

Non-Paper for Australia on the U.S. Special Presidential Envoy for Hostage Affairs

Origins and Authorities

In 2014, the execution of four U.S. hostages by ISIS and the U.S. Government's mishandling of the cases led to an interagency review of the hostage affairs enterprise, resulting in Executive Order (E.O.) 13698 and Presidential Policy Directive (PPD) 30 issued in June 2015. The E.O. established the Special Presidential Envoy for Hostage Affairs (SPEHA), housed at the Department of State, the Hostage Recovery Fusion Cell (HRFC), located at FBI Headquarters, and the Hostage Response Group (HRG), at the White House, and mandates interagency coordination to recover U.S. nationals taken hostage and wrongfully detained abroad. SPEHA leads U.S. diplomatic engagement on hostage policy, coordinates all diplomatic efforts in support of hostage recovery efforts in coordination with the HRFC and consistent with policy guidance communicated through the HRG, and coordinates U.S. efforts to recover wrongfully detained U.S. nationals.

In 2020, the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act enshrined into law much of PPD-30 and directed the Secretary of State to review cases of U.S. nationals detained abroad to determine if their detentions are wrongful based on the totality of the circumstances and guided by discretionary criteria provided in the Act. It also requires an annual report to Congress and authorized the President to impose sanctions on those who direct or support hostage taking and wrongful detentions. Subsequently, E.O. 14078 vested the Secretary of State with the authority to impose these sanctions, related to visa restrictions and the blocking of property.

Mission

The Office of the Special Presidential Envoy for Hostage Affairs (S/SPEHA) leads and partners with an inclusive coalition of government and private sector organizations to secure the freedom of U.S. national hostages and wrongful detainees held abroad, support their families, and end the practice of hostage diplomacy. It advances this mission through a variety of creative solutions and tasks, including:

- Diplomatic outreach
- Support for families and current/former detainees
- Interagency coordination
- Partnership with civil society
- Case determination, planning, and management
- Policy development
- Levinson Act implementation
- Congressional and media engagement

Focus on Supporting Detainees and Their Families

Our top priorities are to bring hostages and wrongful detainees home, and to provide support to them and their families both during their detentions and post-release. We are strengthening the bonds between key government, NGO, and private sector stakeholders to leverage resources and expertise to continuously improve our support efforts.

Countering Wrongful Detentions

Recognizing that actors who engage in the practice of wrongful detentions will be more likely to change their behavior in response to international collective measures rather than unilateral or actions, we are working to advance the ecosystem of domestic and international tools, networks, and policies that provide enduring political and legal frameworks and norms to deter and prevent unlawful detentions.

Domestically, we work to apply and advance existing laws, resources and processes to counter wrongful detentions, including with sanctions and visa restrictions. Internationally, we work to strengthen alliances, shape the norms against arbitrary or wrongful detentions, and encourage support for the Canada-led Declaration Against Arbitrary Detention in State-to-State Relations. Through its public facing website, the State Department also provides information on the risks of hostage-taking and wrongful detention in specific countries. In particular, our “D” indicator, currently appearing on 10 countries’ Travel Advisories, enables U.S. nationals to quickly see which countries pose a risk of wrongful detention. We also work with civil society and the private sector to raise awareness and increase understanding of the threat of arbitrary and wrongful detention.

Office Structure

Special Presidential Envoy Roger Carstens leads the S/SPEHA office and holds the rank of Ambassador. The Deputy SPEHA oversees the work of the office and the Chief of Staff serves senior advisor to SPEHA and as policy planner for S/SPEHA, examining issues to include strategic goals and objectives and alignment of policy priorities and resources. The office also includes a Regional Affairs Team, which leads the negotiations for individual cases in close coordination with the White House National Security Council and interagency; a Deterrence Team focused on strengthening collective action to deter and prevent unjust detentions, including through engagement with multilateral bodies and the private sector; and an External Affairs Team, which handles family and detainee support, congressional affairs, and media and external engagement.

Attachments:

Tab 1 – E.O. 13698, 2015

Tab 2 – E.O. 14078, 2022

Tab 3 – Presidential Policy Directive 30, 2015

Tab 4 – Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act,
December 2020

Tab 5 – Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act, as
amended, January 2023



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Title 3—

Executive Order 13698 of June 24, 2015

The President

Hostage Recovery Activities

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct as follows:

Section 1. Purpose. The 21st century has witnessed a significant shift in hostage-takings by terrorist organizations and criminal groups abroad. Hostage-takers frequently operate in unstable environments that challenge the ability of the United States Government and its partners and allies to operate effectively. Increasingly, hostage-takers target private citizens—including journalists and aid workers—as well as Government officials. They also utilize increasingly sophisticated networks and tactics to derive financial, propaganda, and recruitment benefits from hostage-taking operations. The United States is committed to securing the safe recovery of U.S. nationals held hostage abroad and deterring future hostage-takings by denying hostage-takers any benefits from their actions. Because such hostage-takings pose unique challenges, the United States Government must be organized and work in a coordinated effort to use all instruments of national power to achieve these goals, consistent with the United States Government's no concessions policy. Establishing a single United States Government operational body to coordinate all efforts for the recovery of U.S. nationals taken hostage abroad, with policy guidance coordinated through the National Security Council, will increase the likelihood of a successful recovery, allow for enhanced support to hostages and their families, promote foreign policy and national security interests abroad, and enhance the prospects of successful criminal prosecutions of hostage-takers. Dedicating a senior diplomatic representative to operate in support of this coordinated effort will further enhance the potential for the safe recovery of hostages.

