

1 **TITLE III—FOREIGN RELATIONS**
2 **AND DEPARTMENT OF STATE**
3 **PROVISIONS**

4 **Subtitle A—Robert Levinson Hos-**
5 **tage Recovery and Hostage-tak-**
6 **ing Accountability Act**

7 **SEC. 301. SHORT TITLE.**

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

11 **SEC. 302. ASSISTANCE FOR UNITED STATES NATIONALS UN-**
12 **LAWFULLY OR WRONGFULLY DETAINED**
13 **ABROAD.**

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

19 (1) United States officials receive or possess
20 credible information indicating innocence of the de-
21 tained individual;

22 (2) the individual is being detained solely or
23 substantially because he or she is a United States
24 national;

1 (3) the individual is being detained solely or
2 substantially to influence United States Government
3 policy or to secure economic or political concessions
4 from the United States Government;

5 (4) the detention appears to be because the in-
6 dividual sought to obtain, exercise, defend, or pro-
7 mote freedom of the press, freedom of religion, or
8 the right to peacefully assemble;

9 (5) the individual is being detained in violation
10 of the laws of the detaining country;

11 (6) independent nongovernmental organizations
12 or journalists have raised legitimate questions about
13 the innocence of the detained individual;

14 (7) the United States mission in the country
15 where the individual is being detained has received
16 credible reports that the detention is a pretext for an
17 illegitimate purpose;

18 (8) the individual is detained in a country
19 where the Department of State has determined in its
20 annual human rights reports that the judicial system
21 is not independent or impartial, is susceptible to cor-
22 ruption, or is incapable of rendering just verdicts;

23 (9) the individual is being detained in inhumane
24 conditions;

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

3 (11) United States diplomatic engagement is
4 likely necessary to secure the release of the detained
5 individual.

6 (b) REFERRALS TO THE SPECIAL ENVOY.—Upon a
7 determination by the Secretary of State, based on the to-
8 tality of the circumstances, that there is credible informa-
9 tion that the detention of a United States national abroad
10 is unlawful or wrongful, and regardless of whether the de-
11 tention is by a foreign government or a nongovernmental
12 actor, the Secretary shall transfer responsibility for such
13 case from the Bureau of Consular Affairs of the Depart-
14 ment of State to the Special Envoy for Hostage Affairs
15 created pursuant to section 303.

16 (c) REPORT.—

17 (1) ANNUAL REPORT.—

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

24 (B) FORM.—The report required under
25 this paragraph shall be submitted in unclassi-

1 fied form, but may include a classified annex if
2 necessary.

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

7 (A) the name of the individual, unless the
8 provision of such information is inconsistent
9 with section 552a of title 5, United States Code
10 (commonly known as the “Privacy Act of
11 1974”);

12 (B) basic facts about the case;

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

16 (D) a description of specific efforts, legal
17 and diplomatic, taken on behalf of the indi-
18 vidual since the last reporting period, including
19 a description of accomplishments and setbacks;
20 and

21 (E) a description of intended next steps.

22 (d) RESOURCE GUIDANCE.—

23 (1) ESTABLISHMENT.—Not later than 180 days
24 after the date of the enactment of this Act and after
25 consulting with relevant organizations that advocate

1 on behalf of United States nationals detained abroad
2 and the Family Engagement Coordinator established
3 pursuant to section 304(c)(2), the Secretary of State
4 shall provide resource guidance in writing for gov-
5 ernment officials and families of unjustly or wrong-
6 fully detained individuals.

7 (2) CONTENT.—The resource guidance required
8 under paragraph (1) should include—

9 (A) information to help families under-
10 stand United States policy concerning the re-
11 lease of United States nationals unlawfully or
12 wrongfully held abroad;

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

16 (C) relevant information about options
17 available to help families obtain the release of
18 unjustly or wrongfully detained individuals,
19 such as guidance on how families may engage
20 with United States diplomatic and consular
21 channels to ensure prompt and regular access
22 for the detained individual to legal counsel,
23 family members, humane treatment, and other
24 services;

1 (D) guidance on submitting public or pri-
2 vate letters from members of Congress or other
3 individuals who may be influential in securing
4 the release of an individual; and

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

8 **SEC. 303. SPECIAL ENVOY FOR HOSTAGE AFFAIRS.**

9 (a) ESTABLISHMENT.—There shall be a Special Pres-
10 idential Envoy for Hostage Affairs, who shall be appointed
11 by the President, by and with the advice and consent of
12 the Senate, and shall report to the Secretary of State.

