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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To impose sanctions with respect to foreign persons listed in the Office of the Director of National Intelligence report titled “Assessing the Saudi Government’s Role in the Killing of Jamal Khashoggi”, dated February 11, 2021.

IN THE HOUSE OF REPRESENTATIVES

Mr. MALINOWSKI introduced the following bill; which was referred to the Committee on _____

A BILL

To impose sanctions with respect to foreign persons listed in the Office of the Director of National Intelligence report titled “Assessing the Saudi Government’s Role in the Killing of Jamal Khashoggi”, dated February 11, 2021.

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 “Saudi Arabia Account-
5 ability for Gross Violations of Human Rights Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) On October 2, 2018, Washington Post jour-
4 nalist Jamal Khashoggi was murdered by Saudi gov-
5 ernment agents in Istanbul, having reportedly been
6 lured out of the United States by Saudi diplomatic
7 officials in Washington, D.C. and monitored through
8 surveillance spyware.

9 (2) On July 25, 2019, the House of Represent-
10 atives passed by a margin of 405-7 the Saudi Arabia
11 Human Rights and Accountability Act of 2019,
12 which required—

13 (A) an unclassified report by the Director
14 of National Intelligence on parties responsible
15 for Khashoggi's murder, a requirement ulti-
16 mately inserted into and passed as part of the
17 National Defense Authorization Act for Fiscal
18 Year 2020;

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

21 (C) a report on human rights on Saudi
22 Arabia.

23 (3) On February 26, 2021, the Director of Na-
24 tional Intelligence released the report produced pur-
25 suant to congressional direction, directly implicating
26 Saudi Crown Prince Mohammed bin Salman and

1 other senior Saudi officials in the planning and di-
2 rection of Khashoggi's murder.

3 (4) Section 7031(c) of division K of the Con-
4 solidated Appropriations Act, 2021 (Public Law
5 116–260) requires the Secretary of State to deny
6 entry into the United States of “officials of foreign
7 governments and their immediate family members
8 about whom the Secretary of State has credible in-
9 formation have been involved, directly or indirectly,
10 in. . . a gross violation of human rights”.

11 (5) The Arms Export Control Act (22 U.S.C.
12 2751 et seq.) prohibits weapons transfers to foreign
13 countries determined by the President to be engaged
14 in a “pattern of acts of intimidation or harassment
15 directed against individuals in the United States”.

16 (6) The Foreign Assistance Act of 1961 (22
17 U.S.C. 2151 et seq.) directs the President to formu-
18 late and conduct international security assistance
19 programs of the United States in a manner which
20 will “avoid identification of the United States,
21 through such programs, with governments which
22 deny to their people internationally recognized
23 human rights and fundamental freedoms”.

24 (7) Secretary of State Antony Blinken has af-
25 firmed the United States national interest in pre-

1 venting authoritarian foreign governments from
2 reaching beyond their borders to intimidate or harm
3 persons within the United States, stating that: “As
4 a matter of safety for all within our borders, per-
5 petrators targeting perceived dissidents on behalf of
6 any foreign government should not be permitted to
7 reach American soil. . . We have made absolutely
8 clear that extraterritorial threats and assaults by
9 Saudi Arabia against activists, dissidents, and jour-
10 nalists must end.”.

11 **SEC. 3. SANCTIONS WITH RESPECT TO FOREIGN PERSONS**
12 **LISTED IN THE REPORT OF THE DIRECTOR**
13 **NATIONAL INTELLIGENCE ON THE MURDER**
14 **OF JAMAL KHASHOGGI.**

15 (a) IMPOSITION OF SANCTIONS.—On and after the
16 date that is 30 days after the date of the enactment of
17 this Act, the sanctions described in subsection (b) shall
18 be imposed with respect to each foreign person listed in
19 the Office of the Director of National Intelligence report
20 titled “Assessing the Saudi Government’s Role in the Kill-
21 ing of Jamal Khashoggi”, dated February 11, 2021.

22 (b) SANCTIONS DESCRIBED.—

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

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

3 (i) Inadmissibility to the United
4 States.

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

8 (iii) Ineligibility to otherwise be ad-
9 mitted or paroled into the United States or
10 to receive any other benefit under the Im-
11 migration and Nationality Act (8 U.S.C.
12 110et seq.).

13 (B) CURRENT VISAS REVOKED.—

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

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

20 (I) take effect immediately; and

21 (II) automatically cancel any
22 other valid visa or entry documenta-
23 tion that is in the foreign person's
24 possession.

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

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

24 (c) SUSPENSION OF SANCTIONS.—

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

7 (A) The Government of Saudi Arabia is
8 not arbitrarily detaining citizens or legal resi-
9 dents of the United States or any other third
10 country for arbitrary political reasons, including
11 criticism of Saudi government policies, peaceful
12 advocacy of political beliefs, or the pursuit of
13 United States citizenship.

