

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MR. SCHIFF OF CALIFORNIA

Add at the end of title XVII the following:

1 **Subtitle D—Jamal Khashoggi Press**
2 **Freedom Accountability**

3 **SEC. 1761. KHASHOGGI AMENDMENT TO THE FOREIGN SOV-**
4 **EREIGN IMMUNITIES ACT.**

5 (a) GENERAL EXCEPTIONS TO THE JURISDICTIONAL
6 IMMUNITY OF A FOREIGN STATE.—Section 1605(a) of
7 title 28, United States Code, is amended—

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

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

12 (3) by adding at the end the following:

13 “(7) in which money damages are sought
14 against a foreign state for the personal injury or
15 death of a United States person (as such term is de-
16 fined in section 1762 of the Servicemember Quality
17 of Life Improvement and National Defense Author-
18 ization Act for Fiscal Year 2025) taking place on or
19 after October 2, 2017, anywhere other than on the

1 territory of that foreign state, where the injury or
2 death is a direct result of extraterritorial counter-
3 dissident activities conducted by the defendant for-
4 eign state or its agents.”

5 (b) DEFINITIONS.—Section 1603 of title 28, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 “(f) A ‘counter-dissident activity’ includes any activ-
9 ity that suppress, harass, surveil, threaten, or harm jour-
10 nalists, activists, or other persons perceived to be dis-
11 sidents.”.

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

17 **SEC. 1762. IMPOSITION OF SANCTIONS ON PERSONS RE-**
18 **SPONSIBLE FOR THE COMMISSION OF GROSS**
19 **VIOLATIONS OF INTERNATIONALLY RECOG-**
20 **NIZED HUMAN RIGHTS AGAINST JOURNAL-**
21 **ISTS.**

22 (a) LISTING OF PERSONS WHO HAVE COMMITTED
23 GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED
24 HUMAN RIGHTS.—

1 (1) IN GENERAL.—On or after the date on
2 which a person is listed pursuant to paragraph (2),
3 the President shall impose the sanctions described in
4 subsection (b) on each foreign person the President
5 determines, based on credible information, has per-
6 petrated, ordered, or otherwise directed the
7 extrajudicial killing of or other gross violation of
8 internationally recognized human rights committed
9 against a journalist or other person who performs,
10 or provides administrative support to, the dissemina-
11 tion of print, broadcast, internet-based, or social
12 media intended to report newsworthy activities or in-
13 formation, or communicate facts or fact-based opin-
14 ions.

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

22 (3) EXCEPTION.—The President may waive the
23 imposition of sanctions under paragraph (1) (and
24 omit a foreign person from the list published in ac-
25 cordance with paragraph (2)) or terminate such

1 sanctions and remove a foreign person from such
2 list, if the President certifies to the Committee on
3 Foreign Affairs of the House of Representatives and
4 the Committee on Foreign Relations of the Senate—

5 (A) that public identification of the indi-
6 vidual is not in the national interest of the
7 United States, including an unclassified de-
8 scription of the factual basis supporting such
9 certification, which may contain a classified
10 annex; or

11 (B) that appropriate foreign government
12 authorities have credibly—

13 (i) investigated the foreign person
14 and, as appropriate, held such person ac-
15 countable for perpetrating, ordering, or di-
16 recting the acts described in paragraph
17 (1);

18 (ii) publicly condemned violations of
19 the freedom of the press and the acts de-
20 scribed in paragraph (1);

21 (iii) complied with any requests for in-
22 formation from international or regional
23 human rights organizations with respect to
24 the acts described in paragraph (1); and

1 (iv) complied with any United States
2 Government requests for information with
3 respect to the acts described in paragraph
4 (1).

5 (b) SANCTIONS DESCRIBED.—The sanctions de-
6 scribed in this subsection are the following:

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

18 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR
19 PAROLE.—

20 (A) VISAS, ADMISSION, OR PAROLE.—An
21 alien described in subsection (a)(1) is—

22 (i) inadmissible to the United States;
23 (ii) ineligible to receive a visa or other
24 documentation to enter the United States;
25 and

1 (iii) otherwise ineligible to be admitted
2 or paroled into the United States or to re-
3 ceive any other benefit under the Immigra-
4 tion and Nationality Act (8 U.S.C. 1101 et
5 seq.).

6 (B) CURRENT VISAS REVOKED.—

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

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

17 (3) EXCEPTIONS.—

18 (A) EXCEPTION FOR INTELLIGENCE AC-
19 TIVITIES.—The sanctions described in this sub-
20 section shall not apply to any activity subject to
21 the reporting requirements under title V of the
22 National Security Act of 1947 (50 U.S.C. 3091
23 et seq.) or any authorized intelligence activities
24 of the United States.

1 (B) EXCEPTION TO COMPLY WITH INTER-
2 NATIONAL OBLIGATIONS.—The sanctions de-
3 scribed in this subsection shall not apply with
4 respect to an alien if admitting or paroling the
5 alien into the United States is necessary to per-
6 mit the United States to comply with the
7 Agreement regarding the Headquarters of the
8 United Nations, signed at Lake Success June
9 26, 1947, and entered into force November 21,
10 1947, between the United Nations and the
11 United States, or other applicable international
12 obligations.

