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116TH CONGRESS  
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# S. 398

To support the peaceful resolution of the civil war in Yemen, to address the resulting humanitarian crisis, and to hold the perpetrators responsible for murdering a Saudi dissident.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2019

Mr. MENENDEZ (for himself, Mr. YOUNG, Mr. REED, Mr. GRAHAM, Mrs. SHAHEEN, Ms. COLLINS, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JULY 30, 2019

Reported by Mr. RISCH, without amendment

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## A BILL

To support the peaceful resolution of the civil war in Yemen, to address the resulting humanitarian crisis, and to hold the perpetrators responsible for murdering a Saudi dissident.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Saudi Arabia Accountability and Yemen Act of 2019”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PEACEFUL RESOLUTION OF THE CIVIL WAR IN YEMEN  
 AND PROTECTION OF CIVILIANS

Sec. 101. Statement of policy.

Sec. 102. Sense of Congress.

Sec. 103. United States strategy for ending the war in Yemen.

Sec. 104. Report on accountability for violations of international law, including war crimes, and other harm to civilians in Yemen.

Sec. 105. Suspension of arms transfers to Saudi Arabia.

Sec. 106. Prohibition on in-flight refueling of Saudi coalition aircraft operating in Yemen.

Sec. 107. Imposition of sanctions with respect to persons hindering humanitarian access and threatening the peace or stability of Yemen.

Sec. 108. Imposition of sanctions with respect to persons supporting the Houthis in Yemen.

Sec. 109. GAO review of United States military support to Saudi-led coalition.

Sec. 110. Emergency protection for Yemeni cultural property.

TITLE II—SAUDI ARABIA ACCOUNTABILITY

Sec. 201. Imposition of sanctions on persons responsible for the death of Jamal Khashoggi.

Sec. 202. Report on Saudi Arabia’s human rights record.

TITLE III—GENERAL PROVISIONS

Sec. 301. Rule of construction.

Sec. 302. Sunset.

3 **TITLE I—PEACEFUL RESOLU-**  
 4 **TION OF THE CIVIL WAR IN**  
 5 **YEMEN AND PROTECTION OF**  
 6 **CIVILIANS**

7 **SEC. 101. STATEMENT OF POLICY.**

8 It is the policy of the United States—

9 (1) to support United Nations-led efforts for a  
 10 comprehensive political settlement that leads to a  
 11 territorially unified, stable, and independent Yemen;

1           (2) to insist on the urgent need for a political  
2 solution, consistent with United Nations Security  
3 Council Resolution 2216 (2015), or any successor  
4 United Nations Security Council Resolution demand-  
5 ing an end to violence in Yemen and peaceful resolu-  
6 tion of the conflict in that country;

7           (3) to reject all statements, policies, or actions  
8 advocating for a military solution to the civil war in  
9 Yemen;

10          (4) to encourage long-standing United States  
11 security partners, including the Government of  
12 Saudi Arabia and the Government of the United  
13 Arab Emirates, to take the lead in confidence-build-  
14 ing measures that open space for political dialogue  
15 to end the war in Yemen and address the humani-  
16 tarian crisis; and

17          (5) to support the implementation of the agree-  
18 ments reached between the parties to the conflict at  
19 Stockholm, Sweden on December 13, 2018, con-  
20 sistent with United Nations Security Council Resolu-  
21 tion 2451 (2018).

22 **SEC. 102. SENSE OF CONGRESS.**

23 It is the sense of Congress that—

24          (1) continued direct negotiations between the  
25 Government of Saudi Arabia, the internationally rec-

1       ognized Government of Yemen, and representatives  
2       of the Houthi movement (also known as “Ansar  
3       Allah”) are required—

4               (A) to reach a political solution;

5               (B) to implement the agreements reached  
6       between the Saudi-led coalition, the internation-  
7       ally recognized Government of Yemen, local  
8       Yemeni forces, and Ansar Allah at Stockholm,  
9       Sweden on December 13, 2018 (referred to in  
10      this title as the “Stockholm Agreement”);

11              (C) to address the suffering of the Yemeni  
12      people; and

13              (D) to counter efforts by Iran, al Qaeda,  
14      and ISIS to exploit instability for their own ma-  
15      lign purposes;

16              (2) the Government of Saudi Arabia and the  
17      Government of the United Arab Emirates bear sig-  
18      nificant responsibility for the economic stabilization  
19      and eventual reconstruction of Yemen; and

20              (3) the United States and the international  
21      community must continue to support the work of  
22      United Nations Special Envoy Martin Griffiths to  
23      achieve a political solution to the civil war in Yemen,  
24      including by supporting the implementation of the