Sec. 2. Establishment and Responsibilities of the Hostage Recovery Fusion Cell. (a) The Attorney General, acting through the Director of the Federal Bureau of Investigation (FBI), shall establish within the FBI for administrative purposes an interagency Hostage Recovery Fusion Cell (HRFC).

(b) The following executive departments, agencies, and offices (agencies) shall participate in the HRFC:

- (i) the Department of State;
- (ii) the Department of the Treasury;
- (iii) the Department of Defense;
- (iv) the Department of Justice;
- (v) the Office of the Director of National Intelligence;
- (vi) the FBI;
- (vii) the Central Intelligence Agency; and

(viii) other agencies as the President or the Attorney General, acting through the Director of the FBI, from time to time, may designate.

(c) The HRFC shall have a Director, who shall be a full-time senior officer or employee of, or detailed to, the FBI. The HRFC shall also have a Family Engagement Coordinator and other officers or employees as appropriate. The head of each participating agency shall, to the extent permitted by law, make available for assignment or detail to the HRFC such personnel as the Attorney General, acting through the Director of the FBI and after consultation with the head of the agency, may request. Such personnel

so detailed or assigned will operate utilizing the clearances provided by their respective agencies.

(d) The HRFC shall coordinate efforts by participating agencies to ensure that all relevant information, expertise, and resources are brought to bear to secure the safe recovery of U.S. nationals held hostage abroad. The HRFC may also be tasked with coordinating the United States Government's response to other hostage-takings occurring abroad in which the United States has a national interest, as specifically referred to the HRFC by the Deputies Committee, as established in Presidential Policy Directive 1 of February 13, 2009 (Organization of the National Security Council System), or any successor. Pursuant to policy guidance coordinated through the National Security Council, the HRFC shall:

- (i) identify and recommend hostage recovery options and strategies to the President through the National Security Council;
- (ii) 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;
- (iii) assess and track all hostage-takings of U.S. nationals abroad and provide regular reports to the President through the National Security Council on the status of such cases and any measures being taken toward the hostages' safe recovery;
- (iv) provide a forum for intelligence sharing and, with the support of the Director of National Intelligence, coordinate the declassification of relevant information;
- (v) coordinate efforts by participating agencies to provide appropriate support and assistance to hostages and their families in a coordinated and consistent manner and to provide families with timely information regarding significant events in their cases;
- (vi) make recommendations to agencies in order to reduce the likelihood of U.S. nationals being taken hostage abroad and enhance United States Government preparation to maximize the probability of a favorable outcome following a hostage-taking; and
- (vii) coordinate with agencies regarding congressional, media, and other public inquiries pertaining to hostage events.

Sec. 3. *Establishment of the Hostage Response Group.* (a) There shall be a Hostage Response Group (HRG) chaired by the Special Assistant to the President and Senior Director for Counterterrorism, to be convened on a regular basis and as needed at the request of the National Security Council to further the safe recovery of U.S. nationals held abroad. The HRG may also be tasked with coordinating the United States Government response to other hostage-takings occurring abroad in which the United States has a national interest, as specifically referred to the HRFC by the Deputies Committee.

(b) The regular members of the HRG shall include the Director of the HRFC, the HRFC's Family Engagement Coordinator, and senior representatives from the Department of State, Department of the Treasury, Department of Defense, Department of Justice, FBI, Office of the Director of National Intelligence, and other agencies as the President, from time to time, may designate.

(c) The HRG, in support of the Deputies Committee chaired by the Assistant to the President for Homeland Security and Counterterrorism, and consistent with the process outlined in Presidential Policy Directive 1 or any successor, shall:

- (i) identify and recommend hostage recovery options and strategies to the President through the National Security Council, as consistent with

Presidential Policy Directive 30 of June 24, 2015 (U.S. Nationals Taken Hostage Abroad and Personnel Recovery Efforts);

(ii) coordinate the development and implementation of U.S. hostage recovery policies, strategies, and procedures, consistent with the policies set forth in Presidential Policy Directive 30;

(iii) receive regular updates from the HRFC on the status of U.S. nationals being held hostage abroad and measures being taken to effect the hostages' safe recovery;

(iv) coordinate the provision of policy guidance to the HRFC, including reviewing recovery options proposed by the HRFC and working to resolve disputes within the HRFC; and

(v) where higher-level guidance is required, make recommendations to the Deputies Committee.

Sec. 4. *Establishment of the Special Presidential Envoy for Hostage Affairs.*

(a) There shall be a Special Presidential Envoy for Hostage Affairs (Special Envoy), appointed by the President, who shall report to the Secretary of State.

(b) The Special Envoy shall:

(i) lead diplomatic engagement on U.S. hostage policy;

(ii) coordinate all diplomatic engagements in support of hostage recovery efforts, in coordination with the HRFC and consistent with policy guidance communicated through the HRG;

(iii) coordinate with the HRFC proposals for diplomatic engagements and strategy in support of hostage recovery efforts;

(iv) provide senior representation from the Special Envoy's office to the HRFC and in the HRG; and

(v) in coordination with the HRFC as appropriate, coordinate diplomatic engagements regarding cases in which a foreign government confirms that it has detained a U.S. national but the United States Government regards such detention as unlawful or wrongful.

Sec. 5. *Reporting.* (a) Within 180 days of the date of this order, the HRG shall provide a status report to the Assistant to the President for Homeland Security and Counterterrorism on the establishment of the HRFC and its implementation of policy guidance communicated through the HRG.

