

Calendar No. 89117TH CONGRESS
1ST SESSION**S. 93**

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, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

Mr. CARDIN (for himself, Mr. WICKER, Mr. COONS, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JUNE 24, 2021

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

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, 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 “Global Magnitsky
3 Human Rights Accountability Reauthorization Act”.

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

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

12 “(2) **IMMEDIATE FAMILY MEMBER.**—The term
13 ‘immediate family member’, with respect to a foreign
14 person, means the spouse, parent, sibling, or adult
15 child of the person.”.

16 (b) **SENSE OF CONGRESS.**—The Global Magnitsky
17 Human Rights Accountability Act (Subtitle F of title XII
18 of Public Law 114–328; 22 U.S.C. 2656 note) is amended
19 by inserting after section 1262 the following new section:
20 **“SEC. 1262A. SENSE OF CONGRESS.**

21 “It is the sense of Congress that the President should
22 establish and regularize information sharing and sanc-
23 tions-related decision making with like-minded govern-
24 ments possessing human rights and anti-corruption sanc-
25 tions programs similar in nature to those authorized under
26 this subtitle.”.

1 (c) IMPOSITION OF SANCTIONS.—

2 (1) IN GENERAL.—Subsection (a) of section
3 ~~1263~~ of the Global Magnitsky Human Rights Ac-
4 countability Act (Subtitle F of title XII of Public
5 Law ~~114–328~~; 22 U.S.C. 2656 note) is amended to
6 read as follows:

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

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

11 “(A) is responsible for or complicit in, or
12 has directly or indirectly engaged in, serious
13 human rights abuse or any violation of inter-
14 nationally recognized human rights;

15 “(B) is a current or former government of-
16 ficial, or a person acting for or on behalf of
17 such an official, who is responsible for or
18 complicit in, or has directly or indirectly en-
19 gaged in—

20 “(i) corruption, including—

21 “(I) the misappropriation of state
22 assets;

23 “(II) the expropriation of private
24 assets for personal gain;

1 “(III) corruption related to gov-
2 ernment contracts or the extraction of
3 natural resources; or

4 “(IV) bribery; or

5 “(ii) the transfer or facilitation of the
6 transfer of the proceeds of corruption;

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

8 “(i) an entity, including a government
9 entity, that has engaged in, or whose mem-
10 bers have engaged in, any of the activities
11 described in subparagraph (A) or (B) dur-
12 ing the tenure of the leader or official; or

13 “(ii) an entity whose property and in-
14 terests in property are blocked pursuant to
15 this section as a result of activities during
16 the tenure of the leader or official;

17 “(D) has materially assisted, sponsored, or
18 provided financial, material, or technological
19 support for, or goods or services to or in sup-
20 port of—

21 “(i) an activity described in subpara-
22 graph (A) or (B) that is conducted by a
23 foreign person;

1 “(ii) a person whose property and in-
2 terests in property are blocked pursuant to
3 this section; or

4 “(iii) an entity, including a govern-
5 ment entity, that has engaged in, or whose
6 members have engaged in, an activity de-
7 scribed in subparagraph (A) or (B) con-
8 ducted by a foreign person; or

9 “(E) is owned or controlled by, or acts or
10 is purported to act for or on behalf of, directly
11 or indirectly, a person whose property and in-
12 terests in property are blocked pursuant to this
13 section; and

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

16 (2) SANCTIONS DESCRIBED.—Clause (ii) of sub-
17 section (b)(2)(C) of such section is amended to read
18 as follows:

19 “(ii) GOOD.—In this subparagraph,
20 the term ‘good’ means any article, natural
21 or manmade substance, material, supply,
22 or manufactured product, including inspec-
23 tion and test equipment, and excluding
24 technical data.”.

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

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

6 (A) in paragraph (1)—

7 (i) in the matter preceding subpara-
8 graph (A), by striking “subsection (a)”
9 and inserting “subsection (a)(1)”; and

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

13 (B) in paragraph (2)—

14 (i) in subparagraph (A)—

15 (I) in the subparagraph heading,
16 by striking “HUMAN RIGHTS VIOLA-
17 TIONS” and inserting “SERIOUS
18 HUMAN RIGHTS ABUSE OR VIOLA-
19 TIONS OF INTERNATIONALLY RECOG-
20 NIZED HUMAN RIGHTS”; and

21 (II) by striking “described in
22 paragraph (1) or (2) of subsection
23 (a)” and inserting “described in sub-
24 section (a)(1) relating to serious
25 human rights abuse or any violation

1 of internationally recognized human
2 rights”; and

3 (ii) in subparagraph (B), in the mat-
4 ter preceding clause (i), by striking “de-
5 scribed in paragraph (3) or (4) of sub-
6 section (a)” and inserting “described in
7 subsection (a)(1) relating to corruption or
8 the transfer or facilitation of the transfer
9 of the proceeds of corruption”.

10 (5) TERMINATION OF SANCTIONS.—Subsection
11 (g) of such section is amended, in the matter pre-
12 ceeding paragraph (1), by inserting “and the imme-
13 diate family members of that person” after “a per-
14 son”.

15 (d) REPORTS TO CONGRESS.—Section 1264(a) of the
16 Global Magnitsky Human Rights Accountability Act (Sub-
17 title F of title XII of Public Law 114–328; 22 U.S.C.
18 2656 note) is amended—

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

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

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

24 “(7) A description of additional steps taken by
25 the President through diplomacy and assistance to

1 foreign or security sectors to address persistent un-
 2 derlying causes of serious human rights abuse, viola-
 3 tions of internationally recognized human rights,
 4 and corruption in each country in which foreign per-
 5 sons with respect to which sanctions have been im-
 6 posed under section ~~1263~~ are located.”.