1 Stockholm Agreement and United Nations Security  
2 Council Resolution 2451 (2018).

3 **SEC. 103. UNITED STATES STRATEGY FOR ENDING THE**  
4 **WAR IN YEMEN.**

5 (a) **DEFINED TERM.**—In this title, the term “appro-  
6 priate congressional committees” means—

7 (1) the Committee on Foreign Relations of the  
8 Senate;

9 (2) the Committee on Armed Services of the  
10 Senate;

11 (3) the Committee on Foreign Affairs of the  
12 House of Representatives; and

13 (4) the Committee on Armed Services of the  
14 House of Representatives.

15 (b) **STRATEGY.**—Not later than 30 days after the  
16 date of the enactment of this Act, and every 90 days there-  
17 after until a complete cessation of hostilities in the Yemen  
18 civil war, the Secretary of State, the Administrator of the  
19 United States Agency for International Development, the  
20 Secretary of Defense, and the Director of National Intel-  
21 ligence shall provide a briefing to the appropriate congres-  
22 sional committees on the progress of the United States  
23 strategy to end the war in Yemen.

24 (c) **ELEMENTS.**—The briefing required under sub-  
25 section (b) shall include—

1           (1) a summary of the United States national  
2 security interests threatened by continued civil war  
3 and instability in Yemen;

4           (2) a description of the steps necessary to end  
5 the civil war in Yemen and achieve a territorially  
6 unified, stable, and independent Yemen;

7           (3) a description of efforts to implement the  
8 Stockholm Agreement;

9           (4) a description of whether the Saudi-led coal-  
10 tion, the internationally recognized Government of  
11 Yemen, local Yemeni forces, and Ansar Allah are  
12 taking the necessary steps referred to in paragraphs  
13 (2) and (3);

14           (5) a description of United States activities to  
15 encourage all parties to take the necessary steps re-  
16 ferred to in paragraphs (2) and (3);

17           (6) an assessment of the threat posed by Al  
18 Qaeda and the Islamic State in Yemen to United  
19 States national security, including—

20                   (A) a comprehensive list of all sources of  
21 support received by these groups; and

22                   (B) an assessment regarding whether the  
23 activities of Al Qaeda in the Arabian Peninsula  
24 and the Islamic State in Yemen have expanded

1 or diminished since the beginning of the war in  
2 Yemen;

3 (7) an explanation of how the United States  
4 has used, and plans to use, its military and diplo-  
5 matic leverage—

6 (A) to end the civil war in Yemen; and

7 (B) to move the stakeholders in the war to-  
8 ward a political process to end the war;

9 (8) an assessment of Iran’s activities in Yemen,  
10 including—

11 (A) a comprehensive summary of all recipi-  
12 ents of illicit Iranian support in Yemen; and

13 (B) an assessment regarding whether the  
14 scope of Iran’s influence and activities in  
15 Yemen have increased or decreased since the  
16 beginning of the war in Yemen;

17 (9) a description of Russia’s activities in Yemen  
18 and an assessment of Russia’s objectives for such  
19 activities; and

20 (10) any other matters relevant to ending the  
21 civil war in Yemen.

1 **SEC. 104. REPORT ON ACCOUNTABILITY FOR VIOLATIONS**  
2 **OF INTERNATIONAL LAW, INCLUDING WAR**  
3 **CRIMES, AND OTHER HARM TO CIVILIANS IN**  
4 **YEMEN.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-  
6 gress that—

7 (1) all stakeholders in the conflict in Yemen  
8 should end all practices involving arbitrary arrests,  
9 enforced disappearances, torture, and other unlawful  
10 treatment;

11 (2) all stakeholders in the conflict in Yemen  
12 should reveal the fate or the location of all persons  
13 who have been subjected to enforced disappearance  
14 by such stakeholders;

15 (3) all persons who remain in custody as a re-  
16 sult of the conflict in Yemen should be granted im-  
17 mediate access to their families;

18 (4) the locations of all detention facilities run  
19 or supervised by members of the Saudi-led coalition  
20 should be revealed and brought under the super-  
21 vision of the Prosecutor General of Yemen;

22 (5) independent monitors should be granted ac-  
23 cess to all places of detention in Yemen; and

24 (6) all stakeholders to the conflict in Yemen  
25 should fully cooperate with the United Nations  
26 Panel of Experts on Yemen.



