

112TH CONGRESS
2D SESSION

H. R. 6292

To deny entry into the United States of officials of any foreign government, including their immediate family members, who commit or who fail to rectify fundamental due process and human rights violations of imprisoned United States citizens, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2012

Mr. SMITH of New Jersey (for himself, Ms. BUERKLE, Mr. TURNER of New York, Mr. WOLF, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To deny entry into the United States of officials of any foreign government, including their immediate family members, who commit or who fail to rectify fundamental due process and human rights violations of imprisoned United States citizens, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Justice for Imprisoned
3 Americans Overseas Act of 2012” or the “Jacob’s Law
4 of 2012”.

5 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) The President is required under section
8 2001 of the Revised Statutes of the United States
9 (22 U.S.C. 1732) to demand the release of any cit-
10 izen who has been unjustly deprived of his liberty by
11 or under the authority of any foreign government,
12 and to undertake appropriate means to obtain the
13 release of such citizen.

14 (2) In a statement submitted to the Committee
15 on the Judiciary of the Senate on July 27, 2011,
16 Secretary of State Hillary Clinton stated that “[t]he
17 State Department has no greater responsibility than
18 the protection of U.S. citizens overseas—particularly
19 when Americans find themselves in the custody of a
20 foreign government, facing an unfamiliar, and at
21 times unfair, legal system.”.

22 (3) Some United States citizens imprisoned in
23 foreign countries have been and continue to be de-
24 nied fundamental due process and human rights
25 under both local and international law by foreign
26 government officials.

1 (4) Mr. Jacob Ostreicher, who has been de-
2 tained in the notorious Palmasola prison in Santa
3 Cruz de la Sierra, Bolivia, since June 4, 2011, is
4 one of the United States citizens who currently is
5 enduring multiple, egregious, and continuous viola-
6 tions of his fundamental due process and human
7 rights under both local and international law.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that foreign government officials responsible for vio-
10 lations of fundamental due process and human rights of
11 imprisoned United States citizens, as well as their imme-
12 diate family members, should not have the privilege of
13 traveling to the United States while United States citizens
14 unjustly languish in their prisons.

15 **SEC. 3. DENIAL OF ENTRY INTO THE UNITED STATES OF**
16 **CERTAIN FOREIGN GOVERNMENT OFFICIALS.**

17 (a) DENIAL OF ENTRY.—Notwithstanding any other
18 provision of law, the Secretary of State may not issue any
19 visa to, and the Secretary of Homeland Security shall deny
20 entry to the United States of, any foreign government offi-
21 cial identified pursuant to subsection (c)(1)(C) or any im-
22 mediate family members of such official.

23 (b) PERMANENT BAN.—Notwithstanding any other
24 provision of law, if any United States citizen identified
25 pursuant to subparagraph (c)(1)(A) dies from any cause

1 while in the custody of a foreign government, the govern-
2 ment officials identified pursuant to subparagraph
3 (c)(1)(C) in relation to such citizen and the immediate
4 family members of such officials may not be issued any
5 visa by the Secretary of State, and may not be admitted
6 by the Secretary of Homeland Security, to the United
7 States at any time on or after the date of the death of
8 such citizen.

9 (c) DESIGNATION OF INADMISSIBLE FOREIGN OFFI-
10 CIALS.—

11 (1) REPORT TO CONGRESS.—Not later than 30
12 days after the date of the enactment of this Act and
13 every 180 days thereafter for five years, the Sec-
14 retary of State shall submit to the appropriate con-
15 gressional committees a report that contains the fol-
16 lowing:

17 (A) An identification of United States citi-
18 zens imprisoned in foreign countries whose fun-
19 damental due process and human rights pursu-
20 ant to international standards are being vio-
21 lated.

22 (B) An identification of the fundamental
23 due process and human rights violations that
24 are being committed against the citizens identi-
25 fied in subparagraph (A).

1 (C) An identification of the government of-
2 ficials who, based on a reasonable possibility,
3 are responsible for the violations of, or are fail-
4 ing to fulfill their official responsibility to pro-
5 tect, the rights identified in subparagraph (B)
6 of any citizen identified in subparagraph (A).

7 (2) ADDITIONAL REPORTING REQUIREMENT.—

8 In the case of each semi-annual report required
9 under paragraph (1), the Secretary of State shall in-
10 clude a list of the names and titles of those govern-
11 ment officials identified in subparagraph (1)(C) and
12 the names and relationships of the immediate family
13 members of such officials who were denied a visa or
14 entry to the United States pursuant to subsection
15 (a) or (b) during the immediately preceding 180-day
16 period.

17 **SEC. 4. DEFINITIONS.**

18 In this Act:

19 (1) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—The term “appropriate congressional com-
21 mittees” means the Committee on Foreign Affairs
22 and the Committee on the Judiciary of the House of
23 Representatives, and the Committee on Foreign Re-
24 lations and the Committee on the Judiciary of the
25 Senate.

1 (2) IMMEDIATE FAMILY MEMBERS.—The term
2 “immediate family members” means a spouse,
3 daughter or son regardless of age, parent, brother,
4 sister, and fiancé or fiancée.

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