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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To impose sanctions under the Global Magnitsky Human Rights Accountability Act to combat corruption, money laundering, and impunity in Guatemala, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mrs. TORRES introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To impose sanctions under the Global Magnitsky Human Rights Accountability Act to combat corruption, money laundering, and impunity in Guatemala, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Guatemala Rule of  
5 Law Accountability Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
2           TEES.—The term “appropriate congressional com-  
3           mittees” means—

4                   (A) the Committee on Foreign Relations  
5                   and the Committee on Appropriations of the  
6                   Senate; and

7                   (B) the Committee on Foreign Affairs and  
8                   the Committee on Appropriations of the House  
9                   of Representatives.

10           (2) FOREIGN PERSON.—The term “foreign per-  
11           son” means a person that is not a United States  
12           person.

13           (3) KNOWINGLY.—The term “knowingly”, with  
14           respect to conduct, a circumstance, or a result,  
15           means that a person has actual knowledge, or should  
16           have known, of the conduct, the circumstance, or the  
17           result.

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

20                   (A) a natural person who is a citizen or  
21                   resident of the United States or a national of  
22                   the United States (as such term is defined in  
23                   section 101(a) of the Immigration and Nation-  
24                   ality Act (8 U.S.C. 1101(a)); or

1 (B) an entity that is organized under the  
2 laws of the United States or any jurisdiction  
3 within the United States.

4 **SEC. 3. FINDINGS.**

5 Congress makes the following findings:

6 (1) The Department of State's 2018 Inter-  
7 national Narcotics Control Strategy Report stated  
8 that, in Guatemala, "widespread corruption per-  
9 meates public and private institutions and exacer-  
10 bates the country's security, governmental, and eco-  
11 nomic challenges".

12 (2) The same report, discussing money laun-  
13 dering in Guatemala, noted that "[d]rug trafficking  
14 is a major source of illicit funds. Other sources in-  
15 clude corruption, extortion, human trafficking, com-  
16 merce of other illicit goods, and tax evasion. Money  
17 is laundered primarily through real estate, ranching,  
18 and the gaming industry. It is also laundered  
19 through a series of small transactions below the U.S.  
20 \$10,000 reporting requirement, either in small  
21 banks along the Guatemala-Mexico border, or by  
22 travelers carrying cash to other countries".

23 (3) On August 10, 2018, Guatemala's Attorney  
24 General filed a request before the Supreme Court of  
25 Guatemala to remove the immunity of Guatemala's

1 President, Jimmy Morales, so that he could be  
2 charged for the crime of illicit election financing,  
3 based on investigations carried out jointly by the Of-  
4 fice of the Attorney General and the International  
5 Commission against Impunity in Guatemala  
6 (CICIG).

7 (4) In August 2018, the Guatemalan Supreme  
8 Court ruled that there was sufficient evidence for  
9 the Guatemalan Congress to decide if President Mo-  
10 rales should be investigated for illicit election financ-  
11 ing.

12 (5) On January 7, 2019, the Government of  
13 Guatemala announced that it was terminating the  
14 agreement establishing CICIG effective immediately.

15 (6) The United Nations responded that the Sec-  
16 retary-General “strongly rejects” the announcement,  
17 stating “The mandate of the Commission is set to  
18 end on 3 September 2019. Until that date, we ex-  
19 pect the Government of Guatemala to entirely fulfill  
20 its legal obligations under the Agreement. The Sec-  
21 retary-General expects the Government of Guate-  
22 mala to abide by its international undertakings to  
23 ensure the protection of the CICIG personnel, both  
24 international and national.”.