1 (b) REPORT.—Not later than 90 days after the date  
2 of the enactment of this Act, the Secretary of State shall  
3 submit a report to the appropriate congressional commit-  
4 tees that describes the causes and consequences of civilian  
5 harm occurring in the armed conflict in Yemen, including  
6 war crimes, and gross violations of human rights as a re-  
7 sult of the actions of all parties to the conflict.

8 (c) ELEMENTS.—The report required under sub-  
9 section (b) shall include—

10 (1) a description of civilian harm occurring in  
11 the context of the armed conflict in Yemen, includ-  
12 ing—

13 (A) mass casualty incidents; and

14 (B) damage to, and destruction of, civilian  
15 infrastructure and services, including—

16 (i) hospitals and other medical facili-  
17 ties;

18 (ii) electrical grids;

19 (iii) water systems;

20 (iv) ports and port infrastructure; and

21 (v) other critical infrastructure;

22 (2) violations of the law of armed conflict com-  
23 mitted during the war in Yemen by—

24 (A) all forces involved in the Saudi-led coa-  
25 lition and all forces fighting on its behalf;

1 (B) members of the Houthi movement and  
2 all forces fighting on its behalf;

3 (C) members of violent extremist organiza-  
4 tions; and

5 (D) any other combatants in the conflict;

6 (3) as examples of violations referred to in  
7 paragraph (2)—

8 (A) alleged war crimes;

9 (B) specific instances of failure by the par-  
10 ties to the conflict to exercise distinction, pro-  
11 portionality, and precaution in the use force in  
12 accordance with the law of armed conflict;

13 (C) arbitrary denials of humanitarian ac-  
14 cess and the resulting impact on the alleviation  
15 of human suffering;

16 (D) detention-related abuses;

17 (E) the use of child soldiers, including  
18 members of the Sudanese paramilitary Rapid  
19 Support Forces (previously known as the  
20 “Janjaweed militia”); and

21 (F) other acts that may constitute viola-  
22 tions of the law of armed conflict; and

23 (4) recommendations for establishing account-  
24 ability mechanisms for the civilian harm, war crimes,  
25 other violations of the law of armed conflict, and

1 gross violations of human rights perpetrated by par-  
2 ties to the conflict in Yemen, including—

3 (A) the potential for prosecuting individ-  
4 uals perpetrating, organizing, directing, or or-  
5 dering such violations; and

6 (B) establishing condolence payments for  
7 the impacted members of the civilian popu-  
8 lation.

9 (d) FORM.—The report required under subsection (b)  
10 shall be submitted in unclassified form, but may contain  
11 a classified annex.

12 **SEC. 105. SUSPENSION OF ARMS TRANSFERS TO SAUDI**  
13 **ARABIA.**

14 (a) RESTRICTION.—Except as provided in subsection  
15 (b), during the period beginning on the date of the enact-  
16 ment of this Act and ending on September 30, 2020, the  
17 United States Government—

18 (1) may not sell, transfer, or authorize licenses  
19 for export to the Government of Saudi Arabia any  
20 item designated under Category III, IV, VII, or VIII  
21 on the United States Munitions List pursuant to  
22 section 38(a)(1) of the Arms Export Control Act (22  
23 U.S.C. 2778(a)(1)); and

24 (2) shall suspend any licenses or other approv-  
25 als that were issued before the date of the enact-

1       ment of this Act for the export to the Government  
2       of Saudi Arabia of any item designated under Cat-  
3       egory IV of the United States Munitions List.

4       (b) EXCEPTION.—The prohibition under subsection  
5 (a) shall not apply to sales, transfers, or export licenses  
6 relating to ground-based missile defense systems.

7       (c) WAIVER.—The President may waive the restric-  
8 tion under subsection (a) for items designated under Cat-  
9 egories III, VII, and VIII of the United States Munitions  
10 List not earlier than 30 days after—

11           (1) the Secretary of State, in coordination with  
12       the Secretary of Defense, submits a written, unclas-  
13       sified certification to the appropriate congressional  
14       committees stating that—

15           (A) such waiver is in the national security  
16       interests of the United States;

17           (B) the Saudi-led coalition, during the  
18       180-day period immediately preceding the date  
19       of such certification, has continuously—

20           (i) honored a complete cessation of  
21       hostilities in the Yemen civil war, including  
22       ending all air strikes and all offensive  
23       ground operations that are not associated  
24       with al Qaeda in the Arabian Peninsula or  
25       ISIS;

1 (ii) fully supported, in statements and  
2 actions, the work of United Nations Spe-  
3 cial Envoy Martin Griffiths to find a polit-  
4 ical solution to the conflict in Yemen; and

