

118TH CONGRESS
2D SESSION

H. R. 10255

To provide the United States Government with additional tools to deter state and non-state actors from wrongfully detaining United States nationals for political leverage, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 2024

Ms. STEVENS (for herself and Mr. HILL) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide the United States Government with additional tools to deter state and non-state actors from wrongfully detaining United States nationals for political leverage, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Countering Wrongful Detention Act of 2024”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DETECTING AND PREVENTING UNLAWFUL OR
 WRONGFUL DETENTION

Sec. 101. Designation of a foreign country as a State Sponsor of Unlawful or
 Wrongful Detention.

Sec. 102. Options and strategies for reducing likelihood of United States na-
 tionals being unlawfully or wrongfully detained or taken hos-
 tage.

Sec. 103. Additional funding for sanctions implementation.

Sec. 104. Enhancing United States travel advisories.

Sec. 105. Required certification regarding international travel advisories.

Sec. 106. Privacy Act written consent and passport renewals.

TITLE II—STRENGTHENING PROCESSES AND SERVICES FOR
 HOSTAGES AND UNLAWFUL OR WRONGFUL DETAINEES

Sec. 201. Timeline for unlawful or wrongful detention determinations.

Sec. 202. Declarations of invalidity.

Sec. 203. Advisory Council on Hostage Taking and Unlawful or Wrongful De-
 tention.

Sec. 204. Chairmanship of the Hostage Response Group.

3 **TITLE I—DETECTING AND PRE-**
 4 **VENTING UNLAWFUL OR**
 5 **WRONGFUL DETENTION**

6 **SEC. 101. DESIGNATION OF A FOREIGN COUNTRY AS A**
 7 **STATE SPONSOR OF UNLAWFUL OR WRONG-**
 8 **FUL DETENTION.**

9 The Robert Levinson Hostage Recovery and Hostage-
 10 Taking Accountability Act (22 U.S.C. 1741 et seq.) is
 11 amended by inserting after section 306 the following:

1 **“SEC. 306A. DESIGNATION OF A FOREIGN COUNTRY AS A**
2 **STATE SPONSOR OF UNLAWFUL OR WRONG-**
3 **FUL DETENTION.**

4 “(a) IN GENERAL.—The Secretary of State, in con-
5 sultation with the heads of other relevant Federal agen-
6 cies, may designate a foreign country that has provided
7 support for or directly engaged in the unlawful or wrong-
8 ful detention of a United States national as a State Spon-
9 sor of Unlawful or Wrongful Detention based on any of
10 the following criteria:

11 “(1) The unlawful or wrongful detention of a
12 United States national occurs in the foreign country.

13 “(2) The government of the foreign country has
14 failed to release an unlawfully or wrongfully detained
15 United States national after having been notified by
16 the Department of State.

17 “(3) Actions taken by the government of the
18 foreign country indicate that the government is re-
19 sponsible for, complicit in, or materially supports the
20 unlawful or wrongful detention of a United States
21 national, including by acting as described in para-
22 graph (2) after having been notified by the Depart-
23 ment of State.

24 “(4) The actions of a state or nonstate actor in
25 the foreign country, including any previous action
26 relating to unlawful or wrongful detention or hostage

1 taking of a United States national, pose a risk to
2 the safety and security of United States nationals
3 abroad sufficient to warrant designation of the for-
4 eign country as a State Sponsor of Unlawful or
5 Wrongful Detention, as determined by the Secretary.

6 “(b) TERMINATION OF DESIGNATION.—The Sec-
7 retary may terminate the designation of a foreign country
8 under subsection (a) if the Secretary certifies to Congress
9 that the government of the foreign country—

10 “(1) has released the United States nationals
11 unlawfully or wrongfully detained within the terri-
12 tory of the foreign country;

13 “(2) has positively contributed to the release of
14 United States nationals taken hostage within the
15 territory of the foreign country or from the custody
16 of a nonstate entity;

17 “(3) has demonstrated changes in leadership or
18 policies with respect to unlawful or wrongful deten-
19 tion and hostage taking; or

20 “(4) has provided assurances that the govern-
21 ment of the foreign country will not engage or be
22 complicit in or support acts described in subsection
23 (a).

