

113TH CONGRESS  
2D SESSION

# H. R. 5390

To impose sanctions against persons who knowingly provide material support or resources to the Donbass People’s Militia or its affiliates, associated groups, or agents, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2014

Ms. JACKSON LEE (for herself, Mr. LEWIS, and Mrs. CAROLYN B. MALONEY of New York) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs and Financial Services, 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

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## A BILL

To impose sanctions against persons who knowingly provide material support or resources to the Donbass People’s Militia or its affiliates, associated groups, or agents, 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 “Donbass People’s Mili-  
5 tia Terrorist Designation Act of 2014”.

1 **SEC. 2. SENSE OF CONGRESS ON DESIGNATION OF THE**  
2 **DONBASS PEOPLE'S MILITIA AS A FOREIGN**  
3 **TERRORIST ORGANIZATION.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The Donbass People's Militia (DPM) is an  
6 armed militia with allegiance to the Donestsk Peo-  
7 ple's Republic, a self-proclaimed State in Eastern  
8 Europe.

9 (2) The organization consists of pro-Russian  
10 separatists that have taken up arms against the  
11 Ukrainian Armed Forces and the Government of  
12 Ukraine.

13 (3) The Government of Ukraine has concluded  
14 that the DPM is responsible for shooting down Ma-  
15 laysian Airlines Flight 17 on July 17, 2014.

16 (4) The actions of the DPM resulted in the  
17 deaths of 283 passengers, 80 of them children, and  
18 15 crew members.

19 (5) A United Nations report released May 15,  
20 2014, concluded that “in eastern Ukraine, freedom  
21 of expression is under particular attack through the  
22 harassment of, and threats to, journalists and media  
23 outlets and the increasing prevalence of hate speech  
24 is further fuelling tensions (Section I, Article 5, Sec-  
25 tion vi).”.

1           (6) According to the United Nations report,  
2           “Armed groups continue to illegally seize and occupy  
3           public and administrative buildings in cities and  
4           towns of the eastern regions and proclaim ‘self-de-  
5           clared regions’”.

6           (7) Leaders and members of these armed  
7           groups commit an increasing number of human  
8           rights abuses, such as abductions, harassment, un-  
9           lawful detentions, in particularly of journalists. This  
10          is leading to a breakdown in law and order and a  
11          climate of intimidation and harassment (Section I,  
12          Article 5, Section ii).

13          (8) A report by the highly respected human  
14          rights advocacy organization, Human Rights Watch,  
15          found that “Anti-Kiev forces in eastern Ukraine are  
16          abducting, attacking, and harassing people they sus-  
17          pect of supporting the Ukrainian government or con-  
18          sider undesirable.”.

19          (9) Militants in the self-proclaimed Donetsk  
20          People’s Republic have taken hostages and have yet  
21          to release them.

22          (10) According to a report by the United Na-  
23          tions High Commissioner for Refugees, the actions  
24          of DPM and other militant groups have caused over  
25          100,000 Ukrainians to flee their country as refugees

1 and have also displaced approximately 54,000 citi-  
2 zens internally.

3 (b) CRITERIA.—Section 219(a)(1) of the Immigration  
4 and Nationality Act (8 U.S.C. 1189(a)(1)) provides the  
5 3 criteria for the designation of an organization as a for-  
6 eign terrorist organization:

7 (1) The organization must be a foreign organi-  
8 zation.

9 (2) The organization must engage in terrorist  
10 activity, as defined in section 212(a)(3)(B) of the  
11 Immigration and Nationality Act (8 U.S.C.  
12 1182(a)(3)(B)), or terrorism, as defined in section  
13 140(d)(2) of the Foreign Relations Authorization  
14 Act, Fiscal Years 1988 and 1989 (22 U.S.C.  
15 2656f(d)(2)), or retain the capability and intent to  
16 engage in terrorist activity or terrorism.

17 (3) The organization's terrorist activity or ter-  
18 rorism must threaten the security of United States  
19 nationals or the national security (national defense,  
20 foreign relations, or the economic interests) of the  
21 United States.

22 (c) SENSE OF CONGRESS.—It is the sense of Con-  
23 gress that—

24 (1) the Donbass People's Militia has met the  
25 criteria for designation as a foreign terrorist organi-

1 zation under section 219 of the Immigration and  
2 Nationality Act (as described in subsection (b)); and

3 (2) the Secretary of State, in consultation with  
4 the Attorney General and the Secretary of the  
5 Treasury, should exercise the Secretary of State's  
6 statutory authority and designate the Donbass Peo-  
7 ple's Militia as a foreign terrorist organization.

8 (d) REPORT.—If the Secretary of State does not des-  
9 ignate the Donbass People's Militia as a foreign terrorist  
10 organization under section 219 of the Immigration and  
11 Nationality Act within 60 days after the date of the enact-  
12 ment of this Act, the Secretary of State shall submit to  
13 Congress a report that contains the reasons therefor.

14 **SEC. 3. SANCTIONS AGAINST PERSONS WHO KNOWINGLY**  
15 **PROVIDE MATERIAL SUPPORT OR RE-**  
16 **SOURCES TO THE DONBASS PEOPLE'S MILI-**  
17 **TIA OR ITS AFFILIATES, ASSOCIATED**  
18 **GROUPS, OR AGENTS.**

19 (a) SANCTIONS.—

20 (1) IN GENERAL.—The President shall subject  
21 to all available sanctions any person in the United  
22 States or subject to the jurisdiction of the United  
23 States who knowingly provides material support or  
24 resources to the Donbass People's Militia or its af-  
25 filiates, associated groups, or agents.

1           (2) DEFINITION.—In this paragraph, the term  
2           “material support or resources” has the meaning  
3           given such term in section 2339A(b)(1) of title 18,  
4           United States Code.

5           (b) INADMISSIBILITY AND REMOVAL.—

6           (1) INADMISSABILITY.—Notwithstanding any  
7           other provision of law, the Secretary of State may  
8           not issue any visa to, and the Secretary of Home-  
9           land Security shall deny entry to the United States  
10          of, any member or representative of the Donbass  
11          People’s Militia or its affiliates, associated groups,  
12          or agents.

13          (2) REMOVAL.—Any alien who is a member or  
14          representative of the Donbass People’s Militia or its  
15          affiliates, associated groups, or agents may be re-  
16          moved from the United States in the same manner  
17          as an alien who is inadmissible under sections  
18          212(a)(3)(B)(i)(IV) or (V) of the Immigration and  
19          Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)(IV) or  
20          (V)).

21          (c) FUNDS.—Any United States financial institution  
22          (as defined under section 5312 of title 31, United States  
23          Code) that knowingly has possession of or control over  
24          funds in which the Donbass People’s Militia or its affili-  
25          ates, associated groups, or agents have an interest shall

- 1 retain possession of or control over the funds and report
- 2 the funds to the Office of Foreign Assets Control of the
- 3 Department of the Treasury.

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