

117TH CONGRESS
1ST SESSION

S. 226

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2021

Ms. KLOBUCHAR (for herself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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:

8 (1) A free and independent press is necessary
9 for citizens to make informed choices on issues of
10 public concern, to have the information necessary to

1 recognize truth from falsehood, and to hold the pow-
2 erful and government officials to account.

3 (2) As reflected in the First Amendment to the
4 United States Constitution, a free press is essential
5 to safeguard democracy.

6 (3) The suppression of the press is historically
7 associated with authoritarian rule.

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

14 (5) An informed public is fundamental to a free
15 society.

16 (6) In accordance with a long United States
17 history of championing freedom of the press around
18 the globe, the Daniel Pearl Freedom of the Press
19 Act of 2009 (Public Law 111–166; 124 Stat. 1186)
20 was enacted into law.

21 (7) Since the passage of the Daniel Pearl Free-
22 dom of the Press Act of 2009, the global environ-
23 ment for a free and independent press has become
24 more repressive.

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

7 (9) According to 2019 data from Freedom
8 House, in 7 of the preceding 10 years, more coun-
9 tries saw declines in press freedom scores than im-
10 provements. In the preceding 5 years, nearly 50 per-
11 cent more countries saw a net decline in press free-
12 dom.

13 (10) According to 2019 data from Reporters
14 Without Borders, 63 percent of the journalists killed
15 in 2019 were deliberately targeted and 59 percent
16 were killed outside war zones.

17 (11) In 2018, the brutal murder of Jamal
18 Khashoggi at the hands of Saudi intelligence officers
19 acting on explicit orders of the Government of Saudi
20 Arabia underscored the extent to which those in
21 power will go to stifle the freedom of expression, si-
22 lence their critics, and eliminate the threat they be-
23 lieve independent journalists pose to their rule.

1 **SEC. 3. EXPANDING SCOPE OF HUMAN RIGHTS REPORTS**
 2 **WITH RESPECT TO VIOLATIONS OF INTER-**
 3 **NATIONALLY RECOGNIZED HUMAN RIGHTS**
 4 **AGAINST JOURNALISTS.**

5 The Foreign Assistance Act of 1961 (22 U.S.C. 2151
 6 et seq.) is amended—

7 (1) in section 116(d)(12) (22 U.S.C.
 8 2151n(d)(12))—

9 (A) in subparagraph (B), by striking “di-
 10 rect physical attacks” and all that follows
 11 through “pressure,” and inserting the following:
 12 “gross violations of internationally recognized
 13 human rights (as defined in section 502B), di-
 14 rect physical attacks, online harassment, im-
 15 prisonment, indirect sources of pressure, sur-
 16 veillance,”; and

17 (B) in subparagraph (C)(ii), by striking
 18 “ensure the prosecution” and all that follows
 19 through the end period and inserting “ensure
 20 the investigation, prosecution, and proper pun-
 21 ishment of government officials or private indi-
 22 viduals who engage in or facilitate murder, un-
 23 lawful imprisonment, bodily harm, digital or
 24 physical attacks, including hacking, censorship,
 25 surveillance, or harassment against journalists
 26 and others who perform, or provide administra-

tive support to, the dissemination of print, broadcast, internet-based, or social media intended to communicate facts or opinion.”; and (2) in section 502B (22 U.S.C. 2304)—

(A) in the first subsection (i), in paragraph (2), by striking “direct physical attacks” and all that follows through “pressure,” and inserting the following: “gross violations of internationally recognized human rights, direct physical attacks, online harassment, imprisonment, indirect sources of pressure, surveillance,”; and

(B) by redesignating the second subsection (i) as subsection (j).

SEC. 4. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS RESPONSIBLE FOR THE COMMISSION OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS AGAINST JOURNALISTS.

