

114TH CONGRESS
1ST SESSION

H. R. 624

To impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2015

Mr. SMITH of New Jersey (for himself and Mr. MCGOVERN) 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 impose sanctions with respect to foreign persons responsible for 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 “Global Magnitsky
5 Human Rights Accountability Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Armed Services, the
5 Committee on Financial Services, the Com-
6 mittee on Foreign Affairs, the Committee on
7 Homeland Security, and the Committee on the
8 Judiciary of the House of Representatives; and

9 (B) the Committee on Armed Services, the
10 Committee on Banking, Housing, and Urban
11 Affairs, the Committee on Foreign Relations,
12 the Committee on Homeland Security and Gov-
13 ernmental Affairs, and the Committee on the
14 Judiciary of the Senate.

15 (2) FOREIGN PERSON.—The term “foreign per-
16 son” means a person that is not a United States
17 person.

18 (3) GROSS VIOLATIONS OF INTERNATIONALLY
19 RECOGNIZED HUMAN RIGHTS.—The term “gross vio-
20 lations of internationally recognized human rights”
21 includes torture or cruel, inhuman, or degrading
22 treatment or punishment, prolonged arbitrary deten-
23 tion, causing the disappearance of persons by the
24 abduction and clandestine detention of those per-

1 sons, other flagrant denial of the right to life, lib-
2 erty, or the security of person.

3 (4) PERSON.—The term “person” means an in-
4 dividual or entity.

5 (5) UNITED STATES PERSON.—The term
6 “United States person” means—

7 (A) a United States citizen or an alien law-
8 fully admitted for permanent residence to the
9 United States; or

10 (B) an entity organized under the laws of
11 the United States or of any jurisdiction within
12 the United States, including a foreign branch of
13 such an entity.

14 **SEC. 3. AUTHORIZATION OF IMPOSITION OF SANCTIONS.**

15 (a) IN GENERAL.—The President shall impose the
16 sanctions described in subsection (b) with respect to any
17 foreign person the President determines, based on credible
18 information—

19 (1) is responsible for extrajudicial killings, tor-
20 ture, or other gross violations of internationally rec-
21 ognized human rights committed against individuals
22 in any foreign country, particularly those individuals
23 who seek—

24 (A) to expose illegal activity carried out by
25 government officials; or

1 (B) to obtain, exercise, defend, or promote
2 internationally recognized human rights and
3 freedoms, such as the freedoms of religion, ex-
4 pression, association, and assembly, and the
5 rights to a fair trial and democratic elections;

6 (2) acted as an agent of or on behalf of a for-
7 eign person in a matter relating to an activity de-
8 scribed in paragraph (1);

9 (3) is a government official, or a senior asso-
10 ciate of such an official, that is responsible for, or
11 complicit in, ordering, controlling, or otherwise di-
12 recting, acts of significant corruption, including the
13 expropriation of private or public assets for personal
14 gain, corruption related to government contracts or
15 the extraction of natural resources, bribery, or the
16 facilitation or transfer of the proceeds of corruption
17 to foreign jurisdictions; or

18 (4) has materially assisted, sponsored, or pro-
19 vided financial, material, or technological support
20 for, or goods or services in support of, an activity
21 described in paragraph (3).

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

24 (1) INADMISSIBILITY TO UNITED STATES.—In
25 the case of a foreign person who is an individual—

1 (A) ineligibility to receive a visa to enter
2 the United States or to be admitted to the
3 United States; or

4 (B) if the individual has been issued a visa
5 or other documentation, revocation, in accord-
6 ance with section 221(i) of the Immigration and
7 Nationality Act (8 U.S.C. 1201(i)), of the visa
8 or other documentation.

9 (2) BLOCKING OF PROPERTY.—

10 (A) IN GENERAL.—The blocking, in ac-
11 cordance with the International Emergency
12 Economic Powers Act (50 U.S.C. 1701 et seq.),
13 of all transactions in all property and interests
14 in property of a foreign person if such property
15 and interests in property are in the United
16 States, come within the United States, or are or
17 come within the possession or control of a
18 United States person.

19 (B) INAPPLICABILITY OF NATIONAL EMER-
20 GENCY REQUIREMENT.—The requirements of
21 section 202 of the International Emergency
22 Economic Powers Act (50 U.S.C. 1701) shall
23 not apply for purposes of this section.

