

AMENDMENT TO RULES COMM. PRINT 117-54
OFFERED BY MR. SCHIFF OF CALIFORNIA

At the appropriate place in title LVIII, insert the following:

1 **SEC. ____ . JAMAL KHASHOGGI PRESS FREEDOM ACCOUNT-**
2 **ABILITY ACT OF 2021.**

3 (a) EXPANDING SCOPE OF HUMAN RIGHTS REPORTS
4 WITH RESPECT TO VIOLATIONS OF HUMAN RIGHTS OF
5 JOURNALISTS.—The Foreign Assistance Act of 1961 (22
6 U.S.C. 2151 et seq.) is amended as follows:

7 (1) In paragraph (12) of section 116(d)—

8 (A) in subparagraph (B)—

9 (i) by inserting “or online harass-
10 ment” after “direct physical attacks”; and

11 (ii) by inserting “or surveillance”
12 after “sources of pressure”;

13 (B) in subparagraph (C)(ii), by striking
14 “ensure the prosecution” and all that follows to
15 the end of the clause and inserting “ensure the
16 investigation, prosecution, and conviction of
17 government officials or private individuals who
18 engage in or facilitate digital or physical at-
19 tacks, including hacking, censorship, surveil-

1 lance, harassment, unlawful imprisonment, or
2 bodily harm, against journalists and others who
3 perform, or provide administrative support to,
4 the dissemination of print, broadcast, internet-
5 based, or social media intended to communicate
6 facts or opinion.”;

7 (C) by redesignating subparagraphs (B)
8 and (C) (as amended by subparagraph (A) of
9 this section) as subparagraphs (C) and (D), re-
10 spectively; and

11 (D) by inserting after subparagraph (A)
12 the following new subparagraph:

13 “(B) an identification of countries in which
14 there were gross violations of internationally
15 recognized human rights (as such term is de-
16 fined for purposes of section 502B) committed
17 against journalists;”.

18 (2) By redesignating the second subsection (i)
19 of section 502B as subsection (j).

20 (3) In the first subsection (i) of section 502B—
21 (A) in paragraph (2)—

22 (i) by inserting “or online harass-
23 ment” after “direct physical attacks”; and

24 (ii) by inserting “or surveillance”
25 after “sources of pressure”;

1 (B) by redesignating paragraph (2) (as
2 amended by subparagraph (A) of this section)
3 and paragraph (3) as paragraphs (3) and (4),
4 respectively; and

5 (C) by inserting after paragraph (1) the
6 following new paragraph:

7 “(2) an identification of countries in which
8 there were gross violations of internationally recog-
9 nized human rights committed against journalists;”.

10 (b) IMPOSITION OF SANCTIONS ON PERSONS RE-
11 SPONSIBLE FOR THE COMMISSION OF GROSS VIOLATIONS
12 OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS
13 AGAINST JOURNALISTS.—

14 (1) LISTING OF PERSONS WHO HAVE COM-
15 MITTED GROSS VIOLATIONS OF INTERNATIONALLY
16 RECOGNIZED HUMAN RIGHTS.—

17 (A) IN GENERAL.—On or after the date on
18 which a person is listed pursuant to subpara-
19 graph (B), the President shall impose the sanc-
20 tions described in paragraph (2) on each for-
21 eign person the President determines, based on
22 credible information, has perpetrated, ordered,
23 or otherwise directed the extrajudicial killing of
24 or other gross violation of internationally recog-
25 nized human rights committed against a jour-

1 nalist or other person who performs, or provides
2 administrative support to, the dissemination of
3 print, broadcast, internet-based, or social media
4 intended to report newsworthy activities or in-
5 formation, or communicate facts or fact-based
6 opinions.

7 (B) PUBLICATION OF LIST.—The Sec-
8 retary of State shall publish on a publicly avail-
9 able website of the Department of State a list
10 of the names of each foreign person determined
11 pursuant to subparagraph (A) to have per-
12 petrated, ordered, or directed an act described
13 in such paragraph. Such list shall be updated at
14 least annually.

