

116TH CONGRESS
1ST SESSION

H. R. 2037

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2019

Mr. MALINOWSKI introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Intelligence (Permanent Select), and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

22 (B) materially assisted, sponsored, or pro-
23 vided financial, material, or technological sup-
24 port for, or goods or services in support of, an
25 activity described in subparagraph (A); or

1 (C) impeded the impartial investigation of
2 the killing of Jamal Khashoggi, including
3 through the tampering of evidence relating to
4 the investigation.

5 (b) FORM.—

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

9 (2) NAMES OF FOREIGN PERSONS LISTED.—

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

17 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
18 FINED.—In this section, the term “appropriate congres-
19 sional committees” means—

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

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

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

4 (a) IMPOSITION OF SANCTIONS.—On and after the
5 date that is 120 days after the date of the enactment of
6 this Act, the sanctions described in subsection (b) shall
7 be imposed with respect to each foreign person listed in
8 the report described in section 2(a)(2).

9 (b) SANCTIONS DESCRIBED.—

10 (1) IN GENERAL.—

11 (A) VISAS, ADMISSION, OR PAROLE.—An
12 alien who the Secretary of State or the Sec-
13 retary of Homeland Security (or a designee of
14 one of such Secretaries) knows, or has reason
15 to believe, has knowingly engaged in any activ-
16 ity described in section 2(a)(2) is—

17 (i) inadmissible to the United States;

18 (ii) ineligible to receive a visa or other
19 documentation to enter the United States;

20 and

21 (iii) otherwise ineligible to be admitted
22 or paroled into the United States or to re-
23 ceive any other benefit under the Immigra-
24 tion and Nationality Act (8 U.S.C. 1101 et
25 seq.).

26 (B) CURRENT VISAS REVOKED.—

1 (i) IN GENERAL.—The issuing con-
2 sular officer, the Secretary of State, or the
3 Secretary of Homeland Security (or a des-
4 ignee of one of such Secretaries) shall, in
5 accordance with section 221(i) of the Im-
6 migration and Nationality Act (8 U.S.C.
7 1201(i)), revoke any visa or other entry
8 documentation issued to an alien described
9 in subparagraph (A) regardless of when
10 the visa or other entry documentation is
11 issued.

12 (ii) EFFECT OF REVOCATION.—A rev-
13 ocation under clause (i)—

14 (I) shall take effect immediately;

15 and

16 (II) shall automatically cancel
17 any other valid visa or entry docu-
18 mentation that is in the alien's pos-
19 session.

20 (2) EXCEPTION TO COMPLY WITH UNITED NA-
21 TIONS HEADQUARTERS AGREEMENT.—Sanctions
22 under paragraph (1) shall not apply with respect to
23 an alien if admitting or paroling the alien into the
24 United States is necessary to permit the United
25 States to comply with the Agreement regarding the

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

6 (c) SUSPENSION OF SANCTIONS.—

7 (1) IN GENERAL.—The President may suspend
8 in whole or in part the imposition of sanctions other-
9 wise required under this section for periods not to
10 exceed 180 days if the President certifies to the ap-
11 propriate congressional committees that the fol-
12 lowing criteria have been met in Saudi Arabia:

13 (A) The Government of Saudi Arabia has
14 released any individual who is a journalist,
15 blogger, human rights defender, advocate for
16 religious liberty, or civil society activist detained
17 by the Government of Saudi Arabia.

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

1 (C) The Government of Saudi Arabia is re-
2 fraining from the obstruction of the free expres-
3 sion of opinion and restriction of individuals
4 from engaging in public criticism of the political
5 sphere.

6 (D) The Government of Saudi Arabia has
7 made verifiable commitments to cease the prac-
8 tice of harming citizens of Saudi Arabia con-
9 ducting peaceful dissent, whether or not those
10 citizens reside in Saudi Arabia, including en-
11 forced repatriation, disappearance, arrest, im-
12 prisonment, or harassment.

13 (E) The Government of Saudi Arabia has
14 taken verifiable steps to hold accountable Saudi
15 violators of human rights, whether or not those
16 violations took place in Saudi Arabia.

17 (F) The Government of Saudi Arabia has
18 taken verifiable steps to repeal any law or regu-
19 lation that requires Saudi women to obtain ap-
20 proval from a male guardian in order to leave
21 the country.

22 (G) The Government of Saudi Arabia—

23 (i) has made public the names of all
24 individuals under prosecution for the mur-
25 der of Jamal Khashoggi and associated

1 crimes and the details of the charges such
2 individuals face;

3 (ii) has made public the trial pro-
4 ceedings and all evidence against the ac-
5 cused;

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

8 (iv) has made public details of efforts
9 to establish the location of Mr.
10 Khashoggi's remains and associated find-
11 ings and returned his body to his family;
12 and

13 (v) has made public the rationale for
14 why ten of the individuals initially detained
15 were later released without charge.

16 (H) The Government of Saudi Arabia has
17 disbanded any units of its intelligence or secu-
18 rity apparatus dedicated to the forced repatri-
19 ation of dissidents in other countries.

20 (I) The Government of Saudi Arabia is co-
21 operating with efforts to investigate the murder
22 of Jamal Khashoggi being conducted by law en-
23 forcement authorities in the United States and
24 Turkey, or by the United Nations.

1 (2) REPORT.—Accompanying the certification
2 described in paragraph (1), the President shall sub-
3 mit to the appropriate congressional committees a
4 report that contains a detailed description of Saudi
5 Arabia’s adherence to the criteria described in the
6 certification.

7 (d) DEFINITIONS.—In this section:

8 (1) ADMITTED; ALIEN.—The terms “admitted”
9 and “alien” have the meanings given those terms in
10 section 101 of the Immigration and Nationality Act
11 (8 U.S.C. 1101).

12 (2) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term “appropriate congressional com-
14 mittees” means—

15 (A) the Committee on Foreign Affairs and
16 the Committee on the Judiciary of the House of
17 Representatives; and

18 (B) the Committee on Foreign Relations
19 and the Committee on the Judiciary of the Sen-
20 ate.

21 (3) FOREIGN PERSON.—The term “foreign per-
22 son” means a person that is not a United States
23 person.

24 (4) KNOWINGLY.—The term “knowingly”, with
25 respect to conduct, a circumstance, or a result,

1 means that a person has actual knowledge, or should
2 have known, of the conduct, the circumstance, or the
3 result.

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

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

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

13 **SEC. 4. REPORT ON SAUDI ARABIA’S HUMAN RIGHTS**
14 **RECORD.**

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

21 (1) includes the information required under
22 paragraph (1) of such section 502B(c) with respect
23 to Saudi Arabia;

24 (2) describes the extent to which officials of the
25 Government of Saudi Arabia, including members of

1 the military or security services, are responsible for
2 or complicit in gross violations of internationally rec-
3 ognized human rights, including violations of the
4 human rights of journalists, bloggers, human rights
5 defenders, and those who support women's rights or
6 religious freedom;

7 (3) describes violations of human rights in
8 Saudi Arabia by officials of the Government of
9 Saudi Arabia, including against journalists, bloggers,
10 human rights defenders, and civil society activists;

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

16 (5) describes any intolerant content in edu-
17 cational materials published by Saudi Arabia's Min-
18 istry of Education that are used in schools both in-
19 side Saudi Arabia and at schools throughout the
20 world; and

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

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

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

7 (1) the Committee on Foreign Affairs of the
8 House of Representatives; and

9 (2) the Committee on Foreign Relations of the
10 Senate.

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