S. 1933

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

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 2014

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

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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

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

4 SEC. 2. DEFINITIONS.

5 In this Act:
(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

   (A) the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives; and

   (B) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

(2) FINANCIAL INSTITUTION.—The term “financial institution” has the meaning given that term in section 5312 of title 31, United States Code.

(3) FOREIGN PERSON.—The term “foreign person” means a person that is not a United States person.

(4) PERSON.—The term “person” means an individual or entity.

(5) UNITED STATES PERSON.—The term “United States person” means—
(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

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

SEC. 3. IDENTIFICATION OF FOREIGN PERSONS RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of each foreign person that the President determines, based on credible information—

(1) is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals in any foreign country seeking—

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

(B) to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the
rights to a fair trial and democratic elections;

or

(2) acted as an agent of or on behalf of a for-

gn person in a matter relating to an activity de-

scribed in paragraph (1).

(b) UPDATES.—The President shall submit to the ap-

propriate congressional committees an update of the list

required by subsection (a) as new information becomes

available.

(c) FORM.—

(1) IN GENERAL.—The list required by sub-

section (a) shall be submitted in unclassified form.

(2) EXCEPTION.—The name of a foreign person

to be included in the list required by subsection (a)

may be submitted in a classified annex only if the

President—

(A) determines that it is vital for the na-

tional security interests of the United States to
do so;

(B) uses the annex in a manner consistent

with congressional intent and the purposes of

this Act; and

(C) not later than 15 days before submit-
ting the name in a classified annex, provides to

the appropriate congressional committees notice
of, and a justification for, including or continuing to include each person in the classified annex despite any publicly available credible information indicating that the person engaged in an activity described in paragraph (1) or (2) of subsection (a).

(3) Consideration of certain information.—In preparing the list required by subsection (a), the President shall consider—

(A) information provided by the chairperson and ranking member of each of the appropriate congressional committees; and

(B) credible information obtained by other countries and nongovernmental organizations that monitor violations of human rights.

(4) Public availability.—The unclassified portion of the list required by subsection (a) shall be made available to the public and published in the Federal Register.

(d) Removal from list.—A foreign person may be removed from the list required by subsection (a) if the President determines and reports to the appropriate congressional committees not later than 15 days before the removal of the person from the list that—
(1) credible information exists that the person did not engage in the activity for which the person was added to the list;

(2) the person has been prosecuted appropriately for the activity in which the person engaged; or

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activities in which the person engaged, and has credibly committed to not engage in an activity described in paragraph (1) or (2) of subsection (a).

(e) Requests by Chairperson and Ranking Member of Appropriate Congressional Committees.—

(1) In general.—Not later than 120 days after receiving a written request from the chairperson and ranking member of one of the appropriate congressional committees with respect to whether a foreign person meets the criteria for being added to the list required by subsection (a), the President shall submit a response to that chairperson and ranking member of the committee with respect to the status of the person.
(2) FORM.—The President may submit a response required by paragraph (1) in classified form if the President determines that it is necessary for the national security interests of the United States to do so.

(3) REMOVAL.—

(A) IN GENERAL.—If the President removes from the list required by subsection (a) a foreign person that has been placed on the list at the request of the chairperson and ranking member of one of the appropriate congressional committees, the President shall provide the chairperson and ranking member with any information that contributed to the removal decision.

(B) FORM OF INFORMATION.—The President may submit the information requested by subparagraph (A) in classified form if the President determines that it is necessary to the national security interests of the United States to do so.

(f) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—The President shall publish the list required by subsection (a) without regard to the requirements of section 222(f) of
the Immigration and Nationality Act (8 U.S.C. 1202(f))
with respect to confidentiality of records pertaining to the
issuance or refusal of visas or permits to enter the United
States.

SEC. 4. INADMISSIBILITY OF CERTAIN INDIVIDUALS.

(a) INELIGIBILITY FOR VISAS.—An individual who is
a foreign person on the list required by section 3(a) is
ineligible to receive a visa to enter the United States and
ineligible to be admitted to the United States.

(b) CURRENT VISAS REVOKED.—The Secretary of
State shall revoke, in accordance with section 221(i) of
the Immigration and Nationality Act (8 U.S.C. 1201(i)),
the visa or other documentation of an individual who
would be ineligible to receive such a visa or documentation
under subsection (a).

(e) WAIVER FOR NATIONAL SECURITY INTERESTS.—

(1) IN GENERAL.—The Secretary of State may
waive the application of subsection (a) or (b) in the
case of an individual if—

(A) the Secretary determines that such a
waiver—

(i) is necessary to permit the United
States to comply with the Agreement be-
tween the United Nations and the United
States of America regarding the Head-
quarters of the United Nations, signed
June 26, 1947, and entered into force No-
vember 21, 1947, or other applicable inter-
national obligations of the United States;
or
(ii) is in the national security interests
of the United States; and
(B) before granting the waiver, the Sec-
retary provides to the appropriate congressional
committees notice of, and a justification for, the
waiver.
(2) Timing for notice of certain waiv-
ers.—In the case of a waiver under subparagraph
(A)(ii) of paragraph (1), the Secretary shall submit
the notice required by subparagraph (B) of that
paragraph not later than 15 days before granting
the waiver.
(d) Regulatory Authority.—The Secretary of
State shall prescribe such regulations as are necessary to
carry out this section.

SEC. 5. FINANCIAL MEASURES.

(a) Freezing of Assets.—

(1) In general.—The President shall exercise
all powers granted by the International Emergency
Economic Powers Act (50 U.S.C. 1701 et seq.) (ex-
cept that the requirements of section 202 of such
Act (50 U.S.C. 1701) shall not apply) to the extent
necessary to freeze and prohibit all transactions in
all property and interests in property of a foreign
person on the list required by section 3(a) of this
Act 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) EXCEPTION.—Paragraph (1) shall not
apply to foreign persons included on the classified
annex under section 3(c)(2) if the President deter-
mines that such an exception is vital to the national
security interests of the United States.

(b) WAIVER FOR NATIONAL SECURITY INTERESTS.—
The Secretary of the Treasury may waive the application
of subsection (a) if the Secretary—

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

(2) not later than 15 days before granting the
waiver, provides to the appropriate congressional
committees notice of, and a justification for, the
waiver.

(c) ENFORCEMENT.—
(1) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(2) REQUIREMENTS FOR FINANCIAL INSTITUTIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations requiring each financial institution that is a United States person and has within its possession or control assets that are property or interests in property of a foreign person on the list required by section 3(a) to certify to the Secretary that, to the best of the knowledge of the financial institution, the financial institution has frozen all assets within the possession or control of the financial institution that are required to be frozen pursuant to subsection (a).

(d) REGULATORY AUTHORITY.—The Secretary of the Treasury shall issue such regulations, licenses, and orders as are necessary to carry out this section.
SEC. 6. REPORT TO CONGRESS.

Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Secretary of the Treasury shall each submit to the appropriate congressional committees a report on—

(1) the actions taken to carry out this Act, including—

(A) the number of foreign persons added to or removed from the list required by section 3(a) during the year preceding the report, the dates on which those persons were added or removed, and the reasons for adding or removing those persons; and

(B) if few or no persons have been added to that list during that year, the reasons for not adding more persons to the list; and

(2) efforts by the executive branch to encourage the governments of other countries to impose sanctions that are similar to the sanctions imposed under this Act.