AMENDMENT TO RULES COMMITTEE PRINT 118-10

OFFERED BY MR. SCHIFF OF CALIFORNIA

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

Subtitle D—Jamal Khashoggi Press Freedom Accountability

SEC. ___. KHASHOGGI AMENDMENT TO THE FOREIGN SOVEREIGN IMMUNITIES ACT.

(a) General Exceptions to the Jurisdictional Immunity of a Foreign State.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (5)(B), by striking “or” at the end;

(2) in paragraph (6), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(7) in which money damages are sought against a foreign state for the personal injury or death of a United States person (as such term is defined in section 5 of the Jamal Khashoggi Press Freedom Accountability Act of 2023) taking place on or after October 2, 2017, anywhere other than on
the territory of that foreign state, where the injury
or death is a direct result of extraterritorial counter-
dissident activities conducted by the defendant for-
eign state or its agents.’’
(b) DEFINITIONS.—Section 1603 of title 28, United
States Code, is amended by adding at the end the fol-
lowing:
“(f) A ‘counter-dissident activity’ includes any activ-
ity that suppress, harass, surveil, threaten, or harm jour-
nalists, activists, or other persons perceived to be dis-
sidents.’’.

(c) EXCEPTIONS TO THE IMMUNITY FROM ATTACH-
MENT OR EXECUTION.—Section 1610 of title 28, United
States Code, is amended by striking “section 1605(a)(2),
(3), or (5)” and inserting “paragraph (2), (3), (5), or (7)
of section 1605(a)”.

SEC. 11. IMPOSITION OF SANCTIONS ON PERSONS RE-
SPONSIBLE FOR THE COMMISSION OF GROSS
VIOLATIONS OF INTERNATIONALLY RECOG-
NIZED HUMAN RIGHTS AGAINST JOURNAL-
ISTS.

(a) LISTING OF PERSONS WHO HAVE COMMITTED
GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED
HUMAN RIGHTS.—
(1) IN GENERAL.—On or after the date on which a person is listed pursuant to paragraph (2), the President shall impose the sanctions described in subsection (b) on each foreign person the President determines, based on credible information, has perpetrated, ordered, or otherwise directed the extrajudicial killing of or other gross violation of internationally recognized human rights committed against a journalist or other person who performs, or provides administrative support to, the dissemination of print, broadcast, internet-based, or social media intended to report newsworthy activities or information, or communicate facts or fact-based opinions.

(2) PUBLICATION OF LIST.—The Secretary of State shall publish on a publicly available website of the Department of State a list of the names of each foreign person determined pursuant to paragraph (1) to have perpetrated, ordered, or directed an act described in such paragraph. Such list shall be updated at least annually.

(3) EXCEPTION.—The President may waive the imposition of sanctions under paragraph (1) (and omit a foreign person from the list published in accordance with paragraph (2)) or terminate such
sanctions and remove a foreign person from such list, if the President certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate—

(A) that public identification of the individual is not in the national interest of the United States, including an unclassified description of the factual basis supporting such certification, which may contain a classified annex; or

(B) that appropriate foreign government authorities have credibly—

(i) investigated the foreign person and, as appropriate, held such person accountable for perpetrating, ordering, or directing the acts described in paragraph (1);

(ii) publicly condemned violations of the freedom of the press and the acts described in paragraph (1);

(iii) complied with any requests for information from international or regional human rights organizations with respect to the acts described in paragraph (1); and
(iv) complied with any United States Government requests for information with respect to the acts described in paragraph (1).

(b) Sanctions Described.—The sanctions described in this subsection are the following:

(1) Asset Blocking.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person identified in the report required under subsection (a)(1) if such property and interests in property are in the United States, come within the United States, or come within the possession or control of a United States person.

(2) Ineligibility for Visas, Admission, or Parole.—

(A) Visas, Admission, or Parole.—An alien described in subsection (a)(1) is—

(i) inadmissible to the United States;

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

and
(iii) otherwise ineligible to be admitted
or paroled into the United States or to re-
ceive any other benefit under the Immig-
ration and Nationality Act (8 U.S.C. 1101 et
seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described
in subsection (a)(1) is subject to revocation
of any visa or other entry documentation
regardless of when the visa or other entry
documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revoca-
tion under clause (i) shall take effect im-
mediately, and automatically cancel any
other valid visa or entry documentation
that is in the alien’s possession.