5 (iii) abstained from any actions to re-  
6 strict, delay, or interfere with the delivery  
7 of cargo to or within Yemen unless—

8 (I) such action was taken exclu-  
9 sively to carry out inspections based  
10 on specific intelligence that a cargo  
11 shipment contains weapons prohibited  
12 under United Nations Security Coun-  
13 cil Resolution 2216 (2015); and

14 (II) the Saudi-led coalition timely  
15 submitted any reports required under  
16 such Resolution after the conclusion  
17 of such action; and

18 (C) Ansar Allah or associated forces, dur-  
19 ing the 180-day period immediately preceding  
20 the date of such certification—

21 (i) launched missile or unmanned aer-  
22 ial vehicle strikes into Saudi Arabia or the  
23 United Arab Emirates;

1 (ii) conducted ground incursions into  
2 the territory of Saudi Arabia or the United  
3 Arab Emirates;

4 (iii) accepted weapons, weapons com-  
5 ponents, funding, or military training from  
6 the Islamic Republic of Iran;

7 (iv) attacked vessels in the Red Sea;  
8 or

9 (v) prohibited or otherwise restricted,  
10 directly or indirectly, the transport or de-  
11 livery of humanitarian or commercial ship-  
12 ments to and within Yemen; and

13 (2) the Comptroller General of the United  
14 States, not later than 45 days after the submission  
15 of the certification under paragraph (1), submits a  
16 written, unclassified report to the appropriate con-  
17 gressional committees assessing the responsiveness,  
18 completeness, and accuracy of such certification.

19 (d) CLASSIFIED BRIEFING.—If the Secretary of  
20 State and the Secretary of Defense determine that Ansar  
21 Allah has engaged in any of the actions described in sub-  
22 section (c)(1)(C), the Secretary of State and the Secretary  
23 of Defense shall provide a classified briefing to the appro-  
24 priate congressional committees not later than 10 days

1 after submitting the certification under subsection (c)(1)  
2 to provide details to support such determination.

3 **SEC. 106. PROHIBITION ON IN-FLIGHT REFUELING OF**  
4 **SAUDI COALITION AIRCRAFT OPERATING IN**  
5 **YEMEN.**

6 (a) IN GENERAL.—No Federal funds may be obli-  
7 gated or expended under section 2342 of title 10, United  
8 States Code, or under any other applicable statutory au-  
9 thority, to provide in-flight refueling of Saudi or Saudi-  
10 led coalition non-United States aircraft conducting mis-  
11 sions as part of the ongoing civil war in Yemen.

12 (b) REPORT REQUIRED.—Not later than 30 days  
13 after the date of the enactment of this Act, and every 30  
14 days thereafter, the Secretary of Defense shall submit a  
15 report to the appropriate congressional committees detail-  
16 ing—

17 (1) the expenses incurred by the United States  
18 in providing in-flight refueling services for Saudi or  
19 Saudi-led coalition non-United States aircraft con-  
20 ducting missions as part of the civil war in Yemen  
21 between March 2015 and November 11, 2018; and

22 (2) the extent to which the expenses referred to  
23 in paragraph (1) have been reimbursed by members  
24 of the Saudi-led coalition.

1 (c) ELEMENTS.—The report required under sub-  
2 section (b) shall include—

3 (1) the total expenses incurred by the United  
4 States in providing in-flight refueling services, in-  
5 cluding fuel, flight hours, and other applicable ex-  
6 penses, to Saudi or Saudi-led coalition, non-United  
7 States aircraft conducting missions as part of the  
8 civil war in Yemen;

9 (2) the amount of the expenses described in  
10 paragraph (1) that have been reimbursed by each  
11 member of the Saudi-led coalition; and

12 (3) actions taken by the United States to re-  
13 coup the unreimbursed expenses described in para-  
14 graph (1), including any commitments by members  
15 of the Saudi-led coalition to reimburse the United  
16 States for such expenses.

17 (d) SUNSET.—The reporting requirement under sub-  
18 section (b) shall cease to be effective on the date on which  
19 the Secretary of Defense submits written certification to  
20 the appropriate congressional committees that all of the  
21 expenses incurred by the United State in providing in-  
22 flight refueling services for Saudi or Saudi-led coalition  
23 non-United States aircraft conducting missions as part of  
24 the civil war in Yemen have been reimbursed.



