

113TH CONGRESS
2D SESSION

H. R. 5390

To impose sanctions against persons who knowingly provide material support or resources to the Donbass People’s Militia or its affiliates, associated groups, or agents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2014

Ms. JACKSON LEE (for herself, Mr. LEWIS, and Mrs. CAROLYN B. MALONEY of New York) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs and Financial Services, 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

A BILL

To impose sanctions against persons who knowingly provide material support or resources to the Donbass People’s Militia or its affiliates, associated groups, or agents, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Donbass People’s Mili-
5 tia Terrorist Designation Act of 2014”.

1 **SEC. 2. SENSE OF CONGRESS ON DESIGNATION OF THE**
2 **DONBASS PEOPLE'S MILITIA AS A FOREIGN**
3 **TERRORIST ORGANIZATION.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The Donbass People's Militia (DPM) is an
6 armed militia with allegiance to the Donestsk Peo-
7 ple's Republic, a self-proclaimed State in Eastern
8 Europe.

9 (2) The organization consists of pro-Russian
10 separatists that have taken up arms against the
11 Ukrainian Armed Forces and the Government of
12 Ukraine.

13 (3) The Government of Ukraine has concluded
14 that the DPM is responsible for shooting down Ma-
15 laysian Airlines Flight 17 on July 17, 2014.

16 (4) The actions of the DPM resulted in the
17 deaths of 283 passengers, 80 of them children, and
18 15 crew members.

19 (5) A United Nations report released May 15,
20 2014, concluded that “in eastern Ukraine, freedom
21 of expression is under particular attack through the
22 harassment of, and threats to, journalists and media
23 outlets and the increasing prevalence of hate speech
24 is further fuelling tensions (Section I, Article 5, Sec-
25 tion vi).”.

1 (6) According to the United Nations report,
2 “Armed groups continue to illegally seize and occupy
3 public and administrative buildings in cities and
4 towns of the eastern regions and proclaim ‘self-de-
5 clared regions’”.

6 (7) Leaders and members of these armed
7 groups commit an increasing number of human
8 rights abuses, such as abductions, harassment, un-
9 lawful detentions, in particularly of journalists. This
10 is leading to a breakdown in law and order and a
11 climate of intimidation and harassment (Section I,
12 Article 5, Section ii).

13 (8) A report by the highly respected human
14 rights advocacy organization, Human Rights Watch,
15 found that “Anti-Kiev forces in eastern Ukraine are
16 abducting, attacking, and harassing people they sus-
17 pect of supporting the Ukrainian government or con-
18 sider undesirable.”.

19 (9) Militants in the self-proclaimed Donestsk
20 People’s Republic have taken hostages and have yet
21 to release them.

22 (10) According to a report by the United Na-
23 tions High Commissioner for Refugees, the actions
24 of DPM and other militant groups have caused over
25 100,000 Ukrainians to flee their country as refugees

1 and have also displaced approximately 54,000 citi-
2 zens internally.

3 (b) CRITERIA.—Section 219(a)(1) of the Immigration
4 and Nationality Act (8 U.S.C. 1189(a)(1)) provides the
5 3 criteria for the designation of an organization as a for-
6 eign terrorist organization:

7 (1) The organization must be a foreign organi-
8 zation.

9 (2) The organization must engage in terrorist
10 activity, as defined in section 212(a)(3)(B) of the
11 Immigration and Nationality Act (8 U.S.C.
12 1182(a)(3)(B)), or terrorism, as defined in section
13 140(d)(2) of the Foreign Relations Authorization
14 Act, Fiscal Years 1988 and 1989 (22 U.S.C.
15 2656f(d)(2)), or retain the capability and intent to
16 engage in terrorist activity or terrorism.

17 (3) The organization's terrorist activity or ter-
18 rorism must threaten the security of United States
19 nationals or the national security (national defense,
20 foreign relations, or the economic interests) of the
21 United States.

22 (c) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) the Donbass People's Militia has met the
25 criteria for designation as a foreign terrorist organi-

1 zation under section 219 of the Immigration and
2 Nationality Act (as described in subsection (b)); and

3 (2) the Secretary of State, in consultation with
4 the Attorney General and the Secretary of the
5 Treasury, should exercise the Secretary of State's
6 statutory authority and designate the Donbass Peo-
7 ple's Militia as a foreign terrorist organization.

8 (d) REPORT.—If the Secretary of State does not des-
9 ignate the Donbass People's Militia as a foreign terrorist
10 organization under section 219 of the Immigration and
11 Nationality Act within 60 days after the date of the enact-
12 ment of this Act, the Secretary of State shall submit to
13 Congress a report that contains the reasons therefor.

14 **SEC. 3. SANCTIONS AGAINST PERSONS WHO KNOWINGLY**
15 **PROVIDE MATERIAL SUPPORT OR RE-**
16 **SOURCES TO THE DONBASS PEOPLE'S MILI-**
17 **TIA OR ITS AFFILIATES, ASSOCIATED**
18 **GROUPS, OR AGENTS.**

19 (a) SANCTIONS.—

20 (1) IN GENERAL.—The President shall subject
21 to all available sanctions any person in the United
22 States or subject to the jurisdiction of the United
23 States who knowingly provides material support or
24 resources to the Donbass People's Militia or its af-
25 filiates, associated groups, or agents.

1 (2) DEFINITION.—In this paragraph, the term
2 “material support or resources” has the meaning
3 given such term in section 2339A(b)(1) of title 18,
4 United States Code.

5 (b) INADMISSIBILITY AND REMOVAL.—

6 (1) INADMISSABILITY.—Notwithstanding any
7 other provision of law, the Secretary of State may
8 not issue any visa to, and the Secretary of Home-
9 land Security shall deny entry to the United States
10 of, any member or representative of the Donbass
11 People’s Militia or its affiliates, associated groups,
12 or agents.

13 (2) REMOVAL.—Any alien who is a member or
14 representative of the Donbass People’s Militia or its
15 affiliates, associated groups, or agents may be re-
16 moved from the United States in the same manner
17 as an alien who is inadmissible under sections
18 212(a)(3)(B)(i)(IV) or (V) of the Immigration and
19 Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)(IV) or
20 (V)).

21 (c) FUNDS.—Any United States financial institution
22 (as defined under section 5312 of title 31, United States
23 Code) that knowingly has possession of or control over
24 funds in which the Donbass People’s Militia or its affli-
25 ates, associated groups, or agents have an interest shall

- 1 retain possession of or control over the funds and report
- 2 the funds to the Office of Foreign Assets Control of the
- 3 Department of the Treasury.

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