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H. R. 2037

IN THE SENATE OF THE UNITED STATES

JULY 16, 2019

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

To encourage accountability for the murder of Washington
Post columnist Jamal Khashoggi.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Saudi Arabia Human
3 Rights and Accountability Act of 2019”.

4 **SEC. 2. REPORT ON INTELLIGENCE COMMUNITY ASSESS-**
5 **MENT RELATING TO THE KILLING OF WASH-**
6 **INGTON POST COLUMNIST JAMAL**
7 **KHASHOGGI.**

8 (a) IN GENERAL.—Not later than 30 days after the
9 date of the enactment of this Act, the Director of National
10 Intelligence shall submit to the appropriate congressional
11 committees a report consisting of—

12 (1) a determination and presentation of evi-
13 dence with respect to the advance knowledge and
14 role of any current or former official of the Govern-
15 ment of Saudi Arabia or any current or former sen-
16 ior Saudi political figure over the directing, ordering,
17 or tampering of evidence in the killing of Wash-
18 ington Post columnist Jamal Khashoggi; and

19 (2) a list of foreign persons that the Director
20 of National Intelligence has high confidence—

21 (A) were responsible for, or complicit in,
22 ordering, controlling, or otherwise directing an
23 act or acts contributing to or causing the death
24 of Jamal Khashoggi;

25 (B) knowingly and materially assisted,
26 sponsored, or provided financial, material, or

1 technological support for, or goods or services
2 in support of, an activity described in subpara-
3 graph (A); or

4 (C) impeded the impartial investigation of
5 the killing of Jamal Khashoggi, including
6 through the tampering of evidence relating to
7 the investigation.

8 (b) FORM.—

9 (1) IN GENERAL.—The report required by sub-
10 section (a) shall be submitted in unclassified form,
11 but may include a classified annex.

12 (2) NAMES OF FOREIGN PERSONS LISTED.—

13 The name of each foreign person listed in the report
14 described in subsection (a)(2) shall be included in
15 the unclassified portion of the report unless the Di-
16 rector of National Intelligence determines that such
17 disclosure would undermine United States intel-
18 ligence sources and methods or threaten the national
19 security interests of the United States.

20 (c) DEFINITIONS.—In this section:

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

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

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

7 (2) KNOWINGLY.—The term “knowingly”, with
8 respect to conduct, a circumstance, or a result,
9 means that a person has actual knowledge, or should
10 have known, of the conduct, the circumstance, or the
11 result.

12 **SEC. 3. SANCTIONS WITH RESPECT TO FOREIGN PERSONS**
13 **THAT ENGAGE IN ACTIVITIES DESCRIBED IN**
14 **SECTION 2(a)(2).**

15 (a) IMPOSITION OF SANCTIONS.—On and after the
16 date that is 120 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 report described in section 2(a)(2).

20 (b) SANCTIONS DESCRIBED.—

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

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

1 (i) Inadmissibility to the United
2 States.

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

6 (iii) Ineligibility to otherwise be ad-
7 mitted or paroled into the United States or
8 to receive any other benefit under the Im-
9 migration and Nationality Act (8 U.S.C.
10 1101 et seq.).

11 (B) CURRENT VISAS REVOKED.—

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

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

18 (I) take effect immediately; and

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

23 (2) EXCEPTION TO COMPLY WITH INTER-
24 NATIONAL OBLIGATIONS.—Sanctions under para-
25 graph (1) shall not apply with respect to a foreign

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

9 (3) WAIVER IN THE INTEREST OF NATIONAL
10 SECURITY.—The President may waive the applica-
11 tion of this section with respect to a foreign person
12 who is A-1 visa eligible and who is present in or
13 seeking admission into the United States for pur-
14 poses of official business if the President determines
15 and transmits to the appropriate congressional com-
16 mittees written notice and justification not later
17 than 15 days before the granting of such waiver,
18 that such a waiver is in the national security inter-
19 ests of the United States.

20 (c) SUSPENSION OF SANCTIONS.—

21 (1) IN GENERAL.—The President may suspend
22 in whole or in part the imposition of sanctions other-
23 wise required under this section for periods not to
24 exceed 180 days if the President certifies to the ap-

1 appropriate congressional committees that the fol-
2 lowing criteria have been met in Saudi Arabia:

3 (A) The Government of Saudi Arabia has
4 released any individual who is a journalist,
5 blogger, human rights defender, advocate for
6 religious liberty, or civil society activist detained
7 by the Government of Saudi Arabia.

