

Calendar No. 462

116TH CONGRESS
2D SESSION**S. 712**

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

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2019

Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. LEAHY, Mr. COONS, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JUNE 3, 2020

Reported by Mr. RISCH, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide assistance for United States citizens and 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Robert Levinson Hos-
5 tage Recovery and Hostage-Taking Accountability Act”.

1 **SEC. 2. ASSISTANCE FOR UNITED STATES CITIZENS AND**
2 **NATIONALS UNLAWFULLY OR WRONGFULLY**
3 **DETAINED ABROAD.**

4 (a) REVIEW.—The Secretary of State shall review the
5 cases of citizens and nationals of the United States de-
6 tained abroad to determine if there is credible information
7 that they are being detained unlawfully or wrongfully,
8 based on criteria including whether—

9 (1) the detained individual has presented cred-
10 ible information of factual innocence to United
11 States officials;

12 (2) information exists that the individual is de-
13 tained solely or substantially because he or she is a
14 citizen or national of the United States;

15 (3) information exists that the individual is
16 being detained in violation of internationally pro-
17 tected rights and freedoms, such as freedom of ex-
18 pression, association, assembly, and religion;

19 (4) the individual is being detained in violation
20 of the laws of the detaining country;

21 (5) independent nongovernmental organizations
22 or journalists have raised legitimate questions about
23 the innocence of the detained individual;

24 (6) the United States embassy in the country
25 where the individual is detained has received credible
26 reports that the detention is a pretext;

1 (7) police reports show evidence of the lack of
2 a credible investigation;

3 (8) the individual is detained in a country
4 where the Department of State has determined in its
5 annual human rights reports that the judicial system
6 is not independent or impartial, is susceptible to cor-
7 ruption, or is incapable of rendering just verdicts;

8 (9) the individual is detained in inhumane con-
9 ditions; and

10 (10) the international right to due process of
11 law has been sufficiently impaired so as to render
12 the detention arbitrary.

13 (b) REFERRALS TO THE SPECIAL ENVOY.—Upon a
14 determination by the Secretary of State that there is cred-
15 ible information that the detention of a United States na-
16 tional abroad is unlawful or wrongful, and regardless of
17 whether the detention is by a foreign government or a non-
18 governmental actor, the Secretary shall transfer responsi-
19 bility for such case from the Bureau of Consular Affairs
20 of the Department of State to the Special Envoy for Hos-
21 tage Affairs created pursuant to section 3.

22 (c) REPORT.—

23 (1) BIENNIAL REPORT.—With respect to
24 United States nationals for whom the Secretary de-
25 termines there is credible information of unlawful or

wrongful detention abroad, the Secretary shall submit a biannual report to the appropriate congressional committees.

(2) COMPOSITION.—The report required under paragraph (1) shall include current estimates of the number of individuals so detained, as well as relevant information about particular cases, such as—

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

(B) basic facts about the case;

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

(D) a description of specific efforts, legal and diplomatic, taken on behalf of the individual since the last reporting period, including a description of accomplishments and setbacks; and

(E) a description of intended next steps.

(d) RESOURCE MANUAL.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act and after

1 consulting with relevant organizations that advocate
2 on behalf of United States citizens and national de-
3 tained abroad, the Secretary of State shall publish
4 a resource manual for government officials and fam-
5 ilies of unjustly or wrongfully detained individuals.

6 (2) ~~CONTENT.~~—The resource manual required
7 under paragraph (1) shall include suggested actions
8 designed to obtain the release of unjustly or wrong-
9 fully detained individuals, including—

10 (A) acting through traditional diplomatic
11 and consular channels to ensure prompt and
12 regular access for the detained individual to
13 legal counsel, family members, humane treat-
14 ment, and other services;

15 (B) sanctions tools including withholding
16 assistance to the foreign government, in cases
17 where relevant, and denying or revoking visas
18 and freezing assets of individuals perpetrating
19 the unjust or wrongful detention;

20 (C) submitting public or private letters
21 from members of Congress or other individuals
22 who may be influential in securing the release
23 of an individual; and

24 (D) consulting with relevant legal and
25 human rights organizations.