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

15 (c) RESPONSIBILITIES.—The Special Presidential
16 Envoy for Hostage Affairs shall—

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

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

24 (3) in coordination with the Hostage Recovery
25 Fusion Cell as appropriate, coordinate diplomatic

1 engagements regarding cases in which a foreign gov-
2 ernment has detained a United States national and
3 the United States Government regards such deten-
4 tion as unlawful or wrongful;

5 (4) provide senior representation from the Spe-
6 cial Envoy's office to the Hostage Recovery Fusion
7 Cell established under section 304 and the Hostage
8 Response Group established under section 305; and

9 (5) ensure that families of United States na-
10 tionals unlawfully or wrongly detained abroad re-
11 ceive updated information about developments in
12 cases and government policy.

13 **SEC. 304. HOSTAGE RECOVERY FUSION CELL.**

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

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

20 (1) The Department of State.

21 (2) The Department of the Treasury.

22 (3) The Department of Defense.

23 (4) The Department of Justice.

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

1 (6) The Federal Bureau of Investigation.

2 (7) The Central Intelligence Agency.

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

5 (c) PERSONNEL.—The Hostage Recovery Fusion Cell
6 shall include—

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

10 (2) a Family Engagement Coordinator who
11 shall—

12 (A) work to ensure that all interactions by
13 executive branch officials with a hostage's fam-
14 ily occur in a coordinated fashion and that the
15 family receives consistent and accurate informa-
16 tion from the United States Government; and

17 (B) if directed, perform the same function
18 as set out in subparagraph (A) with regard to
19 the family of a United States national who is
20 unlawfully or wrongfully detained abroad; and

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

23 (d) DUTIES.—The Hostage Recovery Fusion Cell
24 shall—

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

6 (2) if directed, coordinate the United States
7 Government's response to other hostage-takings oc-
8 curring abroad in which the United States has a na-
9 tional interest;

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

14 (4) pursuant to policy guidance coordinated
15 through the National Security Council—

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

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

1 appropriately shared within the United States
2 Government to facilitate a coordinated response
3 to a hostage-taking;

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

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

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

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

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

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

7 **SEC. 305. HOSTAGE RESPONSE GROUP.**

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

18 (b) MEMBERSHIP.—The regular members of the Hos-
19 tage Response Group shall include the Director of the
20 Hostage Recovery Fusion Cell, the Hostage Recovery Fu-
21 sion Cell's Family Engagement Coordinator, the Special
22 Envoy appointed pursuant to section 303, and representa-
23 tives from the Department of the Treasury, the Depart-
24 ment of Defense, the Department of Justice, the Federal
25 Bureau of Investigation, the Office of the Director of Na-

1 tional Intelligence, the Central Intelligence Agency, and
2 other agencies as the President, from time to time, may
3 designate.

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

5 (1) identify and recommend hostage recovery
6 options and strategies to the President through the
7 National Security Council;

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

11 (3) receive regular updates from the Hostage
12 Recovery Fusion Cell and the Special Envoy for
13 Hostage Affairs on the status of United States na-
14 tionals being held hostage or unlawfully or wrong-
15 fully detained abroad and measures being taken to
16 effect safe recoveries;

17 (4) coordinate the provision of policy guidance
18 to the Hostage Recovery Fusion Cell, including re-
19 viewing recovery options proposed by the Hostage
20 Recovery Fusion Cell and working to resolve dis-
21 putes within the Hostage Recovery Fusion Cell;

22 (5) as appropriate, direct the use of resources
23 at the Hostage Recovery Fusion Cell to coordinate
24 or assist in the safe recovery of United States na-

1 tionals unlawfully or wrongfully detained abroad;
2 and

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

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

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

13 **SEC. 306. AUTHORIZATION OF IMPOSITION OF SANCTIONS.**

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

18 (1) is responsible for or is complicit in, or re-
19 sponsible for ordering, controlling, or otherwise di-
20 recting, the hostage-taking of a United States na-
21 tional abroad or the unlawful or wrongful detention
22 of a United States national abroad; or

23 (2) knowingly provides financial, material, or
24 technological support for, or goods or services in
25 support of, an activity described in paragraph (1).

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

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

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

7 (i) inadmissible to the United States;

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

10 and

11 (iii) otherwise ineligible to be admitted
12 or paroled into the United States or to re-
13 ceive any other benefit under the Immigra-
14 tion and Nationality Act (8 U.S.C. 1101 et
15 seq.).

16 (B) CURRENT VISAS REVOKED.—

17 (i) IN GENERAL.—An alien described
18 in subsection (a) may be subject to revoca-
19 tion of any visa or other entry documenta-
20 tion regardless of when the visa or other
21 entry documentation is or was issued.