24 “(c) BRIEFING AND REPORTS TO CONGRESS; PUBLI-
25 CATION.—

1 “(1) REPORTS TO CONGRESS.—

2 “(A) IN GENERAL.—The Secretary shall
3 submit to Congress a report on—

4 “(i) each designation of a foreign
5 country as a State Sponsor of Unlawful or
6 Wrongful Detention under subsection (a)
7 not later than 5 days after such designa-
8 tion is made; and

9 “(ii) each termination of a designation
10 under subsection (b) not later than 30
11 days after such termination is made.

12 “(B) ELEMENTS.—

13 “(i) DESIGNATION REPORT.—In each
14 report submitted under subparagraph
15 (A)(i) with respect to the designation of a
16 foreign country as a State Sponsor of Un-
17 lawful or Wrongful Detention, the Sec-
18 retary shall include—

19 “(I) the justification for the des-
20 ignation; and

21 “(II) a description of any action
22 taken by the United States Govern-
23 ment, including the Secretary of State
24 or the head of any other relevant Fed-
25 eral agency, in response to the des-

1 ignation to deter the unlawful or
2 wrongful detention or hostage-taking
3 of foreign nationals in the country.

4 “(ii) TERMINATION REPORT.—In each
5 report submitted under clause (i)(II) with
6 respect to the termination of a designation
7 of a foreign country as a State Sponsor of
8 Unlawful or Wrongful Detention, the Sec-
9 retary shall provide the justification for the
10 termination, including the factor described
11 in subsection (b) that supports the termi-
12 nation.

13 “(2) BRIEFING REQUIRED.—Not later than 60
14 days after the date of the enactment of this section,
15 the Secretary shall brief Congress on the following:

16 “(A) Whether any of the following coun-
17 tries should be designated as a State Sponsor
18 of Unlawful or Wrongful Detention under sub-
19 section (a):

20 “(i) Afghanistan.

21 “(ii) Eritrea.

22 “(iii) The Islamic Republic of Iran.

23 “(iv) The People’s Republic of China.

24 “(v) The Russian Federation.

25 “(vi) Syria.

1 “(vii) Venezuela under the regime of
2 Nicolás Maduro.

3 “(B) The steps taken by the Secretary of
4 State and the heads of other relevant Federal
5 agencies to deter the unlawful and wrongful de-
6 tention of United States nationals and to re-
7 spond to such detentions, including—

8 “(i) any engagement with private sec-
9 tor search engine companies to optimize
10 the distribution of travel advisories; and

11 “(ii) any engagement with private
12 tourism companies responsible for pro-
13 moting travel to foreign countries engaged
14 in the unlawful or wrongful detention of
15 United States nationals.

16 “(C) An assessment of a possible expan-
17 sion of chapter 97 of title 28, United States
18 Code (commonly known as the ‘Foreign Sov-
19 ereign Immunities Act of 1976’) to include an
20 exception from asset seizure immunity for State
21 Sponsors of Unlawful or Wrongful Detention.

22 “(D) A detailed plan on the manner by
23 which a geographic travel restriction could be
24 instituted against State Sponsors of Unlawful
25 or Wrongful Detention.

1 “(E) The progress made in multilateral
2 fora, including the United Nations and other
3 international organizations, to address the un-
4 lawful and wrongful detention of United States
5 nationals, in addition to nationals of partners
6 and allies of the United States in foreign coun-
7 tries.

8 “(3) BRIEFING.—Not later than 1 year after
9 the date of the enactment of this Act, and annually
10 thereafter for 5 years, the Assistant Secretary of
11 State for Consular Affairs and the Special Presi-
12 dential Envoy for Hostage Affairs shall brief the ap-
13 propriate congressional committees on the countries
14 listed under paragraph (2)(A) and actions taken by
15 the Secretary of State and the heads of other rel-
16 evant Federal agencies to deter the wrongful deten-
17 tion of United States nationals, including any steps
18 taken in accordance with paragraph (2)(B).

19 “(4) PUBLICATION.—The Secretary shall make
20 available on a publicly accessible website of the De-
21 partment of State, and regularly update, a list of
22 foreign countries designated as State Sponsors of
23 Unlawful or Wrongful Detention under subsection
24 (a).

