

116TH CONGRESS  
1ST SESSION

# S. 2776

To impose sanctions with respect to foreign persons who engage in the hostage-taking or wrongful detention of United States citizens or aliens lawfully admitted for permanent residence, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2019

Mr. COTTON (for himself, Mr. CRUZ, and Mr. HAWLEY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To impose sanctions with respect to foreign persons who engage in the hostage-taking or wrongful detention of United States citizens or aliens lawfully admitted for permanent residence, 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 “Global Hostage Act  
5 of 2019”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

1           (1) authoritarian governments and non-state  
2           actors, including terrorist groups, continue to engage  
3           in the hostage-taking and prolonged unlawful or  
4           wrongful detention of United States citizens or  
5           aliens lawfully admitted for permanent residence in  
6           order to make political demands or extract monetary  
7           concessions;

8           (2) the United States Government should fully  
9           utilize all necessary and appropriate measures to  
10          prevent foreign governments or non-state actors  
11          from engaging in such hostage-taking or detention,  
12          including through—

13                (A) the use of extradition to try and con-  
14                vict the individuals who have participated in, or  
15                are responsible for ordering, controlling, or oth-  
16                erwise directing, the hostage-taking or deten-  
17                tion; and

18                (B) the use of the Human Rights Violators  
19                and War Crimes Unit of the Department of  
20                Homeland Security to target such individuals;  
21                and

22          (3) the United States should encourage its al-  
23          lies and partners to pursue the criminal prosecution  
24          and extradition of foreign government officials and  
25          non-state actors that assist in or benefit from such

1       hostage-taking or detention to prevent such govern-  
2       ments and non-state actors from engaging in such  
3       hostage-taking or detention in the future.

4   **SEC. 3. STATEMENT OF POLICY.**

5       It is the policy of the United States Government not  
6   to pay ransom for the purpose of securing the release of  
7   United States citizens or aliens lawfully admitted for per-  
8   manent residence who are taken hostage abroad.

9   **SEC. 4. IMPOSITION OF SANCTIONS WITH RESPECT TO PO-**  
10                   **LITICALLY MOTIVATED DETENTIONS.**

11       (a) IN GENERAL.—Not later than 90 days after the  
12   date of the enactment of this Act, the President shall im-  
13   pose the sanctions described in subsection (b) with respect  
14   to any foreign person the President determines, based on  
15   credible evidence, on or after the date of the enactment  
16   of this Act—

17           (1) knowingly participates in, or is knowingly  
18       responsible for or complicit in, ordering, controlling,  
19       or otherwise directing, the politically motivated har-  
20       assment, abuse, extortion, arrest, trial, conviction,  
21       sentencing, or imprisonment of a United States cit-  
22       izen or an alien lawfully admitted for permanent res-  
23       idence;

24           (2) provides significant financial, material, or  
25       technological support for or to, or engages in a sig-

nificant transaction or a series of transactions totaling a significant amount with, a foreign person described in paragraph (1);

(3) materially assists, sponsors, or provides financial, material, or technological support for, or goods or services in support of, an activity described in paragraph (1); or

(4) owns or controls or is owned or controlled by a foreign person described in paragraphs (1), (2), or (3).

(b) SANCTIONS DESCRIBED.—The sanctions to be imposed with respect to a foreign person under subsection (a) are the following:

(1) INADMISSIBILITY TO UNITED STATES.—In the case of an alien subject to subsection (a)—

(A) denial of a visa to, and exclusion from the United States of—

(i) the alien; and

(ii) any family member of the alien who is also an alien; and

(B) revocation, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of any visa or other documentation of the alien or family member.

(2) BLOCKING OF PROPERTY.—

1 (A) IN GENERAL.—The blocking, in ac-  
2 cordance with the International Emergency  
3 Economic Powers Act (50 U.S.C. 1701 et seq.),  
4 of all transactions in all property and interests  
5 in property of a foreign person subject to sub-  
6 section (a) if such property and interests in  
7 property are in the United States, come within  
8 the United States, or come within the posses-  
9 sion or control of a United States person.

10 (B) INAPPLICABILITY OF NATIONAL EMER-  
11 GENCY REQUIREMENT.—The requirements of  
12 section 202 of the International Emergency  
13 Economic Powers Act (50 U.S.C. 1701) shall  
14 not apply for purposes of this subsection.

15 (c) EXCEPTIONS.—

16 (1) EXCEPTION TO COMPLY WITH UNITED NA-  
17 TIONS HEADQUARTERS AGREEMENT.—Sanctions  
18 under subsection (b)(1) shall not apply to an alien  
19 if admitting the alien into the United States is nec-  
20 essary to permit the United States to comply with  
21 the Agreement regarding the Headquarters of the  
22 United Nations, signed at Lake Success June 26,  
23 1947, and entered into force November 21, 1947,  
24 between the United Nations and the United States,  
25 the Convention on Consular Relations, done at Vi-

1 enna April 24, 1963, and entered into force March  
2 19, 1967, or other applicable international obliga-  
3 tions.

