

# Calendar No. 174

114TH CONGRESS  
1ST SESSION

# S. 284

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

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## IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2015

Mr. CARDIN (for himself, Mr. MCCAIN, Mrs. SHAHEEN, Mr. RUBIO, Mr. DURBIN, Mr. WICKER, Mr. MARKEY, Mr. KIRK, Mr. BLUMENTHAL, Mr. CRUZ, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JULY 29, 2015

Reported by Mr. CORKER, with an amendment

[Insert the part printed in *italic*]

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## A BILL

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

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Global Magnitsky  
3 Human Rights Accountability Act”.

**4 SEC. 2. DEFINITIONS.**

5 In this Act:

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

4                   (A) the Committee on Banking, Housing,  
5                   and Urban Affairs and the Committee on For-  
6                   eign Relations of the Senate; and

7                   (B) the Committee on Financial Services  
8                   and the Committee on Foreign Affairs of the  
9                   House of Representatives.

10          (2) FOREIGN PERSON.—The term “foreign per-  
11          son” means a person that is not a United States  
12          person.

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

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

17                   (A) a United States citizen or an alien law-  
18                   fully admitted for permanent residence to the  
19                   United States; or

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

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

2 (a) IN GENERAL.—The President may impose the  
3 sanctions described in subsection (b) with respect to any  
4 foreign person the President determines, based on credible  
5 evidence—

6 (1) is responsible for extrajudicial killings, tor-  
7 ture, or other gross violations of internationally rec-  
8 ognized human rights committed against individuals  
9 in any foreign country who seek—

10 (A) to expose illegal activity carried out by  
11 government officials; or

12 (B) to obtain, exercise, defend, or promote  
13 internationally recognized human rights and  
14 freedoms, such as the freedoms of religion, ex-  
15 pression, association, and assembly, and the  
16 rights to a fair trial and democratic elections;

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

20 (3) is a government official, or a senior asso-  
21 ciate of such an official, that is responsible for, or  
22 complicit in, ordering, controlling, or otherwise di-  
23 recting, acts of significant corruption, including the  
24 expropriation of private or public assets for personal  
25 gain, corruption related to government contracts or  
26 the extraction of natural resources, bribery, or the

1 facilitation or transfer of the proceeds of corruption  
2 to foreign jurisdictions; or

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

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

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

11 (A) ineligibility to receive a visa to enter  
12 the United States or to be admitted to the  
13 United States; or

14 (B) if the individual has been issued a visa  
15 or other documentation, revocation, in accord-  
16 ance with section 221(i) of the Immigration and  
17 Nationality Act (8 U.S.C. 1201(i)), of the visa  
18 or other documentation.

19 (2) BLOCKING OF PROPERTY.—

20 (A) IN GENERAL.—The blocking, in ac-  
21 cordance with the International Emergency  
22 Economic Powers Act (50 U.S.C. 1701 et seq.),  
23 of all transactions in all property and interests  
24 in property of a foreign person if such property  
25 and interests in property are in the United

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

4 (B) INAPPLICABILITY OF NATIONAL EMER-  
5 GENCY REQUIREMENT.—The requirements of  
6 section 202 of the International Emergency  
7 Economic Powers Act (50 U.S.C. 1701) shall  
8 not apply for purposes of this section.

9 (c) CONSIDERATION OF CERTAIN INFORMATION IN  
10 IMPOSING SANCTIONS.—In determining whether to im-  
11 pose sanctions under subsection (a), the President shall  
12 consider—

13 (1) information provided by the chairperson and  
14 ranking member of each of the appropriate congres-  
15 sional committees; and

16 (2) credible information obtained by other coun-  
17 tries and nongovernmental organizations that mon-  
18 itor violations of human rights.

19 (d) REQUESTS BY CHAIRPERSON AND RANKING  
20 MEMBER OF APPROPRIATE CONGRESSIONAL COMMIT-  
21 TEES.—Not later than 120 days after receiving a written  
22 request from the chairperson and ranking member of one  
23 of the appropriate congressional committees with respect  
24 to whether a foreign person has engaged in an activity  
25 described in subsection (a), the President shall—

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

3           (2) submit a report to the chairperson and  
4 ranking member of that committee with respect to  
5 that determination that includes—

6                 (A) a statement of whether or not the  
7 President imposed or intends to impose sanc-  
8 tions with respect to the person; and

9                 (B) if the President imposed or intends to  
10 impose sanctions, a description of those sanc-  
11 tions.

