

116TH CONGRESS
1ST SESSION

H. R. 1630

To impose sanctions under the Global Magnitsky Human Rights Accountability Act to combat corruption, money laundering, and impunity in Guatemala, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2019

Mrs. TORRES of California (for herself, Mr. MCGOVERN, Mr. LOWENTHAL, Ms. OMAR, Ms. HAALAND, Mr. RUSH, Mr. CICILLINE, Mr. POCAN, Mr. LEVIN of Michigan, Mr. HIMES, Mr. RASKIN, Ms. LEE of California, Mr. BLUMENAUER, Mr. ESPAILLAT, Mr. HUFFMAN, Mrs. NAPOLITANO, Ms. NORTON, Mr. BEYER, Mrs. WATSON COLEMAN, Mr. JOHNSON of Georgia, Mr. GALLEGO, Mr. DEFAZIO, and Mr. COHEN) introduced the following bill; which was 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

A BILL

To impose sanctions under the Global Magnitsky Human Rights Accountability Act to combat corruption, money laundering, and impunity in Guatemala, 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 “Guatemala Rule of
3 Law Accountability Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

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

9 (A) the Committee on Foreign Relations
10 and the Committee on Appropriations of the
11 Senate; and

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

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

18 (3) **KNOWINGLY.**—The term “knowingly”, with
19 respect to conduct, a circumstance, or a result,
20 means that a person has actual knowledge, or should
21 have known, of the conduct, the circumstance, or the
22 result.

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

25 (A) a natural person who is a citizen or
26 resident of the United States or a national of

1 the United States (as such term is defined in
2 section 101(a) of the Immigration and Nation-
3 ality Act (8 U.S.C. 1101(a))); or

4 (B) an entity that is organized under the
5 laws of the United States or any jurisdiction
6 within the United States.

7 **SEC. 3. FINDINGS.**

8 Congress makes the following findings:

9 (1) The Department of State’s 2018 Inter-
10 national Narcotics Control Strategy Report stated
11 that, in Guatemala, “widespread corruption per-
12 meates public and private institutions and exacer-
13 bates the country’s security, governmental, and eco-
14 nomic challenges”.

15 (2) The same report, discussing money laun-
16 dering in Guatemala, noted that “[d]rug trafficking
17 is a major source of illicit funds. Other sources in-
18 clude corruption, extortion, human trafficking, com-
19 merce of other illicit goods, and tax evasion. Money
20 is laundered primarily through real estate, ranching,
21 and the gaming industry. It is also laundered
22 through a series of small transactions below the U.S.
23 \$10,000 reporting requirement, either in small
24 banks along the Guatemala-Mexico border, or by
25 travelers carrying cash to other countries”.

1 (3) On August 10, 2018, Guatemala’s Attorney
2 General filed a request before the Supreme Court of
3 Guatemala to remove the immunity of Guatemala’s
4 President, Jimmy Morales, so that he could be
5 charged for the crime of illicit election financing,
6 based on investigations carried out jointly by the Of-
7 fice of the Attorney General and the International
8 Commission against Impunity in Guatemala
9 (CICIG).

10 (4) In August 2018, the Guatemalan Supreme
11 Court ruled that there was sufficient evidence for
12 the Guatemalan Congress to decide if President Mo-
13 rales should be investigated for illicit election financ-
14 ing.

15 (5) On January 7, 2019, the Government of
16 Guatemala announced that it was terminating the
17 agreement establishing CICIG effective immediately.

18 (6) The United Nations responded that the Sec-
19 retary-General “strongly rejects” the announcement,
20 stating “The mandate of the Commission is set to
21 end on 3 September 2019. Until that date, we ex-
22 pect the Government of Guatemala to entirely fulfill
23 its legal obligations under the Agreement. The Sec-
24 retary-General expects the Government of Guate-
25 mala to abide by its international undertakings to

1 ensure the protection of the CICIG personnel, both
2 international and national.”.

