

**AMENDMENT TO RULES COMM. PRINT 117-13**  
**OFFERED BY MR. MALINOWSKI OF NEW JERSEY**

Insert after title LIII of division E the following new  
title:

1 **TITLE LIV—SAUDI ARABIA AC-**  
2 **COUNTABILITY FOR GROSS**  
3 **VIOLATIONS OF HUMAN**  
4 **RIGHTS ACT**

5 **SEC. 5401. SHORT TITLE.**

6 This title may be cited as the “Saudi Arabia Account-  
7 ability for Gross Violations of Human Rights Act”.

8 **SEC. 5402. FINDINGS.**

9 Congress finds the following:

10 (1) On October 2, 2018, Washington Post jour-  
11 nalist Jamal Khashoggi was murdered by Saudi  
12 Government agents in Istanbul.

13 (2) According to the United Nations Special  
14 Rapporteur’s June 2019 report, Mr. Khashoggi con-  
15 tacted the Saudi Embassy in Washington regarding  
16 required documentation he needed to obtain from  
17 Saudi authorities and “was told to obtain the docu-  
18 ment from the Saudi embassy in Turkey”.

1           (3) According to press reports, Mr. Khashoggi's  
2 associates were surveilled after having their phones  
3 infiltrated by spyware.

4           (4) On July 15, 2019, the House of Represent-  
5 atives passed by a margin of 405-7 the Saudi Arabia  
6 Human Rights and Accountability Act of 2019  
7 (H.R. 2037), which required—

8           (A) an unclassified report by the Director  
9 of National Intelligence on parties responsible  
10 for Khashoggi's murder, a requirement ulti-  
11 mately inserted into and passed as part of the  
12 National Defense Authorization Act for Fiscal  
13 Year 2020 (Public Law 116-92);

14           (B) visa sanctions on all persons identified  
15 in such report; and

16           (C) a report on human rights in Saudi  
17 Arabia.

18           (5) On February 26, 2021, the Director of Na-  
19 tional Intelligence released the report produced pur-  
20 suant to congressional direction, which stated, “we  
21 assess that Saudi Arabia's Crown Prince Muham-  
22 mad bin Salman approved an operation in Istanbul,  
23 Turkey to capture or kill Saudi journalist Jamal  
24 Khashoggi.” The report also identified several indi-  
25 viduals who “participated in, ordered, or were other-

1 wise complicit in or responsible for the death of  
2 Jamal Khashoggi on behalf of Muhammad bin  
3 Salman. We do not know whether these individuals  
4 knew in advance that the operation would result in  
5 Khashoggi's death.”.

6 (6) Section 7031(c) of division K of the Con-  
7 solidated Appropriations Act, 2021 states “Officials  
8 of foreign governments and their immediate family  
9 members about whom the Secretary of State has  
10 credible information have been involved, directly or  
11 indirectly, in . . . a gross violation of human  
12 rights. . . shall be ineligible for entry into the  
13 United States.”.

14 (7) Section 6 of the Arms Export Control Act  
15 (22 U.S.C. 2756) provides that no letters of offer  
16 may be issued, no credits or guarantees may be ex-  
17 tended, and no export licenses may be issued with  
18 respect to any country determined by the President  
19 to be engaged in a “consistent pattern of acts of in-  
20 timidation or harassment directed against individ-  
21 uals in the United States”.

22 (8) Section 502B of the Foreign Assistance Act  
23 of 1961 (22 U.S.C. 2304) directs the President to  
24 formulate and conduct international security assist-  
25 ance programs of the United States in a manner

1       which will “promote and advance human rights and  
2       avoid identification of the United States, through  
3       such programs, with governments which deny to  
4       their people internationally recognized human rights  
5       and fundamental freedoms, in violation of inter-  
6       national law or in contravention of the policy of the  
7       United States”.

