

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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## 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

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## 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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