(a) IDENTIFICATION.—

(1) IN GENERAL.—The President shall identify foreign persons that the President determines, based on credible information, have perpetrated, ordered, or otherwise directly or indirectly participated in the extrajudicial killing of or other gross violation of internationally recognized human rights committed

1 against a journalist or other person who performs,
 2 or provides administrative support to, the dissemina-
 3 tion of print, broadcast, internet-based, or social
 4 media intended to report newsworthy activities or in-
 5 formation or communicate facts or fact-based opin-
 6 ions.

7 (2) PUBLICATION OF LIST.—The Secretary of
 8 State shall—

9 (A) publish on a publicly available website
 10 of the Department of State a list of each for-
 11 eign person identified under paragraph (1); and

12 (B) update that list not less frequently
 13 than annually.

14 (b) IMPOSITION OF SANCTIONS.—The President shall
 15 impose the sanctions described in subsection (c) with re-
 16 spect to each foreign person included in the list published
 17 under subsection (a)(2) on and after the date on which
 18 the person is first included in that list.

19 (c) 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 included in the list published under subsection (a)(2) if such property and interests in property are in the United States, come within the United States, or are 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 (d) IMPLEMENTATION; PENALTIES.—

7 (1) IMPLEMENTATION.—The President may ex-
8 ercise all authorities provided under sections 203
9 and 205 of the International Emergency Economic
10 Powers Act (50 U.S.C. 1702 and 1704) to carry out
11 this section.

12 (2) PENALTIES.—The penalties provided for in
13 subsections (b) and (c) of section 206 of the Inter-
14 national Emergency Economic Powers Act (50
15 U.S.C. 1705) shall apply to a person that violates,
16 attempts to violate, conspires to violate, or causes a
17 violation of this section to the same extent that such
18 penalties apply to a person that commits an unlaw-
19 ful act described in subsection (a) of such section
20 206.

21 (e) WAIVER AND TERMINATION OF SANCTIONS.—

22 (1) IN GENERAL.—The President may waive
23 the requirement to include a foreign person on the
24 list published under subsection (a)(2) and to impose
25 sanctions with respect to that person, or may remove

1 a foreign person from the list and terminate any
2 sanctions imposed with respect to that person, if the
3 President submits to the Committee on Foreign Af-
4 fairs of the House of Representatives and the Com-
5 mittee on Foreign Relations of the Senate a certifi-
6 cation that—

7 (A) the waiver or removal is in the na-
8 tional interest of the United States; or

9 (B) appropriate foreign government offi-
10 cials have—

11 (i) credibly and thoroughly inves-
12 tigated the foreign person and, as appro-
13 priate, brought the person to justice for
14 perpetrating, ordering, or otherwise di-
15 rectly or indirectly participating in acts de-
16 scribed in subsection (a)(1);

17 (ii) publicly condemned such acts and
18 violations of freedom of the press; and

19 (iii) complied with any requests from
20 the United States Government for informa-
21 tion with respect to such acts.

22 (2) FORM OF CERTIFICATION.—Each certifi-
23 cation submitted under paragraph (1)—

1 (A) shall be submitted in unclassified form
2 and include an unclassified description of the
3 factual basis supporting the certification; and

4 (B) may include a classified annex.

5 (f) EXCEPTIONS.—

6 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
7 TIES.—The sanctions described in subsection (c)
8 shall not apply to any activity subject to the report-
9 ing requirements under title V of the National Secu-
10 rity Act of 1947 (50 U.S.C. 3091 et seq.) or any au-
11 thorized intelligence activities of the United States.

12 (2) EXCEPTION TO COMPLY WITH INTER-
13 NATIONAL OBLIGATIONS.—The sanctions described
14 in subsection (c)(2) shall not apply with respect to
15 an alien if admitting or paroling the alien into the
16 United States is necessary to permit the United
17 States to comply with the Agreement regarding the
18 Headquarters of the United Nations, signed at Lake
19 Success June 26, 1947, and entered into force No-
20 vember 21, 1947, between the United Nations and
21 the United States, or other applicable international
22 obligations.

