

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1611
OFFERED BY MR. DEUTCH OF FLORIDA**

Strike all after the enacting clause and insert the following:

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 CITIZENS AND
5 UNITED STATES NATIONALS UNLAWFULLY
6 OR WRONGFULLY DETAINED ABROAD.**

7 (a) REVIEW.—The Secretary of State shall review the
8 cases of United States citizens and United States nation-
9 als detained abroad to determine if there is credible infor-
10 mation that they are being detained unlawfully or wrong-
11 fully, based on criteria which may include whether—

12 (1) the detained individual has presented cred-
13 ible information of factual innocence to United
14 States officials;

15 (2) information exists that the individual is de-
16 tained solely or substantially because he or she is a
17 United States citizen or United States national;

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

5 (4) the individual is being detained in violation
6 of the laws of the detaining country;

7 (5) independent nongovernmental organizations
8 or journalists have raised legitimate questions about
9 the innocence of the detained individual;

10 (6) the United States embassy in the country
11 where the individual is detained has received credible
12 reports that the detention is a pretext;

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

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

20 (9) the international right to due process of law
21 has been sufficiently impaired so as to render the
22 detention arbitrary.

23 (b) REFERRALS TO THE SPECIAL ENVOY.—Upon a
24 determination by the Secretary of State that there is cred-
25 ible information that the detention of a United States na-

1 tional abroad is unlawful or wrongful, and regardless of
2 whether the detention is by a foreign government or a non-
3 governmental actor, the Secretary shall transfer responsi-
4 bility for such case from the Bureau of Consular Affairs
5 of the Department of State to the Special Envoy for Hos-
6 tage Affairs 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 contain a classified annex if
18 necessary.

19 (2) CONTENT.—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

1 (commonly known as the “Privacy Act of
2 1974”);

3 (B) basic facts about the case;

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

7 (D) a description of specific efforts, legal
8 and diplomatic, taken on behalf of the indi-
9 vidual since the last reporting period, including
10 a description of accomplishments and setbacks;
11 and

12 (E) a description of intended next steps.

13 (d) FAMILY RESOURCE GUIDANCE.—

14 (1) ESTABLISHMENT.—Not later than 180 days
15 after the date of the enactment of this Act and after
16 consulting with relevant organizations that advocate
17 on behalf of United States citizens and United
18 States nationals detained abroad, the Secretary of
19 State shall provide resource guidance in writing for
20 government officials and families of unjustly or
21 wrongfully detained individuals.

22 (2) CONTENT.—The guidance required under
23 paragraph (1) may include suggested actions de-
24 signed on a case-by-case basis to obtain the release

1 of unjustly or wrongfully detained individuals, which
2 may include—

3 (A) acting through traditional diplomatic
4 and consular channels to ensure prompt and
5 regular access for the detained individual to
6 legal counsel, family members, humane treat-
7 ment, and other services;

8 (B) sanctions tools including withholding
9 assistance to the foreign government, in cases
10 where relevant, and denying or revoking visas
11 and freezing assets of individuals perpetrating
12 the unjust or wrongful detention;

13 (C) submitting public or private letters
14 from members of Congress or other individuals
15 who may be influential in securing the release
16 of an individual; and

17 (D) consulting with relevant legal and
18 human rights organizations.

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

20 (a) ESTABLISHMENT.—There is within the office of
21 the Secretary of State a Special Presidential Envoy for
22 Hostage Affairs.

23 (b) RESPONSIBILITIES.—The Special Presidential
24 Envoy for Hostage Affairs, under the supervision of the
25 Secretary of State, shall—

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

3 (2) coordinate all diplomatic engagements in
4 support of hostage recovery efforts, in coordination
5 with the Hostage Recovery Fusion Cell and con-
6 sistent with policy guidance communicated through
7 the Hostage Response Group;

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

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

15 (5) in coordination with the Hostage Recovery
16 Fusion Cell as appropriate, coordinate diplomatic
17 engagements regarding cases in which a foreign gov-
18 ernment confirms that it has detained a United
19 States national but the United States Government
20 regards such detention as unlawful or wrongful.

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

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

24 (b) PARTICIPATION.—The President shall direct the
25 heads of each of the following executive departments,

1 agencies, and offices to make available personnel to par-
2 ticipate 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
12 to time, may designate.

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

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

18 (2) a Family Engagement Coordinator, who
19 shall work to ensure that all interactions by execu-
20 tive branch officials with a hostage's family occur in
21 a coordinated fashion and that the family receives
22 consistent and accurate information from the United
23 States Government; and

24 (3) other officers and employees as determined
25 to be appropriate 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; and

12 (3) pursuant to policy guidance coordinated
13 through the National Security Council—

14 (A) identify and recommend hostage recov-
15 ery options and strategies to the President
16 through the National Security Council or the
17 Deputies Committee of the National Security
18 Council;

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

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.

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

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

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

20 (c) DUTIES.—The Hostage Recovery Group shall—
21 (1) identify and recommend hostage recovery
22 options and strategies to the President through the
23 National Security Council or the Deputies Com-
24 mittee of the 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 on the status of United States
6 nationals being held hostage abroad and measures
7 being taken to effect the hostages' safe recovery;

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

13 (5) where higher-level guidance is required,
14 make recommendations to the National Security
15 Council or the Deputies Committee of the National
16 Security Council.