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, by and with the advice and consent of the Sen-
5 ate, who shall report to the Secretary of State.

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

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

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

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

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

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

24 (5) in coordination with the Hostage Recovery
25 Fusion Cell as appropriate, coordinate diplomatic
26 engagements regarding cases in which a foreign gov-

1 ernment confirms that it has detained a United
 2 States national but the United States Government
 3 regards such detention as unlawful or wrongful.

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

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

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

11 (1) The Department of State.

12 (2) The Department of the Treasury.

13 (3) The Department of Defense.

14 (4) The Department of Justice.

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

17 (6) The Federal Bureau of Investigation.

18 (7) The Central Intelligence Agency.

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

21 (c) **PERSONNEL.**—The Hostage Recovery Fusion Cell
 22 shall have—

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

1 ~~(2) a Family Engagement Coordinator; and~~
2 ~~(3) other officers and employees as deemed ap-~~
3 ~~propriate by the President.~~

4 ~~(d) DUTIES.—The Hostage Recovery Fusion Cell~~
5 ~~shall—~~

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

11 ~~(2) if directed, coordinate the United States~~
12 ~~Government's response to other hostage-takings oc-~~
13 ~~curing abroad in which the United States has a na-~~
14 ~~tional interest; and~~

15 ~~(3) pursuant to policy guidance coordinated~~
16 ~~through the National Security Council—~~

17 ~~(A) identify and recommend hostage recov-~~
18 ~~ery options and strategies to the President~~
19 ~~through the National Security Council;~~

20 ~~(B) coordinate efforts by participating~~
21 ~~agencies to ensure that information regarding~~
22 ~~hostage events, including potential recovery op-~~
23 ~~tions and engagements with families and exter-~~
24 ~~nal actors (including foreign governments); is~~
25 ~~appropriately shared within the United States~~

1 Government to facilitate a coordinated response
2 to a hostage-taking;

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

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

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

18 (F) make recommendations to agencies in
19 order to reduce the likelihood of United States
20 nationals' being taken hostage abroad and en-
21 hance United States Government preparation to
22 maximize the probability of a favorable outcome
23 following a hostage-taking; and

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

4 **SEC. 5. HOSTAGE RESPONSE GROUP.**

5 (a) **ESTABLISHMENT.**—The President shall establish
 6 a Hostage Response Group, to be convened on a regular
 7 basis, as well as upon the request of the National Security
 8 Council, to further the safe recovery of United States na-
 9 tionals held abroad, and to be tasked with coordinating
 10 the United States Government response to other hostage-
 11 takings occurring abroad in which the United States has
 12 a national interest.

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

23 (c) **DUTIES.**—The Hostage Recovery Group shall—

1 (1) identify and recommend hostage recovery
2 options and strategies to the President through the
3 National Security Council;

4 (2) coordinate the development and implemen-
5 tation of United States hostage recovery policies;
6 strategies; and procedures;

7 (3) receive regular updates from the Hostage
8 Recovery Fusion Cell on the status of United States
9 nationals being held hostage abroad and measures
10 being taken to effect the hostages' safe recovery;

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

16 (5) where higher-level guidance is required,
17 make recommendations to the National Security
18 Council.

19 (d) MEETINGS.—The Hostage Response Group shall
20 meet regularly.

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

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

2 (a) **IN GENERAL.**—The President may impose the
3 sanctions described in subsection (b) with respect to any
4 foreign person the President determines, based on credible
5 evidence—

6 (1) is responsible for or complicit in, or respon-
7 sible for ordering, controlling, or otherwise directing,
8 the unlawful or wrongful detention abroad of a
9 United States national;

10 (2) acts as an agent of or on behalf of a foreign
11 person in a matter relating to an activity described
12 in paragraph (1); or

13 (3) materially assists, sponsors, or provides fi-
14 nancial, material, or technological support for, or
15 goods or services in support of, an activity described
16 in paragraph (1).