15 (C) EXCEPTION.—The President may
16 waive the imposition of sanctions under sub-
17 paragraph (A) (and omit a foreign person from
18 the list published in accordance with subpara-
19 graph (B)) or terminate such sanctions and re-
20 move a foreign person from such list, if the
21 President certifies to the Committee on Foreign
22 Affairs of the House of Representatives and the
23 Committee on Foreign Relations of the Sen-
24 ate—

1 (i) that public identification of the in-
2 dividual is not in the national interest of
3 the United States, including an unclassi-
4 fied description of the factual basis sup-
5 porting such certification, which may con-
6 tain a classified annex; or

7 (ii) that appropriate foreign govern-
8 ment authorities have credibly—

9 (I) investigated the foreign per-
10 son and, as appropriate, held such
11 person accountable for perpetrating,
12 ordering, or directing the acts de-
13 scribed in subparagraph (A);

14 (II) publicly condemned viola-
15 tions of the freedom of the press and
16 the acts described in subparagraph
17 (A);

18 (III) complied with any requests
19 for information from international or
20 regional human rights organizations
21 with respect to the acts described in
22 subparagraph (A); and

23 (IV) complied with any United
24 States Government requests for infor-

1 mation with respect to the acts de-
2 scribed in subparagraph (A).

3 (2) SANCTIONS DESCRIBED.—The sanctions de-
4 scribed in this paragraph are the following:

5 (A) ASSET BLOCKING.—The President
6 shall exercise all of the powers granted to the
7 President under the International Emergency
8 Economic Powers Act (50 U.S.C. 1701 et seq.)
9 to the extent necessary to block and prohibit all
10 transactions in property and interests in prop-
11 erty of a foreign person identified in the report
12 required under paragraph (1)(A) if such prop-
13 erty and interests in property are in the United
14 States, come within the United States, or come
15 within the possession or control of a United
16 States person.

17 (B) INELIGIBILITY FOR VISAS, ADMISSION,
18 OR PAROLE.—

19 (i) VISAS, ADMISSION, OR PAROLE.—
20 An alien described in paragraph (1)(A)
21 is—

22 (I) inadmissible to the United
23 States;

1 (II) ineligible to receive a visa or
2 other documentation to enter the
3 United States; and

4 (III) otherwise ineligible to be
5 admitted or paroled into the United
6 States or to receive any other benefit
7 under the Immigration and Nation-
8 ality Act (8 U.S.C. 1101 et seq.).

9 (ii) CURRENT VISAS REVOKED.—

10 (I) IN GENERAL.—An alien de-
11 scribed in paragraph (1)(A) is subject
12 to revocation of any visa or other
13 entry documentation regardless of
14 when the visa or other entry docu-
15 mentation is or was issued.

16 (II) IMMEDIATE EFFECT.—A rev-
17 ocation under subclause (I) shall take
18 effect immediately, and automatically
19 cancel any other valid visa or entry
20 documentation that is in the alien's
21 possession.

22 (C) EXCEPTIONS.—

23 (i) EXCEPTION FOR INTELLIGENCE
24 ACTIVITIES.—The sanctions described in
25 this paragraph shall not apply to any activ-

1 ity subject to the reporting requirements
2 under title V of the National Security Act
3 of 1947 (50 U.S.C. 3091 et seq.) or any
4 authorized intelligence activities of the
5 United States.

6 (ii) EXCEPTION TO COMPLY WITH
7 INTERNATIONAL OBLIGATIONS.—The sanc-
8 tions described in this paragraph shall not
9 apply with respect to an alien if admitting
10 or paroling the alien into the United States
11 is necessary to permit the United States to
12 comply with the Agreement regarding the
13 Headquarters of the United Nations,
14 signed at Lake Success June 26, 1947,
15 and entered into force November 21, 1947,
16 between the United Nations and the
17 United States, or other applicable inter-
18 national obligations.

19 (3) IMPLEMENTATION; PENALTIES.—

20 (A) IMPLEMENTATION.—The President
21 may exercise all authorities provided under sec-
22 tions 203 and 205 of the International Emer-
23 gency Economic Powers Act (50 U.S.C. 1702
24 and 1704) to carry out this subsection.

1 (B) PENALTIES.—The penalties provided
2 for in subsections (b) and (c) of section 206 of
3 the International Emergency Economic Powers
4 Act (50 U.S.C. 1705) shall apply to a foreign
5 person that violates, attempts to violate, con-
6 spires to violate, or causes a violation of this
7 subsection to the same extent that such pen-
8 alties apply to a person that commits an unlaw-
9 ful act described in subsection (a) of such sec-
10 tion 206.

11 (4) EXCEPTION RELATING TO THE IMPORTA-
12 TION OF GOODS.—

13 (A) IN GENERAL.—The authorities and re-
14 quirements to impose sanctions under this sec-
15 tion shall not include any authority or require-
16 ment to impose sanctions on the importation of
17 goods.

18 (B) GOOD DEFINED.—For purposes of this
19 section, the term “good” means any article,
20 natural or man-made substance, material, sup-
21 ply, or manufactured product, including inspec-
22 tion and test equipment and excluding technical
23 data.

