

115TH CONGRESS
2D SESSION

H. R. 6683

To impose sanctions with respect to persons responsible for violence and human rights abuses in Nicaragua, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 28, 2018

Ms. ROS-LEHTINEN (for herself and Mr. SIRES) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, 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 impose sanctions with respect to persons responsible for violence and human rights abuses in Nicaragua, 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 “Nicaragua Human
5 Rights and Anticorruption Act of 2018”.

1 **SEC. 2. LIST OF PERSONS TRANSFERRING GOODS OR TECH-**
2 **NOLOGIES TO NICARAGUA THAT ARE LIKELY**
3 **TO BE USED TO COMMIT HUMAN RIGHTS**
4 **ABUSES.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of the enactment of this Act, the President shall
7 transmit to the appropriate congressional committees a
8 list of each person the President determines have know-
9 ingly engaged in an activity described in subsection (b)(1)
10 on or after such date of enactment.

11 (b) ACTIVITY DESCRIBED.—

12 (1) IN GENERAL.—A person knowingly engages
13 in an activity described in this paragraph if the per-
14 son—

15 (A) transfers, or facilitates the transfer of,
16 goods or technologies described in paragraph
17 (3) for use in or with respect to Nicaragua,
18 to—

19 (i) the Government of Nicaragua;

20 (ii) any entity organized under the
21 laws of Nicaragua; or

22 (iii) any national of Nicaragua; or

23 (B) provides services (including services re-
24 lating to hardware, software, specialized infor-
25 mation, or professional consulting, engineering,
26 and support services) with respect to such

1 goods or technologies after such goods or tech-
2 nologies are transferred to Nicaragua.

3 (2) APPLICABILITY TO CONTRACTS AND OTHER
4 AGREEMENTS.—A person shall be determined to en-
5 gage in an activity described in paragraph (1) with-
6 out regard to whether the activity is carried out pur-
7 suant to a contract or other agreement entered into
8 before, on, or after the date of the enactment of this
9 Act.

10 (3) GOODS OR TECHNOLOGIES DESCRIBED.—
11 Goods or technologies described in this subpara-
12 graph are goods or technologies that the President
13 determines are to be used by the Government of
14 Nicaragua or any of the agencies or instrumental-
15 ities of the Government of Nicaragua (or by any
16 other person on behalf of the Government of Nica-
17 ragua or any of such agencies or instrumentalities)
18 to commit serious human rights abuses against the
19 people of Nicaragua, including—

20 (A) firearms or ammunition (as such terms
21 are defined in section 921 of title 18, United
22 States Code), rubber bullets, police batons, pep-
23 per or chemical sprays, stun grenades, electro-
24 shock weapons, tear gas, water cannons, or sur-
25 veillance technology; or

1 (B) hardware, software, telecommuni-
2 cations equipment, or any other technology that
3 the President determines is to be used specifi-
4 cally to restrict the free flow of unbiased infor-
5 mation in Nicaragua or to disrupt, monitor, or
6 otherwise restrict speech of the people of Nica-
7 ragua.

8 (c) SPECIAL EXCEPTION IN THE CASE OF TERMI-
9 NATION OF SANCTIONABLE ACTIVITY.—The President
10 may determine not to include a person on the list required
11 under subsection (a) if—

12 (1) the President determines that the person is
13 no longer engaging in, or has taken significant cred-
14 ible steps toward stopping (including by winding
15 down contracts or other agreements that were in ef-
16 fect prior to the date of the enactment of this Act),
17 the activity described in subsection (b)(1) with re-
18 spect to which the President would otherwise have
19 included the person on the list; and

20 (2) the President has received reliable assur-
21 ances that such person will not knowingly engage in
22 any new activity described in such subsection (b)(1).

23 (d) UPDATED LIST.—The President shall transmit to
24 the appropriate congressional committees an updated list
25 under subsection (a)—

1 (1) not later than 180 days after the date of
2 the enactment of this Act; and

3 (2) as new information becomes available.

4 (e) FORM OF LIST; PUBLIC AVAILABILITY.—

5 (1) FORM.—The list required under subsection
6 (a) shall be transmitted in unclassified form but may
7 contain a classified annex.

8 (2) PUBLIC AVAILABILITY.—The unclassified
9 portion of the list required under subsection (a) shall
10 be made available to the public and posted on the
11 website of the Department of State.

12 **SEC. 3. SANCTIONS ON PERSONS RESPONSIBLE FOR VIO-**
13 **LENCE IN NICARAGUA.**

14 (a) IN GENERAL.—The President shall impose the
15 sanctions described in subsection (b)(1) with respect to
16 each person, including any current or former official of
17 the Government of Nicaragua or a person acting on behalf
18 of that Government, that—

19 (1) the President determines—

20 (A) has perpetrated, or is responsible for
21 ordering, controlling, or otherwise directing, sig-
22 nificant acts of violence or serious human rights
23 abuses in Nicaragua against individuals partici-
24 pating in protests in Nicaragua that began on
25 April 18, 2018;

1 (B) has directed or ordered the arrest or
2 prosecution of a person primarily because of the
3 person's legitimate exercise of freedom of ex-
4 pression or assembly in relation to the protests
5 in Nicaragua that began on April 18, 2018;

6 (C) has knowingly materially assisted,
7 sponsored, or provided significant financial, ma-
8 terial, or technological support for, or goods or
9 services in support of, the commission of acts
10 described in paragraph (1) or (2) in relation to
11 protests in Nicaragua that began on April 18,
12 2018; or