(b) Within 1 year of the date of this order, the Director of the National Counterterrorism Center, in consultation with the Secretary of State, Secretary of Defense, Attorney General, and Director of the FBI, shall provide a status report to the Assistant to the President for Homeland Security and Counterterrorism on the implementation of this order. That report shall be informed by consultation with stakeholders outside of the United States Government, including former hostages and hostages' families, and shall, to the extent possible, be made available to the public.

Sec. 6. *Definition.* For purposes of this order, the term "U.S. national" means: (a) a U.S. national as defined in either 8 U.S.C. 1101(a)(22) or 8 U.S.C. 1408; or (b) a lawful permanent resident alien with significant ties to the United States.

Sec. 7. *General Provisions.* (a) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law, regulation, Executive Order, or Presidential Directive to any executive department, agency, or head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

37134

Federal Register / Vol. 80, No. 124 / Monday, June 29, 2015 / Presidential Documents

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,
June 24, 2015.

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[Executive Order 14078](#) of July 19, 2022

Bolstering Efforts To Bring Hostages and Wrongfully Detained United States Nationals Home

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Robert Levinson Hostage Recovery and Hostage-taking Accountability Act ([22 U.S.C. 1741 et seq.](#)) (Levinson Act), the International Emergency Economic Powers Act ([50 U.S.C. 1701 et seq.](#)) (IEEPA), the National Emergencies Act ([50 U.S.C. 1601 et seq.](#)) (NEA), section 212(f) of the Immigration and Nationality Act of 1952 ([8 U.S.C. 1182\(f\)](#)), and [section 301 of title 3, United States Code](#),

I, JOSEPH R. BIDEN JR., President of the United States of America, find that hostage-taking and the wrongful detention of United States nationals are heinous acts that undermine the rule of law. Terrorist organizations, criminal groups, and other malicious actors who take hostages for financial, political, or other gain—as well as foreign states that engage in the practice of wrongful detention, including for political leverage or to seek concessions from the United States—threaten the integrity of the international political system and the safety of United States nationals and other persons abroad. I therefore determine that hostage-taking and the wrongful detention of United States nationals abroad constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. I hereby declare a national emergency to deal with this threat.

The United States Government must redouble its efforts at home and with partners abroad to deter these practices and to secure the release of those held as hostages or wrongfully detained. Processes established under [Executive Order 13698](#) of June 24, 2015 (Hostage Recovery Activities) and Presidential Policy Directive 30 of June 24, 2015 (U.S. Nationals Taken Hostage Abroad and Personnel Recovery Efforts) (PPD-30) have facilitated close interagency coordination on efforts to secure the safe release of United States nationals taken hostage abroad, including engagement with the families of hostages and support of diplomatic engagement with partners abroad. This order reinforces the roles, responsibilities, and commitments contained in those directives and seeks to ensure that—as with hostage recovery activities—interagency coordination, family engagement, and diplomatic tools are enshrined in United States Government efforts to secure the safe release and return of United States nationals wrongfully detained by foreign state actors. This order also reinforces tools to deter and to impose tangible consequences on those

responsible for, or complicit in, hostage-taking or the wrongful detention of a United States national abroad.

Accordingly, I hereby order:

Section 1 . [Executive Order 13698](#) and PPD-30 shall continue to apply to United States hostage recovery activities. Nothing in this order shall alter the responsibilities of the Hostage Recovery Fusion Cell (HRFC), the Hostage Response Group (HRG), or the Special Presidential Envoy for Hostage Affairs (SPEHA), established by [Executive Order 13698](#), with respect to hostage recovery activities under [Executive Order 13698](#) or PPD-30. Nor shall this order alter the scope of PPD-30, which applies to both suspected and confirmed hostage-takings in which a United States national is abducted or held outside of the United States, as well as to other hostage-takings occurring abroad in which the United States has a national interest, but (print page 43390) does not apply if a foreign government confirms that it has detained a United States national.

Sec. 2 . (a) The HRG shall, in coordination with the National Security Council's regional directorates as appropriate, convene on a regular basis and as needed at the request of the National Security Council to work to secure the safe release of United States nationals held hostage or wrongfully detained abroad.

(b) The HRG, in support of the Deputies Committee of the National Security Council and consistent with the process outlined in National Security Memorandum 2 of February 4, 2021 (Renewing the National Security Council System), or any successor memorandum, shall:

- (i) identify and recommend options and strategies to the President through the Assistant to the President for National Security Affairs to secure the recovery of hostages or the return of wrongfully detained United States nationals;
- (ii) coordinate the development and implementation of policies, strategies, and procedures for the recovery of hostages or the return of wrongfully detained United States nationals;
- (iii) coordinate and deconflict policy guidance, strategies, and activities that potentially affect the recovery or welfare of United States nationals held hostage or the return or welfare of United States nationals wrongfully detained abroad, including reviewing proposed recovery or return options;
- (iv) receive regular updates from the HRFC, the Office of the SPEHA, and other executive departments and agencies (agencies), as the HRG deems appropriate, on the status of United States nationals being held hostage or wrongfully detained abroad and measures being taken to effect safe releases;

(v) receive regular updates from the Department of State on all new wrongful detention determinations; and

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

Sec. 3 . (a) The SPEHA shall report to the Secretary of State on a regular basis and as needed to advance efforts to secure the safe release of United States nationals wrongfully detained abroad.