1 “(d) REVIEW OF AVAILABLE RESPONSES TO STATE
2 SPONSORS OF UNLAWFUL OR WRONGFUL DETENTION.—
3 Upon designation of a foreign country as a State Sponsor
4 of Unlawful or Wrongful Detention under subsection (a),
5 the Secretary, in consultation with the heads of other rel-
6 evant Federal agencies, shall conduct a comprehensive re-
7 view of the use of existing authorities to respond to and
8 deter the unlawful or wrongful detention of United States
9 nationals in the foreign country, including—

10 “(1) sanctions available under the International
11 Emergency Economic Powers Act (50 U.S.C. 1701
12 et seq.);

13 “(2) visa restrictions available under section
14 7031(e) of the Department of State, Foreign Oper-
15 ations, and Related Programs Appropriations Act,
16 2024 (division F of Public Law 118–47; 8 U.S.C.
17 1182 note) or any other provision of Federal law;

18 “(3) sanctions available under the Immigration
19 and Nationality Act (8 U.S.C. 1101 et seq.);

20 “(4) imposition of a geographic travel restric-
21 tion on citizens of the United States;

22 “(5) restrictions on assistance provided to the
23 government of the country under the Foreign Assist-
24 ance Act of 1961 (22 U.S.C. 2151 et seq.) or any
25 other provision of Federal law;

1 “(6) restrictions on the export of certain goods
2 to the country under the Arms Export Control Act
3 (22 U.S.C. 2751 et seq.), the Export Control Re-
4 form Act of 2018 (50 U.S.C. 4801 et seq.), or any
5 other Federal law; and

6 “(7) designating the government of the country
7 as a government that has repeatedly provided sup-
8 port for acts of international terrorism pursuant
9 to—

10 “(A) section 1754(c)(1)(A)(i) of the Ex-
11 port Control Reform Act of 2018 (50 U.S.C.
12 4813(c)(1)(A)(i));

13 “(B) section 620A of the Foreign Assist-
14 ance Act of 1961 (22 U.S.C. 2371);

15 “(C) section 40(d) of the Arms Export
16 Control Act (22 U.S.C. 2780(d)); or

17 “(D) any other provision of law.

18 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed to imply that the United States
20 Government formally recognizes any particular country or
21 the government of such country as legitimate.”.

1 **SEC. 102. OPTIONS AND STRATEGIES FOR REDUCING LIKE-**
2 **LIHOOD OF UNITED STATES NATIONALS**
3 **BEING UNLAWFULLY OR WRONGFULLY DE-**
4 **TAINED OR TAKEN HOSTAGE.**

5 The Robert Levinson Hostage Recovery and Hostage-
6 Taking Accountability Act (22 U.S.C. 1741 et seq.) is
7 amended by inserting after section 305 the following:

8 **“SEC. 305A. REPORT ON STRATEGIES FOR REDUCING LIKE-**
9 **LIHOOD OF UNITED STATES NATIONALS**
10 **BEING UNLAWFULLY OR WRONGFULLY DE-**
11 **TAINED OR TAKEN HOSTAGE.**

12 “Not later than 60 days after the date of the enact-
13 ment of the Countering Wrongful Detention Act of 2024,
14 the Special Presidential Envoy for Hostage Affairs, in co-
15 ordination with the Hostage Recovery Fusion Cell, the
16 Hostage Response Group, and relevant agencies, as appro-
17 priate, shall submit to the President and the appropriate
18 congressional committees a report that identifies and rec-
19 ommends options and strategies to reduce the likelihood
20 of United States nationals being unlawfully or wrongfully
21 detained abroad or taken hostage.”.

22 **SEC. 103. ADDITIONAL FUNDING FOR SANCTIONS IMPLE-**
23 **MENTATION.**

24 There are authorized to be appropriated to the Sec-
25 retary of State and the Secretary of the Treasury for fiscal
26 year 2026 \$2,000,000 to implement the sanctions authori-

1 ties provided by section 306 of the Robert Levinson Hos-
2 tage Recovery and Hostage-Taking Accountability Act (22
3 U.S.C. 1741d) and Executive Order 14078 (22 U.S.C.
4 1741 note prec.; relating to bolstering efforts to bring hos-
5 tages and wrongfully detained United States nationals
6 home).

7 **SEC. 104. ENHANCING UNITED STATES TRAVEL**
8 **ADVISORIES.**

9 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
10 authorized to be appropriated \$2,000,000 to the Assistant
11 Secretary of State for Consular Affairs to expend on travel
12 advisory advertisement campaigns regarding travel made
13 by United States nationals to countries under Level 4 “Do
14 Not Travel” advisories issued by the Department of State
15 Travel Advisory System.

