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 Hostage Recovery and Hostage-Taking Accountability Act”.

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

(a) REVIEW.—The Secretary of State shall review the cases of United States citizens and United States nationals detained abroad to determine if there is credible information that they are being detained unlawfully or wrongfully, based on criteria which may include whether—

(1) the detained individual has presented credible information of factual innocence to United States officials;

(2) information exists that the individual is detained solely or substantially because he or she is a United States citizen or United States national;
(3) information exists that the individual is being detained in violation of internationally protected rights and freedoms, such as freedom of expression, association, assembly, and religion;

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

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

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

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

(8) the individual is detained in inhumane conditions; and

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

(b) Referrals to the Special Envoy.—Upon a determination by the Secretary of State that there is credible information that the detention of a United States na-
tional abroad is unlawful or wrongful, and regardless of
whether the detention is by a foreign government or a non-
governmental actor, the Secretary shall transfer responsi-
bility for such case from the Bureau of Consular Affairs
of the Department of State to the Special Envoy for Hos-
tage Affairs created pursuant to section 3.

(e) REPORT.—

(1) ANNUAL REPORT.—

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

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

(2) CONTENT.—The report required under
paragraph (1) shall include current estimates of the
number of individuals so detained, as well as rel-
vant 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) **FAMILY RESOURCE GUIDANCE.**—

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

(2) **CONTENT.**—The guidance required under paragraph (1) may include suggested actions designed on a case-by-case basis to obtain the release
of unjustly or wrongfully detained individuals, which
may include—

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

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

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

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

SEC. 3. SPECIAL ENVOY FOR HOSTAGE AFFAIRS.

(a) Establishment.—There is within the office of
the Secretary of State a Special Presidential Envoy for
Hostage Affairs.

(b) Responsibilities.—The Special Presidential
Envoy for Hostage Affairs, under the supervision of the
Secretary of State, shall—
(1) lead diplomatic engagement on United States hostage policy;

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

(3) coordinate with the Hostage Recovery Fusion Cell proposals for diplomatic engagements and strategy in support of hostage recovery efforts;

(4) provide senior representation from the Special Envoy’s office to the Hostage Recovery Fusion Cell established under section 4 and the Hostage Response Group established under section 5; and

(5) in coordination with the Hostage Recovery Fusion Cell as appropriate, coordinate diplomatic engagements regarding cases in which a foreign government confirms that it has detained a United States national but the United States Government regards such detention as unlawful or wrongful.

SEC. 4. HOSTAGE RECOVERY FUSION CELL.

(a) Establishment.—The President shall establish an interagency Hostage Recovery Fusion Cell.

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

(1) The Department of State.

(2) The Department of the Treasury.

(3) The Department of Defense.

(4) The Department of Justice.

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


(7) The Central Intelligence Agency.

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

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

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

(2) a Family Engagement Coordinator, who shall work to ensure that all interactions by executive branch officials with a hostage’s family occur in a coordinated fashion and that the family receives consistent and accurate information from the United States Government; and

(3) other officers and employees as determined to be appropriate by the President.
(d) DUTIES.—The Hostage Recovery Fusion Cell shall—

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

(2) if directed, coordinate the United States Government’s response to other hostage-takings occurring abroad in which the United States has a national interest; and

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

(A) identify and recommend hostage recovery options and strategies to the President through the National Security Council or the Deputies Committee of the National Security Council;

(B) coordinate efforts by participating agencies to ensure that information regarding hostage events, including potential recovery options and engagements with families and external actors (including foreign governments), is appropriately shared within the United States
Government to facilitate a coordinated response
to a hostage-taking;

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

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

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

(F) make recommendations to agencies in
order to reduce the likelihood of United States
nationals’ being taken hostage abroad and en-
hance United States Government preparation to
maximize the probability of a favorable outcome
following a hostage-taking.
SEC. 5. HOSTAGE RESPONSE GROUP.

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

(b) MEMBERSHIP.—The regular members of the Hostage Response Group shall include the Director of the Hostage Recovery Fusion Cell, the Hostage Recovery Fusion Cell’s Family Engagement Coordinator, the Special Envoy appointed pursuant to section 3, and representatives from the Department of the Treasury, the Department of Defense, the Department of Justice, the Federal Bureau of Investigation, the Office of the Director of National Intelligence, and other agencies as the President, from time to time, may designate.

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

(1) identify and recommend hostage recovery options and strategies to the President through the National Security Council or the Deputies Committee of the National Security Council;
(2) coordinate the development and implementation of United States hostage recovery policies, strategies, and procedures;

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

(4) coordinate the provision of policy guidance to the Hostage Recovery Fusion Cell, including reviewing recovery options proposed by the Hostage Recovery Fusion Cell and working to resolve disputes within the Hostage Recovery Fusion Cell; and

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

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

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

SEC. 6. AUTHORIZATION OF IMPOSITION OF SANCTIONS.

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

(1) is responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the unlawful or wrongful detention abroad of a United States national;

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

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

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

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

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

(i) inadmissible to the United States;

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

and
(iii) otherwise ineligible to be admitted
or paroled into the United States or to re-
ceive any other benefit under the Immig-
ration and Nationality Act (8 U.S.C. 1101 et
seq.).

(B) CURRENT VISAS REVOKED.—

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

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

(I) take effect immediately; and

(II) automatically cancel any
other valid visa or entry documenta-
tion that is in the foreign person’s
possession.

(2) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—The blocking, in ac-
cordance with the International Emergency
Economic Powers Act (50 U.S.C. 1701 et seq.),
of all transactions in all property and interests
in property of a foreign person if such property
and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) **INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.**—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

(c) **EXCEPTIONS.**—

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

(A) Activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.).

(B) Any authorized intelligence or law enforcement activities of the United States.

(2) **EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.**—Sanctions under subsection (b)(1) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake

(3) Exception relating to importation of goods.—

(A) In general.—The authorities and requirements to impose sanctions authorized under subsection (b)(2) shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) Good defined.—In this paragraph, the term “good” means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(d) Enforcement of blocking of property.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(2) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.
(e) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines and reports to the appropriate congressional committees not later than 15 days before the termination of the sanctions that—

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

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

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a) in the future; or

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

(f) REGULATORY AUTHORITY.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(g) DEFINITIONS.—In this section:
(1) FOREIGN PERSON.—The term “foreign person” means an individual or entity that is not a United States person.

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

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 7. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, the Committee 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 national of the United States, as such term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or an individual described in section 308 of such Act (8 U.S.C. 1408); or

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