

**AMENDMENT TO H.R. 1464**  
**OFFERED BY MR. MALINOWSKI OF NEW JERSEY**

Strike sections 3, 4, and 5 and insert the following:

1   **SEC. 3. SANCTIONS WITH RESPECT TO FOREIGN PERSONS**  
2                   **LISTED IN THE REPORT OF THE DIRECTOR**  
3                   **OF NATIONAL INTELLIGENCE ON THE MUR-**  
4                   **DER OF JAMAL KHASHOGGI.**

5       (a) IMPOSITION OF SANCTIONS.—On and after the  
6 date that is 60 days after the date of the enactment of  
7 this Act, the sanctions described in subsection (b) shall  
8 be imposed with respect to each foreign person listed in  
9 the Office of the Director of National Intelligence report  
10 titled “Assessing the Saudi Government’s Role in the Kill-  
11 ing of Jamal Khashoggi”, dated February 11, 2021.

12       (b) SANCTIONS DESCRIBED.—

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

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

17                               (i) Inadmissibility to the United  
18                               States.

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

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

9 (B) CURRENT VISAS REVOKED.—

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

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

16 (I) take effect immediately; and

17 (II) automatically cancel any  
18 other valid visa or entry documenta-  
19 tion that is in the foreign person's  
20 possession.

21 (2) EXCEPTION TO COMPLY WITH INTER-  
22 NATIONAL OBLIGATIONS.—Sanctions under para-  
23 graph (1) shall not apply with respect to a foreign  
24 person if admitting or paroling the person into the  
25 United States is necessary to permit the United

1 States to comply with the Agreement regarding the  
2 Headquarters of the United Nations, signed at Lake  
3 Success June 26, 1947, and entered into force No-  
4 vember 21, 1947, between the United Nations and  
5 the United States, or other applicable international  
6 obligations.

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

19 (c) SUSPENSION OF SANCTIONS.—

20 (1) IN GENERAL.—The President may suspend  
21 in whole or in part the imposition of sanctions other-  
22 wise required under this section if the President cer-  
23 tifies to the appropriate congressional committees  
24 that the following criteria have been met in Saudi  
25 Arabia:

1           (A) The Government of Saudi Arabia is  
2           not arbitrarily detaining citizens or legal resi-  
3           dents of the United States for arbitrary polit-  
4           ical reasons, including criticism of Saudi gov-  
5           ernment policies, peaceful advocacy of political  
6           beliefs, or the pursuit of United States citizen-  
7           ship.

8           (B) The Government of Saudi Arabia is  
9           cooperating in outstanding criminal proceedings  
10          in the United States in which a Saudi citizen or  
11          national departed from the United States while  
12          the citizen or national was awaiting trial or sen-  
13          tencing for a criminal offense committed in the  
14          United States.

15          (C) The Government of Saudi Arabia has  
16          made significant numerical reductions in indi-  
17          viduals detained for peaceful political reasons,  
18          including activists, journalists, bloggers, law-  
19          yers, or critics.

20          (D) The Government of Saudi Arabia has  
21          disbanded any units of its intelligence or secu-  
22          rity apparatus dedicated to the forced repatri-  
23          ation of dissidents or critical voices in other  
24          countries.

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

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

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

18          (d) DEFINITIONS.—In this section:

19           (1) ADMITTED; ALIEN.—The terms “admitted”  
20           and “alien” have the meanings given those terms in  
21           section 101 of the Immigration and Nationality Act  
22           (8 U.S.C. 1101).

23           (2) APPROPRIATE CONGRESSIONAL COMMIT-  
24           TEES.—The term “appropriate congressional com-  
25           mittees” means—

1 (A) the Committee on Foreign Affairs, the  
2 Committee on the Judiciary, and the Perma-  
3 nent Select Committee on Intelligence of the  
4 House of Representatives; and

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

8 (3) FOREIGN PERSON.—The term “foreign per-  
9 son” has the meaning given such term in section  
10 595.304 of title 31, Code of Federal Regulations (as  
11 in effect on the day before the date of the enactment  
12 of this Act), except that such term does not include  
13 an entity (as such term is described in such section).

14 (4) FOREIGN PERSON WHO IS A-1 VISA ELIGI-  
15 BLE.—The term “foreign person who is A-1 visa eli-  
16 gible” means an alien described in section  
17 101(a)(15)(A)(i) of the Immigration and Nationality  
18 Act (8 U.S.C. 1101(a)(15)(A)(i)).

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

21 (A) a United States citizen or an alien law-  
22 fully admitted for permanent residence to the  
23 United States; or

24 (B) an entity organized under the laws of  
25 the United States or any jurisdiction within the

1 United States, including a foreign branch of  
2 such an entity.

3 **SEC. 4. REPORT ON INTIMIDATION OR HARASSMENT DI-**  
4 **RECTED AGAINST INDIVIDUALS IN THE**  
5 **UNITED STATES AND OTHER MATTERS.**

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

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

19 (1) A detailed description of such acts in the  
20 preceding ~~5-year~~ period.

21 (2) A certification of whether such acts during  
22 the preceding ~~5-year~~ period constitute a “consistent  
23 pattern of acts of intimidation or harassment di-  
24 rected against individuals in the United States” pur-

1       suant to section 6 of the Arms Export Control Act  
2       (22 U.S.C. 2756).

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

6       (4) A determination of whether entities, instru-  
7       mentalities, or agents of the Government of Saudi  
8       Arabia supported or received support from foreign  
9       governments, including China, in the commission of  
10      such acts.

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

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

18      (d) SUNSET.—This section shall terminate on the  
19      date that is 5 years after the date of the enactment of  
20      this Act.

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

24              (1) the Committee on Foreign Affairs, the  
25      Committee on Armed Services, and the Permanent



1       Select Committee on Intelligence of the House of  
2       Representatives; and

3               (2) the Committee on Foreign Relations, the  
4       Committee on Armed Services, and the Select Com-  
5       mittee on Intelligence of the Senate.

6   **SEC. 5. REPORT ON EFFORTS TO UPHOLD HUMAN RIGHTS**  
7               **IN UNITED STATES SECURITY ASSISTANCE**  
8               **PROGRAMS WITH THE GOVERNMENT OF**  
9               **SAUDI ARABIA.**

10      Not later than 180 days after the date of the enact-  
11   ment of this Act, the Secretary of State shall submit to  
12   the Committee on Foreign Affairs of the House of Rep-  
13   resentative and the Committee on Foreign Relations of the  
14   Senate a report on efforts of the Department of State to  
15   ensure that United States security assistance programs  
16   with Saudi Arabia are formulated in a manner that will  
17   “avoid identification of the United States, through such  
18   programs, with governments which deny to their people  
19   internationally recognized human rights and fundamental  
20   freedoms” in accordance with section 502B of the Foreign  
21   Assistance Act (22 U.S.C. 2304).