13 (c) IMPLEMENTATION; PENALTIES.—

14 (1) IMPLEMENTATION.—The President may ex-
15 ercise all authorities provided under sections 203
16 and 205 of the International Emergency Economic
17 Powers Act (50 U.S.C. 1702 and 1704) to carry out
18 this section.

19 (2) PENALTIES.—The penalties provided for in
20 subsections (b) and (c) of section 206 of the Inter-
21 national Emergency Economic Powers Act (50
22 U.S.C. 1705) shall apply to a foreign person that
23 violates, attempts to violate, conspires to violate, or
24 causes a violation of this section to the same extent
25 that such penalties apply to a person that commits

1 an unlawful act described in subsection (a) of such
2 section 206.

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

5 (1) IN GENERAL.—The authorities and require-
6 ments to impose sanctions under this subtitle shall
7 not include any authority or requirement to impose
8 sanctions on the importation of goods.

9 (2) GOOD DEFINED.—For purposes of this sub-
10 section, the term “good” means any article, natural
11 or man-made substance, material, supply, or manu-
12 factured product, including inspection and test
13 equipment and excluding technical data.

14 (e) DEFINITIONS.—In this section:

15 (1) ADMITTED; ALIEN.—The terms “admitted”
16 and “alien” have the meanings given those terms in
17 section 101 of the Immigration and Nationality Act
18 (8 U.S.C. 1001).

19 (2) FOREIGN PERSON.—The term “foreign per-
20 son” means an individual who is not—

21 (A) a United States citizen or national; or

22 (B) an alien lawfully admitted for perma-
23 nent residence to the United States.

24 (3) UNITED STATES PERSON.—The term
25 “United States person” means—

1 (A) a United States citizen, an alien law-
2 fully admitted for permanent residence to the
3 United States, or any other individual subject
4 to the jurisdiction of the United States;

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

9 (C) any person in the United States.

10 **SEC. 1763. PROHIBITION ON FOREIGN ASSISTANCE.**

11 (a) PROHIBITION.—Assistance authorized under the
12 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)
13 or the Arms Export Control Act (22 U.S.C. 2751 et seq.)
14 may not be made available to any governmental entity of
15 a country if the Secretary of State or the Director of Na-
16 tional Intelligence has credible information that one or
17 more officials associated with, leading, or otherwise acting
18 under the authority of such entity has committed a gross
19 violation of internationally recognized human rights
20 against a journalist or other person who performs, or pro-
21 vides administrative support to, the dissemination of print,
22 broadcast, internet-based, or social media intended to re-
23 port newsworthy activities or information, or communicate
24 facts or fact-based opinions. To the maximum extent prac-
25 ticable, a list of such governmental entities shall be pub-

1 lished on publicly available websites of the Department of
2 State and of the Office of the Director of National Intel-
3 ligence and shall be updated on a regular basis.

4 (b) PROMPT INFORMATION.—The Secretary of State
5 shall promptly inform appropriate officials of the govern-
6 ment of a country from which assistance is withheld in
7 accordance with the prohibition under subsection (a).

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

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

13 (2) Assistance the Secretary determines to be
14 essential to assist the government of a country to
15 bring the responsible members of the relevant gov-
16 ernmental entity to justice for the acts described in
17 subsection (a).

18 (d) WAIVER.—

19 (1) IN GENERAL.—The Secretary of State, may
20 waive the prohibition under subsection (a) with re-
21 spect to a governmental entity of a country if—

22 (A) the President, acting through the Sec-
23 retary of State and the Director of National In-
24 telligence, determines that such a waiver is in

1 the national security interest of the United
2 States; or

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

6 (i) performed a thorough investigation
7 of the acts described in subsection (a) and
8 is taking effective steps to bring respon-
9 sible members of the relevant governmental
10 entity to justice;

11 (ii) condemned violations of the free-
12 dom of the press and the acts described in
13 subsection (a);

14 (iii) complied with any requests for in-
15 formation from international or regional
16 human rights organizations with respect to
17 the acts described in subsection (a), in ac-
18 cordance with international legal obliga-
19 tions to protect the freedom of expression;
20 and

21 (iv) complied with United States Gov-
22 ernment requests for information with re-
23 spect to the acts described in paragraph
24 (a).

1 (2) CERTIFICATION.—A waiver described in
2 paragraph (1) may only take effect if—

3 (A) the Secretary of State certifies, not
4 later than 30 days before the effective date of
5 the waiver, to the Committee on Foreign Af-
6 fairs and the Committee on Appropriations of
7 the House of Representatives and the Com-
8 mittee on Foreign Relations and the Committee
9 on Appropriations of the Senate that such waiv-
10 er is warranted and includes an unclassified de-
11 scription of the factual basis supporting the cer-
12 tification, which may contain a classified annex;
13 and

14 (B) the Director of National Intelligence,
15 not later than 30 days before the effective date
16 of the waiver, submits to the Permanent Select
17 Committee on Intelligence of the House of Rep-
18 resentatives and the Select Committee on Intel-
19 ligence of the Senate a report detailing any un-
20 derlying information that the intelligence com-
21 munity (as such term is defined in section 3 of
22 the National Security Act of 1947 (50 U.S.C.
23 3003)) has regarding the perpetrators of the
24 acts described in subsection (a), which shall be

- 1 submitted in unclassified form but may contain
- 2 a classified annex.

