

116TH CONGRESS  
2D SESSION

# S. 712

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## AN ACT

To provide assistance for United States nationals taken hostage or unlawfully or wrongfully detained abroad, 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 “Robert Levinson Hos-  
3 tage Recovery and Hostage-Taking Accountability Act”.

**4 SEC. 2. ASSISTANCE FOR UNITED STATES NATIONALS UN-****5                   LAWFULLY   OR   WRONGFULLY   DETAINED  
6                   ABROAD.**

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

12 (1) United States officials receive or possess  
13 credible information indicating innocence of the de-  
14 tained individual;

15 (2) the individual is being detained solely or  
16 substantially because he or she is a United States  
17 national;

18 (3) the individual is being detained solely or  
19 substantially to influence United States Government  
20 policy or to secure economic or political concessions  
21 from the United States Government;

22 (4) the detention appears to be because the in-  
23 dividual sought to obtain, exercise, defend, or pro-  
24 mote freedom of the press, freedom of religion, or  
25 the right to peacefully assemble;

1                         (5) the individual is being detained in violation  
2                         of the laws of the detaining country;

3                         (6) independent nongovernmental organizations  
4                         or journalists have raised legitimate questions about  
5                         the innocence of the detained individual;

6                         (7) the United States mission in the country  
7                         where the individual is being detained has received  
8                         credible reports that the detention is a pretext for an  
9                         illegitimate purpose;

10                         (8) the individual is detained in a country  
11                         where the Department of State has determined in its  
12                         annual human rights reports that the judicial system  
13                         is not independent or impartial, is susceptible to cor-  
14                         ruption, or is incapable of rendering just verdicts;

15                         (9) the individual is being detained in inhumane  
16                         conditions;

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

19                         (11) United States diplomatic engagement is  
20                         likely necessary to secure the release of the detained  
21                         individual.

22                         (b) REFERRALS TO THE SPECIAL ENVOY.—Upon a  
23                         determination by the Secretary of State, based on the to-  
24                         tality of the circumstances, that there is credible informa-  
25                         tion that the detention of a United States national abroad

1 is unlawful or wrongful, and regardless of whether the de-  
2 tention is by a foreign government or a nongovernmental  
3 actor, the Secretary shall transfer responsibility for such  
4 case from the Bureau of Consular Affairs of the Depart-  
5 ment of State to the Special Envoy for Hostage Affairs  
6 created pursuant to section 3.

7 (c) REPORT.—

8 (1) ANNUAL REPORT.—

9 (A) IN GENERAL.—The Secretary of State  
10 shall submit to the appropriate congressional  
11 committees an annual report with respect to  
12 United States nationals for whom the Secretary  
13 determines there is credible information of un-  
14 lawful or wrongful detention abroad.

15 (B) FORM.—The report required under  
16 this paragraph shall be submitted in unclassi-  
17 fied form, but may include a classified annex if  
18 necessary.

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

23 (A) the name of the individual, unless the  
24 provision of such information is inconsistent  
25 with section 552a of title 5, United States Code

(commonly known as the “Privacy Act of 1974”);

3 (B) basic facts about the case;

(E) a description of intended next steps.

**13 (d) RESOURCE GUIDANCE.—**

23                   (2) CONTENT.—The resource guidance required  
24 under paragraph (1) should include—

- 1                             (A) information to help families under-  
2                             stand United States policy concerning the re-  
3                             lease of United States nationals unlawfully or  
4                             wrongfully held abroad;
- 5                             (B) contact information for officials in the  
6                             Department of State or other government agen-  
7                             cies suited to answer family questions;
- 8                             (C) relevant information about options  
9                             available to help families obtain the release of  
10                            unjustly or wrongfully detained individuals,  
11                            such as guidance on how families may engage  
12                            with United States diplomatic and consular  
13                            channels to ensure prompt and regular access  
14                            for the detained individual to legal counsel,  
15                            family members, humane treatment, and other  
16                            services;
- 17                            (D) guidance on submitting public or pri-  
18                            vate letters from members of Congress or other  
19                            individuals who may be influential in securing  
20                            the release of an individual; and
- 21                            (E) appropriate points of contacts, such as  
22                            legal resources and counseling services, who  
23                            have a record of assisting victims' families.

1   **SEC. 3. SPECIAL ENVOY FOR HOSTAGE AFFAIRS.**

2       (a) ESTABLISHMENT.—There shall be a Special Pres-  
3 idential Envoy for Hostage Affairs, appointed by the  
4 President, who shall report to the Secretary of State.

5       (b) RANK.—The Special Envoy shall have the rank  
6 and status of ambassador.