(b) The SPEHA shall, as appropriate and consistent with applicable law:

(i) coordinate diplomatic engagements and strategy regarding hostage and wrongful detention cases, in coordination with the HRFC and relevant agencies, as appropriate and consistent with policy guidance communicated through the HRG;

(ii) share information, including information acquired during consular interactions and engagements, regarding wrongful detention cases with relevant agencies to facilitate close interagency coordination;

(iii) draw on the experience and expertise of the HRFC to support efforts to return wrongfully detained United States nationals, including by providing support and assistance to the families of those wrongfully detained;

(iv) develop and regularly update, in coordination with relevant agencies, strategies for wrongful detention cases for review by the HRG;

(v) ensure, in coordination with the Office of the Director of National Intelligence, that relevant agencies have access to necessary information, including intelligence information, on wrongful detention cases to inform strategies and options; and

(vi) share, in coordination with the Office of the Director of National Intelligence, relevant information, including intelligence information, on developments in wrongful detention cases with the families of wrongfully detained United States nationals, in a timely manner, as appropriate and consistent with the protection of sources and methods. (print page 43391)

(c) To ensure that the United States Government provides a coordinated, effective, and supportive response to wrongful detentions, the Secretary of State shall identify adequate resources to enable the SPEHA to:

(i) ensure that all interactions by executive branch officials with the family of a wrongfully detained United States national occur in a coordinated fashion and that the family receives

consistent and accurate information from the United States Government, as appropriate and consistent with applicable law;

(ii) provide support and assistance to wrongfully detained United States nationals and their families throughout their detention, including through coordination with the HRFC, as appropriate and consistent with applicable law; and

(iii) provide support and assistance to United States nationals upon their return to the United States from wrongful detention, including through coordination with the HRFC and the Department of Health and Human Services, as appropriate and consistent with applicable law.

Sec. 4 . The SPEHA, in coordination with the HRG, the HRFC, and relevant agencies, as appropriate, shall identify and recommend options and strategies to the President through the Assistant to the President for National Security Affairs to reduce the likelihood of United States nationals being held hostage or wrongfully detained abroad. The options shall seek to counter and deter hostage-takings and wrongful detentions by terrorist organizations, foreign governments, and other actors by imposing costs on those who participate in, support, or facilitate such conduct. The strategies shall seek to deter any effort to engage in hostage-taking or the wrongful detention of United States nationals abroad through cooperation with like-minded foreign governments and organizations.

Sec. 5 . The Secretary of State shall publicly or privately designate or identify officials of foreign governments who are involved, directly or indirectly, in wrongful detentions, as appropriate and consistent with applicable law, including section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (Division K of [Public Law 117-103](#)).

Sec. 6 . (a) All property and interests in property of the following persons that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(i) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General:

(A) to be responsible for or complicit in, to have directly or indirectly engaged in, or to be responsible for ordering, controlling, or otherwise directing, the hostage-taking of a United States national or the wrongful detention of a United States national abroad;

(B) to have attempted to engage in any activity described in subsection (a)(i)(A) of this section; or

(C) to be or have been a leader or official of an entity that has engaged in, or whose members have engaged in, any of the activities described in subsections (a)(i)(A) or (a)(i)(B) of this section relating to the leader's or official's tenure;

(ii) any foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General:

(A) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of:

(1) any activity described in subsection (a)(i)(A) of this section; or

(2) any person whose property and interests in property are blocked pursuant to this order; (print page 43392)

(B) to be owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order; or

(C) to have attempted to engage in any activity described in subsection (a)(ii)(A) of this section.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order.

Sec. 7 . (a) The unrestricted immigrant and nonimmigrant entry into the United States of noncitizens determined to meet one or more of the criteria set forth in section 6(a) of this order would be detrimental to the interests of the United States, and the entry of such persons into the United States, as immigrants or nonimmigrants, is hereby suspended, except when the Secretary of State or the Secretary of Homeland Security, as appropriate, determines that the person's entry would not be contrary to the interests of the United States, including when the Secretary of State or the Secretary of Homeland Security, as appropriate, so determines, based on a recommendation of the Attorney General, that the person's entry would further important United States law enforcement objectives.

(b) The Secretary of State shall implement this authority as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish.

(c) The Secretary of Homeland Security shall implement this order as it applies to the entry of noncitizens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish.

(d) Such persons shall be treated by this section in the same manner as persons covered by section 1 of Proclamation 8693 of July 24, 2011 (Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions).

Sec. 8 . I hereby determine that the making of donations of the types of articles specified in section 203(b)(2) of IEEPA ([50 U.S.C. 1702\(b\)\(2\)](#)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order would seriously impair my ability to deal with the national emergency declared in this order, and I hereby prohibit such donations as provided by section 6 of this order.

Sec. 9 . (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 10 . For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to section 6 of this order.

Sec. 11 . The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All agencies of the United States Government shall take all appropriate measures within their authority to carry out the provisions of this order. (print page 43393)

Sec. 12 . Nothing in this order shall prohibit transactions for the conduct of the official business of the United States Government by employees, grantees, or contractors thereof.

Sec. 13 . The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to submit recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA ([50 U.S.C. 1642\(c\)](#)) and section 204(c) of IEEPA ([50 U.S.C. 1703\(c\)](#)).

