforcement agency or instrumentality of the Gov-
13 ernment of Saudi Arabia, or to any person acting as an
14 agent of or on behalf of such agency or instrumentality.

15 (b) SUBSEQUENT PERIODS.—

16 (1) IN GENERAL.—During the 120-day period
17 beginning after the end of the 120-day period de-
18 scribed in subsection (a), and each 120-day period
19 thereafter, the President may not sell, authorize a li-
20 cense for the export of, or otherwise transfer any de-

1 fense articles or services, design and construction
2 services, or major defense equipment under the
3 Arms Export Control Act (22 U.S.C. 2751 et seq.),
4 regardless of the amount of such articles, services,
5 or equipment, to an intelligence, internal security, or
6 law enforcement agency or instrumentality of the
7 Government of Saudi Arabia, or to any person act-
8 ing as an agent of or on behalf of such agency or
9 instrumentality, unless the President has submitted
10 to the chairman and ranking member of the appro-
11 priate congressional committees a certification de-
12 scribed in paragraph (2).

13 (2) CERTIFICATION.—A certification described
14 in this paragraph is a certification that contains a
15 determination of the President that, during the 120-
16 day period preceding the date of submission of the
17 certification, the United States Government has not
18 determined that the Government of Saudi Arabia
19 has conducted any of the following activities:

20 (A) Forced repatriation, intimidation, or
21 killing of dissidents in other countries.

22 (B) The unjust imprisonment in Saudi
23 Arabia of United States citizens or aliens law-
24 fully admitted for permanent residence or the

1 prohibition on these individuals and their family
2 members from exiting Saudi Arabia.

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

5 (e) EXCEPTION.—The restrictions in this section
6 shall not apply with respect to the sale, authorization of
7 a license for export, or transfer of any defense articles or
8 services, design and construction services, or major de-
9 fense equipment under the Arms Export Control Act (22
10 U.S.C. 2751 et seq.) for use in—

11 (1) the defense of the territory of Saudi Arabia
12 from external threats; or

13 (2) the defense of United States military or dip-
14 lomatic personnel or United States facilities located
15 in Saudi Arabia.

16 (d) WAIVER.—

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

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

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

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

7 (e) SUNSET.—This section shall terminate on the
8 date that is 3 years after the date of the enactment of
9 this Act.

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

13 (1) the Committee on Foreign Affairs, the Per-
14 manent Select Committee on Intelligence, and the
15 Committee on Armed Services of the House of Rep-
16 resentatives; and

17 (2) the Committee on Foreign Relations, the
18 Select Committee on Intelligence, and the Com-
19 mittee on Armed Services of the Senate.

Strike section 5 and insert the following:

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

23 (a) REPORT.—Not later than 120 days after the date
24 of the enactment of this Act, the President shall submit

1 to the appropriate congressional committees a report cov-
2 ering the three-year period preceding such date of enact-
3 ment regarding whether and to what extent covered per-
4 sons used diplomatic credentials, visas, or covered facilities
5 to facilitate monitoring, tracking, surveillance, or harass-
6 ment of, or harm to, other nationals of Saudi Arabia living
7 in the United States.

8 (b) CERTIFICATION.—

9 (1) IN GENERAL.—Not later than 120 days
10 after the date of the enactment of this Act, and each
11 120-day period thereafter, the President shall, if the
12 President determines that such is the case, submit
13 to the appropriate congressional committees a cer-
14 tification that the United States Government has
15 not determined covered persons to be using diplo-
16 matic credentials, visas, or covered facilities to facili-
17 tate serious harassment of, or harm to, other nation-
18 als of Saudi Arabia living in the United States dur-
19 ing the time period covered by each such certifi-
20 cation.

21 (2) FAILURE TO SUBMIT CERTIFICATION.—If
22 the President does not submit a certification under
23 paragraph (1), the President shall—

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

4 (B) submit to the appropriate congress-
5 sional committee a report that contains—

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

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

15 (iii) a description of actions the
16 United States Government has taken or in-
17 tends to take in response to the use of dip-
18 lomatic credentials, visas, or covered facili-
19 ties described in paragraph (1).

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

24 (d) WAIVER.—

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

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

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

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

15 (e) SUNSET.—This section shall terminate on the
16 date that is 3 years after the date of the enactment of
17 this Act.

18 (f) DEFINITIONS.—In this section:

19 (1) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—The term “appropriate congressional com-
21 mittees” means—

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

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

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

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

