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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, Mr. MARKEY, Mr. RUBIO, and Mr. KIRK) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

_____ (legislative day, _____), _____

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional com-
7 mittees” means—
8

9 (A) the Committee on Armed Services, the
10 Committee on Financial Services, the Com-
11 mittee on Foreign Affairs, the Committee on
12 Homeland Security, and the Committee on the
13 Judiciary of the House of Representatives; and

14 (B) the Committee on Armed Services, the
15 Committee on Banking, Housing, and Urban
16 Affairs, the Committee on Foreign Relations,
17 the Committee on Homeland Security and Gov-
18 ernmental Affairs, and the Committee on the
19 Judiciary of the Senate.

20 (2) **FINANCIAL INSTITUTION.**—The term “fi-
21 nancial institution” has the meaning given that term
22 in section 5312 of title 31, United States Code.

23 (3) **FOREIGN PERSON.**—The term “foreign per-
24 son” means a person that is not a United States
25 person.

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

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

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

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

12 **SEC. 3. IDENTIFICATION OF FOREIGN PERSONS RESPON-**
13 **SIBLE FOR GROSS VIOLATIONS OF HUMAN**
14 **RIGHTS.**

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

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

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 or

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

10 ~~(b)~~ ~~UPDATES~~.—The President shall submit to the ap-
11 propriate congressional committees an update of the list
12 required by subsection ~~(a)~~ as new information becomes
13 available.

14 ~~(c)~~ ~~FORM~~.—

15 ~~(1)~~ ~~IN GENERAL~~.—The list required by sub-
16 section ~~(a)~~ shall be submitted in unclassified form.

17 ~~(2)~~ ~~EXCEPTION~~.—The name of a foreign person
18 to be included in the list required by subsection ~~(a)~~
19 may be submitted in a classified annex only if the
20 President—

21 ~~(A)~~ determines that it is vital for the na-
22 tional security interests of the United States to
23 do so;

1 (B) uses the annex in a manner consistent
2 with congressional intent and the purposes of
3 this Act; and

4 (C) not later than 15 days before submit-
5 ting the name in a classified annex; provides to
6 the appropriate congressional committees notice
7 of; and a justification for; including or con-
8 tinuing to include each person in the classified
9 annex despite any publicly available credible in-
10 formation indicating that the person engaged in
11 an activity described in paragraph (1) or (2) of
12 subsection (a).

13 (3) ~~CONSIDERATION OF CERTAIN INFORMA-~~
14 ~~TION.~~—In preparing the list required by subsection
15 (a), the President shall consider—

16 (A) information provided by the chair-
17 person and ranking member of each of the ap-
18 propriate congressional committees; and

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

22 (4) ~~PUBLIC AVAILABILITY.~~—The unclassified
23 portion of the list required by subsection (a) shall be
24 made available to the public and published in the
25 Federal Register.

1 (d) REMOVAL FROM LIST.—A foreign person may be
2 removed from the list required by subsection (a) if the
3 President determines and reports to the appropriate con-
4 gressional committees not later than 15 days before the
5 removal of the person from the list that—

6 (1) credible information exists that the person
7 did not engage in the activity for which the person
8 was added to the list;

9 (2) the person has been prosecuted appro-
10 priately for the activity in which the person engaged;
11 or

12 (3) the person has credibly demonstrated a sig-
13 nificant change in behavior, has paid an appropriate
14 consequence for the activities in which the person
15 engaged, and has credibly committed to not engage
16 in an activity described in paragraph (1) or (2) of
17 subsection (a).

18 (e) REQUESTS BY CHAIRPERSON AND RANKING
19 MEMBER OF APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—

21 (1) IN GENERAL.—Not later than 120 days
22 after receiving a written request from the chair-
23 person and ranking member of one of the appro-
24 priate congressional committees with respect to
25 whether a foreign person meets the criteria for being

1 added to the list required by subsection (a), the
2 President shall submit a response to that chair-
3 person and ranking member of the committee with
4 respect to the status of the person.

5 (2) FORM.—The President may submit a re-
6 sponse required by paragraph (1) in classified form
7 if the President determines that it is necessary for
8 the national security interests of the United States
9 to do so.