Sec. 14 . For purposes of this order:

(a) the term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(b) the term “foreign person” means any citizen or national of a foreign state (including any such individual who is also a citizen or national of the United States, provided such individual does not reside in the United States) or any entity not organized solely under the laws of the United States or existing solely in the United States;

(c) the term “hostage-taking” has the same meaning as provided in PPD-30, which is the unlawful abduction or holding of a person or persons against their will in order to compel a third person or governmental organization to do or to abstain from doing any act as a condition for the release of the person detained;

(d) the term “noncitizen” means any person who is not a citizen or noncitizen national of the United States;

(e) the term “person” means an individual or entity;

(f) the term “United States national” means:

(i) a “national of the United States” as defined in [8 U.S.C. 1101\(a\)\(22\)](#) or [8 U.S.C. 1408](#); or

(ii) a lawful permanent resident with significant ties to the United States;

(g) the term “United States person” means any United States citizen, lawful permanent resident, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States; and

(h) the term “wrongful detention” means a detention that the Secretary of State has determined to be wrongful consistent with section 302(a) of the Levinson Act.

Sec. 15 . (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(print page 43394)

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE, July 19, 2022. Filed 7-20-22; 8:45 am]

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The White House

Office of the Press Secretary

For Immediate Release

June 24, 2015

Presidential Policy Directive -- Hostage Recovery Activities

PRESIDENTIAL POLICY DIRECTIVE/PPD-30

SUBJECT: U.S. Nationals Taken Hostage Abroad and Personnel Recovery Efforts

The 21st century has witnessed a significant shift in hostage-takings by terrorist organizations and criminal groups abroad. Hostage-takers frequently operate in unstable environments that challenge the ability of the United States Government and its partners and allies to operate effectively. Increasingly, hostage-takers target private citizens -- including journalists and aid workers -- as well as Government officials. They also utilize sophisticated networks and tactics to derive financial, propaganda, and recruitment benefits from hostage-taking operations. The United States Government's response to hostage-takings must evolve with this ever-changing landscape.

This Presidential Policy Directive (PPD), including its classified annex, supersedes and revokes NSPD-12, United States Citizens Taken Hostage Abroad, dated February 18, 2002, along with Annex 1 and Appendix A to NSPD-12, dated December 4, 2008. The policy directs a renewed, more agile United States Government response to hostage-takings of U.S. nationals and other specified individuals abroad. It establishes processes to enable consistent implementation of the policies set forth in this directive, to ensure close interagency coordination in order to employ all appropriate means to recover U.S. hostages held abroad, and to significantly enhance engagement with hostages' families. It also reaffirms the United States Government's personnel recovery policy, which seeks to prevent, prepare for, and respond to hostage-takings and other circumstances in which U.S. nationals are isolated from friendly support. This policy will

thereby further important national security and foreign policy interests by strengthening the protections for U.S. nationals outside the United States.

1. Policy

The United States is committed to achieving the safe and rapid recovery of U.S. nationals taken hostage outside the United States. The United States Government will work in a coordinated effort to leverage all instruments of national power to recover U.S. nationals held hostage abroad, unharmed.

The United States Government will strive to counter and diminish the global threat of hostage-taking; reduce the likelihood of U.S. nationals being taken hostage; and enhance United States Government preparation to maximize the probability of a favorable outcome following a hostage-taking.

The United States will use every appropriate resource to gain the safe return of U.S. nationals who are held hostage. But the United States Government will make no concessions to individuals or groups holding U.S. nationals hostage. It is United States policy to deny hostage-takers the benefits of ransom, prisoner releases, policy changes, or other acts of concession. This policy protects U.S. nationals and strengthens national security by removing a key incentive for hostage-takers to target U.S. nationals, thereby interrupting the vicious cycle of hostage-takings, and by helping to deny terrorists and other malicious actors the money, personnel, and other resources they need to conduct attacks against the United States, its nationals, and its interests. However, this policy does not preclude engaging in communications with hostage-takers. For example, when appropriate the United States may assist private efforts to communicate with hostage-takers, whether directly or through public or private intermediaries, and the United States Government may itself communicate with hostage-takers, their intermediaries, interested governments, and local communities to attempt to secure the safe recovery of the hostage.

The taking of a U.S. national hostage abroad is a violation of Federal law, and the United States Government is committed to prosecuting and punishing individuals and

groups responsible for hostage-taking and related crimes committed against U.S. nationals.

The United States Government will endeavor to work closely with a hostage's family in a coordinated manner and will proactively share as much information as possible with the family, mindful of the need to protect the safety of the hostage, the integrity of any recovery efforts, any ongoing criminal investigation, and intelligence sources and methods. The United States Government will also provide assistance and support services to help hostages and their families cope with the effects of the hostage-taking during the period of captivity, through the resolution of the hostage event, and throughout any prosecution of the hostage-takers.

2. Prevention and Preparation

The United States Government will take steps to decrease the likelihood that U.S. nationals will be taken hostage abroad. To that end, the Department of State shall continue to assess the threat and security risk for travel outside of the United States and provide safety and security information for U.S. nationals and U.S. organizations operating abroad. Departments and agencies shall also support engagements with private entities that raise awareness of the risk of hostage-taking and identify best practices for preventing hostage-takings abroad.

The United States Government will lead international efforts to counter, marginalize, and deter hostage-taking by increasing the costs to hostage-takers and eliminating the benefits of hostage-taking. This shall include engagement with foreign governments, international organizations, and other relevant nongovernmental organizations to encourage them to adopt and implement no-concessions policies and statements and to seek commitments to defeat and punish hostage-takers and their aiders and abettors. The United States Government shall also seek to deter the practice of hostage-taking through aggressive interdiction, investigation, and prosecution of hostage-taking and related violations of U.S. law, as well as through sanctions designations, as appropriate.