12         (e) WAIVER FOR NATIONAL SECURITY INTERESTS.—  
13 The President may waive the application of sanctions  
14 under this section with respect to a person if the Presi-  
15 dent—

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

18           (2) before granting the waiver, submits to the  
19 appropriate congressional committees notice of, and  
20 a justification for, the waiver.

21         (f) EXCEPTION TO COMPLY WITH UNITED NATIONS  
22 HEADQUARTERS AGREEMENT.—Sanctions under sub-  
23 section (b)(1) shall not apply to an individual if admitting  
24 the individual into the United States is necessary to per-  
25 mit the United States to comply with the Agreement re-

1   garding the Headquarters of the United Nations, signed  
2   at Lake Success June 26, 1947, and entered into force  
3   November 21, 1947, between the United Nations and the  
4   United States, or other applicable international obligations  
5   of the United States.

6       (g) ENFORCEMENT OF BLOCKING OF PROPERTY.—  
7   A person that violates, attempts to violate, conspires to  
8   violate, or causes a violation of subsection (b)(2) or any  
9   regulation, license, or order issued to carry out subsection  
10  (b)(2) shall be subject to the penalties set forth in sub-  
11  sections (b) and (c) of section 206 of the International  
12  Emergency Economic Powers Act (50 U.S.C. 1705) to the  
13  same extent as a person that commits an unlawful act de-  
14  scribed in subsection (a) of that section.

15       (h) TERMINATION OF SANCTIONS.—The President  
16  may terminate the application of sanctions under this sec-  
17  tion with respect to a person if the President determines  
18  and reports to the appropriate congressional committees  
19  not later than 15 days before the termination of the sanc-  
20  tions that—

21           (1) credible information exists that the person  
22       did not engage in the activity for which sanctions  
23       were imposed;

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

4           (3) the person has credibly demonstrated a sig-  
5           nificant change in behavior, has paid an appropriate  
6           consequence for the activity for which sanctions were  
7           imposed, and has credibly committed to not engage  
8           in an activity described in subsection (a) in the fu-  
9           ture.

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

13          (j) *IDENTIFICATION OF SANCTIONABLE FOREIGN PER-*  
14          *SONS.—The Assistant Secretary of State for Democracy,*  
15          *Human Rights, and Labor, in consultation with the Assist-*  
16          *ant Secretary of State for Consular Affairs and other bu-*  
17          *reaus of the Department of State, as appropriate, is author-*  
18          *ized to submit to the Secretary of State, for review and con-*  
19          *sideration, the names of foreign persons who may meet the*  
20          *criteria described in subsection (a).*

21          **SEC. 4. REPORTS TO CONGRESS.**

22          (a) IN GENERAL.—Not later than 120 days after the  
23          date of the enactment of this Act, and annually thereafter,  
24          the President shall submit to the appropriate congres-  
25          sional committees a report that includes—



1           (1) a list of each foreign person with respect to  
2           which the President imposed sanctions pursuant to  
3           section 3 during the year preceding the submission  
4           of the report;

5           (2) a description of the type of sanctions im-  
6           posed with respect to each such person;

7           (3) the number of foreign persons with respect  
8           to which the President—

9                 (A) imposed sanctions under section 3(a)  
10                during that year; and

11               (B) terminated sanctions under section  
12                3(h) during that year;

13           (4) the dates on which such sanctions were im-  
14           posed or terminated, as the case may be;

15           (5) the reasons for imposing or terminating  
16           such sanctions; and

17           (6) a description of the efforts of the President  
18           to encourage the governments of other countries to  
19           impose sanctions that are similar to the sanctions  
20           authorized by section 3.

21           (b) FORM OF REPORT.—

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

1           (2) EXCEPTION.—The name of a foreign person  
2 to be included in the list required by subsection  
3 (a)(1) may be submitted in the classified annex au-  
4 thorized by paragraph (1) only if the President—

5           (A) determines that it is vital for the na-  
6 tional security interests of the United States to  
7 do so;

8           (B) uses the annex in a manner consistent  
9 with congressional intent and the purposes of  
10 this Act; and

11           (C) not later than 15 days before submit-  
12 ting the name in a classified annex, provides to  
13 the appropriate congressional committees notice  
14 of, and a justification for, including the name  
15 in the classified annex despite any publicly  
16 available credible information indicating that  
17 the person engaged in an activity described in  
18 section 3(a).

19 (c) PUBLIC AVAILABILITY.—

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

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

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

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