

103^D CONGRESS
2^D SESSION

H. R. 4114

To provide for sanctions against Haiti, to halt the interdiction and return of Haitian refugees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1994

Mr. DELLUMS (for himself, Mr. PAYNE of New Jersey, Mr. OWENS, Mr. RANGEL, Mr. MFUME, Mr. FRANKS of Connecticut, Ms. BROWN of Florida, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK, Mr. BISHOP, Mr. BLACKWELL, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Miss COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. DIXON, Mr. FIELDS of Louisiana, Mr. FLAKE, Mr. FORD of Tennessee, Mr. HILLIARD, Mr. HASTINGS, Mr. JEFFERSON, Mr. LEWIS of Georgia, Ms. MCKINNEY, Ms. NORTON, Mr. REYNOLDS, Mr. RUSH, Mr. SCOTT, Mr. STOKES, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. TUCKER, Mr. WASHINGTON, Ms. WATERS, Mr. WATT, Mr. WHEAT, and Mr. WYNN) introduced the following bill; which was referred jointly to the Committees on Ways and Means, Foreign Affairs, Public Works and Transportation, the Judiciary, and Banking, Finance and Urban Affairs

A BILL

To provide for sanctions against Haiti, to halt the interdiction and return of Haitian refugees, 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 “Governors Island Rein-
3 forcement Act of 1994”.

4 **SEC. 2. SANCTIONS AGAINST HAITI.**

5 (a) PROHIBITING TRADE AND CERTAIN TRANS-
6 ACTIONS INVOLVING HAITI.—The following are prohib-
7 ited:

8 (1) The import into the United States of any
9 goods or services of Haitian origin, other than publi-
10 cations and material imported for news publications
11 or news broadcast dissemination.

12 (2) The export to Haiti of any goods, tech-
13 nology (including technical data or other informa-
14 tion) or services from the United States, except pub-
15 lications, food, medicine, and medical supplies and
16 donations of articles intended to relieve human suf-
17 fering, such as clothing and temporary housing.

18 (3) The purchase by any United States person
19 of any goods for export from Haiti to any country.

20 (4) The performance by any United States per-
21 son of any contract in support of an industrial or
22 other commercial or governmental project in Haiti.

23 (5) The grant or extension of credits or loans
24 by any United States person to the unelected mili-
25 tary rulers of Haiti, its instrumentalities and con-
26 trolled entities.

1 (b) PROHIBITION OF CERTAIN AIR TRANSPORT IN-
2 VOLVING HAITI.—The following is prohibited:

3 (1) Any transaction by a United States person
4 relating to air transportation to or from Haiti.

5 (2) The provision of transportation to or from
6 the United States by aircraft of Haitian registration.

7 (3) The sale in the United States by any person
8 holding authority under the Federal Aviation Act of
9 any transportation by air which includes any stop in
10 Haiti.

11 (c) SANCTIONS AGAINST OTHER NATIONS.—

12 (1) If the President determines that a foreign
13 country is not cooperating with United States sanc-
14 tions against Haiti under this Act or with applicable
15 sanctions against Haiti imposed by the United Na-
16 tions and the Organization of American States, ef-
17 fective 60 days after such determination no United
18 States assistance may be provided to such foreign
19 country.

20 (2) If the President makes a determination
21 under paragraph (1)—

22 (A) the President shall impose at least one
23 other penalty or sanction which the President
24 considers to be appropriate under the Inter-
25 national Emergency Economic Powers Act; and

1 (B) the President may impose such other
2 sanctions and penalties under the International
3 Emergency Economic Powers Act as the Presi-
4 dent considers appropriate.

5 (3) For the purpose of this subsection, the term
6 “United States assistance” means assistance of any
7 kind which is provided by grant, sale, loan, lease,
8 credit, guaranty, or insurance, or by any other
9 means, by any agency or instrumentality of the
10 United States Government, including—

11 (A) assistance under the Foreign Assist-
12 ance Act of 1961; and

13 (B) sales, credits, and guaranties under
14 the Arms Export Control Act.

15 (d) SANCTIONS BY OTHER COUNTRIES.—The Presi-
16 dent shall direct the United States Ambassador to the
17 United Nations to assume a leadership role within the
18 United Nations Security Council to ensure that sanctions
19 against Haiti unilaterally imposed by the United States
20 under this Act are adopted by the international commu-
21 nity.

22 (e) TERMINATION OF SANCTIONS.—The provisions of
23 this section shall cease to have effect on the date the Presi-
24 dent certifies to the Congress that the democratically-
25 elected President of Haiti has been reinstated and Haiti’s

1 military high command has met its obligations under the
2 Governors Island Agreement.