1 **SEC. 107. IMPOSITION OF SANCTIONS WITH RESPECT TO**  
2 **PERSONS HINDERING HUMANITARIAN AC-**  
3 **CESS AND THREATENING THE PEACE OR STA-**  
4 **BILITY OF YEMEN.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-  
6 gress that the President should continue to implement Ex-  
7 ecutive Order 13611 (77 Fed. Reg. 29533), relating to  
8 blocking property of persons threatening the peace, secu-  
9 rity, or stability of Yemen.

10 (b) SANCTIONS AUTHORIZED.—Not later than 60  
11 days after the date of the enactment of this Act, the Presi-  
12 dent shall impose the sanctions described in subsection (c)  
13 with respect to each person that the President deter-  
14 mines—

15 (1)(A) is knowingly blocking access to Yemeni  
16 ports, ports of entry, or other facilities used by the  
17 United Nations, its specialized agencies and imple-  
18 menting partners, national and international non-  
19 governmental organizations, or any other actors en-  
20 gaged in humanitarian relief activities in Yemen; or

21 (B) is otherwise hindering the efforts of such  
22 organizations to deliver humanitarian relief, includ-  
23 ing through diversion of goods and materials in-  
24 tended to provide relief to civilians in Yemen;

25 (2)(A) is knowingly threatening the humani-  
26 tarian actors referred to in paragraph (1)(A); or

1 (B) is engaging in acts of violence against such  
2 actors in Yemen or across conflict lines and borders;

3 (3) is responsible for actions or policies that are  
4 intended to undermine—

5 (A) the United Nations-led political proc-  
6 ess to end the conflict in Yemen; or

7 (B) efforts to promote stabilization and re-  
8 construction in Yemen;

9 (4) is a successor entity to a person referred to  
10 in paragraphs (1) through (3);

11 (5) owns or controls, or is owned or controlled  
12 by, a person referred to in paragraphs (1) through  
13 (3);

14 (6) is acting for or, on behalf of, a person re-  
15 ferred to in paragraphs (1) through (3); or

16 (7) has knowingly provided, or attempted to  
17 provide, financial, material, technological, or other  
18 support for, or goods or services in support of, a  
19 person referred to in paragraphs (1) through (3).

20 (c) SANCTIONS DESCRIBED.—

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

23 (A) ASSET BLOCKING.—In accordance with  
24 the International Emergency Economic Powers  
25 Act (50 U.S.C. 1701 et seq.), the President

1 shall block all transactions in all property and  
2 interests in property of a person subject to sub-  
3 section (a) if such property and interests in  
4 property—

5 (i) are in the United States;

6 (ii) are transported into the United  
7 States; or

8 (iii) are in, or come into, the posses-  
9 sion or control of a United States person.

10 (B) ALIENS INELIGIBLE FOR VISAS, AD-  
11 MISSION, OR PAROLE.—

12 (i) EXCLUSION FROM THE UNITED  
13 STATES.—The Secretary of State shall  
14 deny a visa to, and the Secretary of Home-  
15 land Security shall exclude from the  
16 United States, any alien subject to sub-  
17 section (b).

18 (ii) CURRENT VISAS REVOKED.—

19 (I) IN GENERAL.—The issuing  
20 consular officer, the Secretary of  
21 State, or the Secretary of Homeland  
22 Security (or a designee of any such  
23 officer or Secretary) shall revoke any  
24 visa or other entry documentation  
25 issued to an alien subject to sub-

1 section (b), regardless of when such  
2 visa was issued.

3 (II) EFFECT OF REVOCATION.—

4 A revocation under subclause (I) shall  
5 take effect immediately and shall  
6 automatically cancel any other valid  
7 visa or entry documentation that is in  
8 the alien's possession.

9 (2) INAPPLICABILITY OF NATIONAL EMER-  
10 GENCY REQUIREMENT.—The requirements under  
11 section 202 of the International Emergency Eco-  
12 nomic Powers Act (50 U.S.C. 1701) shall not apply  
13 for purposes of the imposition of sanctions under  
14 this section.

15 (3) PENALTIES.—Any person that violates, at-  
16 tempts to violate, conspires to violate, or causes a  
17 violation described in subsection (b), or any regula-  
18 tion, license, or order issued to carry out such para-  
19 graph, shall be subject to the penalties set forth in  
20 subsections (b) and (c) of section 206 of the Inter-  
21 national Emergency Economic Powers Act (50  
22 U.S.C. 1705) to the same extent as a person that  
23 commits an unlawful act described in subsection (a)  
24 of such section.