17 (b) **SANCTIONS DESCRIBED.**—The sanctions de-
18 scribed in this subsection are the following:

19 (1) **INADMISSIBILITY TO UNITED STATES.**—

20 (A) **IN GENERAL.**—In the case of a foreign
21 person who is an individual—

22 (i) ineligibility to receive a visa to
23 enter the United States or to be admitted
24 to the United States; or

25 (ii) if the individual has been issued a
26 visa or other documentation, revocation, in

1 accordance with section 221(i) of the Im-
 2 migration and Nationality Act (8 U.S.C.
 3 1201(i)), of the visa or other documenta-
 4 tion.

5 (B) EXCEPTION TO COMPLY WITH UNITED
 6 NATIONS HEADQUARTERS AGREEMENT AND
 7 LAW ENFORCEMENT OBJECTIVES.—Sanctions
 8 under subparagraph (A) shall not apply to an
 9 individual if admitting the individual into the
 10 United States would further important law en-
 11 forcement objectives or is necessary to permit
 12 the United States to comply with the Agree-
 13 ment regarding the Headquarters of the United
 14 Nations, signed at Lake Success June 26,
 15 1947, and entered into force November 21,
 16 1947, between the United Nations and the
 17 United States, or other applicable international
 18 obligations of the United States.

19 (2) BLOCKING OF PROPERTY.—

20 (A) IN GENERAL.—The blocking, in ae-
 21 cordance with the International Emergency
 22 Economic Powers Act (50 U.S.C. 1701 et seq.),
 23 of all transactions in all property and interests
 24 in property of a foreign person if such property
 25 and interests in property are in the United

1 States, come within the United States, or are or
 2 come within the possession or control of a
 3 United States person.

4 (B) INAPPLICABILITY OF NATIONAL EMER-
 5 GENCY REQUIREMENT.—The requirements of
 6 section 202 of the International Emergency
 7 Economic Powers Act (50 U.S.C. 1701) shall
 8 not apply for purposes of this section.

9 (C) EXCEPTION RELATING TO IMPORTA-
 10 TION OF GOODS.—

11 (i) IN GENERAL.—The authority to
 12 block and prohibit all transactions in all
 13 property and interests in property under
 14 subparagraph (A) shall not include the au-
 15 thority to impose sanctions on the importa-
 16 tion of goods.

17 (ii) GOOD.—In this subparagraph, the
 18 term “good” means any article, natural or
 19 man-made substance, material, supply or
 20 manufactured product, including inspection
 21 and test equipment, and excluding tech-
 22 nical data.

23 (e) ENFORCEMENT OF BLOCKING OF PROPERTY.—
 24 A person that violates, attempts to violate, conspires to
 25 violate, or causes a violation of subsection (b)(2) or any

1 regulation, license, or order issued to carry out that sub-
 2 section shall be subject to the penalties set forth in sub-
 3 sections (b) and (c) of section 206 of the International
 4 Emergency Economic Powers Act (50 U.S.C. 1705) to the
 5 same extent as a person that commits an unlawful act de-
 6 scribed in subsection (a) of that section.

7 (d) ~~TERMINATION OF SANCTIONS.~~—The President
 8 may terminate the application of sanctions under this sec-
 9 tion with respect to a person if the President determines
 10 and reports to the appropriate congressional committees
 11 not later than 15 days before the termination of the sanc-
 12 tions that—

13 (1) credible information exists that the person
 14 did not engage in the activity for which sanctions
 15 were imposed;

16 (2) the person has been prosecuted appro-
 17 priately for the activity for which sanctions were im-
 18 posed;

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

1 (4) the termination of the sanctions is in the
2 national security interests of the United States.

