

classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

## CHAPTER 108—GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY

Sec.

- 10101. Definitions.
- 10102. Authorization of imposition of sanctions.
- 10103. Reports to Congress.

### § 10101. Definitions

In this chapter:

#### (1) Foreign person

The term “foreign person” has the meaning given that term in section 595.304 of title 31, Code of Federal Regulations (as in effect on the day before December 23, 2016).

#### (2) Gross violations of internationally recognized human rights

The term “gross violations of internationally recognized human rights” has the meaning given that term in section 2304(d)(1) of this title.

#### (3) Person

The term “person” has the meaning given that term in section 591.308 of title 31, Code of Federal Regulations (as in effect on the day before December 23, 2016).

#### (4) United States person

The term “United States person” has the meaning given that term in section 595.315 of title 31, Code of Federal Regulations (as in effect on the day before December 23, 2016).

(Pub. L. 114–328, div. A, title XII, §1262, Dec. 23, 2016, 130 Stat. 2533.)

### Editorial Notes

#### CODIFICATION

Section was formerly set out in a note under section 2656 of this title.

### Statutory Notes and Related Subsidiaries

#### SHORT TITLE

Pub. L. 114–328, div. A, title XII, §1261, Dec. 23, 2016, 130 Stat. 2533, provided that: “This subtitle [subtitle F (§§1261–1264) of title XII of div. A of Pub. L. 114–328, enacting this chapter] may be cited as the ‘Global Magnitsky Human Rights Accountability Act’.”

### § 10102. Authorization of imposition of sanctions

#### (a) In general

The President may impose the sanctions described in subsection (b) with respect to any foreign person the President determines, based on credible evidence—

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

(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;

(2) acted as an agent of or on behalf of a foreign person in a matter relating to an activity described in paragraph (1);

(3) is a government official, or a senior associate of such an official, that is responsible for, or complicit in, ordering, controlling, or otherwise directing, acts of significant corruption, including the expropriation of private or public assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions; or

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

#### (b) Sanctions described

The sanctions described in this subsection are the following:

##### (1) Inadmissibility to United States

In the case of a foreign person who is an individual—

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

(B) if the individual has been issued a visa or other documentation, revocation, in accordance with section 1201(i) of title 8, of the visa or other documentation.

##### (2) Blocking of property

###### (A) In general

The blocking, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), of all transactions in all property and interests in property of a foreign person 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.

###### (B) Inapplicability of national emergency requirement

The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

##### (C) Exception relating to importation of goods

###### (i) In general

The authority to block and prohibit all transactions in all property and interests in property under subparagraph (A) shall not include the authority to impose sanctions on the importation of goods.

###### (ii) Good

In this subparagraph, the term “good” has the meaning given that term in section 16<sup>1</sup> of the Export Administration Act of 1979 (50 U.S.C. 4618) (as continued in effect pursuant to the International Emer-

<sup>1</sup> See References in Text note below.

gency Economic Powers Act (50 U.S.C. 1701 et seq.)).

**(c) Consideration of certain information in imposing sanctions**

In determining whether to impose sanctions under subsection (a), the President shall consider—

- (1) information provided jointly by the chairperson and ranking member of each of the appropriate congressional committees; and
- (2) credible information obtained by other countries and nongovernmental organizations that monitor violations of human rights.

**(d) Requests by appropriate congressional committees**

**(1) In general**

Not later than 120 days after receiving a request that meets the requirements of paragraph (2) with respect to whether a foreign person has engaged in an activity described in subsection (a), the President shall—

- (A) determine if that person has engaged in such an activity; and
- (B) submit a classified or unclassified report to the chairperson and ranking member of the committee or committees that submitted the request with respect to that termination that includes—
  - (i) a statement of whether or not the President imposed or intends to impose sanctions with respect to the person; and
  - (ii) if the President imposed or intends to impose sanctions, a description of those sanctions.

**(2) Requirements**

**(A) Requests relating to human rights violations**

A request under paragraph (1) with respect to whether a foreign person has engaged in an activity described in paragraph (1) or (2) of subsection (a) shall be submitted to the President in writing jointly by the chairperson and ranking member of one of the appropriate congressional committees.

**(B) Requests relating to corruption**

A request under paragraph (1) with respect to whether a foreign person has engaged in an activity described in paragraph (3) or (4) of subsection (a) shall be submitted to the President in writing jointly by the chairperson and ranking member of—

- (i) one of the appropriate congressional committees of the Senate; and
- (ii) one of the appropriate congressional committees of the House of Representatives.

**(e) Exception to comply with United Nations Headquarters Agreement and law enforcement objectives**

Sanctions under subsection (b)(1) shall not apply to an individual if admitting the individual into the United States would further important law enforcement objectives or is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November

21, 1947, between the United Nations and the United States, or other applicable international obligations of the United States.

