

116TH CONGRESS
2D SESSION

H. R. 8641

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2020

Mr. SCHIFF (for himself, Mr. McGOVERN, Mr. HASTINGS, Mr. TAKANO, Ms. WILD, Mr. SAN NICOLAS, Mr. GREEN of Texas, Ms. SCHAKOWSKY, Mr. KHANNA, Ms. NORTON, Mr. DEUTCH, Mr. RASKIN, Ms. LEE of California, Mrs. BUSTOS, Mr. SIRES, Mr. COHEN, and Mr. NEGUSE) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 2020”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

11 (3) The suppression of the press is historically
12 associated with authoritarian rule.

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

19 (5) An informed public is fundamental to a free
20 society.

21 (6) In accordance with a long United States
22 history of championing freedom of the press around
23 the globe, the Daniel Pearl Freedom of the Press
24 Act of 2009 was enacted into law (Public Law 111–
25 166).

1 (7) Since the passage of the Daniel Pearl Free-
2 dom of the Press Act of 2009, the global environ-
3 ment for a free and independent press has become
4 more repressive.

5 (8) According to 2019 data from the Committee
6 to Protect Journalists, for the fourth consecutive
7 year, at least 248 journalists were imprisoned glob-
8 ally in 2019, and in 96 percent of the 337 cases in
9 which journalists were murdered for their work
10 worldwide in the preceding decade, either no pepe-
11 trator was successfully prosecuted or only some of
12 the suspected perpetrators were convicted.

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

19 (10) According to 2019 data from Reporters
20 Without Borders, 63 percent of the journalists killed
21 last year were deliberately targeted and 59 percent
22 were killed outside warzones.

23 (11) In 2018, the brutal murder of Jamal
24 Khashoggi at the hands of Saudi intelligence officers
25 acting on explicit orders of the Saudi Government

1 underscored the extent to which those in power will
2 go to stifle the freedom of expression, silence their
3 critics, and eliminate the threat they believe inde-
4 pendent journalists pose to their rule.

5 **SEC. 3. EXPANDING SCOPE OF HUMAN RIGHTS REPORTS**
6 **WITH RESPECT TO VIOLATIONS OF HUMAN**
7 **RIGHTS OF JOURNALISTS.**

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

- 10 (1) In paragraph (12) of section 116(d)—
- 11 (A) in subparagraph (B)—
- 12 (i) by inserting “or online harass-
- 13 ment” after “direct physical attacks”; and
- 14 (ii) by inserting “or surveillance”
- 15 after “sources of pressure”;
- 16 (B) in subparagraph (C)(ii), by striking
- 17 “ensure the prosecution” and all that follows to
- 18 the end of the clause and inserting “ensure the
- 19 investigation, prosecution, and conviction of
- 20 government officials or private individuals who
- 21 engage in or facilitate digital or physical at-
- 22 tacks, including hacking, censorship, surveil-
- 23 lance, harassment, unlawful imprisonment, or
- 24 bodily harm, against journalists and others who
- 25 perform, or provide administrative support to,

1 the dissemination of print, broadcast, internet-
2 based, or social media intended to communicate
3 facts or opinion.”;

4 (C) by redesignating subparagraphs (B)
5 and (C) (as amended by subparagraph (A) of
6 this section) as subparagraphs (C) and (D), re-
7 spectively; and

8 (D) by inserting after subparagraph (A)
9 the following new subparagraph:

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

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

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

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

21 (ii) by inserting “or surveillance”
22 after “sources of pressure”;

23 (B) by redesignating paragraph (2) (as
24 amended by subparagraph (A) of this section)

1 and paragraph (3) as paragraphs (3) and (4),
2 respectively; and

3 (C) by inserting after paragraph (1) the
4 following new paragraph:

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

8 **SEC. 4. IMPOSITION OF SANCTIONS ON PERSONS RESPON-**
9 **SIBLE FOR THE COMMISSION OF GROSS VIO-**
10 **LATIONS OF INTERNATIONALLY RECOGNIZED**
11 **HUMAN RIGHTS AGAINST JOURNALISTS.**

12 (a) LISTING OF PERSONS WHO HAVE COMMITTED
13 GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED
14 HUMAN RIGHTS.—

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

1 media intended to report newsworthy activities or in-
2 formation, or communicate facts or fact-based opin-
3 ions.

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

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

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

1 (B) that appropriate foreign government
2 authorities have credibly—

3 (i) investigated the foreign person
4 and, as appropriate, held such person ac-
5 countable for perpetrating, ordering, or di-
6 recting the acts described in paragraph
7 (1);

8 (ii) publicly condemned violations of
9 the freedom of the press and the acts de-
10 scribed in paragraph (1);

11 (iii) complied with any requests for in-
12 formation from international or regional
13 human rights organizations with respect to
14 the acts described in paragraph (1); and

15 (iv) complied with any United States
16 Government requests for information with
17 respect to the acts described in paragraph
18 (1).

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

21 (1) ASSET BLOCKING.—The President shall ex-
22 ercise all of the powers granted to the President
23 under the International Emergency Economic Pow-
24 ers Act (50 U.S.C. 1701 et seq.) to the extent nec-
25 essary to block and prohibit all transactions in prop-

erty 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 receive any other benefit under the Immigration 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.

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

6 (3) EXCEPTIONS.—

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

14 (B) EXCEPTION TO COMPLY WITH INTER-
15 NATIONAL OBLIGATIONS.—The sanctions de-
16 scribed in this subsection shall not apply with
17 respect to an alien if admitting or paroling the
18 alien into the United States is necessary to per-
19 mit the United States to comply with the
20 Agreement regarding the Headquarters of the
21 United Nations, signed at Lake Success June
22 26, 1947, and entered into force November 21,
23 1947, between the United Nations and the
24 United States, or other applicable international
25 obligations.

1 (c) IMPLEMENTATION; PENALTIES.—

2 (1) IMPLEMENTATION.—The President may ex-
3 ercise all authorities provided under sections 203
4 and 205 of the International Emergency Economic
5 Powers Act (50 U.S.C. 1702 and 1704) to carry out
6 this section.

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

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

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

22 (2) GOOD DEFINED.—For purposes of this sub-
23 section, the term “good” means any article, natural
24 or man-made substance, material, supply, or manu-

1 factured product, including inspection and test
2 equipment and excluding technical data.

3 (e) DEFINITIONS.—In this section:

4 (1) ADMITTED; ALIEN.—The terms “admitted”
5 and “alien” have the meanings given those terms in
6 section 101 of the Immigration and Nationality Act
7 (8 U.S.C. 1001).

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

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

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

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

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

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

23 (C) any person in the United States.

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

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

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

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

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

4 (2) Assistance the Secretary determines to be
5 essential to assist the government of a country to
6 bring the responsible members of the relevant gov-
7 ernmental entity to justice for the acts described in
8 subsection (a).

9 (d) WAIVER.—

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

13 (A) the President, acting through the Sec-
14 retary of State and the Director of National In-
15 telligence, determines that such a waiver is in
16 the national security interest of the United
17 States; or

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

21 (i) performed a thorough investigation
22 of the acts described in subsection (a) and
23 is taking effective steps to bring respon-
24 sible members of the relevant governmental
25 entity to justice;

1 (ii) condemned violations of the free-
2 dom of the press and the acts described in
3 subsection (a);

4 (iii) complied with any requests for in-
5 formation from international or regional
6 human rights organizations with respect to
7 the acts described in subsection (a), in ac-
8 cordance with international legal obliga-
9 tions to protect the freedom of expression;
10 and

11 (iv) complied with United States Gov-
12 ernment requests for information with re-
13 spect to the acts described in paragraph
14 (a).

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

17 (A) the Secretary of State certifies, not
18 later than 30 days before the effective date of
19 the waiver, to the Committee on Foreign Af-
20 fairs and the Committee on Appropriations of
21 the House of Representatives and the Com-
22 mittee on Foreign Relations and the Committee
23 on Appropriations of the Senate that such waiv-
24 er is warranted and includes an unclassified de-
25 scription of the factual basis supporting the cer-

1 tification, which may contain a classified annex;
2 and

3 (B) the Director of National Intelligence,
4 not later than 30 days before the effective date
5 of the waiver, submits to the Permanent Select
6 Committee on Intelligence of the House of Rep-
7 resentatives and the Select Committee on Intel-
8 ligence of the Senate a report detailing any un-
9 derlying information that the intelligence com-
10 munity (as such term is defined in section 3 of
11 the National Security Act of 1947 (50 U.S.C.
12 3003)) has regarding the perpetrators of the
13 acts described in subsection (a), which shall be
14 submitted in unclassified form but may contain
15 a classified annex.

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