10 (3) REMOVAL.—

11 (A) IN GENERAL.—If the President re-
12 moves from the list required by subsection (a)
13 a foreign person that has been placed on the
14 list at the request of the chairperson and rank-
15 ing member of one of the appropriate congress-
16 sional committees, the President shall provide
17 the chairperson and ranking member with any
18 information that contributed to the removal de-
19 cision.

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

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

9 **SEC. 4. INADMISSIBILITY OF CERTAIN INDIVIDUALS.**

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

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

20 (c) **WAIVER FOR NATIONAL SECURITY INTERESTS.**—

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

24 (A) the Secretary determines that such a
25 waiver—

1 (i) is necessary to permit the United
2 States to comply with the Agreement be-
3 tween the United Nations and the United
4 States of America regarding the Head-
5 quarters of the United Nations, signed
6 June 26, 1947, and entered into force No-
7 vember 21, 1947, or other applicable inter-
8 national obligations of the United States;
9 or

10 (ii) is in the national security interests
11 of the United States; and

12 (B) before granting the waiver, the Sec-
13 retary provides to the appropriate congressional
14 committees notice of, and a justification for, the
15 waiver.

16 (2) TIMING FOR NOTICE OF CERTAIN WAIV-
17 ERS.—In the case of a waiver under subparagraph
18 (A)(ii) of paragraph (1), the Secretary shall submit
19 the notice required by subparagraph (B) of that
20 paragraph not later than 15 days before granting
21 the waiver.

22 (d) REGULATORY AUTHORITY.—The Secretary of
23 State shall prescribe such regulations as are necessary to
24 carry out this section.

1 **SEC. 5. FINANCIAL MEASURES.**

2 (a) **FREEZING OF ASSETS.—**

3 (1) **IN GENERAL.—**The President shall exercise
4 all powers granted by the International Emergency
5 Economic Powers Act (50 U.S.C. 1701 et seq.) (ex-
6 cept that the requirements of section 202 of such
7 Act (50 U.S.C. 1701) shall not apply) to the extent
8 necessary to freeze and prohibit all transactions in
9 all property and interests in property of a foreign
10 person on the list required by section 3(a) of this
11 Act if such property and interests in property are in
12 the United States, come within the United States, or
13 are or come within the possession or control of a
14 United States person.

15 (2) **EXCEPTION.—**Paragraph (1) shall not
16 apply to foreign persons included on the classified
17 annex under section 3(e)(2) if the President deter-
18 mines that such an exception is vital to the national
19 security interests of the United States.

20 (b) **WAIVER FOR NATIONAL SECURITY INTERESTS.—**

21 The Secretary of the Treasury may waive the application
22 of subsection (a) if the Secretary—

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

25 (2) not later than 15 days before granting the
26 waiver, provides to the appropriate congressional

1 committees notice of, and a justification for, the
2 waiver.

3 ~~(c) ENFORCEMENT.—~~

4 ~~(1) PENALTIES.—~~A person that violates, at-
5 tempts to violate, conspires to violate, or causes a
6 violation of this section or any regulation, license, or
7 order issued to carry out this section shall be subject
8 to the penalties set forth in subsections (b) and (c)
9 of section 206 of the International Emergency Eco-
10 nomic Powers Act (50 U.S.C. 1705) to the same ex-
11 tent as a person that commits an unlawful act de-
12 scribed in subsection (a) of that section.

13 ~~(2) REQUIREMENTS FOR FINANCIAL INSTITU-~~
14 ~~TIONS.—~~Not later than 120 days after the date of
15 the enactment of this Act, the Secretary of the
16 Treasury shall prescribe regulations requiring each
17 financial institution that is a United States person
18 and has within its possession or control assets that
19 are property or interests in property of a foreign
20 person on the list required by section 3(a) to certify
21 to the Secretary that, to the best of the knowledge
22 of the financial institution, the financial institution
23 has frozen all assets within the possession or control
24 of the financial institution that are required to be
25 frozen pursuant to subsection (a).

1 (d) ~~REGULATORY AUTHORITY.~~—The Secretary of the
2 Treasury shall issue such regulations, licenses, and orders
3 as are necessary to carry out this section.