7       (c) RESPONSIBILITIES.—The Special Presidential  
8 Envoy for Hostage Affairs shall—

9           (1) lead diplomatic engagement on United  
10 States hostage policy;

11           (2) coordinate all diplomatic engagements and  
12 strategy in support of hostage recovery efforts, in  
13 coordination with the Hostage Recovery Fusion Cell  
14 and consistent with policy guidance communicated  
15 through the Hostage Response Group;

16           (3) in coordination with the Hostage Recovery  
17 Fusion Cell as appropriate, coordinate diplomatic  
18 engagements regarding cases in which a foreign gov-  
19 ernment has detained a United States national and  
20 the United States Government regards such deten-  
21 tion as unlawful or wrongful;

22           (4) provide senior representation from the Spe-  
23 cial Envoy's office to the Hostage Recovery Fusion  
24 Cell established under section 4 and the Hostage Re-  
25 sponse Group established under section 5; and

1                             (5) ensure that families of United States na-  
2                             tionals unlawfully or wrongly detained abroad re-  
3                             ceive updated information about developments in  
4                             cases and government policy.

5                             **SEC. 4. HOSTAGE RECOVERY FUSION CELL.**

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

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

12                             (1) The Department of State.

13                             (2) The Department of the Treasury.

14                             (3) The Department of Defense.

15                             (4) The Department of Justice.

16                             (5) The Office of the Director of National Intel-  
17                             ligence.

18                             (6) The Federal Bureau of Investigation.

19                             (7) The Central Intelligence Agency.

20                             (8) Other agencies as the President, from time  
21                             to time, may designate.

22                             (c) PERSONNEL.—The Hostage Recovery Fusion Cell  
23                             shall include—

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

4                         (2) a Family Engagement Coordinator who  
5                         shall—

6                             (A) work to ensure that all interactions by  
7                         executive branch officials with a hostage's fam-  
8                         ily occur in a coordinated fashion and that the  
9                         family receives consistent and accurate informa-  
10                         tion from the United States Government; and

11                             (B) if directed, perform the same function  
12                         as set out in subparagraph (A) with regard to  
13                         the family of a United States national who is  
14                         unlawfully or wrongfully detained abroad; and  
15                             (3) other officers and employees as deemed ap-  
16                         propriate by the President.

17                         (d) DUTIES.—The Hostage Recovery Fusion Cell

18                         shall—

19                             (1) coordinate efforts by participating agencies  
20                         to ensure that all relevant information, expertise,  
21                         and resources are brought to bear to secure the safe  
22                         recovery of United States nationals held hostage  
23                         abroad;

24                             (2) if directed, coordinate the United States  
25                         Government's response to other hostage-takings oc-

1       curing abroad in which the United States has a na-  
2       tional interest;

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

7               (4) pursuant to policy guidance coordinated  
8       through the National Security Council—

9                       (A) identify and recommend hostage recov-  
10       ery options and strategies to the President  
11       through the National Security Council or the  
12       Deputies Committee of the National Security  
13       Council;

14                       (B) coordinate efforts by participating  
15       agencies to ensure that information regarding  
16       hostage events, including potential recovery op-  
17       tions and engagements with families and exter-  
18       nal actors (including foreign governments), is  
19       appropriately shared within the United States  
20       Government to facilitate a coordinated response  
21       to a hostage-taking;

22                       (C) assess and track all hostage-takings of  
23       United States nationals abroad and provide reg-  
24       ular reports to the President and Congress on

1       the status of such cases and any measures  
2       being taken toward the hostages' safe recovery;

3               (D) provide a forum for intelligence shar-  
4       ing and, with the support of the Director of Na-  
5       tional Intelligence, coordinate the declassifica-  
6       tion of relevant information;

7               (E) coordinate efforts by participating  
8       agencies to provide appropriate support and as-  
9       sistance to hostages and their families in a co-  
10      ordinated and consistent manner and to provide  
11      families with timely information regarding sig-  
12      nificant events in their cases;

13               (F) make recommendations to agencies in  
14      order to reduce the likelihood of United States  
15      nationals' being taken hostage abroad and en-  
16      hance United States Government preparation to  
17      maximize the probability of a favorable outcome  
18      following a hostage-taking; and

19               (G) coordinate with agencies regarding  
20      congressional, media, and other public inquiries  
21      pertaining to hostage events.

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

**1 SEC. 5. HOSTAGE RESPONSE GROUP.**

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

12       (b) MEMBERSHIP.—The regular members of the Hos-  
13 tage Response Group shall include the Director of the  
14 Hostage Recovery Fusion Cell, the Hostage Recovery Fu-  
15 sion Cell's Family Engagement Coordinator, the Special  
16 Envoy appointed pursuant to section 3, and representa-  
17 tives from the Department of the Treasury, the Depart-  
18 ment of Defense, the Department of Justice, the Federal  
19 Bureau of Investigation, the Office of the Director of Na-  
20 tional Intelligence, the Central Intelligence Agency, and  
21 other agencies as the President, from time to time, may  
22 designate.

