

117TH CONGRESS
1ST SESSION

S. 1164

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.

IN THE SENATE OF THE UNITED STATES

APRIL 15, 2021

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

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 2021”.

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 the use of extradition to try and
13 convict the individuals who have participated in, or
14 are responsible for ordering, controlling, or otherwise
15 directing, the hostage-taking or detention; and

16 (3) the United States should encourage its al-
17 lies and partners to pursue the criminal prosecution
18 and extradition of foreign government officials and
19 non-state actors that assist in or benefit from such
20 hostage-taking or detention to prevent such govern-
21 ments and non-state actors from engaging in such
22 hostage-taking or detention in the future.

23 **SEC. 3. STATEMENT OF POLICY.**

24 It is the policy of the United States Government not
25 to pay ransom for the purpose of securing the release of

1 United States citizens or aliens lawfully admitted for per-
2 manent residence who are taken hostage abroad.

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

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of the enactment of this Act, the President shall im-
7 pose the sanctions described in subsection (b) with respect
8 to any foreign person the President determines, based on
9 credible evidence, on or after the date of the enactment
10 of this Act—

11 (1) knowingly participates in, or is knowingly
12 responsible for or complicit in, ordering, controlling,
13 or otherwise directing, the politically motivated har-
14 assment, abuse, extortion, arrest, trial, conviction,
15 sentencing, or imprisonment of a United States cit-
16 izen or an alien lawfully admitted for permanent res-
17 idence;

18 (2) provides significant financial, material, or
19 technological support for or to, or engages in a sig-
20 nificant transaction or a series of transactions total-
21 ing a significant amount with, a foreign person de-
22 scribed in paragraph (1);

23 (3) materially assists, sponsors, or provides fi-
24 nancial, material, or technological support for, or

1 goods or services in support of, an activity described
2 in paragraph (1); or

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

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

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

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

13 (i) the alien; and

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

16 (B) revocation, in accordance with section
17 221(i) of the Immigration and Nationality Act
18 (8 U.S.C. 1201(i)), of any visa or other docu-
19 mentation of the alien or family member.

20 (2) BLOCKING OF PROPERTY.—

21 (A) IN GENERAL.—The blocking, in ac-
22 cordance with the International Emergency
23 Economic Powers Act (50 U.S.C. 1701 et seq.),
24 of all transactions in all property and interests
25 in property of a foreign person subject to sub-

1 section (a) if such property and interests in
2 property are in the United States, come within
3 the United States, or come within the posses-
4 sion or control of a United States person.

5 (B) INAPPLICABILITY OF NATIONAL EMER-
6 GENCY REQUIREMENT.—The requirements of
7 section 202 of the International Emergency
8 Economic Powers Act (50 U.S.C. 1701) shall
9 not apply for purposes of this subsection.

10 (c) EXCEPTIONS.—

11 (1) EXCEPTION TO COMPLY WITH UNITED NA-
12 TIONS HEADQUARTERS AGREEMENT.—Sanctions
13 under subsection (b)(1) shall not apply to an alien
14 if admitting the alien into the United States is nec-
15 essary to permit the United States to comply with
16 the Agreement regarding the Headquarters of the
17 United Nations, signed at Lake Success June 26,
18 1947, and entered into force November 21, 1947,
19 between the United Nations and the United States,
20 the Convention on Consular Relations, done at Vi-
21 enna April 24, 1963, and entered into force March
22 19, 1967, or other applicable international obliga-
23 tions.

24 (2) EXCEPTION RELATING TO IMPORTATION OF
25 GOODS.—

1 (A) IN GENERAL.—The authority to block
2 and prohibit all transactions in all property and
3 interests in property under subsection (b)(2)
4 shall not include the authority to impose sanc-
5 tions on the importation of goods.

6 (B) GOOD.—In this paragraph, the term
7 “good” means any article, natural or manmade
8 substance, material, supply or manufactured
9 product, including inspection and test equip-
10 ment, and excluding technical data.

11 (d) CONSIDERATION OF CERTAIN INFORMATION IN
12 IMPOSING SANCTIONS.—In determining whether to im-
13 pose sanctions under subsection (a), the President shall
14 consider—

15 (1) information provided jointly by the chair-
16 person and ranking member of each of the appro-
17 priate congressional committees; and

18 (2) credible information obtained by other coun-
19 tries and nongovernmental organizations that mon-
20 itor violations of human rights.

21 (e) REQUESTS BY APPROPRIATE CONGRESSIONAL
22 COMMITTEES.—

23 (1) IN GENERAL.—Not later than 90 days after
24 receiving a request in writing from the chairperson
25 or ranking member of one of the appropriate con-

1 gressional committees with respect to whether a for-
2 eign person has engaged in an activity described in
3 subsection (a), the President shall—

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

6 (B) submit to the chairperson and ranking
7 member of the committee that submitted the re-
8 quest a report with respect to that determina-
9 tion that includes—

10 (i) a statement of whether or not the
11 President imposed or intends to impose
12 sanctions under subsection (a) with respect
13 to the foreign person; and

14 (ii) if the President imposed or in-
15 tends to impose sanctions, a description of
16 the sanctions.

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

20 (f) IMPLEMENTATION; PENALTIES.—

21 (1) IMPLEMENTATION.—The President may ex-
22 ercise all authorities provided to the President under
23 sections 203 and 205 of the International Emer-
24 gency Economic Powers Act (50 U.S.C. 1702 and
25 1704) to carry out this section.

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

11 (g) DEFINITIONS.—In this section:

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

18 (2) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—The term “appropriate congressional com-
20 mittees” means—

21 (A) the Committee on Foreign Relations
22 and the Committee on Banking, Housing, and
23 Urban Affairs of the Senate; and

1 (B) the Committee on Foreign Affairs and
2 the Committee on Financial Services of the
3 House of Representatives.

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

6 (A) a spouse, child, parent, sibling, sib-
7 ling’s child, grandchild, or grandparent of the
8 individual; and

9 (B) a child, parent, sibling, sibling’s child,
10 grandchild, or grandparent of a spouse of the
11 individual.

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

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

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

22 (A) a United States citizen or an alien law-
23 fully admitted for permanent residence to the
24 United States; or

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

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