

THE MAGNITSKY GLOBAL HUMAN RIGHTS
ACCOUNTABILITY ACT

JUNE 26, 2014.—Ordered to be printed

Mr. MENENDEZ, from the Committee on Foreign Relations,
submitted the following

R E P O R T

[To accompany S. 1933]

The Committee on Foreign Relations, to which was referred the bill S. 1933, to impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights, and for other purposes, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

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I. PURPOSE

The purpose of S. 1933 is to authorize the imposition of sanctions on foreign persons responsible for gross violations of internationally recognized human rights and significant corruption, and for other purposes. S. 1933, as amended, authorizes the President to impose sanctions on foreign persons the President determines (1) are responsible for certain human-rights related offenses against individuals seeking to expose illegal activity by government officials or those seeking to obtain, exercise, defend, or promote internationally recognized human rights, as well as those that act on behalf of such persons; or (2) are governmental officials or senior associates of such officials involved in significant corruption, as well as those that materially support and assist such persons. In addition, S. 1933, as amended, directs the President to provide information, upon a request from Congress, on whether a foreign person has engaged in particular activities and to report annually to Congress regarding certain actions taken pursuant to the Act.

II. COMMITTEE ACTION

S. 1933 was introduced on January 15, 2014, by Senator Cardin and co-sponsored by Senators McCain, Levin, Wicker, Durbin, Blumenthal, Shaheen, and Markey. On June 24, 2014, the committee considered S. 1933 and reported it favorably, with an amendment. Senator Corker asked to be recorded as voting no.

The committee took the following action with regard to amendments:

An amendment offered by Senators Cardin and McCain as a substitute for the original bill was approved by voice vote. An amendment offered by Senator Paul to cease foreign assistance to governments of countries that the President determines enforces a death sentence or life imprisonment on the basis of anti-apostasy laws, anti-blasphemy laws, or laws prohibiting marriage between individuals of different religious faiths, failed by a roll call vote of 2–16, with Senators Paul and Rubio voting in favor, and Senators Menendez, Boxer, Cardin, Shaheen, Durbin, Coons, Udall, Kaine, Murphy, Markey, Corker, Risch, Johnson, Flake, McCain, and Barrasso opposed.

III. DISCUSSION

A section-by-section discussion of S. 1933, as amended, follows.

Section 3

Section 1 names the bill.

Section 2

Section 2 provides definitions.

Section 3

Section 3 permits the President to impose sanctions with respect to any foreign person the President determines is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals in any foreign country; who acted as an agent of or on behalf of a foreign person in a matter relating to an activity mentioned above; who is a government official, or a senior associate of such an official, that is responsible for, or complicit in, ordering, controlling, or otherwise directing, 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 who has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, an activity described above.

This section also explains the types of sanctions that could be applied, including inadmissibility to the United States and blocking of property. In determining whether to impose sanctions, the President should consider information provided by the chairperson and ranking member of each of the appropriate congressional committees and credible information provided by others. In addition, the President is directed to respond within 120 days of receiving requests by the Chairperson and Ranking Member of Appropriate Congressional Committees regarding whether an individual has en-

gaged in activity described in section 3. The President may waive the application of sanctions under this section if the President determines that such a waiver is in the national security interests of the United States and submits to the appropriate congressional committees notice of the waiver. This section also explains that a person that violates, attempts to violate, conspires to violate, or causes a violation of blocking of property shall be subject to the penalties set forth in the International Emergency Economic Powers. In addition, this section describes the terms in which the President may terminate sanctions. Finally, this section provides the President with the regulatory authority to carry out this section.

Section 4

Section 4 requires a report to Congress 120 days after the date of the enactment of the Act and annually thereafter. The report is to include a list of each foreign person with respect to which President imposed sanctions, a description of the type of sanction imposed with respect to each person, the number of foreign persons the President imposed sanctions and terminated sanction, the dates and reasons on which the sanctions were imposed or terminated, and a description of the efforts of the President to encourage the governments of other countries to impose similar sanctions. This section also explains the form of the report to be submitted in unclassified form, but may include a classified annex. However, the President may include a separate classified annex with the name of the foreign persons to be sanctioned if the President determines it is vital for the national security interests of the U.S., uses the annex in a manner consistent with congressional intent and purposes of this Act, and provides Congress—not later than 15 days before submitting the name in a classified form. In addition, this section explains that the unclassified portion of the report shall be made available to the public and the confidentiality requirements with respect to visa records will not be applicable.

IV. COST ESTIMATE

In accordance with Rule XXVI, paragraph 11(a) of the Standing Rules of the Senate, the committee provides this estimate of the costs of this legislation prepared by the Congressional Budget Office.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to Rule XXVI, paragraph 11(b) of the Standing Rules of the Senate, the committee has determined that there is no regulatory impact as a result of this legislation.

VI. CHANGES IN EXISTING LAW

In compliance with Rule XXVI, paragraph 12 of the Standing Rules of the Senate, the committee has determined that there is no change to existing law made by the bill, as reported.