

119TH CONGRESS
1ST SESSION

S. _____

To impose sanctions with respect to foreign governments that resist efforts to repatriate their citizens who have unlawfully entered the United States and foreign governments and foreign persons that knowingly facilitate unlawful immigration into the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT of South Carolina (for himself and Mr. MORENO) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To impose sanctions with respect to foreign governments that resist efforts to repatriate their citizens who have unlawfully entered the United States and foreign governments and foreign persons that knowingly facilitate unlawful immigration into the United States, 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 “Stifling Transnational
5 Operations and Proliferators by Mitigating Activities that

1 Drive Narcotics, Exploitation, and Smuggling Sanctions
2 Act” or the “STOP MADNESS Act”.

3 **SEC. 2. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) migrants who have unlawfully entered the
6 United States—

7 (A) are a threat to national security; and

8 (B) should be repatriated to their countries
9 of origin;

10 (2) if a country of origin resists repatriation of
11 its citizens that unlawfully entered the United
12 States, that country should be subject to economic
13 sanctions, denying the country access to the United
14 States financial system; and

15 (3) any country, entity, or individual that know-
16 ingly facilitates unlawful immigration into the
17 United States should be subject to economic sanc-
18 tions, denying them access to the United States fi-
19 nancial system.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—The term “appropriate congressional com-
24 mittees” means—

1 (A) the Committee on Banking, Housing,
2 and Urban Affairs of the Senate; and

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

6 (2) FOREIGN GOVERNMENT.—The term “for-
7 eign government”—

8 (A) means any governing body or political
9 organization that exercises control over a for-
10 eign country or a substantial portion of a for-
11 eign country; and

12 (B) includes—

13 (i) a ministry, department, agency, or
14 instrumentality of a body or organization
15 described in subparagraph (A);

16 (ii) an official, representative, or other
17 individual acting on behalf of such a body
18 or organization, including an individual
19 who holds a formal or informal role of au-
20 thority; and

21 (iii) an entity—

22 (I) owned or controlled by such a
23 body or organization; or

1 (II) that acts on behalf of or is
2 directed by such a body or organiza-
3 tion.

4 (3) FOREIGN PERSON.—The term “foreign per-
5 son”—

6 (A) means an individual or entity that is
7 not a United States person; and

8 (B) does not include a foreign government.

9 (4) KNOWINGLY.—The term “knowingly”, with
10 respect to conduct, a circumstance, or a result,
11 means that a person has actual knowledge, or should
12 have known, of the conduct, the circumstance, or the
13 result.

14 (5) UNITED STATES PERSON.—The term
15 “United States person” means—

16 (A) a United States citizen;

17 (B) an alien lawfully admitted for perma-
18 nent residence to the United States;

19 (C) an alien lawfully admitted to the
20 United States, including any alien admitted for
21 temporary residence, tourism, or employment,
22 or to pursue a course of study; or

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

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

3 **SEC. 4. SENSE OF CONGRESS; STATEMENT OF POLICY.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) foreign governments that refuse or obstruct
7 the efforts of the United States to repatriate their
8 citizens who have unlawfully entered the United
9 States constitute an unusual and extraordinary
10 threat to the national security, foreign policy, and
11 economy of the United States, and pose a national
12 emergency; and

13 (2) foreign governments and foreign persons
14 that knowingly facilitate unlawful immigration into
15 the United States constitute an unusual and extraor-
16 dinary threat to the national security, foreign policy,
17 and economy of the United States, and pose a na-
18 tional emergency.

19 (b) STATEMENT OF POLICY.—It is the policy of the
20 United States, in order to protect the national security
21 of the United States, to apply economic and other finan-
22 cial sanctions with respect to—

23 (1) foreign governments that resist efforts to
24 repatriate their citizens who have unlawfully entered
25 the United States; and

1 (2) foreign governments and foreign persons
2 that knowingly facilitate unlawful immigration into
3 the United States.