**(f) Enforcement of blocking of property**

A person that violates, attempts to violate, conspires to violate, or causes a violation of a sanction described in subsection (b)(2) that is imposed by the President or any regulation, license, or order issued to carry out such a sanction 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.

**(g) Termination of sanctions**

The President may terminate the application of sanctions under this section with respect to a person if the President determines and reports to the appropriate congressional committees not later than 15 days before the termination of the sanctions that—

- (1) credible information exists that the person did not engage in the activity for which sanctions were imposed;
- (2) the person has been prosecuted appropriately for the activity for which sanctions were imposed;
- (3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a) in the future; or
- (4) the termination of the sanctions is in the national security interests of the United States.

**(h) Regulatory authority**

The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

**(i) Identification of sanctionable foreign persons**

The Assistant Secretary of State for Democracy, Human Rights, and Labor, in consultation with the Assistant Secretary of State for Consular Affairs and other bureaus of the Department of State, as appropriate, is authorized to submit to the Secretary of State, for review and consideration, the names of foreign persons who may meet the criteria described in subsection (a).

**(j) Appropriate congressional committees defined**

In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and
- (2) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(Pub. L. 114-328, div. A, title XII, §1263, Dec. 23, 2016, 130 Stat. 2534.)

**Editorial Notes**

**REFERENCES IN TEXT**

The International Emergency Economic Powers Act, referred to in subsec. (b)(2)(A), (C)(ii), is title II of Pub.

L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

Section 16 of the Export Administration Act of 1979, referred to in subsec. (b)(2)(C)(ii), is section 16 of Pub. L. 96–72, Sept. 29, 1979, 93 Stat. 533, which was classified to section 4618 of Title 50, War and National Defense, prior to repeal by Pub. L. 115–232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232.

#### CODIFICATION

Section was formerly set out in a note under section 2656 of this title.

#### Executive Documents

##### DELEGATION OF AUTHORITY UNDER THE GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT

Memorandum of President of the United States, Sept. 8, 2017, 82 F.R. 45411, provided:

Memorandum for the Secretary of State [and] the Secretary of the Treasury

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby make the following delegations:

I delegate to the Secretary of the Treasury the authority to administer financial sanctions under section 1263 of the Global Magnitsky Human Rights Accountability Act (Public Law 114–328) (the “Act”) [22 U.S.C. 10102]. In exercising the authority delegated by this memorandum, the Secretary of the Treasury will coordinate with the Secretary of State.

I also delegate to the Secretary of State the authority to administer visa sanctions under section 1263 of the Act.

The delegations in this memorandum shall apply to any provision of any future public law that is the same or substantially the same as section 1263 of the Act.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP.

#### § 10103. Reports to Congress

##### (a) In general

The President shall submit to the appropriate congressional committees, in accordance with subsection (b), a report that includes—

(1) a list of each foreign person with respect to which the President imposed sanctions pursuant to section 10102 of this title during the year preceding the submission of the report;

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

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

(A) imposed sanctions under section 10102(a) of this title during that year; and

(B) terminated sanctions under section 10102(g) of this title during that year;

(4) the dates on which such sanctions were imposed or terminated, as the case may be;

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

(6) a description of the efforts of the President to encourage the governments of other countries to impose sanctions that are similar to the sanctions authorized by section 10102 of this title.

##### (b) Dates for submission

###### (1) Initial report

The President shall submit the initial report under subsection (a) not later than 120 days after December 23, 2016.

##### (2) Subsequent reports

###### (A) In general

The President shall submit a subsequent report under subsection (a) on December 10, or the first day thereafter on which both Houses of Congress are in session, of—

(i) the calendar year in which the initial report is submitted if the initial report is submitted before December 10 of that calendar year; and

(ii) each calendar year thereafter.

###### (B) Congressional statement

Congress notes that December 10 of each calendar year has been recognized in the United States and internationally since 1950 as “Human Rights Day”.

##### (c) Form of report

###### (1) In general

Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

###### (2) Exception

The name of a foreign person to be included in the list required by subsection (a)(1) may be submitted in the classified annex authorized by paragraph (1) only if the President—

(A) determines that it is vital for the national 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 chapter; and

(C) not later than 15 days before submitting the name in a classified annex, provides to the appropriate congressional committees notice of, and a justification for, including the name in the classified annex despite any publicly available credible information indicating that the person engaged in an activity described in section 10102(a) of this title.

##### (d) Public availability

###### (1) In general

The unclassified portion of the report required by subsection (a) shall be made available to the public, including through publication in the Federal Register.

###### (2) Nonapplicability of confidentiality requirement with respect to visa records

The President shall publish the list required by subsection (a)(1) without regard to the requirements of section 1202(f) of title 8 with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

##### (e) Appropriate congressional committees defined

In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Appropriations, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee