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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

# H. R.

To protect journalists and other members of the press from gross violations of internationally recognized human rights, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. SCHIFF introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To protect journalists and other members of the press from gross violations of internationally recognized human rights, and for other purposes.

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.**

4 This Act may be cited as the “Jamal Khashoggi  
5 Press Freedom Accountability Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) A free and independent press is necessary  
2           for citizens to make informed choices on issues of  
3           public concern, to have the information necessary to  
4           recognize truth from falsehood, and to hold the pow-  
5           erful and government officials to account.

6           (2) As reflected in the First Amendment to the  
7           United States Constitution, a free press is essential  
8           to safeguard democracy.

9           (3) The suppression of the press is historically  
10          associated with authoritarian rule.

11          (4) As provided in Article 19 of the United Na-  
12          tions Universal Declaration of Human Rights and  
13          the International Covenant on Civil and Political  
14          Rights, all people enjoy the right to freedom of opin-  
15          ion and expression, which includes the right to seek,  
16          receive, and impart information.

17          (5) An informed public is fundamental to a free  
18          society.

19          (6) In accordance with a long United States  
20          history of championing freedom of the press around  
21          the globe, the Daniel Pearl Freedom of the Press  
22          Act of 2009 was enacted into law (Public Law 111-  
23          166).

24          (7) Since the passage of the Daniel Pearl Free-  
25          dom of the Press Act of 2009, the global environ-

1       ment for a free and independent press has become  
2       more repressive.

3           (8) According to 2020 data from the Committee  
4       to Protect Journalists, for the fifth consecutive year,  
5       at least 250 journalists were imprisoned globally in  
6       2020, and there was complete impunity in an esti-  
7       mated 86 percent of cases of murdered journalists in  
8       the last decade.

9           (9) According to 2019 data from Freedom  
10       House, in seven of the last 10 years, more countries  
11       have seen declines in press freedom scores than im-  
12       provements. In the last five years, nearly 50 percent  
13       more countries have seen a net decline in press free-  
14       dom.

15          (10) According to 2019 data from Reporters  
16       Without Borders, 63 percent of the journalists killed  
17       last year were deliberately targeted and 59 percent  
18       were killed outside warzones.

19          (11) In 2018, the brutal murder of Jamal  
20       Khashoggi at the hands of Saudi intelligence officers  
21       acting on explicit orders of the Saudi Government  
22       underscored the extent to which those in power will  
23       go to stifle the freedom of expression, silence their  
24       critics, and eliminate the threat they believe inde-  
25       pendent journalists pose to their rule.

1 **SEC. 3. EXPANDING SCOPE OF HUMAN RIGHTS REPORTS**  
2 **WITH RESPECT TO VIOLATIONS OF HUMAN**  
3 **RIGHTS OF JOURNALISTS.**

4 The Foreign Assistance Act of 1961 (22 U.S.C. 2151  
5 et seq.) is amended as follows:

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

7 (A) in subparagraph (B)—

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

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

12 (B) in subparagraph (C)(ii), by striking  
13 “ensure the prosecution” and all that follows to  
14 the end of the clause and inserting “ensure the  
15 investigation, prosecution, and conviction of  
16 government officials or private individuals who  
17 engage in or facilitate digital or physical at-  
18 tacks, including hacking, censorship, surveil-  
19 lance, harassment, unlawful imprisonment, or  
20 bodily harm, against journalists and others who  
21 perform, or provide administrative support to,  
22 the dissemination of print, broadcast, Internet-  
23 based, or social media intended to communicate  
24 facts or opinion.”;

25 (C) by redesignating subparagraphs (B)  
26 and (C) (as amended by subparagraph (A) of

1 this section) as subparagraphs (C) and (D), re-  
2 spectively; and

3 (D) by inserting after subparagraph (A)  
4 the following new subparagraph:

5 “(B) an identification of countries in which  
6 there were gross violations of internationally  
7 recognized human rights (as such term is de-  
8 fined for purposes of section 502B) committed  
9 against journalists;”.

