

113TH CONGRESS
2D SESSION

S. 1933

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

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Global Human Rights
5 Accountability Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Armed Services, the
5 Committee on Financial Services, the Com-
6 mittee on Foreign Affairs, the Committee on
7 Homeland Security, and the Committee on the
8 Judiciary of the House of Representatives; and

9 (B) the Committee on Armed Services, the
10 Committee on Banking, Housing, and Urban
11 Affairs, the Committee on Foreign Relations,
12 the Committee on Homeland Security and Gov-
13 ernmental Affairs, and the Committee on the
14 Judiciary of the Senate.

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

18 (3) FOREIGN PERSON.—The term “foreign per-
19 son” means a person that is not a United States
20 person.

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

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

1 (A) a United States citizen or an alien law-
2 fully admitted for permanent residence to the
3 United States; or

4 (B) an entity organized under the laws of
5 the United States or of any jurisdiction within
6 the United States, including a foreign branch of
7 such an entity.

8 **SEC. 3. IDENTIFICATION OF FOREIGN PERSONS RESPON-**
9 **SIBLE FOR GROSS VIOLATIONS OF HUMAN**
10 **RIGHTS.**

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

16 (1) is responsible for extrajudicial killings, tor-
17 ture, or other gross violations of internationally rec-
18 ognized human rights committed against individuals
19 in any foreign country seeking—

20 (A) to expose illegal activity carried out by
21 government officials; or

22 (B) to obtain, exercise, defend, or promote
23 internationally recognized human rights and
24 freedoms, such as the freedoms of religion, ex-
25 pression, association, and assembly, and the

1 rights to a fair trial and democratic elections;
2 or

3 (2) acted as an agent of or on behalf of a for-
4 eign person in a matter relating to an activity de-
5 scribed in paragraph (1).

6 (b) UPDATES.—The President shall submit to the ap-
7 propriate congressional committees an update of the list
8 required by subsection (a) as new information becomes
9 available.

10 (c) FORM.—

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

13 (2) EXCEPTION.—The name of a foreign person
14 to be included in the list required by subsection (a)
15 may be submitted in a classified annex only if the
16 President—

17 (A) determines that it is vital for the na-
18 tional security interests of the United States to
19 do so;

20 (B) uses the annex in a manner consistent
21 with congressional intent and the purposes of
22 this Act; and

23 (C) not later than 15 days before submit-
24 ting the name in a classified annex, provides to
25 the appropriate congressional committees notice

1 of, and a justification for, including or con-
2 tinuing to include each person in the classified
3 annex despite any publicly available credible in-
4 formation indicating that the person engaged in
5 an activity described in paragraph (1) or (2) of
6 subsection (a).

7 (3) CONSIDERATION OF CERTAIN INFORMA-
8 TION.—In preparing the list required by subsection
9 (a), the President shall consider—

10 (A) information provided by the chair-
11 person and ranking member of each of the ap-
12 propriate congressional committees; and

13 (B) credible information obtained by other
14 countries and nongovernmental organizations
15 that monitor violations of human rights.

16 (4) PUBLIC AVAILABILITY.—The unclassified
17 portion of the list required by subsection (a) shall be
18 made available to the public and published in the
19 Federal Register.

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

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

4 (2) the person has been prosecuted appro-
5 priately for the activity in which the person engaged;
6 or

7 (3) the person has credibly demonstrated a sig-
8 nificant change in behavior, has paid an appropriate
9 consequence for the activities in which the person
10 engaged, and has credibly committed to not engage
11 in an activity described in paragraph (1) or (2) of
12 subsection (a).

13 (e) REQUESTS BY CHAIRPERSON AND RANKING
14 MEMBER OF APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—

16 (1) IN GENERAL.—Not later than 120 days
17 after receiving a written request from the chair-
18 person and ranking member of one of the appro-
19 priate congressional committees with respect to
20 whether a foreign person meets the criteria for being
21 added to the list required by subsection (a), the
22 President shall submit a response to that chair-
23 person and ranking member of the committee with
24 respect to the status of the person.

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

6 (3) REMOVAL.—

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

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

22 (f) NONAPPLICABILITY OF CONFIDENTIALITY RE-
23 QUIREMENT WITH RESPECT TO VISA RECORDS.—The
24 President shall publish the list required by subsection (a)
25 without regard to the requirements of section 222(f) of

1 the Immigration and Nationality Act (8 U.S.C. 1202(f))
2 with respect to confidentiality of records pertaining to the
3 issuance or refusal of visas or permits to enter the United
4 States.

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

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

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

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

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

20 (A) the Secretary determines that such a
21 waiver—

22 (i) is necessary to permit the United
23 States to comply with the Agreement be-
24 tween the United Nations and the United
25 States of America regarding the Head-

1 quarters of the United Nations, signed
2 June 26, 1947, and entered into force No-
3 vember 21, 1947, or other applicable inter-
4 national obligations of the United States;
5 or

6 (ii) is in the national security interests
7 of the United States; and

8 (B) before granting the waiver, the Sec-
9 retary provides to the appropriate congressional
10 committees notice of, and a justification for, the
11 waiver.

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

18 (d) **REGULATORY AUTHORITY.**—The Secretary of
19 State shall prescribe such regulations as are necessary to
20 carry out this section.

21 **SEC. 5. FINANCIAL MEASURES.**

22 (a) **FREEZING OF ASSETS.**—

23 (1) **IN GENERAL.**—The President shall exercise
24 all powers granted by the International Emergency
25 Economic Powers Act (50 U.S.C. 1701 et seq.) (ex-

1 cept that the requirements of section 202 of such
2 Act (50 U.S.C. 1701) shall not apply) to the extent
3 necessary to freeze and prohibit all transactions in
4 all property and interests in property of a foreign
5 person on the list required by section 3(a) of this
6 Act if such property and interests in property are in
7 the United States, come within the United States, or
8 are or come within the possession or control of a
9 United States person.

10 (2) EXCEPTION.—Paragraph (1) shall not
11 apply to foreign persons included on the classified
12 annex under section 3(c)(2) if the President deter-
13 mines that such an exception is vital to the national
14 security interests of the United States.

15 (b) WAIVER FOR NATIONAL SECURITY INTERESTS.—

16 The Secretary of the Treasury may waive the application
17 of subsection (a) if the Secretary—

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

20 (2) not later than 15 days before granting the
21 waiver, provides to the appropriate congressional
22 committees notice of, and a justification for, the
23 waiver.

24 (c) ENFORCEMENT.—

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

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

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

1 **SEC. 6. REPORT TO CONGRESS.**

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

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

9 (A) the number of foreign persons added
10 to or removed from the list required by section
11 3(a) during the year preceding the report, the
12 dates on which those persons were added or re-
13 moved, and the reasons for adding or removing
14 those persons; and

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

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

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