24 (5) DEFINITIONS.—In this subsection:

1 (A) The terms “admitted” and “alien”
2 have the meanings given those terms in section
3 101 of the Immigration and Nationality Act (8
4 U.S.C. 1001).

5 (B) The term “foreign person” means an
6 individual who is not—

7 (i) a United States citizen or national;

8 or

9 (ii) an alien lawfully admitted for per-
10 manent residence to the United States.

11 (C) The term “United States person”
12 means—

13 (i) a United States citizen, an alien
14 lawfully admitted for permanent residence
15 to the United States, or any other indi-
16 vidual subject to the jurisdiction of the
17 United States;

18 (ii) an entity organized under the laws
19 of the United States or of any jurisdiction
20 within the United States, including a for-
21 eign branch of such entity; or

22 (iii) any person in the United States.

23 (c) PROHIBITION ON FOREIGN ASSISTANCE.—

24 (1) PROHIBITION.—Assistance authorized
25 under the Foreign Assistance Act of 1961 (22

1 U.S.C. 2151 et seq.) or the Arms Export Control
2 Act (22 U.S.C. 2751 et seq.) may not be made avail-
3 able to any governmental entity of a country if the
4 Secretary of State or the Director of National Intel-
5 ligence has credible information that one or more of-
6 ficials associated with, leading, or otherwise acting
7 under the authority of such entity has committed a
8 gross violation of internationally recognized human
9 rights against a journalist or other person who per-
10 forms, or provides administrative support to, the dis-
11 semination of print, broadcast, internet-based, or so-
12 cial media intended to report newsworthy activities
13 or information, or communicate facts or fact-based
14 opinions. To the maximum extent practicable, a list
15 of such governmental entities shall be published on
16 publicly available websites of the Department of
17 State and of the Office of the Director of National
18 Intelligence and shall be updated on a regular basis.

19 (2) PROMPT INFORMATION.—The Secretary of
20 State shall promptly inform appropriate officials of
21 the government of a country from which assistance
22 is withheld in accordance with the prohibition under
23 paragraph (1).

1 (3) EXCEPTION.—The prohibition under para-
2 graph (1) shall not apply with respect to the fol-
3 lowing:

4 (A) Humanitarian assistance or disaster
5 relief assistance authorized under the Foreign
6 Assistance Act of 1961.

7 (B) Assistance the Secretary determines to
8 be essential to assist the government of a coun-
9 try to bring the responsible members of the rel-
10 evant governmental entity to justice for the acts
11 described in paragraph (1).

12 (4) WAIVER.—

13 (A) IN GENERAL.—The Secretary of State,
14 may waive the prohibition under paragraph (1)
15 with respect to a governmental entity of a coun-
16 try if—

17 (i) the President, acting through the
18 Secretary of State and the Director of Na-
19 tional Intelligence, determines that such a
20 waiver is in the national security interest
21 of the United States; or

22 (ii) the Secretary of State has re-
23 ceived credible information that the gov-
24 ernment of that country has—

1 (I) performed a thorough inves-
2 tigation of the acts described in para-
3 graph (1) and is taking effective steps
4 to bring responsible members of the
5 relevant governmental entity to jus-
6 tice;

7 (II) condemned violations of the
8 freedom of the press and the acts de-
9 scribed in paragraph (1);

10 (III) complied with any requests
11 for information from international or
12 regional human rights organizations
13 with respect to the acts described in
14 paragraph (1), in accordance with
15 international legal obligations to pro-
16 tect the freedom of expression; and

17 (IV) complied with United States
18 Government requests for information
19 with respect to the acts described in
20 paragraph (1).

21 (B) CERTIFICATION.—A waiver described
22 in subparagraph (A) may only take effect if—

23 (i) the Secretary of State certifies, not
24 later than 30 days before the effective date
25 of the waiver, to the Committee on Foreign

1 Affairs and the Committee on Appropria-
2 tions of the House of Representatives and
3 the Committee on Foreign Relations and
4 the Committee on Appropriations of the
5 Senate that such waiver is warranted and
6 includes an unclassified description of the
7 factual basis supporting the certification,
8 which may contain a classified annex; and
9 (ii) the Director of National Intel-
10 ligence, not later than 30 days before the
11 effective date of the waiver, submits to the
12 Permanent Select Committee on Intel-
13 ligence of the House of Representatives
14 and the Select Committee on Intelligence
15 of the Senate a report detailing any under-
16 lying information that the intelligence com-
17 munity (as such term is defined in section
18 3 of the National Security Act of 1947 (50
19 U.S.C. 3003)) has regarding the perpetra-
20 tors of the acts described in paragraph (1),
21 which shall be submitted in unclassified
22 form but may contain a classified annex.