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

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

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

16 (ii) by inserting “or surveillance”  
17 after “sources of pressure”;

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

22 (C) by inserting after paragraph (1) the  
23 following new paragraph:

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

4 **SEC. 4. IMPOSITION OF SANCTIONS ON PERSONS RESPON-**  
5 **SIBLE FOR THE COMMISSION OF GROSS VIO-**  
6 **LATIONS OF INTERNATIONALLY RECOGNIZED**  
7 **HUMAN RIGHTS AGAINST JOURNALISTS.**

8           (a) LISTING OF PERSONS WHO HAVE COMMITTED  
9 GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED  
10 HUMAN RIGHTS.—

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

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

8           (3) EXCEPTION.—The President may waive the  
9 imposition of sanctions under paragraph (1) (and  
10 omit a foreign person from the list published in ac-  
11 cordance with paragraph (2)) or terminate such  
12 sanctions and remove a foreign person from such  
13 list, if the President certifies to the Committee on  
14 Foreign Affairs of the House of Representatives and  
15 the Committee on Foreign Relations of the Senate—

16           (A) that public identification of the indi-  
17 vidual is not in the national interest of the  
18 United States, including an unclassified de-  
19 scription of the factual basis supporting such  
20 certification, which may contain a classified  
21 annex; or

22           (B) that appropriate foreign government  
23 authorities have credibly—

24           (i) investigated the foreign person  
25 and, as appropriate, held such person ac-

1 countable for perpetrating, ordering, or di-  
2 recting the acts described in paragraph  
3 (1);

4 (ii) publicly condemned violations of  
5 the freedom of the press and the acts de-  
6 scribed in paragraph (1);

7 (iii) complied with any requests for in-  
8 formation from international or regional  
9 human rights organizations with respect to  
10 the acts described in paragraph (1); and

11 (iv) complied with any United States  
12 Government requests for information with  
13 respect to the acts described in paragraph  
14 (1).

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

17 (1) ASSET BLOCKING.—The President shall ex-  
18 ercise all of the powers granted to the President  
19 under the International Emergency Economic Pow-  
20 ers Act (50 U.S.C. 1701 et seq.) to the extent nec-  
21 essary to block and prohibit all transactions in prop-  
22 erty and interests in property of a foreign person  
23 identified in the report required under subsection  
24 (a)(1) if such property and interests in property are  
25 in the United States, come within the United States,

1 or come within the possession or control of a United  
2 States person.

3 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR  
4 PAROLE.—

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

7 (i) inadmissible to the United States;

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

10 and

11 (iii) otherwise ineligible to be admitted  
12 or paroled into the United States or to re-  
13 ceive any other benefit under the Immigra-  
14 tion and Nationality Act (8 U.S.C. 1101 et  
15 seq.).

16 (B) CURRENT VISAS REVOKED.—

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

22 (ii) IMMEDIATE EFFECT.—A revoca-  
23 tion under clause (i) shall take effect im-  
24 mediately, and automatically cancel any

1           other valid visa or entry documentation  
2           that is in the alien's possession.

3           (3) EXCEPTIONS.—

4           (A) EXCEPTION FOR INTELLIGENCE AC-  
5           TIVITIES.—The sanctions described in this sub-  
6           section shall not apply to any activity subject to  
7           the reporting requirements under title V of the  
8           National Security Act of 1947 (50 U.S.C. 3091  
9           et seq.) or any authorized intelligence activities  
10          of the United States.

11          (B) EXCEPTION TO COMPLY WITH INTER-  
12          NATIONAL OBLIGATIONS.—The sanctions de-  
13          scribed in this subsection shall not apply with  
14          respect to an alien if admitting or paroling the  
15          alien into the United States is necessary to per-  
16          mit the United States to comply with the  
17          Agreement regarding the Headquarters of the  
18          United Nations, signed at Lake Success June  
19          26, 1947, and entered into force November 21,  
20          1947, between the United Nations and the  
21          United States, or other applicable international  
22          obligations.

23          (c) IMPLEMENTATION; PENALTIES.—

24          (1) IMPLEMENTATION.—The President may ex-  
25          ercise all authorities provided under sections 203

1 and 205 of the International Emergency Economic  
2 Powers Act (50 U.S.C. 1702 and 1704) to carry out  
3 this section.