3 **SEC. 3. CONGRESSIONAL STATEMENT.**

4 (a) HUMAN RIGHTS OBSERVERS.—The Congress
5 strongly urges the President to take such steps as are nec-
6 essary to facilitate the return to Haiti of a full contingent
7 of human rights observers under the auspices of the
8 United Nations and/or the Organization of American
9 States.

10 (b) MULTINATIONAL BORDER PATROL.—Subject to
11 the request of the democratically-elected President of
12 Haiti Jean-Bertrand Aristide, the Congress strongly urges
13 President Clinton to take all available measures to effect
14 the deployment of a multinational border patrol between
15 the Dominican Republic and Haiti which will be fully
16 equipped in terms of personnel and equipment to halt
17 cross-border violations of sanctions against Haiti imposed
18 by the United States and other countries.

19 (c) MULTILATERAL SOCIOECONOMIC AND PEACE-
20 KEEPING ASSISTANCE.—The Congress reaffirms the un-
21 wavering committment of the United States to support
22 multilateral socioeconomic and peacekeeping assistance to
23 Haiti upon the return to power of the democratically-elect-
24 ed President of Haiti and the removal of Haiti's military
25 high command.

1 **SEC. 4. SANCTITY OF GOVERNORS ISLAND AGREEMENT.**

2 (a) IN GENERAL.—Subject to subsection (b) and not-
3 withstanding any other provision of law, no officer or em-
4 ployee of the United States shall attempt, directly or indi-
5 rectly, to amend, reinterpret, or nullify the Governors Is-
6 land Agreement.

7 (b) EXCEPTION.—Subsection (a) shall not apply to
8 the October 30, 1993, deadline for the return to power
9 of the democratically-elected President of Haiti, Jean-
10 Bertrand Aristide.

11 **SEC. 5. TERMINATION OF BILATERAL MIGRANT INTERDIC-**
12 **TION AGREEMENT.**

13 The President shall notify the Government of Haiti
14 immediately of the intention of the United States Govern-
15 ment to terminate the agreement between the United
16 States and Haiti relating to migrant interdiction (effected
17 by the exchange of notes signed at Port-au-Prince on Sep-
18 tember 23, 1981; 33 UST 3559, TIAS 6577).

19 **SEC. 6. ADHERENCE TO INTERNATIONAL LAW REQUIRE-**
20 **MENT OF NONREFOULEMENT WITH RESPECT**
21 **TO HAITI.**

22 (a) OBLIGATIONS OUTSIDE THE UNITED STATES.—
23 The United States Government shall not return, cause to
24 be returned, or affect the movement in any manner which
25 results in returning, to Haiti a national or habitual resi-
26 dent of Haiti, who is outside the territorial boundaries of

1 Haiti, and no funds may be expended with respect to any
2 such return, unless the United States Government first
3 determines in a manner that incorporates procedural safe-
4 guards consistent with internationally endorsed standards
5 and guidelines that such individual is not a refugee of
6 Haiti under Article 1 of the Convention Relating to the
7 Status of Refugees (done at Geneva July 28, 1951) as
8 applied under Article I of the United Nations Protocol Re-
9 lating to the Status of Refugees (done at New York, Janu-
10 ary 31, 1967) or a person designated under Article 33
11 of the Convention Relating to the Status of Refugees.

12 (b) OBLIGATIONS WITHIN THE TERRITORIAL WA-
13 TERS OF HAITI.—The United States Government shall
14 not return, cause to be returned, or affect the movement
15 in any manner which results in returning, to Haiti a na-
16 tional or habitual resident of Haiti, who is within the terri-
17 torial waters of Haiti, and no funds may be expended with
18 respect to any such return, unless the United States Gov-
19 ernment first determines in a manner that incorporates
20 procedural safeguards consistent with internationally en-
21 dorsed standards and guidelines that if that individual
22 were outside the territorial boundaries of Haiti such indi-
23 vidual would not be a refugee of Haiti under Article I of
24 the Convention Relating to the Status of Refugees (done
25 at Geneva, July 28, 1951) as applied under Article I of

1 the United National Protocol Relating to the Status of
2 Refugees (done at New York, January 31, 1967) or a per-
3 son designated under Article 33 of the Convention Relat-
4 ing to the Status of Refugees. This subsection shall not
5 constitute authority for conducting operations by the
6 United States Government within the territorial waters of
7 Haiti or any other country.

8 (c) LIMITATIONS.—The provisions of this section do
9 not apply to an individual if—

10 (1) such individual ordered, incited, assisted, or
11 otherwise participated in the persecution of any per-
12 son on account of race, religion, nationality, mem-
13 bership in a particular social group or political opin-
14 ion; or

15 (2) such individual, having been convicted by a
16 final judgment of an aggravated felony (as defined
17 in section 101(a)(43) of the Immigration and Na-
18 tionality Act), constitutes a danger to the commu-
19 nity of the United States.