1 **SEC. 4. GLOBAL MAGNITSKY SANCTIONS AGAINST FOREIGN**  
2 **PERSONS THAT ENGAGE IN CORRUPTION**  
3 **AND OTHER ACTIVITIES IN GUATEMALA.**

4 (a) IN GENERAL.—Not later than 90 days after the  
5 date of the enactment of this Act and as appropriate  
6 thereafter, the President shall impose the sanctions de-  
7 scribed in subsection (b) on any foreign person who is a  
8 current or former official of the Government of Guate-  
9 mala, or any foreign person acting on behalf of or in co-  
10 operation with an official of such Government, who has  
11 knowingly—

12 (1) committed or facilitated significant corrup-  
13 tion, money laundering, narcotics trafficking, or fi-  
14 nancing political campaigns with the proceeds of  
15 narcotics trafficking;

16 (2) obstructed investigations or prosecutions  
17 carried out by Guatemalan officials of acts described  
18 in paragraph (1);

19 (3) misused equipment provided by the Sec-  
20 retary of State or the Secretary of Defense to the  
21 Guatemalan military or national civilian police for  
22 the purpose of combating drug trafficking or secur-  
23 ing Guatemala's border;

24 (4) disobeyed rulings of the Guatemalan Con-  
25 stitutional Court; or

1           (5) impeded or interfered with the work of any  
2           United States Government agency or any institution  
3           receiving contributions from the United States Gov-  
4           ernment, including the International Commission  
5           against Impunity in Guatemala (CICIG).

6           (b) SANCTIONS DESCRIBED.—The sanctions de-  
7           scribed in this subsection are the sanctions described in  
8           section 1263(b) of the Global Magnitsky Human Rights  
9           Accountability Act (subtitle F of title XII of the National  
10          Defense Authorization Act for Fiscal Year 2017 (Public  
11          Law 114–328; 22 U.S.C. 2656 note)).

12          (c) REGULATORY AUTHORITY.—The President shall  
13          issue such regulations, licenses, and orders as are nec-  
14          essary to carry out this section.

15          (d) EXCEPTION TO COMPLY WITH UNITED NATIONS  
16          HEADQUARTERS AGREEMENT.—Sanctions described in  
17          subsection (b) shall not apply to an alien if admitting such  
18          alien into the United States is necessary to permit the  
19          United States to comply with the Agreement regarding the  
20          Headquarters of the United Nations, signed at Lake Sue-  
21          cess June 26, 1947, and entered into force November 21,  
22          1947, between the United Nations and the United States,  
23          or other applicable international obligations.

1 (e) TERMINATION.—This section shall terminate on  
2 the date that is two years after the date of the enactment  
3 of this Act.

4 (f) REPORT.—Not later than 180 days after the date  
5 of the enactment of this Act, the President shall transmit  
6 to the appropriate congressional committees a report re-  
7 garding steps taken to implement this section.

8 **SEC. 5. CONDITIONS REGARDING USE OF EQUIPMENT**  
9 **TRANSFERRED TO SECURITY FORCES.**

10 (a) CONDITIONS.—Not later than 60 days after the  
11 date of the enactment of this Act, the Secretary of State,  
12 in coordination with the Administrator of the United  
13 States Agency for International Development and the Sec-  
14 retary of Defense, as appropriate, shall include, in each  
15 contract, grant, license, or other mechanism providing for  
16 the transfer of United States equipment to, or use by, the  
17 Guatemalan military or national police, including for the  
18 sale of such equipment, a provision that ensures that any  
19 such equipment may be recovered by the United States  
20 if such equipment is used in violation of an end use agree-  
21 ment or otherwise for purposes other than for which such  
22 equipment was transferred.

23 (b) DETERMINATION.—Not later than 90 days after  
24 receiving a written request from the chairperson and rank-  
25 ing member of any of the appropriate congressional com-

1 mittees with respect to whether equipment transferred or  
2 licensed to be transferred to Guatemala by the United  
3 States has been used in violation of an end use agreement  
4 or otherwise for purposes other than for which such equip-  
5 ment was transferred, the President shall—

6 (1) determine whether such equipment was  
7 used in violation of such agreement or purposes; and

8 (2) transmit to the chairperson and ranking  
9 member of such committee a report with respect to  
10 such determination that includes—

11 (A) a statement of whether or not the  
12 President has taken or intends to take remedial  
13 action, including as provided for in this section  
14 or in the Arms Export Control Act (22 U.S.C.  
15 2753); and

16 (B) if the President has taken or intends  
17 to take such remedial action, a description of  
18 such remedial action, or if the President will  
19 not take such action, a detailed justification re-  
20 lating thereto.