3 **SEC. 4. GLOBAL MAGNITSKY SANCTIONS AGAINST FOREIGN**
4 **PERSONS THAT ENGAGE IN CORRUPTION**
5 **AND OTHER ACTIVITIES IN GUATEMALA.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of the enactment of this Act and as appropriate
8 thereafter, the President shall impose the sanctions de-
9 scribed in subsection (b) on any foreign person who is a
10 current or former official of the Government of Guate-
11 mala, or any foreign person acting on behalf of or in co-
12 operation with an official of such Government, who has
13 knowingly—

14 (1) committed or facilitated significant corrup-
15 tion, money laundering, narcotics trafficking, or fi-
16 nancing political campaigns with the proceeds of
17 narcotics trafficking;

18 (2) obstructed investigations or prosecutions
19 carried out by Guatemalan officials of acts described
20 in paragraph (1);

21 (3) misused equipment provided by the Sec-
22 retary of State or the Secretary of Defense to the
23 Guatemalan military or national civilian police for
24 the purpose of combating drug trafficking or secur-
25 ing Guatemala’s border;

1 (4) disobeyed rulings of the Guatemalan Con-
2 stitutional Court, including rulings related to the
3 conduct of elections; or

4 (5) impeded or interfered with the work of any
5 United States Government agency or any institution
6 receiving contributions from the United States Gov-
7 ernment, including the International Commission
8 against Impunity in Guatemala (CICIG).

9 (b) **SANCTIONS DESCRIBED.**—The sanctions de-
10 scribed in this subsection are the sanctions described in
11 section 1263(b) of the Global Magnitsky Human Rights
12 Accountability Act (subtitle F of title XII of the National
13 Defense Authorization Act for Fiscal Year 2017 (Public
14 Law 114–328; 22 U.S.C. 2656 note)).

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

18 (d) **EXCEPTION TO COMPLY WITH UNITED NATIONS**
19 **HEADQUARTERS AGREEMENT.**—Sanctions described in
20 subsection (b) shall not apply to an alien if admitting such
21 alien into the United States is necessary to permit the
22 United States to comply with the Agreement regarding the
23 Headquarters of the United Nations, signed at Lake Sue-
24 cess June 26, 1947, and entered into force November 21,

1 1947, between the United Nations and the United States,
2 or other applicable international obligations.

3 (e) TERMINATION.—This section shall terminate on
4 the date that is two years after the date of the enactment
5 of this Act.

6 (f) REPORT.—Not later than 180 days after the date
7 of the enactment of this Act, the President shall transmit
8 to the appropriate congressional committees a report re-
9 garding steps taken to implement this section.

10 **SEC. 5. CONDITIONS REGARDING USE OF EQUIPMENT**
11 **TRANSFERRED TO SECURITY FORCES.**

12 (a) CONDITIONS.—Not later than 60 days after the
13 date of the enactment of this Act, the Secretary of State,
14 in coordination with the Administrator of the United
15 States Agency for International Development and the Sec-
16 retary of Defense, as appropriate, shall include, in each
17 contract, grant, license, or other mechanism providing for
18 the transfer of United States equipment to, or use by, the
19 Guatemalan military or national police, including for the
20 sale of such equipment, a provision that ensures that any
21 such equipment may be recovered by the United States
22 if such equipment is used in violation of an end use agree-
23 ment or otherwise for purposes other than for which such
24 equipment was transferred.

1 (b) DETERMINATION.—Not later than 90 days after
2 receiving a written request from the chairperson and rank-
3 ing member of any of the appropriate congressional com-
4 mittees with respect to whether equipment transferred or
5 licensed to be transferred to Guatemala by the United
6 States has been used in violation of an end use agreement
7 or otherwise for purposes other than for which such equip-
8 ment was transferred, the President shall—

9 (1) determine whether such equipment was
10 used in violation of such agreement or purposes; and

11 (2) transmit to the chairperson and ranking
12 member of such committee a report with respect to
13 such determination that includes—

14 (A) a statement of whether or not the
15 President has taken or intends to take remedial
16 action, including as provided for in this section
17 or in the Arms Export Control Act (22 U.S.C.
18 2753); and

19 (B) if the President has taken or intends
20 to take such remedial action, a description of
21 such remedial action, or if the President will
22 not take such action, a detailed justification re-
23 lating thereto.

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