23       (c) DUTIES.—The Hostage Recovery Group shall—  
24           (1) identify and recommend hostage recovery  
25 options and strategies to the President through the  
26 National Security Council;

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

4                   (3) receive regular updates from the Hostage  
5                   Recovery Fusion Cell and the Special Envoy for  
6                   Hostage Affairs on the status of United States na-  
7                   tionals being held hostage or unlawfully or wrong-  
8                   fully detained abroad and measures being taken to  
9                   effect safe recoveries;

10                  (4) coordinate the provision of policy guidance  
11                  to the Hostage Recovery Fusion Cell, including re-  
12                  viewing recovery options proposed by the Hostage  
13                  Recovery Fusion Cell and working to resolve dis-  
14                  putes within the Hostage Recovery Fusion Cell;

15                  (5) as appropriate, direct the use of resources  
16                  at the Hostage Recovery Fusion Cell to coordinate  
17                  or assist in the safe recovery of United States na-  
18                  tionals unlawfully or wrongfully detained abroad;  
19                  and

20                  (6) as appropriate, direct the use of resources  
21                  at the Hostage Recovery Fusion Cell to coordinate  
22                  the United States Government response to other  
23                  hostage-takings occurring abroad in which the  
24                  United States has a national interest.

1       (d) MEETINGS.—The Hostage Response Group shall  
2 meet regularly.

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

6 **SEC. 6. AUTHORIZATION OF IMPOSITION OF SANCTIONS.**

7       (a) IN GENERAL.—The President may impose the  
8 sanctions described in subsection (b) with respect to any  
9 foreign person the President determines, based on credible  
10 evidence—

11                  (1) is responsible for or is complicit in, or re-  
12 sponsible for ordering, controlling, or otherwise di-  
13 recting, the hostage-taking of a United States na-  
14 tional abroad or the unlawful or wrongful detention  
15 of a United States national abroad; or

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

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

21                  (1) INELIGIBILITY FOR VISAS, ADMISSION, OR  
22 PAROLE.—

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

25                          (i) inadmissible to the United States;

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

9 (B) CURRENT VISAS REVOKED.—

## 21 (2) BLOCKING OF PROPERTY.—

1           tent necessary to block and prohibit all trans-  
2         actions in property and interests in property of  
3         a foreign person described in subsection (a) if  
4         such property and interests in property are in  
5         the United States, come within the United  
6         States, or are or come within the possession or  
7         control of a United States person.

### 13 (c) EXCEPTIONS.—

1                             (A) to permit the United States to comply  
2                             with the Agreement regarding the Head-  
3                             quarters of the United Nations, signed at Lake  
4                             Success June 26, 1947, and entered into force  
5                             November 21, 1947, between the United Na-  
6                             tions and the United States, or other applicable  
7                             international obligations; or

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

10                         (3) EXCEPTION RELATING TO IMPORTATION OF  
11                         GOODS.—

12                         (A) IN GENERAL.—The authorities and re-  
13                         quirements to impose sanctions authorized  
14                         under subsection (b)(2) shall not include the  
15                         authority or a requirement to impose sanctions  
16                         on the importation of goods.

17                         (B) GOOD DEFINED.—In this paragraph,  
18                         the term “good” means any article, natural or  
19                         manmade substance, material, supply or manu-  
20                         factured product, including inspection and test  
21                         equipment, and excluding technical data.

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) DEFINITIONS.—In this section:

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

11 (A) any citizen or national of a foreign  
12 country (including any such individual who is  
13 also a citizen or national of the United States);  
14 or

15 (B) any entity not organized solely under  
16 the laws of the United States or existing solely  
17 in the United States.

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

20 (A) an individual who is a United States  
21 citizen or an alien lawfully admitted for perma-  
22 nent residence to the United States;

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

1           United States, including a foreign branch of  
2           such an entity; or  
3           (C) any person in the United States.

4 **SEC. 7. DEFINITIONS.**

5           In this Act:

6           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
7           TEES.—The term “appropriate congressional com-  
8           mittees” means—

9                 (A) the Committee on Foreign Relations,  
10               the Committee on Appropriations, the Com-  
11               mittee on Banking, Housing, and Urban Af-  
12               fairs, the Committee on the Judiciary, the Com-  
13               mittee on Armed Services, and the Select Com-  
14               mittee on Intelligence of the United States Sen-  
15               ate; and

16                 (B) the Committee on Foreign Affairs, the  
17               Committee on Appropriations, the Committee  
18               on Financial Services, the Committee on the  
19               Judiciary, the Committee on Armed Services,  
20               and the Permanent Select Committee on Intel-  
21               ligence of the House of Representatives.

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

24                 (A) a United States national as defined in  
25               section 101(a)(22) or section 308 of the Immig-

1           gration and Nationality Act (8 U.S.C.  
2           1101(a)(22), 8 U.S.C. 1408); and  
3           (B) a lawful permanent resident alien with  
4           significant ties to the United States.

5 **SEC. 8. RULE OF CONSTRUCTION.**

6           Nothing in this Act shall be construed to authorize  
7           a private right of action.

Passed the Senate June 15, 2020.

Attest:

*Secretary.*

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION  
**S. 712**

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To provide assistance for United States nationals taken hostage or unlawfully or wrongfully detained abroad, and for other purposes.