4 **SEC. 5. USE OF NATIONAL EMERGENCY AUTHORITIES; RE-**
5 **PORTING.**

6 (a) IN GENERAL.—The President may exercise all
7 authorities provided under sections 203 and 205 of the
8 International Emergency Economic Powers Act (50
9 U.S.C. 1702 and 1704) to carry out this Act.

10 (b) REPORT REQUIRED.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act, and an-
13 nually thereafter until the date that is 7 years after
14 such date of enactment, the President shall submit
15 to the appropriate congressional committees a report
16 on actions taken by the executive branch pursuant
17 to this Act and any national emergency declared
18 with respect to the facilitation of unlawful immigra-
19 tion to the United States, including—

20 (A) the issuance of any new or revised reg-
21 ulations, policies, or guidance;

22 (B) the imposition of sanctions;

23 (C) the collection of relevant information
24 from outside parties;

1 (D) the issuance or termination of general
2 licenses, specific licenses, and statements of li-
3 censing policy by the Office of Foreign Assets
4 Control of the Department of the Treasury;

5 (E) any pending enforcement actions; or

6 (F) the implementation of mitigation pro-
7 cedures.

8 (2) FORM OF REPORT.—Each report required
9 by paragraph (1) shall be submitted in unclassified
10 form, but may include the matters required by sub-
11 paragraphs (C), (D), (E), and (F) of that paragraph
12 in a classified annex.

13 **SEC. 6. IMPOSITION OF SANCTIONS WITH RESPECT TO EF-**
14 **FORTS TO RESIST REPATRIATION OR FACILI-**
15 **TATE UNLAWFUL IMMIGRATION.**

16 (a) IN GENERAL.—The President may impose the
17 sanctions described in subsection (b) with respect to—

18 (1) any foreign government the President deter-
19 mines knowingly refuses or obstructs the efforts of
20 the United States to repatriate its citizens who have
21 unlawfully entered the United States; and

22 (2) any foreign government or foreign person
23 the President determines knowingly facilitates un-
24 lawful immigration into the United States.

1 (b) **SANCTIONS DESCRIBED.**—The President may,
2 pursuant to the International Emergency Economic Pow-
3 ers Act (50 U.S.C. 1701 et seq.), block and prohibit all
4 transactions in property and interests in property of a for-
5 eign government or foreign person described in subsection
6 (a) if such property and interests in property are in the
7 United States, come within the United States, or are or
8 come within the possession or control of a United States
9 person.

10 (c) **REPORT REQUIRED.**—Not later than 180 days
11 after the date of the enactment of this Act, and annually
12 thereafter until the date that is 7 years after such date
13 of enactment, the President shall submit to the appro-
14 priate congressional committees a report on actions taken
15 by the executive branch with respect to the foreign govern-
16 ments and foreign persons identified under subsection (a).

17 **SEC. 7. PENALTIES; WAIVERS; EXCEPTIONS.**

18 (a) **PENALTIES.**—A person that violates, attempts to
19 violate, conspires to violate, or causes a violation of this
20 Act or any regulation, license, or order issued to carry out
21 this Act shall be subject to the penalties set forth in sub-
22 sections (b) and (c) of section 206 of the International
23 Emergency Economic Powers Act (50 U.S.C. 1705) to the
24 same extent as a person that commits an unlawful act de-
25 scribed in subsection (a) of that section.

1 (b) NATIONAL SECURITY WAIVER.—The President
2 may waive the application of sanctions under this Act with
3 respect to a foreign government or foreign person if the
4 President determines that the waiver is in the national se-
5 curity interest of the United States.

6 (c) EXCEPTIONS FOR INTELLIGENCE AND LAW EN-
7 FORCEMENT ACTIVITIES.—This Act shall not apply with
8 respect to—

9 (1) activities subject to the reporting require-
10 ments under title V of the National Security Act of
11 1947 (50 U.S.C. 3091 et seq.) or any authorized in-
12 telligence activities of the United States; or

13 (2) activities necessary to carry out or assist
14 law enforcement activity of the United States.