

113TH CONGRESS
1ST SESSION

H. R. 3200

To establish a fund to make payments to the Americans held hostage in Iran from 1979 through 1981, and to members of their families, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2013

Mr. BRALEY of Iowa introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, 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 establish a fund to make payments to the Americans held hostage in Iran from 1979 through 1981, and to members of their families, 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 “Justice for Former
5 American Hostages in Iran Act of 2013”.

1 **SEC. 2. AMERICAN HOSTAGES IN IRAN COMPENSATION**
2 **FUND.**

3 (a) **ESTABLISHMENT.**—There is established in the
4 Treasury a fund, to be known as the “American Hostages
5 in Iran Compensation Fund” (in this section referred to
6 as the “Fund”) for the purpose of making payments to
7 the Americans held hostage in the United States Embassy
8 in Tehran, Iran, in the Iranian Foreign Ministry in
9 Tehran, Iran, and in other locations throughout the nation
10 of Iran, between November 3, 1979, and January 20,
11 1981, and to members of their families, who are identified
12 as members of the proposed class in case number 1:08–
13 CV–00487 (EGS) of the United States District Court for
14 the District of Columbia.

15 (b) **FUNDING.**—

16 (1) **IMPOSITION OF SURCHARGE.**—

17 (A) **IN GENERAL.**—There is imposed a sur-
18 charge equal to 30 percent of the amount of—

19 (i) any fine or monetary penalty as-
20 sessed, in whole or in part, on a person for
21 a violation of a law or regulation specified
22 in subparagraph (B) related to any con-
23 duct which occurs or continues after the
24 date of the enactment of this Act, even if
25 commenced before such date of enactment;
26 or

1 (ii) the monetary amount of a settle-
2 ment entered into by a person with respect
3 to a suspected violation of a law or regula-
4 tion specified in subparagraph (B) agreed
5 to by the United States after the date of
6 the enactment of this Act.

7 The amount referred to in clause (ii) shall not
8 include any amount of judgment or settlement
9 in any action brought or which could be
10 brought pursuant to section 1605A of title 28,
11 United States Code, or section 1605(a)(7) of
12 title 28, United States Code (as such section
13 1605(a)(7) was in effect on the day before the
14 date of the enactment of National Defense Au-
15 thorization Act for Fiscal Year 2008 (Public
16 Law 110–181)).

17 (B) LAWS AND REGULATIONS SPECI-
18 FIED.—A law or regulation specified in this
19 subparagraph is any law or regulation that pro-
20 vides for a civil or criminal fine or other mone-
21 etary penalty for any economic activity relating
22 to Iran that is administered by the Department
23 of the Treasury, the Department of Justice, or
24 the Department of Commerce.

1 (C) TERMINATION OF DEPOSITS.—The im-
2 position of the surcharge under subparagraph
3 (A) shall terminate on the date on which all
4 amounts described in subsection (c)(2) have
5 been distributed to all recipients described in
6 that subsection.

7 (2) DEPOSITS INTO FUND; AVAILABILITY OF
8 AMOUNTS.—

9 (A) DEPOSITS.—All surcharges collected
10 pursuant to paragraph (1)(A) shall be deposited
11 into the Fund.

12 (B) PAYMENT OF SURCHARGE.—A person
13 on whom a surcharge is imposed under para-
14 graph (1)(A) shall pay the surcharge to the
15 Fund without regard to whether the fine, pen-
16 alty, or settlement to which the surcharge ap-
17 plies—

18 (i) is paid directly to the Federal
19 agency that administers the relevant law or
20 regulation specified in paragraph (1)(B);
21 or

22 (ii) is deemed satisfied by a payment
23 to another Federal agency.

24 (C) CONTRIBUTIONS.—The Secretary of
25 State is authorized to accept such amounts as

1 may be contributed by individuals, business
2 concerns, foreign governments, or other entities
3 for payments under this Act. Such amounts
4 shall be deposited directly into the Fund.

5 (D) AVAILABILITY OF AMOUNTS IN
6 FUND.—Amounts in the Fund shall be avail-
7 able, without further appropriation, to make
8 payments under subsection (c).

9 (c) DISTRIBUTION OF FUNDS.—

10 (1) ADMINISTRATION OF FUND.—Payments
11 from the Fund shall be administered by the Sec-
12 retary of State, pursuant to such rules and processes
13 as the Secretary, in the Secretary's sole discretion,
14 may establish.

15 (2) PAYMENTS.—Subject to paragraphs (3) and
16 (4), payments shall be made from the Fund to the
17 following recipients in the following amounts:

18 (A) To each living former hostage,
19 \$150,000, plus \$10,000 for each day of cap-
20 tivity of the former hostage.

