

116TH CONGRESS
1ST SESSION

S. 2351

To promote human rights and accountability in Saudi Arabia, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2019

Mr. COONS (for himself and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To promote human rights and accountability in Saudi Arabia, and for other purposes.

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 KHASHOG-**
4 **GI.**

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 political figure of Saudi Arabia in the directing,
14 ordering, or tampering of evidence in the killing of
15 Washington Post columnist Jamal Khashoggi; and

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

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

22 (B) knowingly and materially assisted,
23 sponsored, or provided financial, material, or
24 technological support for, or goods or services
25 in support of, an act described in subparagraph
26 (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 on the list required
11 by subsection (a)(2) shall be included in the unclas-
12 sified portion of the report required by subsection
13 (a) unless the Director determines that disclosing
14 the name of the person would undermine United
15 States intelligence sources and methods or threaten
16 the national security interests of the United States.

17 (c) DEFINITIONS.—In this section:

18 (1) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—The term “appropriate congressional com-
20 mittees” means—

21 (A) the Committee on Foreign Relations
22 and the Select Committee on Intelligence of the
23 Senate; and

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

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

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

12 (a) IMPOSITION OF SANCTIONS.—On and after the
 13 date that is 120 days after the date of the enactment of
 14 this Act, the sanctions described in subsection (b) shall
 15 be imposed with respect to each foreign person on the list
 16 required by section 2(a)(2).

17 (b) SANCTIONS DESCRIBED.—

18 (1) VISAS, ADMISSION, OR PAROLE.—A foreign
 19 person on the list required by section 2(a)(2) is—

20 (A) inadmissible to the United States;

21 (B) ineligible to receive a visa or other doc-
 22 umentation to enter the United States; and

23 (C) otherwise ineligible to be admitted or
 24 paroled into the United States or to receive any

1 other benefit under the Immigration and Na-
2 tionality Act (8 U.S.C. 1101 et seq.).

3 (2) CURRENT VISAS REVOKED.—

4 (A) IN GENERAL.—A foreign person on the
5 list required by section 2(a)(2) is subject to rev-
6 ocation of any visa or other entry documenta-
7 tion, regardless of when the visa or other entry
8 documentation is or was issued.

9 (B) IMMEDIATE EFFECT.—A revocation
10 under subparagraph (A) shall—

11 (i) take effect immediately; and

12 (ii) automatically cancel any other
13 valid visa or entry documentation that is in
14 the alien's possession.

15 (c) EXCEPTION TO COMPLY WITH INTERNATIONAL
16 OBLIGATIONS.—Sanctions under subsection (b) shall not
17 apply with respect to a foreign person if admitting or pa-
18 roling the person into the United States is necessary to
19 permit the United States to comply with the Agreement
20 regarding the Headquarters of the United Nations, signed
21 at Lake Success June 26, 1947, and entered into force
22 November 21, 1947, between the United Nations and the
23 United States, or other applicable international obliga-
24 tions.

1 (d) WAIVER IN THE INTEREST OF NATIONAL SECUR-
2 RITY.—The President may waive the application of sub-
3 section (b) with respect to a foreign person who is A-1
4 visa eligible and who is present in or seeking admission
5 into the United States for purposes of official business if
6 the President—

7 (1) determines that such a waiver is in the na-
8 tional security interests of the United States; and

9 (2) not later than 15 days before granting of
10 the waiver, submits to the appropriate congressional
11 committees written notice of, and justification for,
12 the waiver.

13 (e) SUSPENSION OF SANCTIONS.—

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

20 (A) The Government of Saudi Arabia has
21 released any individual who is a journalist,
22 blogger, human rights defender, advocate for
23 religious liberty, or civil society activist detained
24 by the Government of Saudi Arabia.

1 (B) The Government of Saudi Arabia is
2 cooperating in outstanding criminal proceedings
3 in the United States in which a citizen or na-
4 tional of Saudi Arabia departed from the
5 United States while the citizen or national was
6 awaiting trial or sentencing for a criminal of-
7 fense committed in the United States.

8 (C) The Government of Saudi Arabia is re-
9 fraining from the obstruction of the free expres-
10 sion of opinion and restriction of individuals
11 from engaging in public criticism of the political
12 sphere.