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 is re-
16 fraining from the obstruction of the free expres-
17 sion of opinion and restriction of individuals
18 from engaging in public criticism of the political
19 sphere.

20 (D) The Government of Saudi Arabia has
21 made verifiable commitments to cease the prac-
22 tice of harming citizens of Saudi Arabia con-
23 ducting peaceful dissent, whether or not those
24 citizens reside in Saudi Arabia, including en-

1 forced repatriation, disappearance, arrest, im-
2 prisonment, or harassment.

3 (E) The Government of Saudi Arabia has
4 taken verifiable steps to hold accountable Saudi
5 violators of human rights, whether or not those
6 violations took place in Saudi Arabia.

7 (F) The Government of Saudi Arabia has
8 taken verifiable steps to repeal any law or regu-
9 lation that requires Saudi women to obtain ap-
10 proval from a male guardian in order to leave
11 the country.

12 (G) The Government of Saudi Arabia—

13 (i) has made public the names of all
14 individuals under prosecution for the mur-
15 der of Jamal Khashoggi and associated
16 crimes and the details of the charges such
17 individuals face;

18 (ii) has made public the trial pro-
19 ceedings and all evidence against the ac-
20 cused;

21 (iii) has invited international, inde-
22 pendent experts to monitor the trials;

23 (iv) has made public details of efforts
24 to establish the location of Mr.
25 Khashoggi's remains and associated find-

1 ings and returned his body to his family;
2 and

3 (v) has made public the rationale for
4 why ten of the individuals initially detained
5 were later released without charge.

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

10 (I) The Government of Saudi Arabia is co-
11 operating with efforts to investigate the murder
12 of Jamal Khashoggi being conducted by law en-
13 forcement authorities in the United States and
14 Turkey, or by the United Nations.

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

21 (d) DEFINITIONS.—In this section:

22 (1) ADMITTED; ALIEN.—The terms “admitted”
23 and “alien” have the meanings given those terms in
24 section 101 of the Immigration and Nationality Act
25 (8 U.S.C. 1101).

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

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

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

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

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

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

1 (A) a United States citizen or an alien law-
2 fully admitted for permanent residence to the
3 United 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 ON SAUDI ARABIA'S HUMAN RIGHTS**
9 **RECORD.**

10 (a) IN GENERAL.—Not later than 30 days after the
11 date of the enactment of this Act, the Secretary of State,
12 in accordance with section 502B(c) of the Foreign Assist-
13 ance Act of 1961 (22 U.S.C. 2304(c)), shall submit to the
14 appropriate congressional committees report in writing
15 that—

16 (1) includes the information required under
17 paragraph (1) of such section 502B(c) with respect
18 to Saudi Arabia;

19 (2) describes the extent to which officials of the
20 Government of Saudi Arabia, including members of
21 the military or security services, are responsible for
22 or complicit in gross violations of internationally rec-
23 ognized human rights, including violations of the
24 human rights of journalists, bloggers, human rights

1 defenders, and those who support women’s rights or
2 religious freedom;

3 (3) describes violations of human rights in
4 Saudi Arabia by officials of the Government of
5 Saudi Arabia, including against journalists, bloggers,
6 human rights defenders, and civil society activists;

7 (4) describes United States actions to address
8 Saudi violations of human rights, including against
9 journalists, bloggers, human rights defenders, and
10 civil society activists, including demands for clem-
11 ency review of these cases;

12 (5) describes any intolerant content in edu-
13 cational materials published by Saudi Arabia’s Min-
14 istry of Education that are used in schools both in-
15 side Saudi Arabia and at schools throughout the
16 world; and

17 (6) describes United States actions to encour-
18 age Saudi Arabia to retrieve and destroy materials
19 with intolerant material and revise teacher manuals
20 and retrain teachers to reflect changes in edu-
21 cational materials and promote tolerance.

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

1 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—In the section, the term “appropriate congres-
3 sional committees” means—

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

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

9 **SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.**

10 The budgetary effects of this Act, for the purpose of
11 complying with the Statutory Pay-As-You-Go Act of 2010,
12 shall be determined by reference to the latest statement
13 titled “Budgetary Effects of PAYGO Legislation” for this
14 Act, submitted for printing in the Congressional Record
15 by the Chairman of the House Budget Committee, pro-
16 vided that such statement has been submitted prior to the
17 vote on passage.

Passed the House of Representatives July 15, 2019.

Attest: CHERYL L. JOHNSON,
Clerk.