13 (D) has engaged in censorship against in-
14 dividuals or media outlets disseminating infor-
15 mation in relation to protests in Nicaragua that
16 began on April 18, 2018;

17 (E) is responsible for or complicit in order-
18 ing, controlling, or otherwise directing signifi-
19 cant actions or policies that undermine demo-
20 cratic processes or institutions in Nicaragua;

21 (F) is a former or current official of the
22 Government of Nicaragua, or a person acting
23 on behalf of that Government, that is respon-
24 sible for or complicit in ordering, controlling, or
25 otherwise directing acts of significant corrup-

tion, including the expropriation of private or public assets for personal gain, corruption related to government contracts, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions;

(G) has cooperated with a current or former official of the Government of Venezuela or a person acting on behalf of that Government; or

(H) is associated with conducting business deals with Petroleos de Venezuela S.A. or its subsidiary in Nicaragua, Alba de Nicaragua S.A. (ALBANISA); or

(2) is included on the list required under section 2.

(b) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions described in this subsection are the following:

(A) ASSET BLOCKING.—

(i) IN GENERAL.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in

1 property of a person determined by the
2 President to be subject to subsection (a) if
3 such property and interests in property are
4 in the United States, come within the
5 United States, or are or come within the
6 possession or control of a United States
7 person.

8 (ii) EXCEPTION.—The requirement to
9 block and prohibit all transactions in all
10 property and interests in property under
11 clause (i) shall not include the authority to
12 impose sanctions on the importation of
13 goods.

14 (B) ALIENS INELIGIBLE FOR VISAS, AD-
15 MISSION, OR PAROLE.—

16 (i) VISAS, ADMISSION, OR PAROLE.—
17 An alien who the Secretary of State or the
18 Secretary of Homeland Security (or a des-
19 ignee of one of such Secretaries) knows or
20 has reasonable grounds to believe meets
21 any of the criteria described in subsection
22 (a) is—

23 (I) inadmissible to the United
24 States;

1 (II) ineligible to receive a visa or
2 other documentation to enter the
3 United States; and

4 (III) otherwise ineligible to be
5 admitted or paroled into the United
6 States or to receive any other benefit
7 under the Immigration and Nation-
8 ality Act (8 U.S.C. 1101 et seq.).

9 (ii) CURRENT VISAS REVOKED.—

10 (I) IN GENERAL.—The issuing
11 consular officer, the Secretary of
12 State, or the Secretary of Homeland
13 Security (or a designee of one of such
14 Secretaries) shall revoke any visa or
15 other entry documentation issued to
16 an alien who meets any of the criteria
17 described in subsection (a), regardless
18 of when issued.

19 (II) EFFECT OF REVOCATION.—

20 A revocation under subclause (I) shall
21 take effect immediately and shall
22 automatically cancel any other valid
23 visa or entry documentation that is in
24 the alien's possession.

1 (iii) EXCEPTION TO COMPLY WITH
2 UNITED NATIONS HEADQUARTERS AGREE-
3 MENT.—Sanctions under this subpara-
4 graph shall not apply to an alien if admit-
5 ting the alien into the United States is
6 necessary to permit the United States to
7 comply with the Agreement regarding the
8 Headquarters of the United Nations,
9 signed at Lake Success June 26, 1947,
10 and entered into force November 21, 1947,
11 between the United Nations and the
12 United States, or other applicable inter-
13 national obligations.

14 (2) PENALTIES.—A person that violates, at-
15 tempts to violate, conspires to violate, or causes a
16 violation of this section or any regulation, license, or
17 order issued to carry out this section shall be subject
18 to the penalties set forth in subsections (b) and (c)
19 of section 206 of the International Emergency Eco-
20 nomic Powers Act (50 U.S.C. 1705) to the same ex-
21 tent as a person that commits an unlawful act de-
22 scribed in subsection (a) of that section.

23 (c) WAIVER.—The President may waive the applica-
24 tion of sanctions under subsection (b) with respect to a
25 person if the President determines that such a waiver is

1 in the national interests of the United States and, on or
2 before the date on which the waiver takes effect, submits
3 to the appropriate congressional committees a notice of
4 and justification for the waiver.

5 (d) IMPLEMENTATION AUTHORITY.—The President
6 may exercise all authorities provided to the President
7 under sections 203 and 205 of the International Emer-
8 gency Economic Powers Act (50 U.S.C. 1702 and 1704)
9 to carry out this section, except that, in accordance with
10 subsection (b)(1)(A)(ii), the authority to impose sanctions
11 under subsection (b) of this section does not include the
12 authority to impose sanctions relating to the importation
13 of goods.

14 (e) DEFINITIONS.—In this section:

15 (1) ADMITTED; ALIEN.—The terms “admitted”
16 and “alien” have meanings given those terms in sec-
17 tion 101 of the Immigration and Nationality Act (8
18 U.S.C. 1101).

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

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

24 (B) an entity organized under the laws of
25 the United States or of any jurisdiction within

1 the United States, including a foreign branch of
2 such an entity.

3 **SEC. 4. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
4 **FINED.**

5 In this Act, the term “appropriate congressional com-
6 mittees” means—

- 7 (1) the Committee on Foreign Affairs of the
8 House of Representatives;
- 9 (2) the Committee on Appropriations of the
10 House of Representatives;
- 11 (3) the Committee on Financial Services of the
12 House of Representatives;
- 13 (4) the Committee on Foreign Relations of the
14 Senate;
- 15 (5) the Committee on Appropriations of the
16 Senate; and
- 17 (6) the Committee on Banking, Housing, and
18 Urban Affairs of the Senate.

○