21 (B) To the estate of each deceased former
22 hostage, \$150,000, plus \$10,000 for each day
23 of captivity of the former hostage.

24 (C) To each spouse or child of a former
25 hostage identified as a member of the proposed

1 class described in subsection (a) if the spouse
2 or child is identified as a member of that pro-
3 posed class, \$5,000 for each day of captivity of
4 the former hostage.

5 (3) PRIORITY.—Payments from the Fund shall
6 be distributed under paragraph (2) in the following
7 order:

8 (A) First, to each living former hostage de-
9 scribed in paragraph (2)(A).

10 (B) Second, to the estate of each deceased
11 former hostage described in paragraph (2)(B).

12 (C) Third, to each spouse or child of a
13 former hostage described in paragraph (2)(C).

14 (4) CONSENT OF RECIPIENT.—A payment to a
15 recipient from the Fund under paragraph (2) shall
16 be made only after receiving the consent of the re-
17 cipient.

18 (d) WAIVER.—A recipient of a payment under sub-
19 section (c) shall waive and forever release all existing
20 claims against Iran and the United States arising out of
21 the events described in subsection (a).

22 (e) NOTIFICATION OF CLAIMANTS; LIMITATION ON
23 REVIEW.—

24 (1) NOTIFICATION.—The Secretary of State
25 shall notify, in a reasonable manner, each individual

1 qualified to receive a payment under subsection (c)
2 of the status of the individual's claim for such a
3 payment.

4 (2) SUBMISSION OF ADDITIONAL INFORMA-
5 TION.—If the claim of an individual to receive a pay-
6 ment under subsection (c) is denied, or is approved
7 for payment of less than the full amount of the
8 claim, the individual shall be entitled to submit to
9 the Secretary additional information with respect to
10 the claim. Upon receipt and consideration of that in-
11 formation, the Secretary may affirm, modify, or re-
12 vise the former action of the Secretary with respect
13 to the claim.

14 (3) LIMITATION ON REVIEW.—The actions of
15 the Secretary in identifying qualifying claimants and
16 in disbursing amounts from the Fund shall be final
17 and conclusive on all questions of law and fact and
18 shall not be subject to review by any other official,
19 agency, or establishment of the United States or by
20 any court by mandamus or otherwise.

21 (f) DEPOSIT OF REMAINING FUNDS INTO THE
22 TREASURY.—

23 (1) IN GENERAL.—Any amounts remaining in
24 the Fund after the date specified in paragraph (2)

1 shall be deposited in the general fund of the Treas-
2 ury.

3 (2) DATE SPECIFIED.—The date specified in
4 this paragraph is the later of—

5 (A) the date on which all amounts de-
6 scribed in subsection (c)(2) have been made to
7 all recipients described in that subsection; or

8 (B) the date that is 5 years after the date
9 of the enactment of this Act.

10 (g) REPORT TO CONGRESS.—Not later than one year
11 after the date of the enactment of this Act, and annually
12 thereafter until the date specified in subsection (f)(2), the
13 Secretary of State shall submit to the appropriate congres-
14 sional committees a report on the status of the Fund, in-
15 cluding—

16 (1) the amounts and sources of money depos-
17 ited into the Fund;

18 (2) the rules and processes established to ad-
19 minister the Fund; and

20 (3) the distribution of payments from the Fund.

21 (h) SATISFACTION OF CLAIMS.—Payments to the
22 Fund shall be made until the amounts described in sub-
23 section (c)(2) are satisfied in full. In the event that the
24 President determines that—

1 (1) any of the laws and regulations referenced
2 in subsection (b)(1)(B) are reduced in scope or ef-
3 fect, or

4 (2) the amounts described in subsection (c)(2)
5 cannot be fully satisfied within 2 years after the
6 date of the enactment of this Act from funds depos-
7 ited into the Fund,

8 the President shall propose to Congress a program, either
9 employing existing authorities or through new legislative
10 initiatives, to ensure the amounts are satisfied in full with-
11 in the next 12 months.

12 (i) DEFINITIONS.—In this section:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term “appropriate congressional com-
15 mittees” means—

16 (A) the Committee on Foreign Relations
17 and the Committee on Banking, Housing, and
18 Urban Affairs of the Senate; and

19 (B) the Committee on Foreign Affairs and
20 the Committee on Financial Services of the
21 House of Representatives.

22 (2) PERSON.—The term “person” includes any
23 individual or entity subject to the civil or criminal
24 jurisdiction of the United States.

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