8               (9) Secretary of State Antony Blinken on Feb-  
9       ruary 26, 2021, stated: “As a matter of safety for  
10      all within our borders, perpetrators targeting per-  
11      ceived dissidents on behalf of any foreign govern-  
12      ment should not be permitted to reach American  
13      soil. . . We have made absolutely clear that  
14      extraterritorial threats and assaults by Saudi Arabia  
15      against activists, dissidents, and journalists must  
16      end.”.

17 **SEC. 5403. SANCTIONS WITH RESPECT TO FOREIGN PER-**  
18 **SONS LISTED IN THE REPORT OF THE DIREC-**  
19 **TOR OF NATIONAL INTELLIGENCE ON THE**  
20 **MURDER OF JAMAL KHASHOGGI.**

21       (a) IMPOSITION OF SANCTIONS.—On and after the  
22      date that is 60 days after the date of the enactment of  
23      this Act, the sanctions described in subsection (b) shall  
24      be imposed with respect to each foreign person listed in  
25      the Office of the Director of National Intelligence report

1 titled “Assessing the Saudi Government’s Role in the Kill-  
2 ing of Jamal Khashoggi”, dated February 11, 2021.

3 (b) SANCTIONS DESCRIBED.—

4 (1) IN GENERAL.—The sanctions described in  
5 this subsection are the following:

6 (A) INELIGIBILITY FOR VISAS AND ADMIS-  
7 SION TO THE UNITED STATES.—

8 (i) Inadmissibility to the United  
9 States.

10 (ii) Ineligibility to receive a visa or  
11 other documentation to enter the United  
12 States.

13 (iii) Ineligibility to otherwise be ad-  
14 mitted or paroled into the United States or  
15 to receive any other benefit under the Im-  
16 migration and Nationality Act (8 U.S.C.  
17 110et seq.).

18 (B) CURRENT VISAS REVOKED.—

19 (i) Revocation of any visa or other  
20 entry documentation regardless of when  
21 the visa or other entry documentation is or  
22 was issued.

23 (ii) A revocation under clause (i)  
24 shall—

25 (I) take effect immediately; and

1 (II) automatically cancel any  
2 other valid visa or entry documenta-  
3 tion that is in the foreign person's  
4 possession.

5 (2) EXCEPTION TO COMPLY WITH INTER-  
6 NATIONAL OBLIGATIONS.—Sanctions under para-  
7 graph (1) shall not apply with respect to a foreign  
8 person if admitting or paroling the person into the  
9 United States is necessary to permit the United  
10 States to comply with the Agreement regarding the  
11 Headquarters of the United Nations, signed at Lake  
12 Success June 26, 1947, and entered into force No-  
13 vember 21, 1947, between the United Nations and  
14 the United States, or other applicable international  
15 obligations.

16 (3) WAIVER IN THE INTEREST OF NATIONAL  
17 SECURITY.—The President may waive for an indi-  
18 vidual entry into the United States the application  
19 of this section with respect to a foreign person who  
20 is A-1 visa eligible and who is present in or seeking  
21 admission into the United States for purposes of of-  
22 ficial business if the President determines and trans-  
23 mits to the appropriate congressional committees an  
24 unclassified written notice and justification not later  
25 than 15 days before the granting of such waiver,

1       that such a waiver is in the national security inter-  
2       ests of the United States.

3       (c) SUSPENSION OF SANCTIONS.—

4             (1) IN GENERAL.—The President may suspend  
5       in whole or in part the imposition of sanctions other-  
6       wise required under this section if the President cer-  
7       tifies to the appropriate congressional committees  
8       that the following criteria have been met in Saudi  
9       Arabia:

10            (A) The Government of Saudi Arabia is  
11       not arbitrarily detaining citizens or legal resi-  
12       dents of the United States for arbitrary polit-  
13       ical reasons, including criticism of Saudi gov-  
14       ernment policies, peaceful advocacy of political  
15       beliefs, or the pursuit of United States citizen-  
16       ship.

