

**AMENDMENT TO RULES COMM. PRINT 116–57**

**OFFERED BY MR. DEUTCH OF FLORIDA**

Add at the end of title XII the following:

1 **Subtitle H—United States Nation-**  
2 **als Unlawfully or Wrongfully**  
3 **Detained Abroad**

4 **SEC. 1281. SHORT TITLE.**

5 This subtitle may be cited as the “Robert Levinson  
6 Hostage Recovery and Hostage-Taking Accountability  
7 Act”.

8 **SEC. 1282. ASSISTANCE FOR UNITED STATES NATIONALS**  
9 **UNLAWFULLY OR WRONGFULLY DETAINED**  
10 **ABROAD.**

11 (a) REVIEW.—The Secretary of State shall review the  
12 cases of United States nationals detained abroad to deter-  
13 mine if there is credible information that they are being  
14 detained unlawfully or wrongfully, based on criteria which  
15 may include whether—

16 (1) United States officials receive or possess  
17 credible information indicating innocence of the de-  
18 tained individual;

1           (2) the individual is being detained solely or  
2           substantially because he or she is a United States  
3           national;

4           (3) the individual is being detained solely or  
5           substantially to influence United States Government  
6           policy or to secure economic or political concessions  
7           from the United States Government;

8           (4) the detention appears to be because the in-  
9           dividual sought to obtain, exercise, defend, or pro-  
10          mote freedom of the press, freedom of religion, or  
11          the right to peacefully assemble;

12          (5) the individual is being detained in violation  
13          of the laws of the detaining country;

14          (6) independent nongovernmental organizations  
15          or journalists have raised legitimate questions about  
16          the innocence of the detained individual;

17          (7) the United States mission in the country  
18          where the individual is being detained has received  
19          credible reports that the detention is a pretext for an  
20          illegitimate purpose;

21          (8) the individual is detained in a country  
22          where the Department of State has determined in its  
23          annual human rights reports that the judicial system  
24          is not independent or impartial, is susceptible to cor-  
25          ruption, or is incapable of rendering just verdicts;

1           (9) the individual is being detained in inhumane  
2           conditions;

3           (10) due process of law has been sufficiently  
4           impaired so as to render the detention arbitrary; and

5           (11) United States diplomatic engagement is  
6           likely necessary to secure the release of the detained  
7           individual.

8           (b) REFERRALS TO THE SPECIAL ENVOY.—Upon a  
9           determination by the Secretary of State, based on the to-  
10          tality of the circumstances, that there is credible informa-  
11          tion that the detention of a United States national abroad  
12          is unlawful or wrongful, and regardless of whether the de-  
13          tention is by a foreign government or a nongovernmental  
14          actor, the Secretary shall transfer responsibility for such  
15          case from the Bureau of Consular Affairs of the Depart-  
16          ment of State to the Special Envoy for Hostage Affairs  
17          created pursuant to section 1283.

18          (c) REPORT.—

19                 (1) ANNUAL REPORT.—

20                         (A) IN GENERAL.—The Secretary of State  
21                         shall submit to the appropriate congressional  
22                         committees an annual report with respect to  
23                         United States nationals for whom the Secretary  
24                         determines there is credible information of un-  
25                         lawful or wrongful detention abroad.

1 (B) FORM.—The report required under  
2 this paragraph shall be submitted in unclassi-  
3 fied form, but may include a classified annex if  
4 necessary.

5 (2) COMPOSITION.—The report required under  
6 paragraph (1) shall include current estimates of the  
7 number of individuals so detained, as well as rel-  
8 evant information about particular cases, such as—

9 (A) the name of the individual, unless the  
10 provision of such information is inconsistent  
11 with section 552a of title 5, United States Code  
12 (commonly known as the “Privacy Act of  
13 1974”);

14 (B) basic facts about the case;

15 (C) a summary of the information that  
16 such individual may be detained unlawfully or  
17 wrongfully;

18 (D) a description of specific efforts, legal  
19 and diplomatic, taken on behalf of the indi-  
20 vidual since the last reporting period, including  
21 a description of accomplishments and setbacks;  
22 and

23 (E) a description of intended next steps.