The safe conduct of Federal business and duties abroad requires both an effective personnel recovery infrastructure and a coordinated response capability to resolve

hostage-takings and similar events. The United States Government will leverage educational and training resources to help decrease the vulnerability of United States Government officials and employees working abroad. Each department and agency with overseas responsibilities shall inform its employees of U.S. policy regarding hostage-takings, and provide personnel recovery preparation, education, and training programs to help their employees understand the risk environment, evade capture, survive captivity, minimize their vulnerability to exploitation, and enable their recovery from a threat environment. Departments and agencies shall also implement individual and organizational protective security measures and ensure there are interoperable systems of communications and support for the accountability of United States Government employees. Each department and agency shall leverage existing programs or develop new ones to offer tailored training for those employees who will participate in response management when U.S. nationals are taken hostage abroad.

Under the direction of the Chief of Mission, United States Government officials shall establish and strengthen relationships and information-sharing with partner nations, including their respective diplomatic, military, intelligence, and law enforcement counterparts, to pursue opportunities to build hostage and personnel recovery capacity through security cooperation. The United States Government shall establish dialogues with foreign counterparts about hostage and personnel recovery training and local capabilities. The United States will also work with international organizations and the private sector, as appropriate, to resolve ongoing hostage events and to prevent future hostage-takings.

When appropriate, the United States may provide training, equipment, advice, and intelligence support to foreign governments to aid them in achieving the capability to safely recover, or to assist in the safe recovery of, U.S. nationals held hostage and to hold perpetrators accountable. Unless otherwise directed by the President, all such efforts and activities will be coordinated among the relevant Federal departments and agencies and with the Department of State. This assistance may be provided by appropriate departments and agencies through existing programs, within and consistent with existing legal authorities.

3. United States Government Coordination in Support of Hostage Recovery

The United States Government shall work diligently to achieve the safe recovery of U.S. nationals held hostage abroad. The United States Government's response -- which may include diplomatic outreach, intelligence collection, and investigations in support of developing further options, recovery operations, and the use of any other lawful and appropriate tools -- will depend on many factors. When considering how to respond to a hostage situation, the United States Government shall undertake those options that are most likely to secure the hostage's safe release; deter future hostage-taking of U.S. nationals and combat the financing of terrorist and other criminal enterprises; and protect other U.S. national security interests. The United States Government shall endeavor to work with the nation in which a U.S. national is being held hostage, including supporting that nation's efforts to recover the hostage. However, in extraordinary circumstances, the United States Government may also act unilaterally to protect its nationals and national interests.

The taking of a U.S. national hostage abroad requires a rapid, coordinated response from the United States Government. The Hostage Response Group (HRG), in support of the National Security Council (NSC) Deputies and Principals Committees, and accountable to the NSC chaired by the President, shall coordinate the development and implementation of United States Government policy and strategy with respect to U.S. nationals taken hostage abroad. The interagency Hostage Recovery Fusion Cell (HRFC), in support of the HRG, shall coordinate United States Government efforts to ensure that all relevant department and agency information, expertise, and resources are brought to bear to develop individualized strategies to secure the safe recovery of U.S. nationals held hostage abroad.

The Special Presidential Envoy for Hostage Affairs, who shall report to the Secretary of State, shall lead diplomatic engagement on U.S. hostage policy as well as coordinate all diplomatic engagements in support of hostage recovery efforts, in coordination with the HRFC and consistent with policy guidance communicated through the HRG. United States Embassies that have established Personnel Recovery Working Groups or other interagency bodies to coordinate overseas activities in response to a hostage-taking

shall ensure that those bodies operate pursuant to policy guidance provided by the HRG and in coordination with the HRFC and with the Special Presidential Envoy for Hostage Affairs.

a. Hostage Response Group (HRG)

The HRG shall be chaired by the Special Assistant to the President and Senior Director for Counterterrorism and shall convene on a regular basis and as needed at the request of the National Security Council. Its regular members shall include the director of the HRFC, the HRFC's Family Engagement Coordinator, and senior representatives from the Department of State, Department of the Treasury, Department of Defense, Department of Justice, Federal Bureau of Investigation, Office of the Director of National Intelligence, and such other executive branch departments, agencies, or offices as the President, from time to time, may designate.

In support of the Deputies Committee chaired by the Assistant to the President for Homeland Security and Counterterrorism, the HRG shall: (1) identify and recommend hostage recovery options and strategies to the President through the National Security Council; (2) coordinate the development and implementation of U.S. hostage and personnel recovery policies, strategies, and procedures, consistent with the policies set forth in this directive; (3) receive regular updates from the HRFC on the status of U.S. nationals being held hostage abroad and measures being taken to effect the hostages' safe recovery; (4) coordinate the provision of policy guidance to the HRFC, including reviewing recovery options proposed by the HRFC and resolving disputes within the HRFC; and (5) where higher-level guidance is required, make recommendations to the Deputies Committee.

b. Hostage Recovery Fusion Cell (HRFC)

The HRFC shall serve as the United States Government's dedicated interagency coordinating body at the operational level for the recovery of U.S. national hostages abroad. The HRFC shall: (1) identify and recommend hostage recovery options and strategies to the President through the NSC; (2) coordinate efforts by participating departments and agencies to ensure that information regarding hostage events,

including potential recovery options and engagements with families and external actors (to include foreign governments), is appropriately shared within the United States Government to facilitate a coordinated response to a hostage-taking; (3) assess and track all hostage-takings of U.S. nationals abroad and provide regular reports to the President through the NSC on the status of such cases and any measures being taken toward the hostages' safe recovery; (4) provide a forum for intelligence sharing and, with the support of the Director of National Intelligence, coordinate the declassification of relevant information; (5) coordinate efforts by participating departments and agencies to provide appropriate support and assistance to hostages and their families in a coordinated and consistent manner and to provide families with timely information regarding significant events in their cases; (6) make recommendations to executive departments and agencies in order to reduce the likelihood of U.S. nationals being taken hostage abroad and enhance United States Government preparation to maximize the probability of a favorable outcome following a hostage-taking; and (7) coordinate with departments and agencies regarding congressional, media, and other public inquiries pertaining to hostage events.

