

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.**

**S. 1933**

To impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. CARDIN (for himself and Mr. MCCAIN)

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

1 (A) the Committee on Banking, Housing,  
2 and Urban Affairs and the Committee on For-  
3 eign Relations of the Senate; and

4 (B) the Committee on Financial Services  
5 and the Committee on Foreign Affairs of the  
6 House of Representatives.

7 (2) FOREIGN PERSON.—The term “foreign per-  
8 son” means a person that is not a United States  
9 person.

10 (3) PERSON.—The term “person” means an in-  
11 dividual or entity.

12 (4) UNITED STATES PERSON.—The term  
13 “United States person” means—

14 (A) a United States citizen or an alien law-  
15 fully admitted for permanent residence to the  
16 United States; or

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

21 **SEC. 3. AUTHORIZATION OF IMPOSITION OF SANCTIONS.**

22 (a) IN GENERAL.—The President may impose the  
23 sanctions described in subsection (b) with respect to any  
24 foreign person the President determines, based on credible  
25 evidence—

1           (1) is responsible for extrajudicial killings, tor-  
2           ture, or other gross violations of internationally rec-  
3           ognized human rights committed against individuals  
4           in any foreign country who seek—

5                   (A) to expose illegal activity carried out by  
6                   government officials; or

7                   (B) to obtain, exercise, defend, or promote  
8                   internationally recognized human rights and  
9                   freedoms, such as the freedoms of religion, ex-  
10                  pression, association, and assembly, and the  
11                  rights to a fair trial and democratic elections;

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

15           (3) is a government official, or a senior asso-  
16           ciate of such an official, that is responsible for, or  
17           complicit in, ordering, controlling, or otherwise di-  
18           recting, acts of significant corruption, including the  
19           expropriation of private or public assets for personal  
20           gain, corruption related to government contracts or  
21           the extraction of natural resources, bribery, or the  
22           facilitation or transfer of the proceeds of corruption  
23           to foreign jurisdictions; or

24           (4) has materially assisted, sponsored, or pro-  
25           vided financial, material, or technological support

1 for, or goods or services in support of, an activity  
2 described in paragraph (3).

3 (b) SANCTIONS DESCRIBED.—The sanctions de-  
4 scribed in this subsection are the following:

5 (1) INADMISSIBILITY TO UNITED STATES.—In  
6 the case of a foreign person who is an individual—

7 (A) ineligibility to receive a visa to enter  
8 the United States or to be admitted to the  
9 United States; or

10 (B) if the individual has been issued a visa  
11 or other documentation, revocation, in accord-  
12 ance with section 221(i) of the Immigration and  
13 Nationality Act (8 U.S.C. 1201(i)), of the visa  
14 or other documentation.

15 (2) BLOCKING OF PROPERTY.—

16 (A) IN GENERAL.—The blocking, in ac-  
17 cordance with the International Emergency  
18 Economic Powers Act (50 U.S.C. 1701 et seq.),  
19 of all transactions in all property and interests  
20 in property of a foreign person if such property  
21 and interests in property are in the United  
22 States, come within the United States, or are or  
23 come within the possession or control of a  
24 United States person.

1 (B) INAPPLICABILITY OF NATIONAL EMER-  
2 GENCY REQUIREMENT.—The requirements of  
3 section 202 of the International Emergency  
4 Economic Powers Act (50 U.S.C. 1701) shall  
5 not apply for purposes of this section.

6 (c) CONSIDERATION OF CERTAIN INFORMATION IN  
7 IMPOSING SANCTIONS.—In determining whether to im-  
8 pose sanctions under subsection (a), the President shall  
9 consider—

10 (1) information provided by the chairperson and  
11 ranking member of each of the appropriate congres-  
12 sional committees; and

13 (2) credible information obtained by other coun-  
14 tries and nongovernmental organizations that mon-  
15 itor violations of human rights.

16 (d) REQUESTS BY CHAIRPERSON AND RANKING  
17 MEMBER OF APPROPRIATE CONGRESSIONAL COMMIT-  
18 TEES.—Not later than 120 days after receiving a written  
19 request from the chairperson and ranking member of one  
20 of the appropriate congressional committees with respect  
21 to whether a foreign person has engaged in an activity  
22 described in subsection (a), the President shall—

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

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

4                   (A) a statement of whether or not the  
5 President imposed or intends to impose sanc-  
6 tions with respect to the person; and

7                   (B) if the President imposed or intends to  
8 impose sanctions, a description of those sanc-  
9 tions.