24 (d) RESOURCE GUIDANCE.—

1           (1) ESTABLISHMENT.—Not later than 180 days  
2 after the date of the enactment of this Act and after  
3 consulting with relevant organizations that advocate  
4 on behalf of United States nationals detained abroad  
5 and the Family Engagement Coordinator established  
6 pursuant to section 1284(c)(2), the Secretary of  
7 State shall provide resource guidance in writing for  
8 government officials and families of unjustly or  
9 wrongfully detained individuals.

10           (2) CONTENT.—The resource guidance required  
11 under paragraph (1) should include—

12           (A) information to help families under-  
13 stand United States policy concerning the re-  
14 lease of United States nationals unlawfully or  
15 wrongfully held abroad;

16           (B) contact information for officials in the  
17 Department of State or other government agen-  
18 cies suited to answer family questions;

19           (C) relevant information about options  
20 available to help families obtain the release of  
21 unjustly or wrongfully detained individuals,  
22 such as guidance on how families may engage  
23 with United States diplomatic and consular  
24 channels to ensure prompt and regular access  
25 for the detained individual to legal counsel,

1 family members, humane treatment, and other  
2 services;

3 (D) guidance on submitting public or pri-  
4 vate letters from members of Congress or other  
5 individuals who may be influential in securing  
6 the release of an individual; and

7 (E) appropriate points of contacts, such as  
8 legal resources and counseling services, who  
9 have a record of assisting victims' families.

10 **SEC. 1283. SPECIAL ENVOY FOR HOSTAGE AFFAIRS.**

11 (a) ESTABLISHMENT.—There is within the office of  
12 the Secretary of State a Special Presidential Envoy for  
13 Hostage Affairs.

14 (b) RESPONSIBILITIES.—The Special Presidential  
15 Envoy for Hostage Affairs, under the supervision of the  
16 Secretary of State, shall—

17 (1) lead diplomatic engagement on United  
18 States hostage policy;

19 (2) coordinate all diplomatic engagements in  
20 support of hostage recovery efforts, in coordination  
21 with the Hostage Recovery Fusion Cell and con-  
22 sistent with policy guidance communicated through  
23 the Hostage Response Group;

1           (3) coordinate with the Hostage Recovery Fu-  
2           sion Cell proposals for diplomatic engagements and  
3           strategy in support of hostage recovery efforts;

4           (4) provide senior representation from the Spe-  
5           cial Envoy's office to the Hostage Recovery Fusion  
6           Cell established under section 1284 and the Hostage  
7           Response Group established under section 1285; and

8           (5) in coordination with the Hostage Recovery  
9           Fusion Cell as appropriate, coordinate diplomatic  
10          engagements regarding cases in which a foreign gov-  
11          ernment confirms that it has detained a United  
12          States national but the United States Government  
13          regards such detention as unlawful or wrongful.

14 **SEC. 1284. HOSTAGE RECOVERY FUSION CELL.**

15          (a) ESTABLISHMENT.—The President shall establish  
16          an interagency Hostage Recovery Fusion Cell.

17          (b) PARTICIPATION.—The President shall direct the  
18          heads of each of the following executive departments,  
19          agencies, and offices to make available personnel to par-  
20          ticipate in the Hostage Recovery Fusion Cell:

21                 (1) The Department of State.

22                 (2) The Department of the Treasury.

23                 (3) The Department of Defense.

24                 (4) The Department of Justice.

1           (5) The Office of the Director of National Intel-  
2           ligence.

3           (6) The Federal Bureau of Investigation.

4           (7) The Central Intelligence Agency.

5           (8) Other agencies as the President, from time  
6           to time, may designate.

7           (c) PERSONNEL.—The Hostage Recovery Fusion Cell  
8           shall include—

9           (1) a Director, who shall be a full-time senior  
10          officer or employee of the United States Govern-  
11          ment;

12          (2) a Family Engagement Coordinator who  
13          shall—

14                (A) work to ensure that all interactions by  
15                executive branch officials with a hostage's fam-  
16                ily occur in a coordinated fashion and that the  
17                family receives consistent and accurate informa-  
18                tion from the United States Government; and

19                (B) if directed, perform the same function  
20                as set out in subparagraph (A) with regard to  
21                the family of a United States national who is  
22                unlawfully or wrongfully detained abroad; and

23          (3) other officers and employees as deemed ap-  
24          propriate by the President.