23 (3) EXCEPTION RELATING TO THE IMPORTA-
24 TION OF GOODS.—

1 (A) IN GENERAL.—The authorities and re-
 2 quirements to impose sanctions under this sec-
 3 tion shall not include any authority or require-
 4 ment to impose sanctions on the importation of
 5 goods.

6 (B) GOOD DEFINED.—In this subsection,
 7 the term “good” means any article, natural or
 8 manmade substance, material, supply, or manu-
 9 factured product, including inspection and test
 10 equipment and excluding technical data.

11 (g) DEFINITIONS.—In this section:

12 (1) ADMITTED; ALIEN.—The terms “admitted”
 13 and “alien” have the meanings given those terms in
 14 section 101 of the Immigration and Nationality Act
 15 (8 U.S.C. 1101).

16 (2) FOREIGN PERSON.—The term “foreign per-
 17 son” means an individual who is not a United States
 18 citizen or an alien lawfully admitted for permanent
 19 residence to the United States.

20 (3) GROSS VIOLATION OF INTERNATIONALLY
 21 RECOGNIZED HUMAN RIGHTS.—The term “gross vio-
 22 lation of internationally recognized human rights”
 23 has the meaning given that term in section 502B of
 24 the Foreign Assistance Act of 1961 (22 U.S.C.
 25 2304).

1 (4) UNITED STATES PERSON.—The term
2 “United States person” means—

3 (A) a United States citizen or an alien law-
4 fully admitted for permanent residence to the
5 United States;

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

10 (C) any person in the United States.

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

12 (a) PROHIBITION.—Assistance authorized under the
13 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)
14 or the Arms Export Control Act (22 U.S.C. 2751 et seq.)
15 may not be made available to any governmental entity of
16 a country if the Secretary of State or the Director of Na-
17 tional Intelligence has credible information that one or
18 more senior officials acting under the authority of such
19 entity has committed, ordered, or otherwise directly or in-
20 directly participated in a gross violation of internationally
21 recognized human rights against a journalist or other per-
22 son who performs, or provides administrative support to,
23 the dissemination of print, broadcast, internet-based, or
24 social media intended to report newsworthy activities or
25 information, or communicate facts or fact-based opinions.

1 To the maximum extent practicable, a list of such govern-
 2 mental entities shall be published on publicly available
 3 websites of the Department of State and of the Office of
 4 the Director of National Intelligence and shall be updated
 5 on a regular basis.

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

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

12 (1) Humanitarian assistance or disaster relief
 13 authorized under the Foreign Assistance Act of
 14 1961.

15 (2) Assistance the Secretary determines would
 16 assist the government of a country to bring the re-
 17 sponsible members of the relevant governmental en-
 18 tity to justice for the acts described in subsection
 19 (a).

20 (d) WAIVER.—

21 (1) IN GENERAL.—The President may waive
 22 the prohibition under subsection (a) with respect to
 23 a governmental entity of a country if—

24 (A) the President, acting through the Sec-
 25 retary of State and the Director of National In-

1 telligence, determines that such a waiver is in
2 the national interest of the United 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 credible and thorough
7 investigation of the acts described in sub-
8 section (a) and is taking effective steps to
9 bring responsible members of the relevant
10 governmental entity to justice;

11 (ii) condemned violations of freedom
12 of the press and the acts described in sub-
13 section (a); and

14 (iii) complied with United States Gov-
15 ernment requests for information with re-
16 spect to the acts described in subsection
17 (a).

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

20 (A) the President certifies, not later than
21 30 days before the effective date of the waiver,
22 to the Committee on Foreign Affairs and the
23 Committee on Appropriations of the House of
24 Representatives and the Committee on Foreign
25 Relations and the Committee on Appropriations

1 of the Senate that such waiver is warranted and
2 includes an unclassified description of the fac-
3 tual basis supporting the certification, which
4 may contain a classified annex; and

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

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