117TH CONGRESS
2D SESSION

S. 

To withdraw normal trade relations treatment from products of countries that commit acts of aggression in violation of international law against other countries or territories and 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.

IN THE SENATE OF THE UNITED STATES

Mr. Portman introduced the following bill; which was read twice and referred to the Committee on ________________

A BILL

To withdraw normal trade relations treatment from products of countries that commit acts of aggression in violation of international law against other countries or territories and 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.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “No Trading with In-
5 vaders Act”.

SEC. 2. WITHDRAWAL OF NORMAL TRADE RELATIONS TREATMENT FOR COUNTRIES OR TERRITORIES THAT COMMIT ACTS OF AGGRESSION.

(a) Withdrawal of Normal Trade Relations Treatment.—

(1) In general.—Notwithstanding any other provision of law, effective on the date of the enactment of this Act, if the President determines that the government of a subject country or territory has committed an act of aggression in violation of international law, that the President does not consider to be a legitimate act of self-defense, against a WTO member, the President shall deny nondiscriminatory treatment (normal trade relations) in accordance with paragraph (2) to products of that country or territory.

(2) Duty rates applicable.—If the President makes a determination of aggression under paragraph (1) with respect to a subject country or territory, not later than 15 days after that determination, the President shall, by proclamation, cause all products of that country or territory to be dutiable at the rates set forth in the column 2 rate of duty column of the Harmonized Tariff Schedule of the United States.
(3) Request by Congress for Determination.—If the President receives from a relevant congressional committee a request to make a determination under paragraph (1) as to whether the government of a subject country or territory committed an act of aggression in violation of international law against a WTO member, the President shall make such a determination not later than 15 days after receiving the request.

(4) Determination of Non-Aggression.—If the President determines that the government of a subject country or territory has not committed an act of aggression in violation of international law against a WTO member, whether pursuant to a request by a relevant congressional committee under paragraph (3) or otherwise, the President shall brief each relevant congressional committee on the justification for such a determination.

(b) Restoration of Normal Trade Relations Treatment.—

(1) In General.—The President may restore nondiscriminatory treatment to products of a subject country or territory with respect to which such treatment has been withdrawn under subsection (a) on
and after the date that is 30 days after the date on which the President certifies to Congress that—

(A) the subject country or territory has ceased committing acts of aggression in violation of international law towards the WTO member that led to the withdrawal of such treatment and has fully removed its armed forces or proxy forces from the WTO member; and

(B) the WTO member has fully regained its sovereignty and territorial integrity as in existence in that country before the commencement of the acts of aggression in violation of international law.

(2) Consultation with Congress.—Before making a decision to restore nondiscriminatory treatment under paragraph (1), the President shall consult with each relevant congressional committee to determine whether the conditions of that paragraph have been satisfied.

(e) Determination of Acts of Aggression.—For purposes of this section, the President shall consider an act of aggression in violation of international law by a subject country or territory against a WTO member to include—
(1) an invasion of the territory of the WTO member by the armed forces or proxy forces of the subject country or territory;

(2) the occupation of the territory of the WTO member by the armed forces or proxy forces of the subject country or territory; or

(3) any other armed attack by the armed forces or proxy forces of the subject country or territory on the WTO member.

(d) DEFINITIONS.—In this section:

(1) RELEVANT CONGRESSIONAL COMMITTEE.—The term “relevant congressional committee” means any of the following committees:

(A) The Committee on Finance, the Committee on Foreign Relations, or the Committee on Armed Services of the Senate.

(B) The Committee on Ways and Means, the Committee on Foreign Affairs, or the Committee on Armed Services of the House of Representatives.

(2) SOVEREIGNTY.—The term “sovereignty” means the international independence of a state, including its right to regulate its own internal and external affairs without foreign dictation, such as by conducting free and fair elections.
(3) **Subject country or territory.**—The term “subject country or territory” means a country or territory that is or was at any time subject to the provisions of chapter 1 of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.).

(4) **WTO member.**—The term “WTO member” has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)).

**SEC. 3. MODIFICATIONS TO AND REAUTHORIZATION OF SANCTIONS WITH RESPECT TO HUMAN RIGHTS VIOLATIONS.**

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

“(2) **Immediate family member.**—The term ‘immediate family member’, with respect to a foreign person, means the spouse, parent, sibling, or adult child of the person.”.

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

“It is the sense of Congress that the President should establish and regularize information sharing and sanctions-related decision making with like-minded governments possessing human rights and anti-corruption sanctions programs similar in nature to those authorized under this subtitle.”

(c) IMPOSITION OF SANCTIONS.—

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

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

“(1) any foreign person that the President determines, based on credible information—

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

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

“(i) corruption, including—
“(I) the misappropriation of state assets;

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

“(III) corruption related to government contracts or the extraction of natural resources; or

“(IV) bribery; or

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

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

“(i) an entity, including a government entity, that has engaged in, or whose members have engaged in, any of the activities described in subparagraph (A) or (B) related to the tenure of the leader or official; or

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

“(D) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of—
“(i) an activity described in subparagraph (A) or (B) that is conducted by a foreign person;

“(ii) a person whose property and interests in property are blocked pursuant to this section; or

“(iii) an entity, including a government entity, that has engaged in, or whose members have engaged in, an activity described in subparagraph (A) or (B) conducted by a foreign person; or

“(E) is owned or controlled by, or has acted or been purported to act for or on behalf of, directly or indirectly, a person whose property and interests in property are blocked pursuant to this section; and

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

(2) Consideration of certain information.—Subsection (c)(2) of such section is amended by inserting “corruption and” after “monitor”.

(3) Requests by Congress.—Subsection (d) of such section is amended—

(A) in paragraph (1)—
(i) in the matter preceding subparagraph (A), by striking “subsection (a)” and inserting “subsection (a)(1)”; and

(ii) in subparagraph (B)(i), by inserting “or an immediate family member of the person”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking “HUMAN RIGHTS VIOLATIONS” and inserting “SERIOUS HUMAN RIGHTS ABUSE”; and

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

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking “described in paragraph (3) or (4) of subsection (a)” and inserting “described in subsection (a)(1) relating to corruption or the transfer or facilitation of the transfer of the proceeds of corruption”; and
(II) by striking “ranking member of” and all that follows through the period at the end and inserting “ranking member of one of the appropriate congressional committees”.

(4) TERMINATION OF SANCTIONS.—Subsection (g) of such section is amended, in the matter preceding paragraph (1), by inserting “and the immediate family members of that person” after “a person”.

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

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

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

(3) by adding at the end the following:

“(7) A description of additional steps taken by the President through diplomacy, international engagement, and assistance to foreign or security sectors to address persistent underlying causes of serious human rights abuse and corruption in each country in which foreign persons with respect to
which sanctions have been imposed under section 1263 are located.”.

(e) Repeal of Sunset.—Section 1265 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is repealed.