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

21 (C) The Government of Saudi Arabia has
22 made significant numerical reductions in indi-
23 viduals detained for peaceful political reasons,
24 including activists, journalists, bloggers, law-
25 yers, or critics.

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

6 (E) The Government of Saudi Arabia has
7 made meaningful commitments to a multilateral
8 framework on the lawful use, sale, transfer of
9 digital surveillance items and services that can
10 be used to abuse human rights.

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

16 (2) REPORT.—Accompanying the certification
17 described in paragraph (1), the President shall sub-
18 mit to the appropriate congressional committees a
19 report that contains a detailed description of Saudi
20 Arabia’s adherence to the criteria described in the
21 certification.

22 (d) DEFINITIONS.—In this section:

23 (1) ADMITTED; ALIEN.—The terms “admitted”
24 and “alien” have the meanings given those terms in

1 section 101 of the Immigration and Nationality Act
2 (8 U.S.C. 1101).

3 (2) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Foreign Affairs, the
7 Committee on the Judiciary, and the Perma-
8 nent Select Committee on Intelligence of the
9 House of Representatives; and

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

13 (3) FOREIGN PERSON.—The term “foreign per-
14 son” has the meaning given such term in section
15 595.304 of title 31, Code of Federal Regulations (as
16 in effect on the day before the date of the enactment
17 of this Act), except that such term does not include
18 an entity (as such term is described in such section).

19 (4) FOREIGN PERSON WHO IS A-1 VISA ELIGI-
20 BLE.—The term “foreign person who is A-1 visa eli-
21 gible” means an alien described in section
22 101(a)(15)(A)(i) of the Immigration and Nationality
23 Act (8 U.S.C. 1101(a)(15)(A)(i)).

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

1 (A) a United States citizen or an alien law-
2 fully for permanent residence to the United
3 States; or

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

8 **SEC. 4. REPORT AND SUSPENSION OF ASSISTANCE FOR IN-**
9 **CIDENTS OF ARBITRARY DETENTION, VIO-**
10 **LENCE, AND STATE-SANCTIONED HARASS-**
11 **MENT BY THE GOVERNMENT OF SAUDI ARA-**
12 **BIA AGAINST UNITED STATES CITIZENS AND**
13 **THEIR FAMILY MEMBERS.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of the enactment of this Act, and every 6 months
16 thereafter, the Secretary of State, in consultation with the
17 Director of National Intelligence and the Director of the
18 Federal Bureau of Investigation, shall submit to the ap-
19 propriate congressional committees a report on incidents
20 of arbitrary detention, violence, and state-sanctioned har-
21 assment by the Government of Saudi Arabia against
22 United States citizens and their family members who are
23 not United States citizens, in the United States and for-
24 eign countries.

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

3 (1) a detailed description of such incidents in
4 the past 5 years;

5 (2) a certification of whether Saudi Arabia is
6 engaging in a “pattern of acts of intimidation or
7 harassment directed against individuals in the
8 United States” pursuant to section 6 of the Arms
9 Export Control Act (22 U.S.C. 2756); and

10 (3) any other actions taken to deter incidents of
11 intimidation or harassment against Americans and
12 their families by such government’s security agen-
13 cies.

14 (c) FORM.—The report required by subsection (a)
15 shall be submitted in unclassified form.

16 (d) SUSPENSION OF ASSISTANCE.—If the President
17 determines in any report issued pursuant to subsection (a)
18 that the government of Saudi Arabia has engaged in a
19 pattern of acts of intimidation or harassment directed
20 against individuals in the United States, the President
21 shall cancel or suspend any letters of offer, credits, guar-
22 antees, or export licenses with such government, in compli-
23 ance with section 6 of the Arms Export Control Act (22
24 U.S.C. 2756) until such time as the President determines

1 that the pattern of acts of intimidation or harassment has
2 ceased.

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

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

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

13 **SEC. 5. MEASURES TO DISASSOCIATE UNITES STATES SE-**
14 **CURITY ASSISTANCE FROM HUMAN RIGHTS**
15 **ABUSES BY THE GOVERNMENT OF SAUDI**
16 **ARABIA.**

17 Not later than 180 days after the date of the enact-
18 ment of this Act, the Secretary of State shall issue draft
19 regulations to be promulgated in the Foreign Affairs Man-
20 ual that each individual concurrence by the Department
21 of State for an instance of United States security assist-
22 ance, including military-to-military activities and arms
23 transfers, with the Government of Saudi Arabia shall be
24 accompanied by the publication on a text-searchable
25 website of an unclassified report that describes whether

1 and how the provision of such assistance will “avoid identi-
2 fication of the United States, through such programs, with
3 governments which deny to their people internationally
4 recognized human rights and fundamental freedoms, in
5 violation of international law or in contravention of the
6 policy of the United States” in accordance with section
7 502B the Foreign Assistance Act (22 U.S.C. 2304).