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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

February 14, 2019

The Honorable Mike Pompeo
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Mr. Secretary:

Last Friday, you sent me a letter that fails to comply with existing federal law or provide Congress the information that the President is statutorily-required to provide. This flagrant violation of the law is deeply troubling, but even more so considering the gravity of the matters at stake—the brutal killing of a journalist and U.S. lawful permanent resident.

As you well know, last year, I along with then Chairman of the Senate Foreign Relations Committee, Bob Corker, triggered the Global Magnitsky Human Rights Accountability Act with a written request that the President determine if a foreign person was responsible for Mr. Khashoggi's murder and whether sanctions should be imposed. We also specifically requested that the President's determination address whether Crown Prince Mohammed bin Salman is responsible. The Global Magnitsky Act requires that, within 120 days of receiving such a request, the President *shall* make the relevant determination and submit a report to Congress with respect to the determination including any plans to impose sanctions.¹ There is nothing in the statute that makes compliance with the law voluntary or conditional.

Your letter exacerbates the fears that this administration continues to hide something when it comes to the murder of Mr. Khashoggi. Despite foreign and international officials investigating this matter who have concluded that senior Saudi officials bear responsibility for Mr. Khashoggi's murder, this administration has been conspicuously reticent to hold senior officials and senior members of the Royal Family accountable.

Now, despite a mountain of credible evidence, this administration seeks to avoid not only the spirit but the very letter of the law. This is wholly unacceptable for a nation built on the rule of law and committed to the protection of human rights.

While I urge you to immediately bring this administration into compliance with the Global Magnitsky Act, it is also clear we cannot rely only on the statements of the administration on this matter. Therefore, I request that the Department immediately provide its legal determination that it is not required to submit a report to the Chairman and Ranking Member of the Senate Foreign Relations Committee pursuant to section 1263(d) of the Global Magnitsky Act.

¹ P.L. 114-328, Sec. 1263(d)(1).

In addition, I request that you provide the following no later than February 28, 2019:

1. All records reflecting or relating to a determination, analysis, or discussion that any foreign person is responsible for the death of Jamal Khashoggi, including any recommendations for making such a determination;
2. All records reflecting or relating to a determination, analysis, or discussion that any senior official in the Government of Saudi Arabia or member of the royal family of Saudi Arabia, including Crown Prince Mohammed bin Salman, is responsible for the death of Jamal Khashoggi;
3. All records reflecting or relating to the cause of or circumstances surrounding the death of Jamal Khashoggi, including any records received from any other agency or third party, including other governments and nongovernmental organizations;
4. All records reflecting or relating to consideration of and efforts to obtain information regarding the death of Jamal Khashoggi from other agencies, countries, and nongovernmental organizations that monitor violations of human rights;
5. All records reflecting or relating to consideration of information submitted by the Chairman and Ranking Member of the Senate Foreign Relations Committee, including the letters of October 10, 2018 and November 21, 2018;
6. All records reflecting or relating to the decision of whether to submit a report to Congress regarding Jamal Khashoggi pursuant to the Global Magnitsky Human Rights Accountability Act;
7. All records reflecting or relating to whether any individual should be subject to sanctions under the Global Magnitsky Human Rights Accountability Act for the death of Jamal Khashoggi;
8. A description of the steps the administration has taken to make any determination(s) that any foreign person is responsible for the death of Jamal Khashoggi and to comply with the Global Magnitsky Human Rights Accountability Act.

The above requests pertain to all records, regardless of source, that are in the Department's possession, custody, or control.

It is my sincere hope that the Department and the administration will immediately and fully comply with the Global Magnitsky Act, and will respond to gross violations of human rights in a manner that the world can and should expect from the United States. In the meantime, I look forward to your full compliance with these requests.

Sincerely,



Robert Menendez
Ranking Member