4 **SEC. 6. REPORT TO CONGRESS.**

5 Not later than one year after the date of the enact-
6 ment of this Act, and annually thereafter, the Secretary
7 of State and the Secretary of the Treasury shall each sub-
8 mit to the appropriate congressional committees a report
9 on—

10 (1) the actions taken to carry out this Act, in-
11 cluding—

12 (A) the number of foreign persons added
13 to or removed from the list required by section
14 3(a) during the year preceding the report, the
15 dates on which those persons were added or re-
16 moved, and the reasons for adding or removing
17 those persons; and

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

21 (2) efforts by the executive branch to encourage
22 the governments of other countries to impose sanc-
23 tions that are similar to the sanctions imposed under
24 this Act.

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) *APPROPRIATE CONGRESSIONAL COMMIT-*
7 *TEES.—The term “appropriate congressional commit-*
8 *tees” means—*

9 (A) *the Committee on Banking, Housing,*
10 *and Urban Affairs and the Committee on For-*
11 *foreign Relations of the Senate; and*

12 (B) *the Committee on Financial Services*
13 *and the Committee on Foreign Affairs of the*
14 *House of Representatives.*

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

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

20 (4) *UNITED STATES PERSON.—The term “United*
21 *States person” means—*

22 (A) *a United States citizen or an alien law-*
23 *fully admitted for permanent residence to the*
24 *United States; or*

25 (B) *an entity organized under the laws of*
26 *the United States or of any jurisdiction within*

1 *the United States, including a foreign branch of*
2 *such an entity.*

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

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

8 *(1) is responsible for extrajudicial killings, tor-*
9 *ture, or other gross violations of internationally recog-*
10 *nized human rights committed against individuals in*
11 *any foreign country who seek—*

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

14 *(B) to obtain, exercise, defend, or promote*
15 *internationally recognized human rights and*
16 *freedoms, such as the freedoms of religion, expres-*
17 *sion, association, and assembly, and the rights to*
18 *a fair trial and democratic elections;*

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

22 *(3) is a government official, or a senior associate*
23 *of such an official, that is responsible for, or complicit*
24 *in, ordering, controlling, or otherwise directing, acts*
25 *of significant corruption, including the expropriation*

1 *of private or public assets for personal gain, corrup-*
2 *tion related to government contracts or the extraction*
3 *of natural resources, bribery, or the facilitation or*
4 *transfer of the proceeds of corruption to foreign juris-*
5 *dictions; or*

6 *(4) has materially assisted, sponsored, or pro-*
7 *vided financial, material, or technological support*
8 *for, or goods or services in support of, an activity de-*
9 *scribed in paragraph (3).*

10 ***(b) SANCTIONS DESCRIBED.—****The sanctions described*
11 *in this subsection are the following:*

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

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

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

22 ***(2) BLOCKING OF PROPERTY.—***

23 ***(A) IN GENERAL.—****The blocking, in accord-*
24 *ance with the International Emergency Eco-*
25 *nomics Powers Act (50 U.S.C. 1701 et seq.), of all*

1 *transactions in all property and interests in*
2 *property of a foreign person if such property and*
3 *interests in property are in the United States,*
4 *come within the United States, or are or come*
5 *within the possession or control of a United*
6 *States person.*

7 *(B) INAPPLICABILITY OF NATIONAL EMER-*
8 *GENCY REQUIREMENT.—The requirements of sec-*
9 *tion 202 of the International Emergency Eco-*
10 *nomics Powers Act (50 U.S.C. 1701) shall not*
11 *apply for purposes of this section.*

12 *(c) CONSIDERATION OF CERTAIN INFORMATION IN IM-*
13 *POSING SANCTIONS.—In determining whether to impose*
14 *sanctions under subsection (a), the President shall con-*
15 *sider—*

16 *(1) information provided by the chairperson and*
17 *ranking member of each of the appropriate congress-*
18 *sional committees; and*

19 *(2) credible information obtained by other coun-*
20 *tries and nongovernmental organizations that mon-*
21 *itor violations of human rights.*

22 *(d) REQUESTS BY CHAIRPERSON AND RANKING MEM-*
23 *BER OF APPROPRIATE CONGRESSIONAL COMMITTEES.—Not*
24 *later than 120 days after receiving a written request from*
25 *the chairperson and ranking member of one of the appro-*

1 *priate congressional committees with respect to whether a*
2 *foreign person has engaged in an activity described in sub-*
3 *section (a), the President shall—*

4 *(1) determine if that person has engaged in such*
5 *an activity; and*

6 *(2) submit a report to the chairperson and rank-*
7 *ing member of that committee with respect to that de-*
8 *termination that includes—*

