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 ACCOUNTABILITY FOR GROSS VIOLATIONS OF HUMAN RIGHTS ACT

SEC. 5401. SHORT TITLE.

This title may be cited as the “Saudi Arabia Accountability for Gross Violations of Human Rights Act”.

SEC. 5402. FINDINGS.

Congress finds the following:

(1) On October 2, 2018, Washington Post journalist Jamal Khashoggi was murdered by Saudi Government agents in Istanbul.

(2) According to the United Nations Special Rapporteur’s June 2019 report, Mr. Khashoggi contacted the Saudi Embassy in Washington regarding required documentation he needed to obtain from Saudi authorities and “was told to obtain the document from the Saudi embassy in Turkey”.

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

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

(A) an unclassified report by the Director of National Intelligence on parties responsible for Khashoggi’s murder, a requirement ultimately inserted into and passed as part of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92);

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

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

(5) On February 26, 2021, the Director of National Intelligence released the report produced pursuant to congressional direction, which stated, “we assess that Saudi Arabia’s Crown Prince Muhammad bin Salman approved an operation in Istanbul, Turkey to capture or kill Saudi journalist Jamal Khashoggi.”. The report also identified several individuals who “participated in, ordered, or were other-
wise complicit in or responsible for the death of Jamal Khashoggi on behalf of Muhammad bin Salman. We do not know whether these individuals knew in advance that the operation would result in Khashoggi’s death.”.

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

(7) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) provides that no letters of offer may be issued, no credits or guarantees may be extended, and no export licenses may be issued with respect to any country determined by the President to be engaged in a “consistent pattern of acts of intimidation or harassment directed against individuals in the United States”.

(8) Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) directs the President to formulate and conduct international security assistance programs of the United States in a manner
which will “promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States”.

(9) Secretary of State Antony Blinken on February 26, 2021, stated: “As a matter of safety for all within our borders, perpetrators targeting perceived dissidents on behalf of any foreign government should not be permitted to reach American soil... We have made absolutely clear that extraterritorial threats and assaults by Saudi Arabia against activists, dissidents, and journalists must end.”

SEC. 5403. SANCTIONS WITH RESPECT TO FOREIGN PERSONS LISTED IN THE REPORT OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE MURDER OF JAMAL KHASHOGGI.

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

(b) SANCTIONS DESCRIBED.—

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

(A) INELIGIBILITY FOR VISAS AND ADMISION TO THE UNITED STATES.—

(i) Inadmissibility to the United States.

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

(iii) Ineligibility to otherwise be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 110et seq.).

(B) CURRENT VISAS REVOKED.—

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

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

(I) take effect immediately; and
(II) automatically cancel any other valid visa or entry documentation that is in the foreign person’s possession.

(2) Exception to comply with international obligations.—Sanctions under paragraph (1) shall not apply with respect to a foreign person if admitting or paroling the person into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(3) Waiver in the interest of national security.—The President may waive for an individual entry into the United States the application of this section with respect to a foreign person who is A-1 visa eligible and who is present in or seeking admission into the United States for purposes of official business if the President determines and transmits to the appropriate congressional committees an unclassified written notice and justification not later than 15 days before the granting of such waiver,
that such a waiver is in the national security interests of the United States.

(c) SUSPENSION OF SANCTIONS.—

(1) IN GENERAL.—The President may suspend in whole or in part the imposition of sanctions otherwise required under this section if the President certifies to the appropriate congressional committees that the following criteria have been met in Saudi Arabia:

(A) The Government of Saudi Arabia is not arbitrarily detaining citizens or legal residents of the United States for arbitrary political reasons, including criticism of Saudi government policies, peaceful advocacy of political beliefs, or the pursuit of United States citizenship.

(B) The Government of Saudi Arabia is cooperating in outstanding criminal proceedings in the United States in which a Saudi citizen or national departed from the United States while the citizen or national was awaiting trial or sentencing for a criminal offense committed in the United States.

(C) The Government of Saudi Arabia has made significant numerical reductions in indi-
individuals detained for peaceful political reasons, including activists, journalists, bloggers, lawyers, or critics.

(D) The Government of Saudi Arabia has disbanded any units of its intelligence or security apparatus dedicated to the forced repatriation of dissidents or critical voices in other countries.

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

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

(2) REPORT.—Accompanying the certification described in paragraph (1), the President shall submit to the appropriate congressional committees a report that contains a detailed description of Saudi Arabia’s adherence to the criteria described in the certification.
(d) DEFINITIONS.—In this section:

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

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

   (A) the Committee on Foreign Affairs, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

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

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

(4) FOREIGN PERSON WHO IS A-1 VISA ELIGIBLE.—The term “foreign person who is A-1 visa eligible” means an alien described in section

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

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

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

SEC. 5404. REPORT ON INTIMIDATION OR HARASSMENT DIRECTED AGAINST INDIVIDUALS IN THE UNITED STATES AND OTHER MATTERS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report identifying any entities, instrumentalities, or agents of the Government of Saudi Arabia engaged in “a consistent pattern of acts of intimidation or harassment directed against individuals in the United States” pursuant to section 6 of the Arms Export Control Act (22 U.S.C. 2756).
(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

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

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

(3) A determination of whether any United States-origin defense articles were used in the commission of such acts.

(4) A determination of whether entities, instrumentalities, or agents of the Government of Saudi Arabia supported or received support from foreign governments, including China, in the commission of such acts.

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

(e) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.
(d) **Sunset.**—This section shall terminate on the date that is 5 years after the date of the enactment of this Act.

(e) **Appropriate Congressional Committees Defined.**—In this section, the term “appropriate congressional committees” means—

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

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

SEC. 5405. REPORT ON EFFORTS TO UPHOLD HUMAN RIGHTS IN UNITED STATES SECURITY ASSISTANCE PROGRAMS WITH THE GOVERNMENT OF SAUDI ARABIA.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representative and the Committee on Foreign Relations of the Senate a report on efforts of the Department of State to ensure that United States security assistance programs with Saudi Arabia are formulated in a manner that will “avoid identification of the United States, through such
programs, with governments which deny to their people
internationally recognized human rights and fundamental
freedoms” in accordance with section 502B of the Foreign

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

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

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

(1) A description of such entities.

(2) A detailed assessment, based in part on
credible open sources and other publicly-available in-
formation, of the roles, if any, such entities played
in the murder of Jamal Khashoggi or any other
gross violations of internationally recognized human rights.

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

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

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

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