17 (d) MEETINGS.—The Hostage Response Group shall
18 meet regularly.

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

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

23 (a) IN GENERAL.—The President may impose the
24 sanctions described in subsection (b) with respect to any

1 foreign person the President determines, based on credible
2 evidence—

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

7 (2) acts as an agent of or on behalf of a foreign
8 person in a matter relating to an activity described
9 in paragraph (1); or

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

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

16 (1) INELIGIBILITY FOR VISAS, ADMISSION, OR
17 PAROLE.—

18 (A) VISAS, ADMISSION, OR PAROLE.—A
19 foreign person who is an individual described in
20 subsection (a) is—

21 (i) inadmissible to the United States;

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

24 and

1 (iii) otherwise ineligible to be admitted
2 or paroled into the United States or to re-
3 ceive any other benefit under the Immigra-
4 tion and Nationality Act (8 U.S.C. 1101 et
5 seq.).

6 (B) CURRENT VISAS REVOKED.—

7 (i) IN GENERAL.—The visa or other
8 entry documentation of a foreign person
9 who is an individual described in sub-
10 section (a) shall be revoked, regardless of
11 when such visa or other entry documenta-
12 tion is or was issued.

13 (ii) IMMEDIATE EFFECT.—A revoca-
14 tion under clause (i) shall—

15 (I) take effect immediately; and

16 (II) automatically cancel any
17 other valid visa or entry documenta-
18 tion that is in the foreign person's
19 possession.

20 (2) BLOCKING OF PROPERTY.—

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

1 and interests in property are in the United
2 States, come within the United States, or are or
3 come within the possession or control of a
4 United States person.

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

10 (c) EXCEPTIONS.—

11 (1) EXCEPTION TO COMPLY WITH NATIONAL
12 SECURITY.—The following activities shall be exempt
13 from sanctions under this section:

14 (A) Activities subject to the reporting re-
15 quirements under title V of the National Secu-
16 rity Act of 1947 (50 U.S.C. 3091 et seq.).

17 (B) Any authorized intelligence or law en-
18 forcement activities of the United States.

19 (2) EXCEPTION TO COMPLY WITH INTER-
20 NATIONAL OBLIGATIONS.—Sanctions under sub-
21 section (b)(1) shall not apply with respect to an
22 alien if admitting or paroling the alien into the
23 United States is necessary to permit the United
24 States to comply with the Agreement regarding the
25 Headquarters of the United Nations, signed at Lake

1 Success June 26, 1947, and entered into force No-
2 vember 21, 1947, between the United Nations and
3 the United States, or other applicable international
4 obligations of the United States.

5 (3) EXCEPTION RELATING TO IMPORTATION OF
6 GOODS.—

7 (A) IN GENERAL.—The authorities and re-
8 quirements to impose sanctions authorized
9 under subsection (b)(2) shall not include the
10 authority or a requirement to impose sanctions
11 on the importation of goods.

12 (B) GOOD DEFINED.—In this paragraph,
13 the term “good” means any article, natural or
14 manmade substance, material, supply, or manu-
15 factured product, including inspection and test
16 equipment, and excluding technical data.

17 (d) ENFORCEMENT OF BLOCKING OF PROPERTY.—
18 A person that violates, attempts to violate, conspires to
19 violate, or causes a violation of subsection (b)(2) or any
20 regulation, license, or order issued to carry out that sub-
21 section shall be subject to the penalties set forth in sub-
22 sections (b) and (c) of section 206 of the International
23 Emergency Economic Powers Act (50 U.S.C. 1705) to the
24 same extent as a person that commits an unlawful act de-
25 scribed in subsection (a) of that section.

1 (e) TERMINATION OF SANCTIONS.—The President
2 may terminate the application of sanctions under this sec-
3 tion with respect to a person if the President determines
4 and reports to the appropriate congressional committees
5 not later than 15 days before the termination of the sanc-
6 tions that—

7 (1) credible information exists that the person
8 did not engage in the activity for which sanctions
9 were imposed;

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

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

19 (4) the termination of the sanctions is in the
20 national security interests of the United States.

21 (f) REGULATORY AUTHORITY.—The President shall
22 issue such regulations, licenses, and orders as are nec-
23 essary to carry out this section.

24 (g) DEFINITIONS.—In this section:

1 (1) FOREIGN PERSON.—The term “foreign per-
2 son” means an individual or entity that is not a
3 United States person.

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

6 (A) a United States citizen or an alien law-
7 fully admitted for permanent residence to the
8 United States; or

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.

13 **SEC. 7. DEFINITIONS.**

14 In this Act:

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

18 (A) the Committee on Foreign Relations,
19 the Committee on Appropriations, the Com-
20 mittee on Banking, Housing, and Urban Af-
21 fairs, the Committee on the Judiciary, the Com-
22 mittee on Armed Services, and the Select Com-
23 mittee on Intelligence of the United States Sen-
24 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 national of the United States, as
10 such term is defined in section 101(a)(22) of
11 the Immigration and Nationality Act (8 U.S.C.
12 1101(a)(22)) or an individual described in sec-
13 tion 308 of such Act (8 U.S.C. 1408); or

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