9 *(A) a statement of whether or not the Presi-*
10 *dent imposed or intends to impose sanctions*
11 *with respect to the person; and*

12 *(B) if the President imposed or intends to*
13 *impose sanctions, a description of those sanc-*
14 *tions.*

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

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

21 *(2) before granting the waiver, submits to the ap-*
22 *propriate congressional committees notice of, and a*
23 *justification for, the waiver.*

24 *(f) EXCEPTION TO COMPLY WITH UNITED NATIONS*
25 *HEADQUARTERS AGREEMENT.—Sanctions under sub-*

1 *section (b)(1) shall not apply to an individual if admitting*
2 *the individual into the United States is necessary to permit*
3 *the United States to comply with the Agreement regarding*
4 *the Headquarters of the United Nations, signed at Lake*
5 *Success 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 *(g) ENFORCEMENT OF BLOCKING OF PROPERTY.—A*
10 *person that violates, attempts to violate, conspires to vio-*
11 *late, or causes a violation of subsection (b)(2) or any regula-*
12 *tion, license, or order issued to carry out subsection (b)(2)*
13 *shall be subject to the penalties set forth in subsections (b)*
14 *and (c) of section 206 of the International Emergency Eco-*
15 *nomics Powers Act (50 U.S.C. 1705) to the same extent as*
16 *a person that commits an unlawful act described in sub-*
17 *section (a) of that section.*

18 *(h) TERMINATION OF SANCTIONS.—The President may*
19 *terminate the application of sanctions under this section*
20 *with respect to a person if the President determines and*
21 *reports to the appropriate congressional committees not*
22 *later than 15 days before the termination of the sanctions*
23 *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 appropriately*
5 *for the activity for which sanctions were imposed; or*

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

11 (i) *REGULATORY AUTHORITY.—The President shall*
12 *issue such regulations, licenses, and orders as are necessary*
13 *to carry out this section.*

14 **SEC. 4. REPORTS TO CONGRESS.**

15 (a) *IN GENERAL.—Not later than 120 days after the*
16 *date of the enactment of this Act, and annually thereafter,*
17 *the President shall submit to the appropriate congressional*
18 *committees a report that includes—*

19 (1) *a list of each foreign person with respect to*
20 *which the President imposed sanctions pursuant to*
21 *section 3 during the year preceding the submission of*
22 *the report;*

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

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

3 (A) *imposed sanctions under section 3(a)*
4 *during that year; and*

5 (B) *terminated sanctions under section 3(h)*
6 *during that year;*

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

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

11 (6) *a description of the efforts of the President to*
12 *encourage the governments of other countries to im-*
13 *pose sanctions that are similar to the sanctions au-*
14 *thorized by section 3.*

15 (b) *FORM OF REPORT.—*

16 (1) *IN GENERAL.—The report required by sub-*
17 *section (a) shall be submitted in unclassified form,*
18 *but may include a classified annex.*

19 (2) *EXCEPTION.—The name of a foreign person*
20 *to be included in the list required by subsection (a)(1)*
21 *may be submitted in the classified annex authorized*
22 *by paragraph (1) only if the President—*

23 (A) *determines that it is vital for the na-*
24 *tional security interests of the United States to*
25 *do so;*

1 (B) uses the annex in a manner consistent
2 with congressional intent and the purposes of
3 this Act; and

4 (C) not later than 15 days before submitting
5 the name in a classified annex, provides to the
6 appropriate congressional committees notice of,
7 and a justification for, including the name in
8 the classified annex despite any publicly avail-
9 able credible information indicating that the per-
10 son engaged in an activity described in section
11 3(a).

12 (c) *PUBLIC AVAILABILITY.*—

13 (1) *IN GENERAL.*—The unclassified portion of
14 the report required by subsection (a) shall be made
15 available to the public, including through publication
16 in the *Federal Register*.

17 (2) *NONAPPLICABILITY OF CONFIDENTIALITY RE-*
18 *QUIREMENT WITH RESPECT TO VISA RECORDS.*—The
19 President shall publish the list required by subsection
20 (a)(1) without regard to the requirements of section
21 222(f) of the *Immigration and Nationality Act* (8
22 *U.S.C. 1202(f)*) with respect to confidentiality of
23 records pertaining to the issuance or refusal of visas
24 or permits to enter the United States.