3 (c) ~~REGULATORY AUTHORITY.~~—The President shall
4 issue such regulations, licenses, and orders as are nec-
5 essary to carry out this section.

6 (f) ~~DEFINITIONS.~~—In this section:

7 (1) ~~FOREIGN PERSON.~~—The term “foreign per-
8 son” has the meaning given that term in section
9 595.304 of title 31, Code of Federal Regulations (as
10 in effect on the day before the date of the enactment
11 of this Act).

12 (2) ~~UNITED STATES PERSON.~~—The term
13 “United States person” has the meaning given that
14 term in section 595.315 of title 31, Code of Federal
15 Regulations (as in effect on the day before the date
16 of the enactment of this Act).

17 **SEC. 7. DEFINITIONS.**

18 (a) ~~DEFINITIONS.~~—

19 (1) ~~APPROPRIATE CONGRESSIONAL COMMIT-~~
20 ~~TEES.~~—In this Act, the term “appropriate congres-
21 sional committees” means—

22 (A) the Committee on Foreign Relations;
23 the Committee on Appropriations, the Com-
24 mittee on Banking, Housing, and Urban Af-
25 fairs, the Committee on the Judiciary, the Com-

mittee on Armed Services; and the Select Committee on Intelligence of the United States Senate; and

(B) the Committee on Foreign Affairs; the Committee on Appropriations; the Committee on Financial Services; the Committee on the Judiciary; the Committee on Armed Services; and the Permanent Select Committee on Intelligence of the House of Representatives.

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

(A) a United States national as defined in section 101(a)(22) or section 308 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22), 8 U.S.C. 1408); and

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

SECTION 1. SHORT TITLE.

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

SEC. 2. ASSISTANCE FOR UNITED STATES NATIONALS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD.

(a) REVIEW.—The Secretary of State shall review the cases of United States nationals detained abroad to deter-

1 mine if there is credible information that they are being
2 detained unlawfully or wrongfully, based on criteria which
3 may include whether—

4 (1) United States officials receive or possess cred-
5 ible information indicating innocence of the detained
6 individual;

7 (2) the individual is being detained solely or
8 substantially because he or she is a United States na-
9 tional;

10 (3) the individual is being detained solely or
11 substantially to influence United States Government
12 policy or to secure economic or political concessions
13 from the United States Government;

14 (4) the detention appears to be because the indi-
15 vidual sought to obtain, exercise, defend, or promote
16 freedom of the press, freedom of religion, or the right
17 to peacefully assemble;

18 (5) the individual is being detained in violation
19 of the laws of the detaining country;

20 (6) independent nongovernmental organizations
21 or journalists have raised legitimate questions about
22 the innocence of the detained individual;

23 (7) the United States mission in the country
24 where the individual is being detained has received

1 *credible reports that the detention is a pretext for an*
2 *illegitimate purpose;*

3 (8) *the individual is detained in a country*
4 *where the Department of State has determined in its*
5 *annual human rights reports that the judicial system*
6 *is not independent or impartial, is susceptible to cor-*
7 *ruption, or is incapable of rendering just verdicts;*

8 (9) *the individual is being detained in inhumane*
9 *conditions;*

10 (10) *due process of law has been sufficiently im-*
11 *paired so as to render the detention arbitrary; and*

12 (11) *United States diplomatic engagement is*
13 *likely necessary to secure the release of the detained*
14 *individual.*

15 (b) *REFERRALS TO THE SPECIAL ENVOY.*—*Upon a de-*
16 *termination by the Secretary of State, based on the totality*
17 *of the circumstances, that there is credible information that*
18 *the detention of a United States national abroad is unlaw-*
19 *ful or wrongful, and regardless of whether the detention is*
20 *by a foreign government or a nongovernmental actor, the*
21 *Secretary shall transfer responsibility for such case from*
22 *the Bureau of Consular Affairs of the Department of State*
23 *to the Special Envoy for Hostage Affairs created pursuant*
24 *to section 3.*