22 (ii) IMMEDIATE EFFECT.—A revoca-
23 tion under clause (i) may—

24 (I) take effect immediately; and

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1 (II) cancel any other valid visa or
2 entry documentation that is in the
3 alien's possession.

4 (2) BLOCKING OF PROPERTY.—

5 (A) IN GENERAL.—The President may ex-
6 ercise all of the powers granted to the President
7 under the International Emergency Economic
8 Powers Act (50 U.S.C. 1701 et seq.), to the ex-
9 tent necessary to block and prohibit all trans-
10 actions in property and interests in property of
11 a foreign person described in subsection (a) if
12 such property and interests in property are in
13 the United States, come within the United
14 States, or are or come within the possession or
15 control of a United States person.

16 (B) INAPPLICABILITY OF NATIONAL EMER-
17 GENCY REQUIREMENT.—The requirements of
18 section 202 of the International Emergency
19 Economic Powers Act (50 U.S.C. 1701) shall
20 not apply for purposes of this section.

21 (c) EXCEPTIONS.—

22 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
23 TIES.—Sanctions under this section shall not apply
24 to any activity subject to the reporting requirements
25 under title V of the National Security Act of 1947

1 (50 U.S.C. 3091 et seq.) or any authorized intel-
2 ligence activities of the United States.

3 (2) EXCEPTION TO COMPLY WITH INTER-
4 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
5 MENT ACTIVITIES.—Sanctions under subsection
6 (b)(1) shall not apply with respect to an alien if ad-
7 mitting or paroling the alien into the United States
8 is necessary—

9 (A) to permit the United States to comply
10 with the Agreement regarding the Head-
11 quarters of the United Nations, signed at Lake
12 Success June 26, 1947, and entered into force
13 November 21, 1947, between the United Na-
14 tions and the United States, or other applicable
15 international obligations; or

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

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

5 (1) information exists that the person did not
6 engage in the activity for which sanctions were im-
7 posed;

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

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

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

19 (f) REPORTING REQUIREMENT.—If the President
20 terminates sanctions pursuant to subsection (d), the Presi-
21 dent shall report to the appropriate congressional commit-
22 tees a written justification for such termination within 15
23 days.

24 (g) IMPLEMENTATION OF REGULATORY AUTHOR-
25 ITY.—The President may exercise all authorities provided

1 under sections 203 and 205 of the International Emer-
2 gency Economic Powers Act (50 U.S.C. 1702 and 1704)
3 to carry out this section.

4 (h) EXCEPTION RELATING TO IMPORTATION OF
5 GOODS.—

6 (1) IN GENERAL.—The authorities and require-
7 ments to impose sanctions authorized under this
8 subtitle shall not include the authority or a require-
9 ment to impose sanctions on the importation of
10 goods.

11 (2) GOOD DEFINED.—In this paragraph, the
12 term “good” means any article, natural or manmade
13 substance, material, supply or manufactured prod-
14 uct, including inspection and test equipment, and ex-
15 cluding technical data.

16 (i) DEFINITIONS.—In this section:

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

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

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

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1 (2) UNITED STATES PERSON.—The term
2 “United 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. 307. DEFINITIONS.**

12 In this Act:

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

16 (A) the Committee on Foreign Relations,
17 the Committee on Appropriations, the Com-
18 mittee on Banking, Housing, and Urban Af-
19 fairs, the Committee on the Judiciary, the Com-
20 mittee on Armed Services, and the Select Com-
21 mittee on Intelligence of the United States Sen-
22 ate; and

23 (B) the Committee on Foreign Affairs, the
24 Committee on Appropriations, the Committee
25 on Financial Services, the Committee on the

1 Judiciary, the Committee on Armed Services,
2 and the Permanent Select Committee on Intel-
3 ligence of the House of Representatives.

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

6 (A) a United States national as defined in
7 section 101(a)(22) or section 308 of the Immi-
8 gration and Nationality Act (8 U.S.C.
9 1101(a)(22), 8 U.S.C. 1408); and

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

12 **SEC. 308. RULE OF CONSTRUCTION.**

13 Nothing in this Act may be construed to authorize
14 a private right of action.

15 **Subtitle B—Taiwan Assurance Act**
16 **of 2020**

17 **SEC. 311. SHORT TITLE.**

18 This subtitle may be cited as the “Taiwan Assurance
19 Act of 2020”.

20 **SEC. 312. FINDINGS.**

21 Congress makes the following findings:

22 (1) April 10, 2019, marked the 40th anniver-
23 sary of the Taiwan Relations Act of 1979 (Public
24 Law 96–8).