1 **SEC. 108. IMPOSITION OF SANCTIONS WITH RESPECT TO**  
2 **PERSONS SUPPORTING THE HOUTHIS IN**  
3 **YEMEN.**

4 (a) DETERMINATION.—Not later than 30 days after  
5 the date of the enactment of this Act, the President shall  
6 determine if the Houthi movement (also known as “Ansar  
7 Allah”) has engaged meaningfully in United Nations-led  
8 efforts for a comprehensive political settlement that leads  
9 to a territorially unified, stable, and independent Yemen.

10 (b) SANCTIONS.—If the President is unable to make  
11 the determination described in subsection (a), the Presi-  
12 dent shall impose the sanctions described in subsection (c)  
13 on any person that the President determines—

14 (1) has knowingly assisted, sponsored, provided,  
15 or attempted to provide significant financial, mate-  
16 rial, or technological support for, or goods or serv-  
17 ices in support of, the Houthis movement in Yemen,  
18 its successor entities, entities that own or control, or  
19 are owned or controlled by, the Houthi movement, or  
20 entities acting for, or on behalf of, the Houthi move-  
21 ment;

22 (2) has knowingly engaged in any activity that  
23 materially contributes to the supply, sale, or direct  
24 or indirect transfer to or from the Houthi movement  
25 in Yemen, its successor entities, entities that own or  
26 control, or are owned or controlled by, the Houthi

1 movement, or entities acting for or on behalf of the  
2 Houthi movement, of any firearms or ammunition,  
3 battle tanks, armored vehicles, artillery or mortar  
4 systems, aircraft, attack helicopters, warships, mis-  
5 siles or missile systems, or explosive mines of any  
6 type (as such terms are defined for the purpose of  
7 the United Nations Register of Conventional Arms),  
8 ground-to-air missiles, unmanned aerial vehicles, or  
9 related materiel, including spare parts;

10 (3) has knowingly provided any technical train-  
11 ing, financial resources or services, advice, other  
12 services or assistance related to the supply, sale,  
13 transfer, manufacture, maintenance, or use of arms  
14 and related materiel described in paragraph (2) to  
15 the Houthi movement in Yemen, its successor enti-  
16 ties, entities that own or control, or are owned or  
17 controlled by, the Houthi movement, or entities act-  
18 ing for or on behalf of the Houthi movement;

19 (4) is a successor entity to a person described  
20 in paragraph (1), (2), or (3);

21 (5) is an entity that owns or controls, or is  
22 owned or controlled by, a person described in para-  
23 graph (1), (2), or (3); or

24 (6) is an entity that is acting for, or on behalf  
25 of, a person referred to in paragraph (1), (2), or (3).

1 (c) SANCTIONS DESCRIBED.—

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

4 (A) ASSET BLOCKING.—In accordance with  
5 the International Emergency Economic Powers  
6 Act (50 U.S.C. 1701 et seq.), the President  
7 shall block all transactions in property, or inter-  
8 ests in property, of a person subject to sub-  
9 section (b) if such property or interests in prop-  
10 erty—

11 (i) are in the United States;

12 (ii) are transported into the United  
13 States; or

14 (iii) are in, or come into, the posses-  
15 sion or control of a United States person.

16 (B) ALIENS INELIGIBLE FOR VISAS, AD-  
17 MISSION, OR PAROLE.—

18 (i) EXCLUSION FROM THE UNITED  
19 STATES.—The Secretary of State shall  
20 deny a visa to, and the Secretary of Home-  
21 land Security shall exclude from the  
22 United States, any alien subject to sub-  
23 section (b).

24 (ii) CURRENT VISAS REVOKED.—

1 (I) IN GENERAL.—The issuing  
2 consular officer, the Secretary of  
3 State, or the Secretary of Homeland  
4 Security (or a designee of any such  
5 officer or Secretary) shall revoke any  
6 visa or other entry documentation  
7 issued to an alien subject to sub-  
8 section (b), regardless of when such  
9 visa was issued.

10 (II) EFFECT OF REVOCATION.—  
11 A revocation under subclause (I) shall  
12 take effect immediately and shall  
13 automatically cancel any other valid  
14 visa or entry documentation that is in  
15 the alien’s possession.

16 (C) DENIAL OF CERTAIN TRANS-  
17 ACTIONS.—Any letter of offer and acceptance,  
18 or license to export, any defense article or de-  
19 fense service controlled for export under the  
20 Arms Export Control Act (22 U.S.C. 2751 et  
21 seq.) or the Export Administration Act of 1979  
22 (50 U.S.C. 4601 et seq.), as continued in force  
23 by the International Emergency Economic Pow-  
24 ers Act (50 U.S.C. 1701 et seq.), requested by  
25 a person described in subsection (b) shall be de-



1           nied until the date that is 180 days after the  
2           date on which the Secretary of State certifies to  
3           Congress that any action by such person de-  
4           scribed in subsection (b) has ceased.