25 (c) *REPORT.*—

1 (1) *ANNUAL REPORT.*—

2 (A) *IN GENERAL.*—*The Secretary of State*
3 *shall submit to the appropriate congressional*
4 *committees an annual report with respect to*
5 *United States nationals for whom the Secretary*
6 *determines there is credible information of un-*
7 *lawful or wrongful detention abroad.*

8 (B) *FORM.*—*The report required under this*
9 *paragraph shall be submitted in unclassified*
10 *form, but may include a classified annex if nec-*
11 *essary.*

12 (2) *COMPOSITION.*—*The report required under*
13 *paragraph (1) shall include current estimates of the*
14 *number of individuals so detained, as well as relevant*
15 *information about particular cases, such as—*

16 (A) *the name of the individual, unless the*
17 *provision of such information is inconsistent*
18 *with section 552a of title 5, United States Code*
19 *(commonly known as the “Privacy Act of*
20 *1974”);*

21 (B) *basic facts about the case;*

22 (C) *a summary of the information that such*
23 *individual may be detained unlawfully or*
24 *wrongfully;*

1 (D) a description of specific efforts, legal
2 and diplomatic, taken on behalf of the individual
3 since the last reporting period, including a de-
4 scription of accomplishments and setbacks; and

5 (E) a description of intended next steps.

6 (d) *RESOURCE GUIDANCE.*—

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

16 (2) *CONTENT.*—The resource guidance required
17 under paragraph (1) should include—

18 (A) information to help families understand
19 United States policy concerning the release of
20 United States nationals unlawfully or wrong-
21 fully held abroad;

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

1 (C) relevant information about options
 2 available to help families obtain the release of
 3 unjustly or wrongfully detained individuals,
 4 such as guidance on how families may engage
 5 with United States diplomatic and consular
 6 channels to ensure prompt and regular access for
 7 the detained individual to legal counsel, family
 8 members, humane treatment, and other services;

9 (D) guidance on submitting public or pri-
 10 vate letters from members of Congress or other
 11 individuals who may be influential in securing
 12 the release of an individual; and

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

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

17 (a) *ESTABLISHMENT*.—There shall be a Special Presi-
 18 dential Envoy for Hostage Affairs, appointed by the Presi-
 19 dent, who shall report to the Secretary of State.

20 (b) *RANK*.—The Special Envoy shall have the rank
 21 and status of ambassador.

22 (c) *RESPONSIBILITIES*.—The Special Presidential
 23 Envoy for Hostage Affairs shall—

24 (1) lead diplomatic engagement on United States
 25 hostage policy;

1 (2) *coordinate all diplomatic engagements and*
 2 *strategy in support of hostage recovery efforts, in co-*
 3 *ordination with the Hostage Recovery Fusion Cell*
 4 *and consistent with policy guidance communicated*
 5 *through the Hostage Response Group;*

6 (3) *in coordination with the Hostage Recovery*
 7 *Fusion Cell as appropriate, coordinate diplomatic en-*
 8 *gagements regarding cases in which a foreign govern-*
 9 *ment has detained a United States national and the*
 10 *United States Government regards such detention as*
 11 *unlawful or wrongful;*

12 (4) *provide senior representation from the Spe-*
 13 *cial Envoy's office to the Hostage Recovery Fusion*
 14 *Cell established under section 4 and the Hostage Re-*
 15 *sponse Group established under section 5; and*

16 (5) *ensure that families of United States nation-*
 17 *als unlawfully or wrongly detained abroad receive up-*
 18 *dated information about developments in cases and*
 19 *government policy.*

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

21 (a) *ESTABLISHMENT.*—*The President shall establish*
 22 *an interagency Hostage Recovery Fusion Cell.*

23 (b) *PARTICIPATION.*—*The President shall direct the*
 24 *heads of each of the following executive departments, agen-*

1 *cies, and offices to make available personnel to participate*
 2 *in the Hostage Recovery Fusion Cell:*