10       (e) WAIVER FOR NATIONAL SECURITY INTERESTS.—

11 The President may waive the application of sanctions  
12 under this section with respect to a person if the Presi-  
13 dent—

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

16           (2) before granting the waiver, submits to the  
17 appropriate congressional committees notice of, and  
18 a justification for, the waiver.

19       (f) EXCEPTION TO COMPLY WITH UNITED NATIONS

20 HEADQUARTERS AGREEMENT.—Sanctions under sub-  
21 section (b)(1) shall not apply to an individual if admitting  
22 the individual into the United States is necessary to per-  
23 mit the United States to comply with the Agreement re-  
24 garding the Headquarters of the United Nations, signed  
25 at Lake Success June 26, 1947, and entered into force

1 November 21, 1947, between the United Nations and the  
2 United States, or other applicable international obligations  
3 of the United States.

4 (g) ENFORCEMENT OF BLOCKING OF PROPERTY.—

5 A person that violates, attempts to violate, conspires to  
6 violate, or causes a violation of subsection (b)(2) or any  
7 regulation, license, or order issued to carry out subsection  
8 (b)(2) shall be subject to the penalties set forth in sub-  
9 sections (b) and (c) of section 206 of the International  
10 Emergency Economic Powers Act (50 U.S.C. 1705) to the  
11 same extent as a person that commits an unlawful act de-  
12 scribed in subsection (a) of that section.

13 (h) TERMINATION OF SANCTIONS.—The President  
14 may terminate the application of sanctions under this sec-  
15 tion with respect to a person if the President determines  
16 and reports to the appropriate congressional committees  
17 not later than 15 days before the termination of the sanc-  
18 tions that—

19 (1) credible information exists that the person  
20 did not engage in the activity for which sanctions  
21 were imposed;

22 (2) the person has been prosecuted appro-  
23 priately for the activity for which sanctions were im-  
24 posed; or

1           (3) the person has credibly demonstrated a sig-  
2           nificant change in behavior, has paid an appropriate  
3           consequence for the activity for which sanctions were  
4           imposed, and has credibly committed to not engage  
5           in an activity described in subsection (a) in the fu-  
6           ture.

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

10 **SEC. 4. REPORTS TO CONGRESS.**

11           (a) IN GENERAL.—Not later than 120 days after the  
12           date of the enactment of this Act, and annually thereafter,  
13           the President shall submit to the appropriate congres-  
14           sional committees a report that includes—

15                   (1) a list of each foreign person with respect to  
16                   which the President imposed sanctions pursuant to  
17                   section 3 during the year preceding the submission  
18                   of the report;

19                   (2) a description of the type of sanctions im-  
20                   posed with respect to each such person;

21                   (3) the number of foreign persons with respect  
22                   to which the President—

23                           (A) imposed sanctions under section 3(a)  
24                           during that year; and

1 (B) terminated sanctions under section  
2 3(h) during that year;

3 (4) the dates on which such sanctions were im-  
4 posed or terminated, as the case may be;

5 (5) the reasons for imposing or terminating  
6 such sanctions; and

7 (6) a description of the efforts of the President  
8 to encourage the governments of other countries to  
9 impose sanctions that are similar to the sanctions  
10 authorized by section 3.

11 (b) FORM OF REPORT.—

12 (1) IN GENERAL.—The report required by sub-  
13 section (a) shall be submitted in unclassified form,  
14 but may include a classified annex.

15 (2) EXCEPTION.—The name of a foreign person  
16 to be included in the list required by subsection  
17 (a)(1) may be submitted in the classified annex au-  
18 thorized by paragraph (1) only if the President—

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

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

1 (C) not later than 15 days before submit-  
2 ting the name in a classified annex, provides to  
3 the appropriate congressional committees notice  
4 of, and a justification for, including the name  
5 in the classified annex despite any publicly  
6 available credible information indicating that  
7 the person engaged in an activity described in  
8 section 3(a).

9 (c) PUBLIC AVAILABILITY.—

10 (1) IN GENERAL.—The unclassified portion of  
11 the report required by subsection (a) shall be made  
12 available to the public, including through publication  
13 in the Federal Register.

14 (2) NONAPPLICABILITY OF CONFIDENTIALITY  
15 REQUIREMENT WITH RESPECT TO VISA RECORDS.—  
16 The President shall publish the list required by sub-  
17 section (a)(1) without regard to the requirements of  
18 section 222(f) of the Immigration and Nationality  
19 Act (8 U.S.C. 1202(f)) with respect to confiden-  
20 tiality of records pertaining to the issuance or re-  
21 fusal of visas or permits to enter the United States.