17            (B) The Government of Saudi Arabia is  
18       cooperating in outstanding criminal proceedings  
19       in the United States in which a Saudi citizen or  
20       national departed from the United States while  
21       the citizen or national was awaiting trial or sen-  
22       tencing for a criminal offense committed in the  
23       United States.

24            (C) The Government of Saudi Arabia has  
25       made significant numerical reductions in indi-

1 individuals detained for peaceful political reasons,  
2 including activists, journalists, bloggers, law-  
3 yers, or critics.

4 (D) The Government of Saudi Arabia has  
5 disbanded any units of its intelligence or secu-  
6 rity apparatus dedicated to the forced repatri-  
7 ation of dissidents or critical voices in other  
8 countries.

9 (E) The Government of Saudi Arabia has  
10 made meaningful public commitments to uphold  
11 internationally recognized standards governing  
12 the use, sale, and transfer of digital surveillance  
13 items and services that can be used to abuse  
14 human rights.

15 (F) The Government of Saudi Arabia has  
16 instituted meaningful legal reforms to protect  
17 the rights of women, the rights of freedom of  
18 expression and religion, and due process in its  
19 judicial system.

20 (2) REPORT.—Accompanying the certification  
21 described in paragraph (1), the President shall sub-  
22 mit to the appropriate congressional committees a  
23 report that contains a detailed description of Saudi  
24 Arabia's adherence to the criteria described in the  
25 certification.



1 (d) DEFINITIONS.—In this section:

2 (1) ADMITTED; ALIEN.—The terms “admitted”  
3 and “alien” have the meanings given those terms in  
4 section 101 of the Immigration and Nationality Act  
5 (8 U.S.C. 1101).

6 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
7 TEES.—The term “appropriate congressional com-  
8 mittees” means—

9 (A) the Committee on Foreign Affairs, the  
10 Committee on the Judiciary, and the Perma-  
11 nent Select Committee on Intelligence of the  
12 House of Representatives; and

13 (B) the Committee on Foreign Relations,  
14 the Committee on the Judiciary, and the Select  
15 Committee on Intelligence of the Senate.

16 (3) FOREIGN PERSON.—The term “foreign per-  
17 son” has the meaning given such term in section  
18 595.304 of title 31, Code of Federal Regulations (as  
19 in effect on the day before the date of the enactment  
20 of this Act), except that such term does not include  
21 an entity (as such term is described in such section).

22 (4) FOREIGN PERSON WHO IS A-1 VISA ELIGI-  
23 BLE.—The term “foreign person who is A-1 visa eli-  
24 gible” means an alien described in section

1 101(a)(15)(A)(i) of the Immigration and Nationality  
2 Act (8 U.S.C. 1101(a)(15)(A)(i)).

3 (5) UNITED STATES PERSON.—The term  
4 “United States person” means—

5 (A) a United States citizen or an alien law-  
6 fully admitted for permanent residence to the  
7 United States; or

8 (B) an entity organized under the laws of  
9 the United States or any jurisdiction within the  
10 United States, including a foreign branch of  
11 such an entity.

12 **SEC. 5404. REPORT ON INTIMIDATION OR HARASSMENT DI-**  
13 **RECTED AGAINST INDIVIDUALS IN THE**  
14 **UNITED STATES AND OTHER MATTERS.**

15 (a) IN GENERAL.—Not later than one year after the  
16 date of the enactment of this Act, and annually thereafter,  
17 the Secretary of State, in consultation with the Director  
18 of National Intelligence and the Director of the Federal  
19 Bureau of Investigation, shall submit to the appropriate  
20 congressional committees a report identifying any entities,  
21 instrumentalities, or agents of the Government of Saudi  
22 Arabia engaged in “a consistent pattern of acts of intimi-  
23 dation or harassment directed against individuals in the  
24 United States” pursuant to section 6 of the Arms Export  
25 Control Act (22 U.S.C. 2756).

