

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the Global Magnitsky Human Rights Accountability Act to modify the foreign persons subject to sanctions and to remove the sunset for the imposition of sanctions.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. _____

To address issues involving the People’s Republic of China.

Referred to the Committee on _____ and
 ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CARDIN

Viz:

1 At the end of title III, add the following:

2 **SEC. 304. MODIFICATIONS TO AND REAUTHORIZATION OF**
 3 **SANCTIONS WITH RESPECT TO HUMAN**
 4 **RIGHTS VIOLATIONS.**

5 (a) DEFINITIONS.—Section 1262 of the Global
 6 Magnitsky Human Rights Accountability Act (Subtitle F
 7 of title XII of Public Law 114–328; 22 U.S.C. 2656 note)
 8 is amended by striking paragraph (2) and inserting the
 9 following:

10 “(2) IMMEDIATE FAMILY MEMBER.—The term
 11 ‘immediate family member’, with respect to a foreign

1 person, means the spouse, parent, sibling, or adult
2 child of the person.”.

3 (b) SENSE OF CONGRESS.—The Global Magnitsky
4 Human Rights Accountability Act (Subtitle F of title XII
5 of Public Law 114–328; 22 U.S.C. 2656 note) is amended
6 by inserting after section 1262 the following new section:

7 **“SEC. 1262A. SENSE OF CONGRESS.**

8 “It is the sense of Congress that the President should
9 establish and regularize information sharing and sanc-
10 tions-related decision making with like-minded govern-
11 ments possessing human rights and anti-corruption sanc-
12 tions programs similar in nature to those authorized under
13 this subtitle.”.

14 (c) IMPOSITION OF SANCTIONS.—

15 (1) IN GENERAL.—Subsection (a) of section
16 1263 of the Global Magnitsky Human Rights Ac-
17 countability Act (Subtitle F of title XII of Public
18 Law 114–328; 22 U.S.C. 2656 note) is amended to
19 read as follows:

20 “(a) IN GENERAL.—The President may impose the
21 sanctions described in subsection (b) with respect to—

22 “(1) any foreign person that the President de-
23 termines, based on credible information—

24 “(A) is responsible for or complicit in, or
25 has directly or indirectly engaged in, serious

1 human rights abuse or any violation of inter-
2 nationally recognized human rights;

3 “(B) is a current or former government of-
4 ficial, or a person acting for or on behalf of
5 such an official, who is responsible for or
6 complicit in, or has directly or indirectly en-
7 gaged in—

8 “(i) corruption, including—

9 “(I) the misappropriation of state
10 assets;

11 “(II) the expropriation of private
12 assets for personal gain;

13 “(III) corruption related to gov-
14 ernment contracts or the extraction of
15 natural resources; or

16 “(IV) bribery; or

17 “(ii) the transfer or facilitation of the
18 transfer of the proceeds of corruption;

19 “(C) is or has been a leader or official of—

20 “(i) an entity, including a government
21 entity, that has engaged in, or whose mem-
22 bers have engaged in, any of the activities
23 described in subparagraph (A) or (B) dur-
24 ing the tenure of the leader or official; or

1 “(ii) an entity whose property and in-
2 terests in property are blocked pursuant to
3 this section as a result of activities during
4 the tenure of the leader or official;

5 “(D) has materially assisted, sponsored, or
6 provided financial, material, or technological
7 support for, or goods or services to or in sup-
8 port of—

9 “(i) an activity described in subpara-
10 graph (A) or (B) that is conducted by a
11 foreign person;

12 “(ii) a person whose property and in-
13 terests in property are blocked pursuant to
14 this section; or

15 “(iii) an entity, including a govern-
16 ment entity, that has engaged in, or whose
17 members have engaged in, an activity de-
18 scribed in subparagraph (A) or (B) con-
19 ducted by a foreign person; or

20 “(E) is owned or controlled by, or acts or
21 is purported to act for or on behalf of, directly
22 or indirectly, a person whose property and in-
23 terests in property are blocked pursuant to this
24 section; and

1 “(2) any immediate family member of a person
2 described in paragraph (1).”.

3 (2) SANCTIONS DESCRIBED.—Clause (ii) of sub-
4 section (b)(2)(C) of such section is amended to read
5 as follows:

6 “(ii) GOOD.—In this subparagraph,
7 the term ‘good’ means any article, natural
8 or manmade substance, material, supply,
9 or manufactured product, including inspec-
10 tion and test equipment, and excluding
11 technical data.”.

12 (3) CONSIDERATION OF CERTAIN INFORMA-
13 TION.—Subsection (c)(2) of such section is amended
14 by inserting “corruption and” after “monitor”.

15 (4) REQUESTS BY CONGRESS.—Subsection (d)
16 of such section is amended—

17 (A) in paragraph (1)—

18 (i) in the matter preceding subpara-
19 graph (A), by striking “subsection (a)”
20 and inserting “subsection (a)(1)”; and

21 (ii) in subparagraph (B)(i), by insert-
22 ing “or an immediate family member of
23 the person”; and

24 (B) in paragraph (2)—

25 (i) in subparagraph (A)—

6

1 (I) in the subparagraph heading,
2 by striking “HUMAN RIGHTS VIOLA-
3 TIONS” and inserting “SERIOUS
4 HUMAN RIGHTS ABUSE OR VIOLA-
5 TIONS OF INTERNATIONALLY RECOG-
6 NIZED HUMAN RIGHTS”; and

7 (II) by striking “described in
8 paragraph (1) or (2) of subsection
9 (a)” and inserting “described in sub-
10 section (a)(1) relating to serious
11 human rights abuse or any violation
12 of internationally recognized human
13 rights”; and

14 (ii) in subparagraph (B), in the mat-
15 ter preceding clause (i), by striking “de-
16 scribed in paragraph (3) or (4) of sub-
17 section (a)” and inserting “described in
18 subsection (a)(1) relating to corruption or
19 the transfer or facilitation of the transfer
20 of the proceeds of corruption”.

21 (5) TERMINATION OF SANCTIONS.—Subsection
22 (g) of such section is amended, in the matter pre-
23 ceding paragraph (1), by inserting “and the imme-
24 diate family members of that person” after “a per-
25 son”.

1 (d) REPORTS TO CONGRESS.—Section 1264(a) of the
2 Global Magnitsky Human Rights Accountability Act (Sub-
3 title F of title XII of Public Law 114–328; 22 U.S.C.
4 2656 note) is amended—

5 (1) in paragraph (5), by striking “; and” and
6 inserting a semicolon;

7 (2) in paragraph (6), by striking the period at
8 the end and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(7) A description of additional steps taken by
11 the President through diplomacy and assistance to
12 foreign or security sectors to address persistent un-
13 derlying causes of serious human rights abuse, viola-
14 tions of internationally recognized human rights,
15 and corruption in each country in which foreign per-
16 sons with respect to which sanctions have been im-
17 posed under section 1263 are located.”.

18 (e) REPEAL OF SUNSET.—Section 1265 of the Global
19 Magnitsky Human Rights Accountability Act (Subtitle F
20 of title XII of Public Law 114–328; 22 U.S.C. 2656 note)
21 is repealed.