24 (c) CONSIDERATION OF CERTAIN INFORMATION IN
25 IMPOSING SANCTIONS.—In determining whether to im-

1 pose sanctions under subsection (a), the President shall
2 consider—

3 (1) information provided by the chairperson and
4 ranking member of each of the appropriate congress-
5 sional committees; and

6 (2) credible information obtained by other coun-
7 tries and nongovernmental organizations that mon-
8 itor violations of human rights.

9 (d) REQUESTS BY CHAIRPERSON AND RANKING
10 MEMBER OF APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—Not later than 120 days after receiving a written
12 request from the chairperson and ranking member of one
13 of the appropriate congressional committees with respect
14 to whether a foreign person has engaged in an activity
15 described in subsection (a), the President shall—

16 (1) determine if that person has engaged in
17 such an activity; and

18 (2) submit a report to the chairperson and
19 ranking member of that committee with respect to
20 that determination that includes—

21 (A) a statement of whether or not the
22 President imposed or intends to impose sanc-
23 tions with respect to the person; and

1 (B) if the President imposed or intends to
2 impose sanctions, a description of those sanc-
3 tions.

4 (e) WAIVER FOR NATIONAL SECURITY INTERESTS.—

5 The President may waive the application of sanctions
6 under this section with respect to a person if the Presi-
7 dent—

8 (1) determines that such a waiver is in the na-
9 tional security interests of the United States; and

10 (2) not later than 15 days prior to granting
11 such a waiver, submits to the appropriate congres-
12 sional committees notice of, and a justification for,
13 the waiver.

14 (f) EXCEPTION TO COMPLY WITH UNITED NATIONS

15 HEADQUARTERS AGREEMENT.—Sanctions under sub-
16 section (b)(1) shall not apply to an individual if admitting
17 the individual into the United States is necessary to per-
18 mit the United States to comply with the Agreement re-
19 garding the Headquarters of the United Nations, signed
20 at Lake Success June 26, 1947, and entered into force
21 November 21, 1947, between the United Nations and the
22 United States, or other applicable international obligations
23 of the United States.

24 (g) ENFORCEMENT OF BLOCKING OF PROPERTY.—

25 A person that violates, attempts to violate, conspires to

1 violate, or causes a violation of subsection (b)(2) or any
2 regulation, license, or order issued to carry out subsection
3 (b)(2) shall be subject to the penalties set forth in sub-
4 sections (b) and (c) of section 206 of the International
5 Emergency Economic Powers Act (50 U.S.C. 1705) to the
6 same extent as a person that commits an unlawful act de-
7 scribed in subsection (a) of that section.

8 (h) TERMINATION OF SANCTIONS.—The President
9 may terminate the application of sanctions under this sec-
10 tion with respect to a person if the President determines
11 and reports to the appropriate congressional committees
12 not later than 15 days before the termination of the sanc-
13 tions that—

14 (1) credible information exists that the person
15 did not engage in the activity for which sanctions
16 were imposed;

17 (2) the person has been prosecuted appro-
18 priately for the activity for which sanctions were im-
19 posed; or

20 (3) the person has credibly demonstrated a sig-
21 nificant change in behavior, has paid an appropriate
22 consequence for the activity for which sanctions were
23 imposed, and has credibly committed to not engage
24 in an activity described in subsection (a) in the fu-
25 ture.

1 (i) REGULATORY AUTHORITY.—The President shall
2 issue such regulations, licenses, and orders as are nec-
3 essary to carry out this section.

4 **SEC. 4. REPORTS BY PRESIDENT TO CONGRESS.**

5 (a) IN GENERAL.—

6 (1) IN GENERAL.—The President shall submit
7 to the appropriate congressional committees an an-
8 nual report that includes—

9 (A) a list of each foreign person with re-
10 spect to which the President imposed sanctions
11 pursuant to section 3 during the year preceding
12 the submission of the report;

13 (B) a description of the type of sanctions
14 imposed with respect to each such person;

15 (C) the number of foreign persons with re-
16 spect to which the President—

17 (i) imposed sanctions under section
18 3(a) during that year; and

19 (ii) terminated sanctions under sec-
20 tion 3(h) during that year;

21 (D) the dates on which such sanctions
22 were imposed or terminated, as the case may
23 be;

24 (E) the reasons for imposing or termi-
25 nating such sanctions; and

1 (F) a description of the efforts of the
2 President to encourage the governments of
3 other countries to impose sanctions that are
4 similar to the sanctions authorized by section 3.