3 *(1) The Department of State.*

4 *(2) The Department of the Treasury.*

5 *(3) The Department of Defense.*

6 *(4) The Department of Justice.*

7 *(5) The Office of the Director of National Intel-*
 8 *ligence.*

9 *(6) The Federal Bureau of Investigation.*

10 *(7) The Central Intelligence Agency.*

11 *(8) Other agencies as the President, from time to*
 12 *time, may designate.*

13 *(c) PERSONNEL.—The Hostage Recovery Fusion Cell*
 14 *shall include—*

15 *(1) a Director, who shall be a full-time senior of-*
 16 *ficer or employee of the United States Government;*

17 *(2) a Family Engagement Coordinator who*
 18 *shall—*

19 *(A) work to ensure that all interactions by*
 20 *executive branch officials with a hostage's family*
 21 *occur in a coordinated fashion and that the fam-*
 22 *ily receives consistent and accurate information*
 23 *from the United States Government; and*

24 *(B) if directed, perform the same function*
 25 *as set out in subparagraph (A) with regard to*

1 *the family of a United States national who is*
2 *unlawfully or wrongfully detained abroad; and*

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

5 *(d) DUTIES.—The Hostage Recovery Fusion Cell*
6 *shall—*

7 *(1) coordinate efforts by participating agencies*
8 *to ensure that all relevant information, expertise, and*
9 *resources are brought to bear to secure the safe recov-*
10 *ery of United States nationals held hostage abroad;*

11 *(2) if directed, coordinate the United States Gov-*
12 *ernment's response to other hostage-takings occurring*
13 *abroad in which the United States has a national in-*
14 *terest;*

15 *(3) if directed, coordinate or assist the United*
16 *States Government's response to help secure the re-*
17 *lease of United States nationals unlawfully or wrong-*
18 *fully detained abroad; and*

19 *(4) pursuant to policy guidance coordinated*
20 *through the National Security Council—*

21 *(A) identify and recommend hostage recov-*
22 *ery options and strategies to the President*
23 *through the National Security Council or the*
24 *Deputies Committee of the National Security*
25 *Council;*

1 (B) coordinate efforts by participating
2 agencies to ensure that information regarding
3 hostage events, including potential recovery op-
4 tions and engagements with families and exter-
5 nal actors (including foreign governments), is
6 appropriately shared within the United States
7 Government to facilitate a coordinated response
8 to a hostage-taking;

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

14 (D) provide a forum for intelligence sharing
15 and, with the support of the Director of National
16 Intelligence, coordinate the declassification of rel-
17 evant information;

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

24 (F) make recommendations to agencies in
25 order to reduce the likelihood of United States

1 *nationals' being taken hostage abroad and en-*
 2 *hance United States Government preparation to*
 3 *maximize the probability of a favorable outcome*
 4 *following a hostage-taking; and*

5 *(G) coordinate with agencies regarding con-*
 6 *gressional, media, and other public inquiries*
 7 *pertaining to hostage events.*

8 *(e) ADMINISTRATION.—The Hostage Recovery Fusion*
 9 *Cell shall be located within the Federal Bureau of Investiga-*
 10 *tion for administrative purposes.*

11 **SEC. 5. HOSTAGE RESPONSE GROUP.**

12 *(a) ESTABLISHMENT.—The President shall establish a*
 13 *Hostage Response Group, chaired by a designated member*
 14 *of the National Security Council or the Deputies Committee*
 15 *of the National Security Council, to be convened on a reg-*
 16 *ular basis, to further the safe recovery of United States na-*
 17 *tionals held hostage abroad or unlawfully or wrongfully de-*
 18 *tained abroad, and to be tasked with coordinating the*
 19 *United States Government response to other hostage-takings*
 20 *occurring abroad in which the United States has a national*
 21 *interest.*

22 *(b) MEMBERSHIP.—The regular members of the Hos-*
 23 *tague Response Group shall include the Director of the Hos-*
 24 *tague Recovery Fusion Cell, the Hostage Recovery Fusion*
 25 *Cell's Family Engagement Coordinator, the Special Envoy*

1 appointed pursuant to section 3, and representatives from
2 the Department of the Treasury, the Department of Defense,
3 the Department of Justice, the Federal Bureau of Investiga-
4 tion, the Office of the Director of National Intelligence, the
5 Central Intelligence Agency, and other agencies as the
6 President, from time to time, may designate.

