

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

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.

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

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 Reauthorization Act”.

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

9 (a) DEFINITIONS.—Section 1262 of the Global
10 Magnitsky Human Rights Accountability Act (Subtitle F
11 of title XII of Public Law 114–328; 22 U.S.C. 2656 note)

1 is amended by striking paragraph (2) and inserting the
2 following:

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

7 (b) SENSE OF CONGRESS.—The Global Magnitsky
8 Human Rights Accountability Act (Subtitle F of title XII
9 of Public Law 114–328; 22 U.S.C. 2656 note) is amended
10 by inserting after section 1262 the following new section:

11 **“SEC. 1262A. SENSE OF CONGRESS.**

12 “‘It is the sense of Congress that the President should
13 establish and regularize information sharing and sanc-
14 tions-related decision making with like-minded govern-
15 ments possessing human rights and anti-corruption sanc-
16 tions programs similar in nature to those authorized under
17 this subtitle.”.

18 (c) IMPOSITION OF SANCTIONS.—

19 (1) IN GENERAL.—Subsection (a) of section
20 1263 of the Global Magnitsky Human Rights Ac-
21 countability Act (Subtitle F of title XII of Public
22 Law 114–328; 22 U.S.C. 2656 note) is amended to
23 read as follows:

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

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

3 “(A) is responsible for or complicit in, or
4 has directly or indirectly engaged in, serious
5 human rights abuse;

6 “(B) is a current or former government of-
7 ficial, or a person acting for or on behalf of
8 such an official, who is responsible for or
9 complicit in, or has directly or indirectly en-
10 gaged in—

11 “(i) corruption, including—

12 “(I) the misappropriation of state
13 assets;

14 “(II) the expropriation of private
15 assets for personal gain;

16 “(III) corruption related to gov-
17 ernment contracts or the extraction of
18 natural resources; or

19 “(IV) bribery; or

20 “(ii) the transfer or facilitation of the
21 transfer of the proceeds of corruption;

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

23 “(i) an entity, including a government
24 entity, that has engaged in, or whose mem-
25 bers have engaged in, any of the activities

1 described in subparagraph (A) or (B) re-
2 lated to the tenure of the leader or official;
3 or

4 “(ii) an entity whose property and in-
5 terests in property are blocked pursuant to
6 this section as a result of activities related
7 to the tenure of the leader or official;

8 “(D) has materially assisted, sponsored, or
9 provided financial, material, or technological
10 support for, or goods or services to or in sup-
11 port of—

12 “(i) an activity described in subpara-
13 graph (A) or (B) that is conducted by a
14 foreign person;

15 “(ii) a person whose property and in-
16 terests in property are blocked pursuant to
17 this section; or

18 “(iii) an entity, including a govern-
19 ment entity, that has engaged in, or whose
20 members have engaged in, an activity de-
21 scribed in subparagraph (A) or (B) con-
22 ducted by a foreign person; or

23 “(E) is owned or controlled by, or has
24 acted or been purported to act for or on behalf
25 of, directly or indirectly, a person whose prop-

1 erty and interests in property are blocked pur-
2 suant to this section; and

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

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

8 (3) REQUESTS BY CONGRESS.—Subsection (d)
9 of such section is amended—

10 (A) in paragraph (1)—

11 (i) in the matter preceding subpara-
12 graph (A), by striking “subsection (a)”
13 and inserting “subsection (a)(1)”; and

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

17 (B) in paragraph (2)—

18 (i) in subparagraph (A)—

19 (I) in the subparagraph heading,
20 by striking “HUMAN RIGHTS VIOLA-
21 TIONS” and inserting “SERIOUS
22 HUMAN RIGHTS ABUSE”; and

23 (II) by striking “described in
24 paragraph (1) or (2) of subsection
25 (a)” and inserting “described in sub-

1 section (a)(1) relating to serious
2 human rights abuse”; and

3 (ii) in subparagraph (B)—

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

11 (II) by striking “ranking member
12 of” and all that follows through the
13 period at the end and inserting “rank-
14 ing member of one of the appropriate
15 congressional committees”.

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

21 (d) REPORTS TO CONGRESS.—Section 1264(a) of the
22 Global Magnitsky Human Rights Accountability Act (Sub-
23 title F of title XII of Public Law 114–328; 22 U.S.C.
24 2656 note) is amended—

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

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

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

6 “(7) A description of additional steps taken by
7 the President through diplomacy, international en-
8 gagement, and assistance to foreign or security sec-
9 tors to address persistent underlying causes of seri-
10 ous human rights abuse and corruption in each
11 country in which foreign persons with respect to
12 which sanctions have been imposed under section
13 1263 are located.”.

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