20 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to impose new obligations on the
22 Government of the United States in its treatment of na-
23 tionals and habitual residents of a country at United
24 States diplomatic and consular missions in that country.

1 **SEC. 7. TEMPORARY PROTECTED STATUS FOR HAITIANS.**

2 (a) DESIGNATION.—During the period specified in
3 subsection (c) of this section, Haiti is hereby designated
4 under section 244A(b)(1) of the Immigration and Nation-
5 ality Act (relating to temporary protected status).

6 (b) ELIGIBLE HAITIANS.—Any alien—

7 (1) who is a national of Haiti and is present in
8 the United States or in the custody or control of the
9 United States (including Guantanamo Bay, Cuba,
10 and any other vessel or facility of the United States
11 Government) at any time during the period de-
12 scribed in subsection (c) of this section,

13 (2) who is not an alien designated under section
14 8(b) or 9(b) of this Act,

15 (3) who meets the requirements of section
16 244A(c)(1)(A)(iii) of the Immigration and National-
17 ity Act, and

18 (4) who, during the period described in sub-
19 section (c) of this section, registers for temporary
20 protected status to the extent and in a manner
21 which the Attorney General establishes,

22 shall be granted temporary protected status for the dura-
23 tion of that period and section 244A(a)(1) of the Immigra-
24 tion and Nationality Act shall apply with respect to such
25 alien.

1 (c) PERIOD OF DESIGNATION.—The designation pur-
2 suant to subsection (a) shall be in effect during the period
3 beginning on the date of enactment of this Act and ending
4 on the date on which the President certifies to the Con-
5 gress that the democratically-elected President of Haiti
6 has been reinstated and Haiti’s military high command
7 has met its obligations under the Governors Island Agree-
8 ment. Subsections (b)(2) and (b)(3) of section 244A of
9 the Immigration and Nationality Act do not apply with
10 respect to the designation pursuant to subsection (a) of
11 this section.

12 **SEC. 8. CERTAIN HAITIANS INELIGIBLE TO RECEIVE VISAS**
13 **AND EXCLUDED FROM ADMISSION.**

14 (a) EXCLUSION.—During the period specified in sub-
15 section (c), an alien designated under subsection (b) shall
16 be ineligible to receive any visa and shall be excluded from
17 admission into the United States.

18 (b) DESIGNATED ALIEN.—An alien designated under
19 this subsection is any alien who—

20 (1) is a national of Haiti; and

21 (2)(A) is a member of the Haitian military;

22 (B) provided financial or other material support
23 for, or directly assisted, the military coup of Sep-
24 tember 30, 1991, which overthrew the democrat-

1 ically-elected Haitian Government of President Jean-
2 Bertrand Aristide;

3 (C) provided financial or other material support
4 for, or directly participated in, terrorist acts against
5 the Haitian people during any period after such
6 coup; or

7 (D) contributed to the obstruction of United
8 Nations resolutions 841 and 843, the Governors Is-
9 land Agreement, or the activities of the United Na-
10 tions Mission in Haiti.

11 (c) PERIOD OF EXCLUSION.—The period of exclusion
12 specified in this subsection begins on the date of the enact-
13 ment of this Act and ends on the date on which the Presi-
14 dent certifies to the Congress that the democratically-
15 elected President of Haiti has been reinstated and Haiti's
16 military high command has met its obligations under the
17 Governors Island Agreement.

18 **SEC. 9. BLOCKING OF ASSETS OF CERTAIN HAITIANS.**

19 (a) BLOCKING OF ASSETS.—During the period speci-
20 fied in subsection (c), all property and interests in prop-
21 erty of aliens designated under subsection (b) that are in
22 the United States, that hereafter come within the United
23 States, or that are or hereafter come within the possession
24 or control of United States persons (including overseas
25 branches of United States persons), are blocked.

1 (b) DESIGNATED ALIEN.—An alien designated under
2 this subsection is any alien who—

3 (1) is a national of Haiti; and

4 (2)(A) is a member of the Haitian military;

5 (B) provided financial or other material support
6 for, or directly assisted, the military coup of Septem-
7 ber 30, 1991, which overthrew the democratically-
8 elected Haitian Government of President Jean-
9 Bertrand Aristide;

10 (C) provided financial or other material support
11 for, or directly participated in, terrorist acts against
12 the Haitian people during any period after such
13 coup; or

14 (D) contributed to the obstruction of United
15 Nations resolutions 841 and 843, the Governors Is-
16 land Agreement, or the activities of the United Na-
17 tions Mission in Haiti.

18 (c) PERIOD OF EXCLUSION.—The period of exclusion
19 specified in subsection (a) begins on the date of the enact-
20 ment of this Act and ends on the date on which the Presi-
21 dent certifies to the Congress that the democratically-
22 elected President of Haiti has been reinstated and Haiti's
23 military high command has met its obligations under the
24 Governors Island Agreement.

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