(3) EXCEPTIONS.—

(A) EXCEPTION FOR INTELLIGENCE AC-
tivities.—The sanctions described in this sub-
section shall not apply to any activity subject to
the reporting requirements under title V of the
National Security Act of 1947 (50 U.S.C. 3091
et seq.) or any authorized intelligence activities
of the United States.
(B) Exception to Comply with International Obligations.—The sanctions described in this subsection shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(e) Implementation; Penalties.—

(1) Implementation.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) Penalties.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a foreign person that violates, attempts to violate, conspires to violate, or causes a violation of this section to the same extent that such penalties apply to a person that commits
an unlawful act described in subsection (a) of such section 206.

(d) EXCEPTION RELATING TO THE IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements to impose sanctions under this subtitle shall not include any authority or requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—For purposes of this subsection, the term “good” means any article, natural or man-made substance, material, supply, or manufactured product, including inspection and test equipment and excluding technical data.

(e) DEFINITIONS.—In this section:

(1) ADMITTED; ALIEN.—The terms “admitted” and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1001).

(2) FOREIGN PERSON.—The term “foreign person” means an individual who is not—

(A) a United States citizen or national; or

(B) an alien lawfully admitted for permanent residence to the United States.

(3) UNITED STATES PERSON.—The term “United States person” means—
(A) a United States citizen, an alien lawfully admitted for permanent residence to the United States, or any other individual subject to the jurisdiction of the United States;

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such entity; or

(C) any person in the United States.

SEC. ___. PROHIBITION ON FOREIGN ASSISTANCE.

(a) Prohibition.—Assistance authorized under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Arms Export Control Act (22 U.S.C. 2751 et seq.) may not be made available to any governmental entity of a country if the Secretary of State or the Director of National Intelligence has credible information that one or more officials associated with, leading, or otherwise acting under the authority of such entity has committed a gross violation of internationally recognized human rights against a journalist or other person who performs, or provides administrative support to, the dissemination of print, broadcast, internet-based, or social media intended to report newsworthy activities or information, or communicate facts or fact-based opinions. To the maximum extent practicable, a list of such governmental entities shall be pub-
lished on publicly available websites of the Department of State and of the Office of the Director of National Intelligence and shall be updated on a regular basis.

(b) PROMPT INFORMATION.—The Secretary of State shall promptly inform appropriate officials of the government of a country from which assistance is withheld in accordance with the prohibition under subsection (a).

(c) EXCEPTION.—The prohibition under subsection (a) shall not apply with respect to the following:

(1) Humanitarian assistance or disaster relief assistance authorized under the Foreign Assistance Act of 1961.

(2) Assistance the Secretary determines to be essential to assist the government of a country to bring the responsible members of the relevant governmental entity to justice for the acts described in subsection (a).

(d) WAIVER.—

(1) IN GENERAL.—The Secretary of State, may waive the prohibition under subsection (a) with respect to a governmental entity of a country if—

(A) the President, acting through the Secretary of State and the Director of National Intelligence, determines that such a waiver is in
the national security interest of the United States; or

(B) the Secretary of State has received credible information that the government of that country has—

(i) performed a thorough investigation of the acts described in subsection (a) and is taking effective steps to bring responsible members of the relevant governmental entity to justice;

(ii) condemned violations of the freedom of the press and the acts described in subsection (a);

(iii) complied with any requests for information from international or regional human rights organizations with respect to the acts described in subsection (a), in accordance with international legal obligations to protect the freedom of expression; and

(iv) complied with United States Government requests for information with respect to the acts described in paragraph (a).
(2) Certification.—A waiver described in paragraph (1) may only take effect if—

(A) the Secretary of State certifies, not later than 30 days before the effective date of the waiver, to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate that such waiver is warranted and includes an unclassified description of the factual basis supporting the certification, which may contain a classified annex; and

(B) the Director of National Intelligence, not later than 30 days before the effective date of the waiver, submits to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report detailing any underlying information that the intelligence community (as such term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) has regarding the perpetrators of the acts described in subsection (a), which shall be
submitted in unclassified form but may contain a classified annex.