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

8 (1) identify and recommend hostage recovery op-
9 tions and strategies to the President through the Na-
10 tional Security Council;

11 (2) coordinate the development and implementa-
12 tion of United States hostage recovery policies, strate-
13 gies, and procedures;

14 (3) receive regular updates from the Hostage Re-
15 covery Fusion Cell and the Special Envoy for Hostage
16 Affairs on the status of United States nationals being
17 held hostage or unlawfully or wrongfully detained
18 abroad and measures being taken to effect safe recov-
19 eries;

20 (4) coordinate the provision of policy guidance to
21 the Hostage Recovery Fusion Cell, including review-
22 ing recovery options proposed by the Hostage Recov-
23 ery Fusion Cell and working to resolve disputes with-
24 in the Hostage Recovery Fusion Cell;

1 (5) *as appropriate, direct the use of resources at*
 2 *the Hostage Recovery Fusion Cell to coordinate or as-*
 3 *assist in the safe recovery of United States nationals*
 4 *unlawfully or wrongfully detained abroad; and*

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

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

12 (e) *REPORTING.—The Hostage Response Group shall*
 13 *regularly provide recommendations on hostage recovery op-*
 14 *tions and strategies to the National Security Council.*

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

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

20 (1) *is responsible for or is complicit in, or re-*
 21 *sponsible for ordering, controlling, or otherwise direct-*
 22 *ing, the hostage-taking of a United States national*
 23 *abroad or the unlawful or wrongful detention of a*
 24 *United States national abroad; or*

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

4 (b) *SANCTIONS DESCRIBED.—The sanctions described*
 5 *in this subsection are the following:*

6 (1) *INELIGIBILITY FOR VISAS, ADMISSION, OR PA-*
 7 *ROLE.—*

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 exer-
9 cise 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 extent
12 necessary to block and prohibit all transactions
13 in property and interests in property of a for-
14 eign person described in subsection (a) if such
15 property and interests in property are in the
16 United States, come within the United States, or
17 are or come within the possession or control of
18 a United States person.

19 (B) *INAPPLICABILITY OF NATIONAL EMER-*
20 *GENCY REQUIREMENT.*—The requirements of sec-
21 tion 202 of the International Emergency Eco-
22 nomic Powers Act (50 U.S.C. 1701) shall not
23 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 (50*
 5 *U.S.C. 3091 et seq.) or any authorized intelligence ac-*
 6 *tivities of the United States.*

7 (2) *EXCEPTION TO COMPLY WITH INTER-*
 8 *NATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT*
 9 *ACTIVITIES.—Sanctions under subsection (b)(1) shall*
 10 *not apply with respect to an alien if admitting or pa-*
 11 *roling the alien into the United States is necessary—*

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

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

21 (3) *EXCEPTION RELATING TO IMPORTATION OF*
 22 *GOODS.—*

23 *(A) IN GENERAL.—The authorities and re-*
 24 *quirements to impose sanctions authorized under*
 25 *subsection (b)(2) shall not include the authority*

1 *or a requirement to impose sanctions on the im-*
 2 *portation of goods.*

3 *(B) GOOD DEFINED.—In this paragraph,*
 4 *the term “good” means any article, natural or*
 5 *manmade substance, material, supply or manu-*
 6 *factured product, including inspection and test*
 7 *equipment, and excluding technical data.*