1 (d) DUTIES.—The Hostage Recovery Fusion Cell  
2 shall—

3 (1) coordinate efforts by participating agencies  
4 to ensure that all relevant information, expertise,  
5 and resources are brought to bear to secure the safe  
6 recovery of United States nationals held hostage  
7 abroad;

8 (2) if directed, coordinate the United States  
9 Government's response to other hostage-takings oc-  
10 ccurring abroad in which the United States has a na-  
11 tional interest;

12 (3) if directed, coordinate or assist the United  
13 States Government's response to help secure the re-  
14 lease of United States nationals unlawfully or  
15 wrongfully detained abroad; and

16 (4) pursuant to policy guidance coordinated  
17 through the National Security Council—

18 (A) identify and recommend hostage recov-  
19 ery options and strategies to the President  
20 through the National Security Council or the  
21 Deputies Committee of the National Security  
22 Council;

23 (B) coordinate efforts by participating  
24 agencies to ensure that information regarding  
25 hostage events, including potential recovery op-

1           tions and engagements with families and exter-  
2           nal actors (including foreign governments), is  
3           appropriately shared within the United States  
4           Government to facilitate a coordinated response  
5           to a hostage-taking;

6           (C) assess and track all hostage-takings of  
7           United States nationals abroad and provide reg-  
8           ular reports to the President and Congress on  
9           the status of such cases and any measures  
10          being taken toward the hostages' safe recovery;

11          (D) provide a forum for intelligence shar-  
12          ing and, with the support of the Director of Na-  
13          tional Intelligence, coordinate the declassifica-  
14          tion of relevant information;

15          (E) coordinate efforts by participating  
16          agencies to provide appropriate support and as-  
17          sistance to hostages and their families in a co-  
18          ordinated and consistent manner and to provide  
19          families with timely information regarding sig-  
20          nificant events in their cases;

21          (F) make recommendations to agencies in  
22          order to reduce the likelihood of United States  
23          nationals' being taken hostage abroad and en-  
24          hance United States Government preparation to

1 maximize the probability of a favorable outcome  
2 following a hostage-taking; and

3 (G) coordinate with agencies regarding  
4 congressional, media, and other public inquiries  
5 pertaining to hostage events.

6 (e) ADMINISTRATION.—The Hostage Recovery Fu-  
7 sion Cell shall be located within the Federal Bureau of  
8 Investigation for administrative purposes.

9 **SEC. 1285. HOSTAGE RESPONSE GROUP.**

10 (a) ESTABLISHMENT.—The President shall establish  
11 a Hostage Response Group, chaired by a designated mem-  
12 ber of the National Security Council or the Deputies Com-  
13 mittee of the National Security Council, to be convened  
14 on a regular basis, to further the safe recovery of United  
15 States nationals held hostage abroad or unlawfully or  
16 wrongfully detained abroad, and to be tasked with coordi-  
17 nating the United States Government response to other  
18 hostage-takings occurring abroad in which the United  
19 States has a national interest.

20 (b) MEMBERSHIP.—The regular members of the Hos-  
21 tage Response Group shall include the Director of the  
22 Hostage Recovery Fusion Cell, the Hostage Recovery Fu-  
23 sion Cell's Family Engagement Coordinator, the Special  
24 Envoy appointed pursuant to section 1283, and represent-  
25 atives from the Department of the Treasury, the Depart-

1 ment of Defense, the Department of Justice, the Federal  
2 Bureau of Investigation, the Office of the Director of Na-  
3 tional Intelligence, the Central Intelligence Agency, and  
4 other agencies as the President, from time to time, may  
5 designate.

6 (c) DUTIES.—The Hostage Recovery Group shall—

7 (1) identify and recommend hostage recovery  
8 options and strategies to the President through the  
9 National Security Council;

10 (2) coordinate the development and implemen-  
11 tation of United States hostage recovery policies,  
12 strategies, and procedures;

13 (3) receive regular updates from the Hostage  
14 Recovery Fusion Cell and the Special Envoy for  
15 Hostage Affairs on the status of United States na-  
16 tionals being held hostage or unlawfully or wrong-  
17 fully detained abroad and measures being taken to  
18 effect safe recoveries;

19 (4) coordinate the provision of policy guidance  
20 to the Hostage Recovery Fusion Cell, including re-  
21 viewing recovery options proposed by the Hostage  
22 Recovery Fusion Cell and working to resolve dis-  
23 putes within the Hostage Recovery Fusion Cell;

24 (5) as appropriate, direct the use of resources  
25 at the Hostage Recovery Fusion Cell to coordinate

1 or assist in the safe recovery of United States na-  
2 tionals unlawfully or wrongfully detained abroad;  
3 and

4 (6) as appropriate, direct the use of resources  
5 at the Hostage Recovery Fusion Cell to coordinate  
6 the United States Government response to other  
7 hostage-takings occurring abroad in which the  
8 United States has a national interest.