5 (2) DATES FOR SUBMISSION.—

6 (A) INITIAL REPORT.—The President shall
7 submit the initial report required by this sub-
8 section not later than 120 days after the date
9 of the enactment of this Act.

10 (B) SUBSEQUENT REPORTS.—

11 (i) IN GENERAL.—The President shall
12 submit each subsequent report required by
13 this subsection on December 10, or the
14 first day thereafter on which both Houses
15 of Congress are in session, of—

16 (I) the calendar year in which the
17 initial report is submitted if the initial
18 report is submitted before December
19 10 of such calendar year; and

20 (II) each subsequent calendar
21 year.

22 (ii) CONGRESSIONAL STATEMENT.—
23 Congress notes that December 10 of each
24 calendar year has been recognized in the
25 United States and internationally since

1 1950 as “Human Rights Day” and thus
2 the importance of December 10 of each
3 calendar year as the date of submission of
4 the subsequent reports required by this
5 subsection.

6 (b) FORM OF REPORT.—

7 (1) IN GENERAL.—The report required by sub-
8 section (a) shall be submitted in unclassified form,
9 but may include a classified annex.

10 (2) EXCEPTION.—

11 (A) IN GENERAL.—Subject to subpara-
12 graph (B), the name of a foreign person to be
13 included in the list required by subsection
14 (a)(1) may be submitted in the classified annex
15 authorized by paragraph (1) only if the Presi-
16 dent—

17 (i) determines that it is vital for the
18 national security interests of the United
19 States to do so; and

20 (ii) uses the annex in a manner con-
21 sistent with congressional intent and the
22 purposes of this Act.

23 (B) ADDITIONAL INFORMATION.—The
24 President shall include the following additional
25 information in the unclassified portion of the

1 report required by subsection (a) with respect
2 to foreign persons whose names are to be sub-
3 mitted in the classified annex authorized by
4 paragraph (1):

5 (i) The total number of such foreign
6 persons.

7 (ii) The total number of such foreign
8 persons who are individuals and the total
9 number of such foreign persons who are
10 entities.

11 (iii) In the case of—

12 (I) each such foreign person who
13 is an individual, the country of citi-
14 zenship of the foreign person; and

15 (II) each such foreign person
16 that is an entity, the country under
17 whose laws the entity is organized.

18 (c) PUBLIC AVAILABILITY.—

19 (1) IN GENERAL.—The unclassified portion of
20 the report required by subsection (a) shall be made
21 available to the public, including through publication
22 in the Federal Register.

23 (2) NONAPPLICABILITY OF CONFIDENTIALITY
24 REQUIREMENT WITH RESPECT TO VISA RECORDS.—

25 The President shall publish the list required by sub-

1 section (a)(1) without regard to the requirements of
2 section 222(f) of the Immigration and Nationality
3 Act (8 U.S.C. 1202(f)) with respect to confiden-
4 tiality of records pertaining to the issuance or re-
5 fusal of visas or permits to enter the United States.

6 **SEC. 5. REPORT BY COMPTROLLER GENERAL TO CON-**
7 **GRESS ON IMPLEMENTATION OF THIS ACT.**

8 (a) IN GENERAL.—Not later than one year after the
9 date of the enactment of this Act, the Comptroller General
10 of the United States shall submit to the appropriate con-
11 gressional committees a report on the following:

12 (1) A description and assessment of the proc-
13 ess—

14 (A) to determine whether a foreign person
15 has engaged in an activity described in section
16 3(a) and whether sanctions under section 3
17 should be imposed with respect to the person;
18 and

19 (B) to determine whether the identity of a
20 foreign person with respect to which the Presi-
21 dent has imposed sanctions pursuant to section
22 3 should be classified.

23 (2) An assessment of the implementation of this
24 Act.

1 (b) CONSULTATION.—The Comptroller General shall
2 consult with the appropriate congressional committees and
3 nongovernmental organizations for purposes of preparing
4 the report required by subsection (a).

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