13 (D) The Government of Saudi Arabia has
14 made verifiable commitments to cease the prac-
15 tice of harming citizens of Saudi Arabia con-
16 ducting peaceful dissent, whether or not those
17 citizens reside in Saudi Arabia, including en-
18 forced repatriation, disappearance, arrest, im-
19 prisonment, or harassment.

20 (E) The Government of Saudi Arabia has
21 taken verifiable steps to hold accountable citi-
22 zens and nationals of Saudi Arabia who violate
23 human rights, whether or not those violations
24 took place in Saudi Arabia.

1 (F) The Government of Saudi Arabia has
2 taken verifiable steps to repeal any law or regu-
3 lation that requires women in Saudi Arabia to
4 obtain approval from a male guardian in order
5 to leave the country.

6 (G) The Government of Saudi Arabia—

7 (i) has made public the names of all
8 individuals under prosecution for the mur-
9 der of Jamal Khashoggi and associated
10 crimes and the details of the charges such
11 individuals face;

12 (ii) has made public the trial pro-
13 ceedings and all evidence against the ac-
14 cused;

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

17 (iv) has made public details of efforts
18 to establish the location of Jamal Kha-
19 shoggi's remains and associated findings
20 and returned his body to his family; and

21 (v) has made public the rationale for
22 why 10 of the individuals initially detained
23 relating to his death were later released
24 without charge.

1 (H) 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 in other countries.

5 (I) The Government of Saudi Arabia is co-
6 operating with efforts to investigate the murder
7 of Jamal Khashoggi being conducted by law en-
8 forcement authorities in the United States and
9 Turkey, or by the United Nations.

10 (2) REPORT.—The President shall submit to
11 the appropriate congressional committees with the
12 certification under paragraph (1) a report that con-
13 tains a detailed description of the adherence of
14 Saudi Arabia to the criteria described in the certifi-
15 cation.

16 (f) DEFINITIONS.—In this section:

17 (1) ADMITTED; ALIEN; NATIONAL.—The terms
18 “admitted”, “alien”, and “national” have the mean-
19 ings given those terms in section 101 of the Immi-
20 gration and Nationality Act (8 U.S.C. 1101).

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

1 (A) the Committee on Foreign Relations,
 2 the Committee on the Judiciary, and the Select
 3 Committee on Intelligence of the Senate; and

4 (B) 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.

8 (3) FOREIGN PERSON.—The term “foreign per-
 9 son” means an individual who is a citizen or na-
 10 tional of a foreign country (including any such indi-
 11 vidual who is also a citizen or national of the United
 12 States).

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

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

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

23 (B) an entity organized under the laws of
 24 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 HUMAN RIGHTS RECORD OF SAUDI**
4 **ARABIA.**

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

11 (1) includes the information required under
12 paragraph (1) of such section 502B(c) with respect
13 to Saudi Arabia;

14 (2) assesses the extent to which officials of the
15 Government of Saudi Arabia, including members of
16 the military or security services, are responsible for
17 or complicit in gross violations of internationally rec-
18 ognized human rights, including violations of the
19 human rights of journalists, bloggers, human rights
20 defenders, civil society activists, and individuals who
21 support women’s rights or religious freedom;

22 (3) describes those violations of human rights;

23 (4) describes United States actions to address
24 those violations of human rights, including demands
25 for clemency review of the cases;

1 (5) describes any intolerant content in edu-
2 cational materials published by the Ministry of Edu-
3 cation of Saudi Arabia that are used in schools in-
4 side Saudi Arabia and at schools throughout the
5 world; and

6 (6) describes United States actions to encour-
7 age the Government of Saudi Arabia to retrieve and
8 destroy materials with intolerant material and revise
9 teacher manuals and retrain teachers to reflect
10 changes in educational materials and promote toler-
11 ance.

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

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

18 (1) the Committee on Foreign Relations and
19 the Select Committee on Intelligence of the Senate;
20 and

21 (2) the Committee on Foreign Affairs and the
22 Permanent Select Committee on Intelligence of the
23 House of Representatives.

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