7 (c) REPEAL OF SUNSET.—Section 1265 of the Global
 8 Magnitsky Human Rights Accountability Act (Subtitle F
 9 of title XII of Public Law 114–328; 22 U.S.C. 2656 note)
 10 is repealed.

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Global Magnitsky*
 13 *Human Rights Accountability Reauthorization Act”.*

14 **SEC. 2. MODIFICATIONS TO AND REAUTHORIZATION OF**
 15 **SANCTIONS WITH RESPECT TO HUMAN**
 16 **RIGHTS VIOLATIONS.**

17 (a) DEFINITIONS.—Section 1262 of the Global
 18 Magnitsky Human Rights Accountability Act (Subtitle F
 19 of title XII of Public Law 114–328; 22 U.S.C. 2656 note)
 20 is amended by striking paragraph (2) and inserting the fol-
 21 lowing:

22 “(2) IMMEDIATE FAMILY MEMBER.—The term
 23 ‘immediate family member’, with respect to a foreign
 24 person, means the spouse, parent, sibling, or adult
 25 child of the person.”.

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

6 *“It is the sense of Congress that the President should*
 7 *establish and regularize information sharing and sanctions-*
 8 *related decision making with like-minded governments pos-*
 9 *sessing human rights and anti-corruption sanctions pro-*
 10 *grams similar in nature to those authorized under this sub-*
 11 *title.”.*

12 (c) *IMPOSITION OF SANCTIONS.*—

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

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

20 *“(1) any foreign person that the President deter-*
 21 *mines, based on credible information—*

22 *“(A) is responsible for or complicit in, or*
 23 *has directly or indirectly engaged in, serious*
 24 *human rights abuse;*

1 “(B) is a current or former government offi-
2 cial, or a person acting for or on behalf of such
3 an official, who is responsible for or complicit
4 in, or has directly or indirectly engaged in—

5 “(i) corruption, including—

6 “(I) the misappropriation of state
7 assets;

8 “(II) the expropriation of private
9 assets for personal gain;

10 “(III) corruption related to gov-
11 ernment contracts or the extraction of
12 natural resources; or

13 “(IV) bribery; or

14 “(ii) the transfer or facilitation of the
15 transfer of the proceeds of corruption;

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

17 “(i) an entity, including a government
18 entity, that has engaged in, or whose mem-
19 bers have engaged in, any of the activities
20 described in subparagraph (A) or (B) re-
21 lated to the tenure of the leader or official;
22 or

23 “(ii) an entity whose property and in-
24 terests in property are blocked pursuant to

1 *this section as a result of activities related*
2 *to the tenure of the leader or official;*

3 “(D) *has materially assisted, sponsored, or*
4 *provided financial, material, or technological*
5 *support for, or goods or services to or in support*
6 *of—*

7 “(i) *an activity described in subpara-*
8 *graph (A) or (B) that is conducted by a for-*
9 *foreign person;*

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

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

18 “(E) *is owned or controlled by, or has acted*
19 *or been purported to act for or on behalf of, di-*
20 *rectly or indirectly, a person whose property and*
21 *interests in property are blocked pursuant to this*
22 *section; and*

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

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

4 (3) *REQUESTS BY CONGRESS.—Subsection (d) of*
5 *such section is amended—*

6 (A) *in paragraph (1)—*

7 (i) *in the matter preceding subpara-*
8 *graph (A), by striking “subsection (a)” and*
9 *inserting “subsection (a)(1)”;* and

10 (ii) *in subparagraph (B)(i), by insert-*
11 *ing “or an immediate family member of the*
12 *person”;* and

13 (B) *in paragraph (2)—*

14 (i) *in subparagraph (A)—*

15 (I) *in the subparagraph heading,*
16 *by striking “HUMAN RIGHTS VIOLA-*
17 *TIONS” and inserting “SERIOUS*
18 *HUMAN RIGHTS ABUSE”;* and

19 (II) *by striking “described in*
20 *paragraph (1) or (2) of subsection (a)”*
21 *and inserting “described in subsection*
22 *(a)(1) relating to serious human rights*
23 *abuse”;* and

24 (ii) *in subparagraph (B)—*

1 (I) *in the matter preceding clause*
 2 *(i), by striking “described in para-*
 3 *graph (3) or (4) of subsection (a)” and*
 4 *inserting “described in subsection*
 5 *(a)(1) relating to corruption or the*
 6 *transfer or facilitation of the transfer*
 7 *of the proceeds of corruption”; and*

8 (II) *by striking “ranking member*
 9 *of” and all that follows through the pe-*
 10 *riod at the end and inserting “ranking*
 11 *member of one of the appropriate con-*
 12 *gressional committees”.*

13 (4) *TERMINATION OF SANCTIONS.—Subsection*
 14 *(g) of such section is amended, in the matter pre-*
 15 *ceding paragraph (1), by inserting “and the imme-*
 16 *diate family members of that person” after “a per-*
 17 *son”.*

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

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

24 (2) *in paragraph (6), by striking the period at*
 25 *the end and inserting “; and”; and*

1 (3) *by adding at the end the following:*

2 “(7) *A description of additional steps taken by*
3 *the President through diplomacy, international en-*
4 *gagement, and assistance to foreign or security sectors*
5 *to address persistent underlying causes of serious*
6 *human rights abuse and corruption in each country*
7 *in which foreign persons with respect to which sanc-*
8 *tions have been imposed under section 1263 are lo-*
9 *cated.*”.

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

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117TH CONGRESS
1ST Session

S. 93

A BILL

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, and for other purposes.

JUNE 24, 2021

Reported with an amendment