4 (2) PENALTIES.—The penalties provided for in  
5 subsections (b) and (c) of section 206 of the Inter-  
6 national Emergency Economic Powers Act (50  
7 U.S.C. 1705) shall apply to a foreign person that  
8 violates, attempts to violate, conspires to violate, or  
9 causes a violation of this section to the same extent  
10 that such penalties apply to a person that commits  
11 an unlawful act described in subsection (a) of such  
12 section 206.

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

15 (1) IN GENERAL.—The authorities and require-  
16 ments to impose sanctions under this Act shall not  
17 include any authority or requirement to impose sanc-  
18 tions on the importation of goods.

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

24 (e) DEFINITIONS.—In this section:

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

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

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

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

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

12                   (A) a United States citizen, an alien law-  
13           fully admitted for permanent residence to the  
14           United States, or any other individual subject  
15           to the jurisdiction of the United States;

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

20                   (C) any person in the United States.

21 **SEC. 5. PROHIBITION ON FOREIGN ASSISTANCE.**

22          (a) PROHIBITION.—Assistance authorized under the  
23          Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)  
24          or the Arms Export Control Act (22 U.S.C. 2751 et seq.)  
25          may not be made available to any governmental entity of

1 a country if the Secretary of State or the Director of Na-  
2 tional Intelligence has credible information that one or  
3 more officials associated with, leading, or otherwise acting  
4 under the authority of such entity has committed a gross  
5 violation of internationally recognized human rights  
6 against a journalist or other person who performs, or pro-  
7 vides administrative support to, the dissemination of print,  
8 broadcast, Internet-based, or social media intended to re-  
9 port newsworthy activities or information, or communicate  
10 facts or fact-based opinions. To the maximum extent prac-  
11 ticable, a list of such governmental entities shall be pub-  
12 lished on publicly available websites of the Department of  
13 State and of the Office of the Director of National Intel-  
14 ligence and shall be updated on a regular basis.

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

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

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

24 (2) Assistance the Secretary determines to be  
25 essential to assist the government of a country to

1 bring the responsible members of the relevant gov-  
2 ernmental entity to justice for the acts described in  
3 subsection (a).

4 (d) WAIVER.—

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

8 (A) the President, acting through the Sec-  
9 retary of State and the Director of National In-  
10 telligence, determines that such a waiver is in  
11 the national security interest of the United  
12 States; or

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

16 (i) performed a thorough investigation  
17 of the acts described in subsection (a) and  
18 is taking effective steps to bring respon-  
19 sible members of the relevant governmental  
20 entity to justice;

21 (ii) condemned violations of the free-  
22 dom of the press and the acts described in  
23 subsection (a);

24 (iii) complied with any requests for in-  
25 formation from international or regional

1 human rights organizations with respect to  
2 the acts described in subsection (a), in ac-  
3 cordance with international legal obliga-  
4 tions to protect the freedom of expression;  
5 and

6 (iv) complied with United States Gov-  
7 ernment requests for information with re-  
8 spect to the acts described in paragraph  
9 (a).

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

12 (A) the Secretary of State certifies, not  
13 later than 30 days before the effective date of  
14 the waiver, to the Committee on Foreign Af-  
15 fairs and the Committee on Appropriations of  
16 the House of Representatives and the Com-  
17 mittee on Foreign Relations and the Committee  
18 on Appropriations of the Senate that such waiv-  
19 er is warranted and includes an unclassified de-  
20 scription of the factual basis supporting the cer-  
21 tification, which may contain a classified annex;  
22 and

23 (B) the Director of National Intelligence,  
24 not later than 30 days before the effective date  
25 of the waiver, submits to the Permanent Select

1           Committee on Intelligence of the House of Rep-  
2           resentatives and the Select Committee on Intel-  
3           ligence of the Senate a report detailing any un-  
4           derlying information that the intelligence com-  
5           munity (as such term is defined in section 3 of  
6           the National Security Act of 1947 (50 U.S.C.  
7           3003)) has regarding the perpetrators of the  
8           acts described in subsection (a), which shall be  
9           submitted in unclassified form but may contain  
10          a classified annex.