IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2016

Referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, 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

AN ACT

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,
SECTION 1. SHORT TITLE.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) FOREIGN PERSON.—The term “foreign person” means a person that is not a United States person.

(2) PERSON.—The term “person” means an individual or entity.

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

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

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

SEC. 3. 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 rec-
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, ex-
pression, association, and assembly, and the
rights to a fair trial and democratic elections;

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

(3) is a government official, or a senior asso-
ciate of such an official, that is responsible for, or
complicit in, ordering, controlling, or otherwise di-
recting, 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 pro-
vided 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 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), 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 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as continued in effect pursuant to the International Emergency 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 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 CHAIRPERSON AND RANKING MEMBER OF APPROPRIATE CONGRESSIONAL COMMITTEES.—Not later than 120 days after receiving a written request from the chairperson and ranking member of one of the appropriate congressional committees with respect to whether a foreign person has engaged in an activity described in subsection (a), the President shall—

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

(2) submit a report to the chairperson and ranking member of that committee with respect to that determination that includes—

(A) a statement of whether or not the President imposed or intends to impose sanctions with respect to the person; and

(B) if the President imposed or intends to impose sanctions, a description of those sanctions.

(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 enforce-
ment objectives or is necessary to permit the United
States to comply with the Agreement regarding the Head-
quarters 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 subsection (b)(2) or any
regulation, license, or order issued to carry out subsection
(b)(2) shall be subject to the penalties set forth in sub-
sections (b) and (e) 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 de-
scribed in subsection (a) of that section.

(g) TERMINATION OF SANCTIONS.—The President
may terminate the application of sanctions under this sec-
tion 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 sanc-
tions that—
1 (1) credible information exists that the person
did not engage in the activity for which sanctions
were imposed;

2 (2) the person has been prosecuted appro-
3 priately for the activity for which sanctions were im-
4 posed;

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

11 (4) the termination of the sanctions is in the
12 vital national security interests of the United States.

(h) REGULATORY AUTHORITY.—The President shall
issue such regulations, licenses, and orders as are nec-
16 essary to carry out this section.

(i) IDENTIFICATION OF SANCTIONABLE FOREIGN
19 PERSONS.—The Assistant Secretary of State for Democ-
20 racy, Human Rights, and Labor, in consultation with the
21 Assistant Secretary of State for Consular Affairs and
22 other bureaus of the Department of State, as appropriate,
23 is authorized to submit to the Secretary of State, for re-
24 view and consideration, the names of foreign persons who
25 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.

SEC. 4. 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 3 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 3(a) during that year; and

(B) terminated sanctions under section 3(g) 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 3.

(b) Dates for Submission.—

(1) Initial report.—The President shall submit the initial report under subsection (a) not later than 120 days after the date of the enactment of this Act.

(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 Act; 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 3(a).

(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 sub-
section (a)(1) without regard to the requirements of
section 222(f) of the Immigration and Nationality
Act (8 U.S.C. 1202(f)) with respect to confiden-
tiality of records pertaining to the issuance or re-
fusal of visas or permits to enter the United States.

(e) **Appropriate Congressional Committees Defined.**—In this section, the term “appropriate congress-
sional committees” means—

(1) the Committee on Appropriations, the Com-
mittee 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 Com-
mittee on Financial Services, the Committee on For-
eign Affairs, and the Committee on the Judiciary of
the House of Representatives.

Passed the Senate December 17, 2015.

Attest: JULIE E. ADAMS,

Secretary.