

114TH CONGRESS  
2D SESSION

# H. R. 5333

To impose sanctions in relation to violations by Iran of the Geneva Convention (III) or the right under international law to conduct innocent passage, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2016

Mr. POMPEO 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

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## A BILL

To impose sanctions in relation to violations by Iran of the Geneva Convention (III) or the right under international law to conduct innocent passage, 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 “No Impunity for Ira-  
5 nian Aggression at Sea Act of 2016”.

1 **SEC. 2. IMPOSITION OF SANCTIONS ON INDIVIDUALS WHO**  
2 **WERE COMPLICIT IN VIOLATIONS OF THE GE-**  
3 **NEVA CONVENTION OR THE RIGHT UNDER**  
4 **INTERNATIONAL LAW TO CONDUCT INNO-**  
5 **CENT PASSAGE.**

6 (a) REPORT REQUIRED.—

7 (1) IN GENERAL.—Not later than 60 days after  
8 the date of the enactment of this Act, the President  
9 shall submit to the appropriate congressional com-  
10 mittees a report that includes—

11 (A) a determination with respect to wheth-  
12 er, during or after the incident that began on  
13 January 12, 2016, in which forces of Iran  
14 boarded two United States Navy riverine com-  
15 bat vessels and detained at gunpoint the crews  
16 of those vessels, any of the actions of the forces  
17 of Iran constituted a violation of—

18 (i) the Geneva Convention; or

19 (ii) the right under international law  
20 to conduct innocent passage; and

21 (B) a certification with respect to whether  
22 or not Federal funds, including the  
23 \$1,700,000,000 payment that was announced  
24 by the Secretary of State on January 17, 2016,  
25 were paid to Iran, directly or indirectly, to ef-  
26 fect the release of—

1 (i) the members of the United States  
2 Navy who were detained in the incident de-  
3 scribed in subparagraph (A); or

4 (ii) other United States citizens, in-  
5 cluding Jason Rezaian, Amir Hekmati,  
6 Saeed Abedini, Nosratollah Khosravi-  
7 Roodsari, and Matthew Trevithick, the re-  
8 lease of whom was announced on January  
9 16, 2016.

10 (2) ACTIONS TO BE ASSESSED.—In assessing  
11 actions of the forces of Iran under paragraph  
12 (1)(A), the President shall consider, at a minimum,  
13 the following actions:

14 (A) The stopping, boarding, search, and  
15 seizure of the two United States Navy riverine  
16 combat vessels in the incident described in  
17 paragraph (1)(A).

18 (B) The removal from their vessels and de-  
19 tention of members of the United States Armed  
20 Forces in that incident.

21 (C) The theft or confiscation of electronic  
22 navigational equipment or any other equipment  
23 from the vessels.

1           (D) The forcing of one or more members  
2 of the United States Armed Forces to apologize  
3 for their actions.

4           (E) The display, videotaping, or photo-  
5 graphing of members of the United States  
6 Armed Forces and the subsequent broadcasting  
7 or other use of those photographs or videos.

8           (F) The forcing of female members of the  
9 United States Armed Forces to wear head cov-  
10 erings.

11           (3) DESCRIPTION OF ACTIONS.—In the case of  
12 each action that the President determines under  
13 paragraph (1)(A) is a violation of the Geneva Con-  
14 vention or the right under international law to con-  
15 duct innocent passage, the President shall include in  
16 the report required by that paragraph a description  
17 of the action and an explanation of how the action  
18 violated the Geneva Convention or the right to con-  
19 duct innocent passage, as the case may be.

20           (4) FORM OF REPORT.—The report required by  
21 paragraph (1) shall be submitted in unclassified  
22 form, but may include a classified annex.

23           (b) LIST OF CERTAIN PERSONS WHO HAVE BEEN  
24 COMPLICIT IN VIOLATIONS OF THE GENEVA CONVENTION  
25 OR THE RIGHT TO CONDUCT INNOCENT PASSAGE.—

1           (1) IN GENERAL.—Not later than 30 days after  
2 the submission of the report required by subsection  
3 (a), if the President has determined that one or  
4 more actions of the forces of Iran constituted a vio-  
5 lation of the Geneva Convention or the right under  
6 international law to conduct innocent passage, the  
7 President shall submit to the appropriate congress-  
8 sional committees a list of persons who are officials  
9 of the Government of Iran or were acting on behalf  
10 of that Government that, based on credible evidence,  
11 are responsible for or complicit in, or responsible for  
12 ordering, controlling, or otherwise directing, any  
13 such violation.