Upon receipt of credible information that a U.S. national has been taken hostage or has been reported missing in a region where hostage-taking is a significant threat, any department or agency with such information shall report that information, along with any action already taken or anticipated in response, to the HRFC and the relevant Chiefs of Mission. If, at any point in a given hostage event, the HRFC has reason to believe that a U.S. national is being held hostage by an entity or individual designated as a Foreign Terrorist Organization or designated for sanctions by the President, Secretary of State, or Secretary of the Treasury, the HRFC Director shall promptly inform the HRG of the designated individual or entity involved and the circumstances of the hostage-taking.

c. Special Presidential Envoy for Hostage Affairs

The Special Presidential Envoy for Hostage Affairs (Special Envoy) shall report to the Secretary of State and shall: (1) lead diplomatic engagement on U.S. hostage policy; (2) coordinate all diplomatic engagements in support of hostage recovery efforts, in coordination with the HRFC and consistent with policy guidance communicated through

the HRG; (3) coordinate with the HRFC proposals for diplomatic engagements and strategy in support of hostage recovery efforts; (4) provide senior representation from the Special Envoy's office to the HRFC and in the HRG; and (5) in coordination with the HRFC as appropriate, coordinate diplomatic engagements regarding cases in which a foreign government confirms that it has detained a U.S. national but the United States Government regards such detention as unlawful or wrongful.

4. Family and Hostage Engagement

The United States Government will treat all families and hostages equitably and fairly while respecting their dignity and privacy. All interactions with the family should be undertaken with the utmost professionalism, empathy, and sensitivity to the psychological and emotional disruption the family is experiencing and should be informed by the family's needs, wishes, and rights.

The HRFC, through the Family Engagement Coordinator, shall ensure that all interactions with a hostage's family occur in a coordinated fashion and that the family receives consistent and accurate information from the United States Government. The Family Engagement Coordinator shall ensure that all communications between United States Government officials and a hostage's family are coordinated to ensure consistent follow-up on questions and requests, and to ensure that any relevant background regarding the family's particular needs is taken into consideration.

The United States Government shall provide the hostage and his or her family with appropriate assistance and support services, including legally mandated crime victims' rights and services, to help them cope with the physical, emotional, and financial impact of a hostage-taking. United States Government officials shall, subject to the family's wishes, maintain regular contact with the family and ensure continuity of care. As appropriate to meet individual needs, United States Government officials may refer hostages and their families to nongovernmental assistance organizations.

The United States Government will share with a hostage's family as much information as possible, mindful of the reliability and credibility of information provided and the need to protect the safety of the hostage, the integrity of any recovery efforts, any ongoing

criminal investigation, and intelligence sources and methods. United States Government officials shall communicate to the family, to the greatest extent possible, information about the circumstances of the hostage's abduction and captivity, what options for the safe recovery of the hostage the United States Government is pursuing, information about relevant law and policy, and the roles and responsibilities of United States Government departments and agencies involved in recovering the hostage. When consistent with each family's preferences and the circumstances of the hostage event, the HRFC shall coordinate efforts by relevant departments and agencies to ensure that the family receives a full informational briefing. The United States Government shall share with the family relevant information, including by making proactive efforts to declassify relevant information or providing unclassified summaries.

The United States Government shall continue to offer appropriate assistance and support services to a hostage and the hostage's family after recovery and through any prosecution of the hostage-takers, consistent with the policies set forth in this directive. The HRFC shall coordinate the delivery of such support services by relevant departments and agencies, including proactive planning for any post-recovery support services that will be provided to a hostage, as appropriate. In the event of a hostage's death in captivity or in the course of a recovery effort, the HRFC shall also coordinate efforts by relevant departments and agencies to ensure that they provide coordinated assistance and support services to the hostage's family.

5. Intelligence Support

The Director of National Intelligence shall provide for centralized management of hostage-related intelligence in order to coordinate the Intelligence Community's efforts on hostage-takings and provide synchronized intelligence support to the HRFC. The Intelligence Community shall make proactive efforts to declassify relevant and reliable information or provide unclassified summaries to a hostage's family.

The Intelligence Community shall maintain the capability to provide intelligence collection and analysis support to allow the United States Government to respond to hostage-takings of U.S. nationals abroad. Moreover, the collection, processing, analysis, and dissemination of intelligence related to hostage-taking incidents shall be a

priority for the Intelligence Community when such an incident occurs. In order to improve the United States Government's response capability, departments and agencies shall leverage appropriate intelligence support to pursue diplomatic, military, and law enforcement actions in response to a hostage-taking. Consistent with other provisions in this policy, United States Government departments and agencies may work with private entities to further United States Government interests to locate and recover Americans held hostage abroad, including entities that may assist in gathering or establishing sources of information.

6. Prosecution

The investigation and prosecution of hostage-takers is an important means of deterring future acts of hostage-taking and ensuring that hostage-takers are brought to justice. The United States shall diligently seek to ensure that hostage-takers of U.S. nationals are arrested, prosecuted, and punished through a due process criminal justice system in the United States or abroad for crimes related to the hostage-taking.