8 *(d) PENALTIES.—A person that violates, attempts to*
 9 *violate, conspires to violate, or causes a violation of sub-*
 10 *section (b)(2) or any regulation, license, or order issued to*
 11 *carry out that subsection shall be subject to the penalties*
 12 *set forth in subsections (b) and (c) of section 206 of the*
 13 *International Emergency Economic Powers Act (50 U.S.C.*
 14 *1705) to the same extent as a person that commits an un-*
 15 *lawful act described in subsection (a) of that section.*

16 *(e) TERMINATION OF SANCTIONS.—The President may*
 17 *terminate the application of sanctions under this section*
 18 *with respect to a person if the President determines that—*

19 *(1) information exists that the person did not en-*
 20 *gage in the activity for which sanctions were imposed;*

21 *(2) the person has been prosecuted appropriately*
 22 *for the activity for which sanctions were imposed;*

23 *(3) the person has credibly demonstrated a sig-*
 24 *nificant change in behavior, has paid an appropriate*
 25 *consequence for the activity for which sanctions were*

1 *imposed, and has credibly committed to not engage in*
 2 *an activity described in subsection (a) in the future;*
 3 *or*

4 *(4) the termination of the sanctions is in the na-*
 5 *tional security interests of the United States.*

6 *(f) REPORTING REQUIREMENT.—If the President ter-*
 7 *minates sanctions pursuant to subsection (d), the President*
 8 *shall report to the appropriate congressional committees a*
 9 *written justification for such termination within 15 days.*

10 *(g) IMPLEMENTATION OF REGULATORY AUTHORITY.—*
 11 *The President may exercise all authorities provided under*
 12 *sections 203 and 205 of the International Emergency Eco-*
 13 *nomics Powers Act (50 U.S.C. 1702 and 1704) to carry out*
 14 *this section.*

15 *(h) DEFINITIONS.—In this section:*

16 *(1) FOREIGN PERSON.—The term “foreign per-*
 17 *son” means—*

18 *(A) any citizen or national of a foreign*
 19 *country (including any such individual who is*
 20 *also a citizen or national of the United States);*
 21 *or*

22 *(B) any entity not organized solely under*
 23 *the laws of the United States or existing solely*
 24 *in the United States.*

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

3 (A) *an individual who is a United States*
 4 *citizen or an alien lawfully admitted for perma-*
 5 *nent residence to the United States;*

6 (B) *an entity organized under the laws of*
 7 *the United States or any jurisdiction within the*
 8 *United States, including a foreign branch of*
 9 *such an entity; or*

10 (C) *any person in the United States.*

11 **SEC. 7. DEFINITIONS.**

12 *In this Act:*

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

16 (A) *the Committee on Foreign Relations, the*
 17 *Committee on Appropriations, the Committee on*
 18 *Banking, Housing, and Urban Affairs, the Com-*
 19 *mittee on the Judiciary, the Committee on*
 20 *Armed Services, and the Select Committee on In-*
 21 *telligence of the United States Senate; and*

22 (B) *the Committee on Foreign Affairs, the*
 23 *Committee on Appropriations, the Committee on*
 24 *Financial Services, the Committee on the Judici-*
 25 *ary, the Committee on Armed Services, and the*

1 *Permanent Select Committee on Intelligence of*
 2 *the House of Representatives.*

3 (2) *UNITED STATES NATIONAL.*—*The term*
 4 *“United States national” means—*

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

9 *(B) a lawful permanent resident alien with*
 10 *significant ties to the United States.*

11 ***SEC. 8. RULE OF CONSTRUCTION.***

12 *Nothing in this Act shall be construed to authorize a*
 13 *private right of action.*

Amend the title so as to read: “A bill to provide assistance for United States nationals taken hostage or unlawfully or wrongfully detained abroad, and for other purposes.”.

Calendar No. 462

116TH CONGRESS
2D Session

S. 712

A BILL

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

JUNE 3, 2020

Reported with an amendment and an amendment to the title