14           (2) UPDATES OF LIST.—The President shall  
15 submit to the appropriate congressional committees  
16 an updated list under paragraph (1) as new infor-  
17 mation becomes available.

18           (3) PUBLIC AVAILABILITY.—To the maximum  
19 extent practicable, the list required by paragraph (1)  
20 shall be made available to the public and posted on  
21 publicly accessible Internet websites of the Depart-  
22 ment of Defense and the Department of State.

23 (c) IMPOSITION OF SANCTIONS.—

24           (1) IN GENERAL.—The President shall impose  
25 the sanctions described in paragraph (2) with re-

1       spect to each person on the list required by sub-  
2       section (b).

3               (2) SANCTIONS.—

4               (A) PROHIBITION ON ENTRY AND ADMIS-  
5       SION TO THE UNITED STATES.—An alien on the  
6       list required by subsection (b) may not—

7               (i) be admitted to, enter, or transit  
8       through the United States;

9               (ii) receive any lawful immigration  
10       status in the United States under the im-  
11       migration laws; or

12              (iii) file any application or petition to  
13       obtain such admission, entry, or status.

14              (B) BLOCKING OF PROPERTY.—

15              (i) IN GENERAL.—The President  
16       shall, pursuant to the International Emer-  
17       gency Economic Powers Act (50 U.S.C.  
18       1701 et seq.), block and prohibit all trans-  
19       actions in all property and interests in  
20       property of a person on the list required by  
21       subsection (b) if such property and inter-  
22       ests in property are in the United States,  
23       come within the United States, or are or  
24       come within the possession or control of a  
25       United States person.

1 (ii) EXCEPTION RELATING TO IMPOR-  
2 TATION OF GOODS.—

3 (I) IN GENERAL.—The authority  
4 to block and prohibit all transactions  
5 in all property and interests in prop-  
6 erty under clause (i) shall not include  
7 the authority to impose sanctions on  
8 the importation of goods.

9 (II) GOOD.—In this subpara-  
10 graph, the term “good” has the mean-  
11 ing given that term in section 16 of  
12 the Export Administration Act of  
13 1979 (50 U.S.C. 4618) (as continued  
14 in effect pursuant to the International  
15 Emergency Economic Powers Act (50  
16 U.S.C. 1701 et seq.)).

17 (iii) PENALTIES.—A person that vio-  
18 lates, attempts to violate, conspires to vio-  
19 late, or causes a violation of clause (i) or  
20 any regulation, license, or order issued to  
21 carry out clause (i) shall be subject to the  
22 penalties set forth in subsections (b) and  
23 (c) of section 206 of the International  
24 Emergency Economic Powers Act (50  
25 U.S.C. 1705) to the same extent as a per-

1                   son that commits an unlawful act de-  
2                   scribed in subsection (a) of that section.

3           (d) DEFINITIONS.—In this section:

4                   (1) ADMITTED; ALIEN; IMMIGRATION LAWS.—  
5           The terms “admitted”, “alien”, and “immigration  
6           laws” have the meanings given those terms in sec-  
7           tion 101 of the Immigration and Nationality Act (8  
8           U.S.C. 1101).

9                   (2) APPROPRIATE CONGRESSIONAL COMMIT-  
10           TEES.—The term “appropriate congressional com-  
11           mittees” means—

12                   (A) the Committee on Armed Services, the  
13           Committee on Foreign Relations, and the Select  
14           Committee on Intelligence of the Senate; and

15                   (B) the Committee on Armed Services, the  
16           Committee on Foreign Affairs, and the Perma-  
17           nent Select Committee on Intelligence of the  
18           House of Representatives.

19                   (3) FORCES OF IRAN.—The term “forces of  
20           Iran” means the Islamic Revolutionary Guard  
21           Corps, members of other military or paramilitary  
22           units of the Government of Iran, and other agents  
23           of that Government.

24                   (4) GENEVA CONVENTION.—The term “Geneva  
25           Convention” means the Convention relative to the



1 Treatment of Prisoners of War, done at Geneva on  
2 August 12, 1949 (6 UST 3316) (commonly referred  
3 to as the “Geneva Convention (III)”).

4 (5) INNOCENT PASSAGE.—The term “innocent  
5 passage” means the principle under customary inter-  
6 national law that all vessels have the right to con-  
7 duct innocent passage through another country’s  
8 territorial waters for the purpose of continuous and  
9 expeditious traversing.

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

12 (A) a United States citizen or an alien law-  
13 fully admitted for permanent residence to the  
14 United States; or

15 (B) an entity organized under the laws of  
16 the United States or of any jurisdiction within  
17 the United States, including a foreign branch of  
18 such an entity.

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