The United States has jurisdiction over the taking of a U.S. national hostage abroad, as well as over other criminal acts that may be committed against the hostage, and the Department of Justice will seek to prosecute hostage-taking of U.S. nationals and related violations of U.S. law in the U.S. court system whenever possible. The Federal Bureau of Investigation shall investigate violations of U.S. law and shall collect evidence and conduct forensics in furtherance of a potential prosecution, consistent with its statutory authorities and, where applicable, the permission of the foreign government in whose territory it is operating.

The HRFC shall coordinate efforts by relevant departments and agencies to ensure that all relevant material and information acquired by the United States Government in the course of a hostage-taking event is made available for use in the effort to recover the hostage and, where possible and consistent with that goal, is managed in such a way as to allow its use in an ongoing criminal investigation or prosecution.

The United States Government shall work with foreign governments to apprehend hostage-takers in their territory. In coordination with one another, the Department of

State, Department of Justice, and Department of the Treasury shall engage with foreign governments to seek commitments to punish hostage-takers and their aiders and abettors. In coordinating with the Department of State, relevant departments and agencies should also work to develop the capacity of partner nations, through technical assistance and training in best practices, to collect intelligence for use in hostage recovery efforts while preserving, when possible, opportunities for a criminal prosecution by the United States or the relevant nation.

7. General Provisions

For the purposes of this directive, hostage-taking is defined as the unlawful abduction or holding of a person or persons against their will in order to compel a third person or governmental organization to do or abstain from doing any act as a condition for the release of the person detained. This directive applies to both suspected and confirmed hostage-takings in which a U.S. national, as defined in either 8 U.S.C. 1101(a)(22) or 8 U.S.C. 1408, or a lawful permanent resident alien with significant ties to the United States is abducted or held outside of the United States. This directive shall also apply to other hostage-takings occurring abroad in which the United States has a national interest, such as (but not limited to) hostage-takings of individuals who are not U.S. nationals but who have close links through family, employment, or other connections to the United States, as specifically referred to the HRFC by the Deputies Committee. This directive does not apply if a foreign government confirms that it has detained a U.S. national; such cases are handled by the Department of State in coordination with other relevant departments and agencies. In dealing with such cases, however, the Department of State may draw on the full range of experience and expertise of the HRFC as appropriate, including the HRFC's Family Engagement Coordinator's proficiency in providing and ensuring professionalism, empathy, and sensitivity to the psychological and emotional distress experienced by families in such cases. Additionally, the U.S. response to the detention of U.S. military personnel by non-state forces in the context of armed conflict should, in appropriate circumstances, be informed by the law of war.

This directive does not alter the authorities or requirements applicable to Federal departments and agencies under the Constitution, Federal statutes, or Executive Orders or, except as set forth herein, alter any existing Presidential Directives. This directive does not expand the scope of services otherwise available to lawful permanent resident aliens pursuant to departments' and agencies' existing authorities.

This directive is consistent with and intended to be guided by the NSC process, as described in Presidential Policy Directive/PPD 1 of February 13, 2009, or any successor to PPD 1.

Each department or agency shall review this directive and ensure that its own policies and procedures are consistent with the policies set forth herein.

This directive is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

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;

2550

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;

2551

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-

2552

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

2553

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;

2554

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

2555

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.

2556

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—

2557

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

2558

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

2559

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-

2560

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-

2561

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).

2562

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

2563

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

2564

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.

2565

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

2566

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.

2567

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

(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

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

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

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

21 Congress makes the following findings:

December 21, 2020 (7:54 a.m.)

SEC. 102. NOTIFICATION TO CONGRESS FOR UNITED STATES NATIONALS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD.

Section 302 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act ([22 U.S.C. 1741](#)) is amended—

(1) in subsection (a), by inserting “, as expeditiously as possible,” after “review”; and

(2) by amending subsection (b) to read as follows:

“(b) *REFERRALS TO SPECIAL ENVOY; NOTIFICATION TO CONGRESS.*—

“(1) *IN GENERAL.*—Upon a determination by the Secretary of State, based on the totality of the circumstances, that there is credible information that the detention of a United States national abroad is unlawful or wrongful, and regardless of whether the detention is by a foreign government or a nongovernmental actor, the Secretary shall—

“(A) expeditiously transfer responsibility for such case from the Bureau of Consular Affairs of the Department of State to the Special Envoy for Hostage Affairs; and

“(B) not later than 14 days after such determination, notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of such determination and provide such committees with a summary of the facts that led to such determination.

“(2) *FORM.*—The notification described in paragraph (1)(B) may be classified, if necessary.”.

SEC. 103. FAMILY ENGAGEMENT COORDINATOR.

Section 303 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act ([22 U.S.C. 1741a](#)) is amended by adding at the end the following:

“(d) *FAMILY ENGAGEMENT COORDINATOR.*—There shall be, in the Office of the Special Presidential Envoy for Hostage Affairs, a Family Engagement Coordinator, who shall ensure—

“(1) for a United States national unlawfully or wrongfully detained abroad, that—

“(A) any interaction by executive branch officials with any family member of such United States national occurs in a coordinated fashion;

“(B) such family member receives consistent and accurate information from the United States Government; and

“(C) appropriate coordination with the Family Engagement Coordinator described in section 304(c)(2); and

“(2) for a United States national held hostage abroad, that any engagement with a family member is coordinated with, consistent with, and not duplicative of the efforts of the Family Engagement Coordinator described in section 304(c)(2).”.