

114TH CONGRESS
2D SESSION

S. 284

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2016

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

AN ACT

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,*

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:

6 (1) **FOREIGN PERSON.**—The term “foreign per-
7 son” means a person that is not a United States
8 person.

9 (2) **PERSON.**—The term “person” means an in-
10 dividual or entity.

11 (3) **UNITED STATES PERSON.**—The term
12 “United States person” means—

13 (A) a United States citizen or an alien law-
14 fully admitted for permanent residence to the
15 United States; or

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

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

21 (a) **IN GENERAL.**—The President may impose the
22 sanctions described in subsection (b) with respect to any
23 foreign person the President determines, based on credible
24 evidence—

25 (1) is responsible for extrajudicial killings, tor-
26 ture, or other gross violations of internationally rec-

1 ognized human rights committed against individuals
2 in any foreign country who seek—

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

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

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

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

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

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

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

5 (A) ineligibility to receive a visa to enter
6 the United States or to be admitted to the
7 United States; or

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

13 (2) BLOCKING OF PROPERTY.—

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

23 (B) INAPPLICABILITY OF NATIONAL EMER-
24 GENCY REQUIREMENT.—The requirements of
25 section 202 of the International Emergency

1 Economic Powers Act (50 U.S.C. 1701) shall
2 not apply for purposes of this section.

3 (C) EXCEPTION RELATING TO IMPORTA-
4 TION OF GOODS.—

5 (i) IN GENERAL.—The authority to
6 block and prohibit all transactions in all
7 property and interests in property under
8 subparagraph (A) shall not include the au-
9 thority to impose sanctions on the importa-
10 tion of goods.

11 (ii) GOOD.—In this subparagraph, the
12 term “good” has the meaning given that
13 term in section 16 of the Export Adminis-
14 tration Act of 1979 (50 U.S.C. App. 2415)
15 (as continued in effect pursuant to the
16 International Emergency Economic Powers
17 Act (50 U.S.C. 1701 et seq.)).

18 (c) CONSIDERATION OF CERTAIN INFORMATION IN
19 IMPOSING SANCTIONS.—In determining whether to im-
20 pose sanctions under subsection (a), the President shall
21 consider—

22 (1) information provided by the chairperson and
23 ranking member of each of the appropriate congres-
24 sional committees; and

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

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

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

13 (2) submit a report to the chairperson and
14 ranking member of that committee with respect to
15 that determination that includes—

16 (A) a statement of whether or not the
17 President imposed or intends to impose sanc-
18 tions with respect to the person; and

19 (B) if the President imposed or intends to
20 impose sanctions, a description of those sanc-
21 tions.

22 (e) EXCEPTION TO COMPLY WITH UNITED NATIONS
23 HEADQUARTERS AGREEMENT AND LAW ENFORCEMENT
24 OBJECTIVES.—Sanctions under subsection (b)(1) shall
25 not apply to an individual if admitting the individual into

1 the United States would further important law enforce-
2 ment objectives or is necessary to permit the United
3 States to comply with the Agreement regarding the Head-
4 quarters of the United Nations, signed at Lake Success
5 June 26, 1947, and entered into force November 21,
6 1947, between the United Nations and the United States,
7 or other applicable international obligations of the United
8 States.

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

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

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

4 (2) the person has been prosecuted appro-
5 priately for the activity for which sanctions were im-
6 posed;

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

13 (4) the termination of the sanctions is in the
14 vital national security interests of the United States.

15 (h) REGULATORY AUTHORITY.—The President shall
16 issue such regulations, licenses, and orders as are nec-
17 essary to carry out this section.

18 (i) IDENTIFICATION OF SANCTIONABLE FOREIGN
19 PERSONS.—The Assistant Secretary of State for Democ-
20 racy, Human Rights, and Labor, in consultation with the
21 Assistant Secretary of State for Consular Affairs and
22 other bureaus of the Department of State, as appropriate,
23 is authorized to submit to the Secretary of State, for re-
24 view and consideration, the names of foreign persons who
25 may meet the criteria described in subsection (a).

1 (j) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—In this section, the term “appropriate congres-
3 sional committees” means—

4 (1) the Committee on Banking, Housing, and
5 Urban Affairs and the Committee on Foreign Rela-
6 tions of the Senate; and

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

10 **SEC. 4. REPORTS TO CONGRESS.**

11 (a) IN GENERAL.—The President shall submit to the
12 appropriate congressional committees, in accordance with
13 subsection (b), a report that includes—

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

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

20 (3) the number of foreign persons with respect
21 to which the President—

22 (A) imposed sanctions under section 3(a)
23 during that year; and

24 (B) terminated sanctions under section
25 3(g) during that year;

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

3 (5) the reasons for imposing or terminating
4 such sanctions; and

5 (6) a description of the efforts of the President
6 to encourage the governments of other countries to
7 impose sanctions that are similar to the sanctions
8 authorized by section 3.

9 (b) DATES FOR SUBMISSION.—

10 (1) INITIAL REPORT.—The President shall sub-
11 mit the initial report under subsection (a) not later
12 than 120 days after the date of the enactment of
13 this Act.

14 (2) SUBSEQUENT REPORTS.—

15 (A) IN GENERAL.—The President shall
16 submit a subsequent report under subsection
17 (a) on December 10, or the first day thereafter
18 on which both Houses of Congress are in ses-
19 sion, of—

20 (i) the calendar year in which the ini-
21 tial report is submitted if the initial report
22 is submitted before December 10 of that
23 calendar year; and

24 (ii) each calendar year thereafter.

1 (B) CONGRESSIONAL STATEMENT.—Con-
2 gress notes that December 10 of each calendar
3 year has been recognized in the United States
4 and internationally since 1950 as “Human
5 Rights Day”.

6 (c) FORM OF REPORT.—

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

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

14 (A) determines that it is vital for the na-
15 tional security interests of the United States to
16 do so;

17 (B) uses the annex in a manner consistent
18 with congressional intent and the purposes of
19 this Act; and

20 (C) not later than 15 days before submit-
21 ting the name in a classified annex, provides to
22 the appropriate congressional committees notice
23 of, and a justification for, including the name
24 in the classified annex despite any publicly
25 available credible information indicating that

1 the person engaged in an activity described in
2 section 3(a).

3 (d) PUBLIC AVAILABILITY.—

4 (1) IN GENERAL.—The unclassified portion of
5 the report required by subsection (a) shall be made
6 available to the public, including through publication
7 in the Federal Register.

8 (2) NONAPPLICABILITY OF CONFIDENTIALITY
9 REQUIREMENT WITH RESPECT TO VISA RECORDS.—

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

16 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
17 FINED.—In this section, the term “appropriate congres-
18 sional committees” means—

19 (1) the Committee on Appropriations, the Com-
20 mittee on Banking, Housing, and Urban Affairs, the
21 Committee on Foreign Relations, and the Committee
22 on the Judiciary of the Senate; and

23 (2) the Committee on Appropriations, the Com-
24 mittee on Financial Services, the Committee on For-

1 eign Affairs, and the Committee on the Judiciary of
2 the House of Representatives.

Passed the Senate December 17, 2015.

Attest: JULIE E. ADAMS,
Secretary.