9 (d) MEETINGS.—The Hostage Response Group shall  
10 meet regularly.

11 (e) REPORTING.—The Hostage Response Group shall  
12 regularly provide recommendations on hostage recovery  
13 options and strategies to the National Security Council.

14 **SEC. 1286. AUTHORIZATION OF IMPOSITION OF SANCTIONS.**

15 (a) IN GENERAL.—The President may impose the  
16 sanctions described in subsection (b) with respect to any  
17 foreign person the President determines, based on credible  
18 evidence—

19 (1) is responsible for or is complicit in, or re-  
20 sponsible for ordering, controlling, or otherwise di-  
21 recting, the hostage-taking of a United States na-  
22 tional abroad or the unlawful or wrongful detention  
23 of a United States national abroad; or

1           (2) knowingly provides financial, material, or  
2           technological support for, or goods or services in  
3           support of, an activity described in paragraph (1).

4           (b) SANCTIONS DESCRIBED.—The sanctions de-  
5           scribed in this subsection are the following:

6           (1) INELIGIBILITY FOR VISAS, ADMISSION, OR  
7           PAROLE.—

8           (A) VISAS, ADMISSION, OR PAROLE.—An  
9           alien described in subsection (a) may be—

10                   (i) inadmissible to the United States;

11                   (ii) ineligible to receive a visa or other  
12                   documentation to enter the United States;

13                   and

14                   (iii) otherwise ineligible to be admitted  
15                   or paroled into the United States or to re-  
16                   ceive any other benefit under the Immigra-  
17                   tion and Nationality Act (8 U.S.C. 1101 et  
18                   seq.).

19           (B) CURRENT VISAS REVOKED.—

20                   (i) IN GENERAL.—An alien described  
21                   in subsection (a) may be subject to revoca-  
22                   tion of any visa or other entry documenta-  
23                   tion regardless of when the visa or other  
24                   entry documentation is or was issued.

1 (ii) IMMEDIATE EFFECT.—A revoca-  
2 tion under clause (i) may—

3 (I) take effect immediately; and

4 (II) cancel any other valid visa or  
5 entry documentation that is in the  
6 alien's possession.

7 (2) BLOCKING OF PROPERTY.—

8 (A) IN GENERAL.—The President may ex-  
9 ercise all of the powers granted to the President  
10 under the International Emergency Economic  
11 Powers Act (50 U.S.C. 1701 et seq.), to the ex-  
12 tent necessary to block and prohibit all trans-  
13 actions in property and interests in property of  
14 a foreign person described in subsection (a) if  
15 such property and interests in property are in  
16 the United States, come within the United  
17 States, or are or come within the possession or  
18 control of a United States person.

19 (B) INAPPLICABILITY OF NATIONAL EMER-  
20 GENCY REQUIREMENT.—The requirements of  
21 section 202 of the International Emergency  
22 Economic Powers Act (50 U.S.C. 1701) shall  
23 not apply for purposes of this section.

24 (c) EXCEPTIONS.—

1           (1) EXCEPTION FOR INTELLIGENCE ACTIVI-  
2           TIES.—Sanctions under this section shall not apply  
3           to any activity subject to the reporting requirements  
4           under title V of the National Security Act of 1947  
5           (50 U.S.C. 3091 et seq.) or any authorized intel-  
6           ligence activities of the United States.

7           (2) EXCEPTION TO COMPLY WITH INTER-  
8           NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-  
9           MENT ACTIVITIES.—Sanctions under subsection  
10          (b)(1) shall not apply with respect to an alien if ad-  
11          mitting or paroling the alien into the United States  
12          is necessary—

13                 (A) to permit the United States to comply  
14                 with the Agreement regarding the Head-  
15                 quarters of the United Nations, signed at Lake  
16                 Success June 26, 1947, and entered into force  
17                 November 21, 1947, between the United Na-  
18                 tions and the United States, or other applicable  
19                 international obligations; or

20                 (B) to carry out or assist law enforcement  
21                 activity in the United States.