4 (2) EXCEPTION RELATING TO IMPORTATION OF  
5 GOODS.—

6 (A) IN GENERAL.—The authority to block  
7 and prohibit all transactions in all property and  
8 interests in property under subsection (b)(2)  
9 shall not include the authority to impose sanc-  
10 tions on the importation of goods.

11 (B) GOOD.—In this paragraph, the term  
12 “good” means any article, natural or manmade  
13 substance, material, supply or manufactured  
14 product, including inspection and test equip-  
15 ment, and excluding technical data.

16 (d) CONSIDERATION OF CERTAIN INFORMATION IN  
17 IMPOSING SANCTIONS.—In determining whether to im-  
18 pose sanctions under subsection (a), the President shall  
19 consider—

20 (1) information provided jointly by the chair-  
21 person and ranking member of each of the appro-  
22 priate congressional committees; and

23 (2) credible information obtained by other coun-  
24 tries and nongovernmental organizations that mon-  
25 itor violations of human rights.

1 (e) REQUESTS BY APPROPRIATE CONGRESSIONAL  
2 COMMITTEES.—

3 (1) IN GENERAL.—Not later than 90 days after  
4 receiving a request in writing from the chairperson  
5 or ranking member of one of the appropriate con-  
6 gressional committees with respect to whether a for-  
7 eign person has engaged in an activity described in  
8 subsection (a), the President shall—

9 (A) determine if that foreign person has  
10 engaged in such an activity; and

11 (B) submit to the chairperson and ranking  
12 member of the committee that submitted the re-  
13 quest a report with respect to that determina-  
14 tion that includes—

15 (i) a statement of whether or not the  
16 President imposed or intends to impose  
17 sanctions under subsection (a) with respect  
18 to the foreign person; and

19 (ii) if the President imposed or in-  
20 tends to impose sanctions, a description of  
21 the sanctions.

22 (2) FORM OF REPORT.—A report submitted  
23 under paragraph (1)(B) shall be submitted in un-  
24 classified form but may include a classified annex.

25 (f) IMPLEMENTATION; PENALTIES.—

1           (1) IMPLEMENTATION.—The President may ex-  
 2           ercise all authorities provided to the President under  
 3           sections 203 and 205 of the International Emer-  
 4           gency Economic Powers Act (50 U.S.C. 1702 and  
 5           1704) to carry out this section.

6           (2) PENALTIES.—A person that violates, at-  
 7           tempts to violate, conspires to violate, or causes a  
 8           violation of subsection (b)(2) or any regulation, li-  
 9           cense, or order issued to carry out that subsection  
 10          shall be subject to the penalties set forth in sub-  
 11          sections (b) and (c) of section 206 of the Inter-  
 12          national Emergency Economic Powers Act (50  
 13          U.S.C. 1705) to the same extent as a person that  
 14          commits an unlawful act described in subsection (a)  
 15          of that section.

16          (g) DEFINITIONS.—In this section:

17           (1) ADMISSION; ADMITTED; ALIEN; LAWFULLY  
 18           ADMITTED FOR PERMANENT RESIDENCE.—The  
 19           terms “admission”, “admitted”, “alien”, and “law-  
 20           fully admitted for permanent residence” have the  
 21           meanings given those terms in section 101 of the  
 22           Immigration and Nationality Act (8 U.S.C. 1101).

23           (2) APPROPRIATE CONGRESSIONAL COMMIT-  
 24           TEES.—The term “appropriate congressional com-  
 25           mittees” means—



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

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

7 (3) FAMILY MEMBER.—The term “family mem-  
8 ber”, with respect to an individual, means—

9 (A) a spouse, child, parent, sibling, sib-  
10 ling’s child, grandchild, or grandparent of the  
11 individual; and

12 (B) a child, parent, sibling, sibling’s child,  
13 grandchild, or grandparent of a spouse of the  
14 individual.

15 (4) FOREIGN PERSON.—The term “foreign per-  
16 son” means an individual or entity that is not a  
17 United States person.

18 (5) KNOWINGLY.—The term “knowingly”, with  
19 respect to conduct, a circumstance, or a result,  
20 means that a person has actual knowledge, or should  
21 have known, of the conduct, the circumstance, or the  
22 result.

23 (6) UNITED STATES PERSON.—The term  
24 “United States person” means—

1           (A) a United States citizen or an alien law-  
2           fully admitted for permanent residence to the  
3           United States; or

4           (B) an entity organized under the laws of  
5           the United States or any jurisdiction within the  
6           United States, including a foreign branch of  
7           such an entity.

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