1 (b) MATTERS TO BE INCLUDED.—The report re-  
2 quired by subsection (a) shall include the following:

3 (1) A detailed description of such acts in the  
4 preceding period.

5 (2) A certification of whether such acts during  
6 the preceding period constitute a “consistent pattern  
7 of acts of intimidation or harassment directed  
8 against individuals in the United States” pursuant  
9 to section 6 of the Arms Export Control Act (22  
10 U.S.C. 2756).

11 (3) A determination of whether any United  
12 States-origin defense articles were used in the com-  
13 mission of such acts.

14 (4) A determination of whether entities, instru-  
15 mentalities, or agents of the Government of Saudi  
16 Arabia supported or received support from foreign  
17 governments, including China, in the commission of  
18 such acts.

19 (5) Any actions taken by the United States  
20 Government to deter incidents of intimidation or  
21 harassment directed against individuals in the  
22 United States.

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

1 (d) SUNSET.—This section shall terminate on the  
2 date that is 5 years after the date of the enactment of  
3 this Act.

4 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
5 FINED.—In this section, the term “appropriate congres-  
6 sional committees” means—

7 (1) the Committee on Foreign Affairs, the  
8 Committee on Armed Services, and the Permanent  
9 Select Committee on Intelligence of the House of  
10 Representatives; and

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

14 **SEC. 5405. REPORT ON EFFORTS TO UPHOLD HUMAN**  
15 **RIGHTS IN UNITED STATES SECURITY ASSIST-**  
16 **ANCE PROGRAMS WITH THE GOVERNMENT**  
17 **OF SAUDI ARABIA.**

18 Not later than 180 days after the date of the enact-  
19 ment of this Act, the Secretary of State shall submit to  
20 the Committee on Foreign Affairs of the House of Rep-  
21 resentative and the Committee on Foreign Relations of the  
22 Senate a report on efforts of the Department of State to  
23 ensure that United States security assistance programs  
24 with Saudi Arabia are formulated in a manner that will  
25 “avoid identification of the United States, through such

1 programs, with governments which deny to their people  
2 internationally recognized human rights and fundamental  
3 freedoms” in accordance with section 502B of the Foreign  
4 Assistance Act (22 U.S.C. 2304).

5 **SEC. 5406. REPORT ON CERTAIN ENTITIES CONNECTED TO**  
6 **FOREIGN PERSONS ON THE MURDER OF**  
7 **JAMAL KHASHOGGI.**

8 (a) IN GENERAL.—Not later than 180 days after the  
9 date of the enactment of this Act, the Secretary of State,  
10 in consultation with the heads of appropriate agencies,  
11 shall submit to the appropriate congressional committees  
12 a report on private, commercial, and nongovernmental en-  
13 tities, including non-profit foundations, controlled in whole  
14 or in part by any foreign person named in the Office of  
15 the Director of National Intelligence report titled “Assess-  
16 ing the Saudi Government’s Role in the Killing of Jamal  
17 Khashoggi”, dated February 11, 2021.

18 (b) MATTERS TO BE INCLUDED.—The report re-  
19 quired by subsection (a) shall include the following:

20 (1) A description of such entities.

21 (2) A detailed assessment, based in part on  
22 credible open sources and other publicly-available in-  
23 formation, of the roles, if any, such entities played  
24 in the murder of Jamal Khashoggi or any other

1 gross violations of internationally recognized human  
2 rights.

3 (3) A certification of whether any such entity is  
4 subject to sanctions pursuant to the Global  
5 Magnitsky Human Rights Accountability Act (22  
6 U.S.C. 2656 note).

7 (c) FORM.—The report required by subsection (a)  
8 shall be submitted in unclassified form, but may include  
9 a classified annex.

10 (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
11 DEFINED.—In this section, the term “appropriate con-  
12 gressional committees” means—

13 (1) the Committee on Foreign Affairs and the  
14 Permanent Select Committee on Intelligence of the  
15 House of Representatives; and

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