22          (d) PENALTIES.—A person that violates, attempts to  
23          violate, conspires to violate, or causes a violation of sub-  
24          section (b)(2) or any regulation, license, or order issued  
25          to carry out that subsection shall be subject to the pen-



1 alties set forth in subsections (b) and (c) of section 206  
2 of the International Emergency Economic Powers Act (50  
3 U.S.C. 1705) to the same extent as a person that commits  
4 an unlawful act described in subsection (a) of that section.

5 (e) TERMINATION OF SANCTIONS.—The President  
6 may terminate the application of sanctions under this sec-  
7 tion with respect to a person if the President determines  
8 that—

9 (1) information exists that the person did not  
10 engage in the activity for which sanctions were im-  
11 posed;

12 (2) the person has been prosecuted appro-  
13 priately for the activity for which sanctions were im-  
14 posed;

15 (3) the person has credibly demonstrated a sig-  
16 nificant change in behavior, has paid an appropriate  
17 consequence for the activity for which sanctions were  
18 imposed, and has credibly committed to not engage  
19 in an activity described in subsection (a) in the fu-  
20 ture; or

21 (4) the termination of the sanctions is in the  
22 national security interests of the United States.

23 (f) REPORTING REQUIREMENT.—If the President  
24 terminates sanctions pursuant to subsection (d), the Presi-  
25 dent shall report to the appropriate congressional commit-

1 tees a written justification for such termination within 15  
2 days.

3 (g) IMPLEMENTATION OF REGULATORY AUTHOR-  
4 ITY.—The President may exercise all authorities provided  
5 under sections 203 and 205 of the International Emer-  
6 gency Economic Powers Act (50 U.S.C. 1702 and 1704)  
7 to carry out this section.

8 (h) EXCEPTION RELATING TO IMPORTATION OF  
9 GOODS.—

10 (1) IN GENERAL.—The authorities and require-  
11 ments to impose sanctions authorized under this sec-  
12 tion shall not include the authority or a requirement  
13 to impose sanctions on the importation of goods.

14 (2) GOOD DEFINED.—In this subsection, the  
15 term “good” means any article, natural or manmade  
16 substance, material, supply or manufactured prod-  
17 uct, including inspection and test equipment, and ex-  
18 cluding technical data.

19 (i) DEFINITIONS.—In this section:

20 (1) FOREIGN PERSON.—The term “foreign per-  
21 son” means—

22 (A) any citizen or national of a foreign  
23 country (including any such individual who is  
24 also a citizen or national of the United States);  
25 or

1 (B) any entity not organized solely under  
2 the laws of the United States or existing solely  
3 in the United States.

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

6 (A) an individual who is a United States  
7 citizen or an alien lawfully admitted for perma-  
8 nent residence to the United States;

9 (B) an entity organized under the laws of  
10 the United States or any jurisdiction within the  
11 United States, including a foreign branch of  
12 such an entity; or

13 (C) any person in the United States.

14 **SEC. 1287. DEFINITIONS.**

15 In this subtitle:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
17 TEES.—The term “appropriate congressional com-  
18 mittees” means—

19 (A) the Committee on Foreign Relations,  
20 the Committee on Appropriations, the Com-  
21 mittee on Banking, Housing, and Urban Af-  
22 fairs, the Committee on the Judiciary, the Com-  
23 mittee on Armed Services, and the Select Com-  
24 mittee on Intelligence of the United States Sen-  
25 ate; and

1 (B) the Committee on Foreign Affairs, the  
2 Committee on Appropriations, the Committee  
3 on Financial Services, the Committee on the  
4 Judiciary, the Committee on Armed Services,  
5 and the Permanent Select Committee on Intel-  
6 ligence of the House of Representatives.

7 (2) UNITED STATES NATIONAL.—The term  
8 “United States national” means—

9 (A) a United States national as defined in  
10 section 101(a)(22) or section 308 of the Immi-  
11 gration and Nationality Act (8 U.S.C.  
12 1101(a)(22), 8 U.S.C. 1408); and

13 (B) a lawful permanent resident alien with  
14 significant ties to the United States.

15 **SEC. 1288. RULE OF CONSTRUCTION.**

16 Nothing in this subtitle may be construed to author-  
17 ize a private right of action.