5           (2) INAPPLICABILITY OF NATIONAL EMER-  
6           GENCY REQUIREMENT.—The requirements under  
7           section 202 of the International Emergency Eco-  
8           nomic Powers Act (50 U.S.C. 1701) shall not apply  
9           for purposes of the imposition of sanctions under  
10          this section.

11          (3) PENALTIES.—Any person that violates, at-  
12          tempts to violate, conspires to violate, or causes a  
13          violation of paragraph (1), (2), or (3) of subsection  
14          (b), or any regulation, license, or order issued to  
15          carry out such paragraph, shall be subject to the  
16          penalties set forth in subsections (b) and (c) of sec-  
17          tion 206 of the International Emergency Economic  
18          Powers Act (50 U.S.C. 1705) to the same extent as  
19          a person that commits an unlawful act described in  
20          subsection (a) of such section.

21          (d) EXCEPTION.—The sanctions described in sub-  
22          section (c)(1) shall not apply to any act incidental or nec-  
23          essary to the provision of urgently needed humanitarian  
24          assistance.

1 **SEC. 109. GAO REVIEW OF UNITED STATES MILITARY SUP-**  
2 **PORT TO SAUDI-LED COALITION.**

3 (a) REVIEW.—The Comptroller General of the United  
4 States shall conduct a review of the United States military  
5 support to the Saudi-led coalition that evaluates—

6 (1) the manner and extent to which the United  
7 States military provides support to the Saudi-led co-  
8 alition;

9 (2) how the Department of Defense prioritizes  
10 aerial refueling capabilities in support of the Saudi-  
11 led coalition;

12 (3) the manner and extent to which the United  
13 States has been reimbursed for aerial refueling sup-  
14 port of Saudi-led coalition aircraft;

15 (4) whether and how the Department of De-  
16 fense determines the extent to which its advice and  
17 assistance has reduced civilian casualties and dam-  
18 age to civilian infrastructure, including evaluating a  
19 differentiation between dynamic and deliberate tar-  
20 geting by the Saudi-led coalition;

21 (5) whether and how the Department of De-  
22 fense determines the efficacy of defensive advice and  
23 assistance to the Saudi-led coalition, including with  
24 respect to ballistic missiles and other threats to the  
25 sovereignty of regional partners; and



1 (A) in paragraph (1)(B)(i), by inserting  
2 “or the Government of Yemen” after “Govern-  
3 ment of Syria”; and

4 (B) in paragraph (2)(B)—

5 (i) by inserting “or Yemen” after  
6 “Syria” each of the first 2 places such  
7 term appears; and

8 (ii) in clause (ii), by inserting “or the  
9 United States and Yemen, as applicable,”  
10 after “United States and Syria”;

11 (4) in subsection (c), by inserting “or Yemen”  
12 after “Syria” each place such term appears; and

13 (5) in subsection (d), by amending paragraph  
14 (2) to read as follows:

15 “(2) ARCHAEOLOGICAL OR ETHNOLOGICAL MA-  
16 TERIAL OF SYRIA OR YEMEN.—The term ‘archae-  
17 ological or ethnological material of Syria or Yemen’  
18 means cultural property (as defined in section 302  
19 of the Convention on Cultural Property Implementa-  
20 tion Act (19 U.S.C. 2601)) that—

21 “(A) is unlawfully removed from Syria on  
22 or after March 15, 2011; or

23 “(B) is unlawfully removed from Yemen on  
24 or after March 15, 2015.”.

1                   **TITLE II—SAUDI ARABIA**  
2                   **ACCOUNTABILITY**

3 **SEC. 201. IMPOSITION OF SANCTIONS ON PERSONS RE-**  
4                   **SPONSIBLE FOR THE DEATH OF JAMAL**  
5                   **KHASHOGGI.**

6           (a) IN GENERAL.—Section 1263 of the Global  
7 Magnitsky Human Rights Accountability Act (22 U.S.C.  
8 2656 note) is amended—

9                   (1) in subsection (a), in the matter preceding  
10 paragraph (1), by striking “(b)” and inserting “(c)”;

11                   (2) by redesignating subsections (b) through (j)  
12 as subsections (c) through (k), respectively;

13                   (3) by inserting after subsection (a) the fol-  
14 lowing:

15           “(b) JAMAL KHASHOGGI.—Not later than 30 days  
16 after the date of the enactment of the Saudi Arabia Ac-  
17 countability and Yemen Act of 2019, the President shall  
18 impose the sanctions described in subsection (c) with re-  
19 spect to any foreign person, including any official of the  
20 government of Saudi Arabia or member of the royal family  
21 of Saudi Arabia that the President determines, based on  
22 credible evidence—

23                   “(1) was responsible for, or complicit in, order-  
24 ing, controlling, or otherwise directing an act or acts

1 contributing to or causing the death of Jamal  
2 Khashoggi; or

3 “(2) has materially assisted, sponsored, or pro-  
4 vided financial, material, or technological support  
5 for, or goods or services in support of an activity de-  
6 scribed in paragraph (1).”;

7 (4) in subsection (d), as redesignated, in the  
8 matter preceding paragraph (1), by inserting “or  
9 (b)” after “subsection (a)”;

10 (5) in subsection (f), as redesignated, by strik-  
11 ing “subsection (b)(1)” and inserting “subsection  
12 (c)(1)”;

13 (6) in subsection (j), as redesignated, by insert-  
14 ing “or (b)” after “subsection (a)”;

15 (7) in subsection (k), as redesignated, by strik-  
16 ing paragraphs (1) and (2) and inserting the fol-  
17 lowing:

18 “(1) the Committee on Foreign Relations of the  
19 Senate;

20 “(2) the Committee on Banking, Housing, and  
21 Urban Affairs of the Senate;

22 “(3) the Committee on Foreign Affairs of the  
23 House of Representatives;

24 “(4) the Committee on Financial Services of  
25 the House of Representatives; and

1           “(5) the Committee on Ways and Means of the  
2           House of Representatives.”.

3           (b) BRIEFINGS.—Not later than 15 days after the  
4           date of the enactment of this Act, and every 45 days there-  
5           after, the Secretary of State, in conjunction with the Sec-  
6           retary of the Treasury and the Director of National Intel-  
7           ligence, shall provide a briefing to the appropriate congres-  
8           sional committees (as defined in section 1263(k) of the  
9           Global Magnitsky Human Rights Accountability Act, as  
10          amended by subsection (a)(7)) regarding the implementa-  
11          tion of the amendment made by subsection (a)(3).

12   **SEC. 202. REPORT ON SAUDI ARABIA’S HUMAN RIGHTS**  
13                           **RECORD.**

14          Not later than 30 days after the date of the enact-  
15          ment of this Act, the Secretary of State, in accordance  
16          with section 502B(e) of the Foreign Assistance Act of  
17          1961 (22 U.S.C. 2304(e)), shall submit an unclassified,  
18          written report to Congress that—

19               (1) includes the information required under  
20               such section 502B(e);

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

1 human rights of journalists, bloggers, and those who  
2 support women’s rights or religious freedom;

3 (3) describes the extent to which the Govern-  
4 ment of Saudi Arabia—

5 (A) has knowingly blocked access to Yem-  
6 eni ports, ports of entry, or other facilities used  
7 by the United Nations, its specialized agencies  
8 and implementing partners, national and inter-  
9 national nongovernmental organizations, or any  
10 other actors engaged in humanitarian relief ac-  
11 tivities in Yemen;

12 (B) has hindered the efforts of the organi-  
13 zations referred to in subparagraph (A) to de-  
14 liver humanitarian relief, including through di-  
15 version of goods and materials intended to pro-  
16 vide relief to civilians in Yemen;

17 (C) has prohibited or directly or indirectly  
18 restricted the transport or delivery of United  
19 States humanitarian assistance to Yemen; and

20 (D) complied with the Secretary of State’s  
21 statement on October 30, 2018, related to  
22 “ending the conflict in Yemen”; and

23 (4) identifies the percentage by which civilian  
24 casualties and deaths, respectively, increased as a re-



1 sult of Saudi coalition air strikes in Yemen between  
2 November 2017 and August 2018.

3 **TITLE III—GENERAL**  
4 **PROVISIONS**

5 **SEC. 301. RULE OF CONSTRUCTION.**

6 Nothing in this Act may be construed to limit the  
7 authority of the President pursuant to the International  
8 Emergency Economic Powers Act (50 U.S.C. 1701 et  
9 seq.).

10 **SEC. 302. SUNSET.**

11 This Act shall cease to be effective on the date that  
12 is 5 years after the date of the enactment of this Act.

Calendar No. 167

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 398**

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**A BILL**

To support the peaceful resolution of the civil war in Yemen, to address the resulting humanitarian crisis, and to hold the perpetrators responsible for murdering a Saudi dissident.

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JULY 30, 2019

Reported without amendment