16 (b) **BRIEFING.**—If less than the \$2,000,000 author-
17 ized in subsection (a) is expended on travel advisory adver-
18 tisement campaigns during fiscal year 2025, the Assistant
19 Secretary of State for Consular Affairs shall brief Con-
20 gress on the justification of the amount expended for such
21 purpose.

1 **SEC. 105. REQUIRED CERTIFICATION REGARDING INTER-**
2 **NATIONAL TRAVEL ADVISORIES.**

3 (a) IN GENERAL.—Chapter 423 of title 49, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 42309. Required certification regarding inter-**
7 **national travel advisories**

8 “(a) IN GENERAL.—An air carrier, foreign air car-
9 rier, or ticket agent who sells, in the United States, a tick-
10 et for foreign air transportation of a passenger to a coun-
11 try or other geographic area with a ‘D’ or ‘K’ indicator
12 issued by the Department of State Travel Advisory Sys-
13 tem shall require the passenger listed on the ticket to cer-
14 tify that the passenger—

15 “(1) has reviewed the travel advisory of the De-
16 partment of State applicable to such country or
17 other geographic area; and

18 “(2) understands the risks involved with trav-
19 eling to such country or other geographic area.

20 “(b) DEFINITIONS.—For purposes of this section:

21 “(1) ‘D’ INDICATOR.—The term “‘D’ indi-
22 cator’ means a travel advisory issued by the Depart-
23 ment of State that indicates a risk of wrongful de-
24 tention of a United States national.

25 “(2) ‘K’ INDICATOR.—The term “‘K’ indi-
26 cator’ means a travel advisory issued by the Depart-

1 ment of State that indicates a criminal or terrorist
2 individual or group has threatened to seize, detain,
3 kill, or injure individuals (or has seized, detained,
4 killed, or injured individuals) to compel a third party
5 (including a governmental organization) to meet cer-
6 tain requirements as a condition of release.”.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 423 of title 49, United States Code, is amended by
9 inserting after the item relating to section 42308 the fol-
10 lowing:

“42309. Required certification regarding international travel advisories.”.

11 **SEC. 106. PRIVACY ACT WRITTEN CONSENT AND PASSPORT**
12 **RENEWALS.**

13 (a) REQUIREMENT TO INCLUDE TRAVEL ADVISORY
14 INFORMATION ON UNITED STATES PASSPORTS.—Section
15 6103 of the Department of State Authorization Act of
16 2023 (division F of Public Law 118–31; 22 U.S.C. 211a
17 note) is amended, in the matter preceding paragraph (1),
18 by striking “should” and inserting “shall”.

19 (b) INCLUSION OF PRIVACY ACT WRITTEN CONSENT
20 FORM IN PASSPORT APPLICATION.—Section 1 of title IX
21 of the Act of June 15, 1917 (22 U.S.C. 213) is amended
22 by adding at the end the following: “Each passport appli-
23 cation made available to potential applicants (DS–11) and
24 each passport renewal application made available to cur-
25 rent passport holders (DS–82) shall include a form that,

1 if completed, indicates the applicant’s consent for the dis-
 2 closure of information otherwise protected under section
 3 552a of title 5, United States Code (commonly known as
 4 the ‘Privacy Act of 1974’) in the event such applicant is
 5 determined to be unlawfully or wrongfully detained by a
 6 foreign government. Declining to complete such form shall
 7 not impact the issuance of a passport to a qualified appli-
 8 cant or diplomatic efforts to secure the release of a United
 9 States national from the custody of a foreign government
 10 or entity.”.

11 **TITLE II—STRENGTHENING**
 12 **PROCESSES AND SERVICES**
 13 **FOR HOSTAGES AND UNLAW-**
 14 **FUL OR WRONGFUL DETAIN-**
 15 **EES**

16 **SEC. 201. TIMELINE FOR UNLAWFUL OR WRONGFUL DE-**
 17 **TENTION DETERMINATIONS.**

18 Section 302 of the Robert Levinson Hostage Recov-
 19 ery and Hostage-Taking Accountability Act (22 U.S.C.
 20 1741) is amended—

21 (1) in subsection (d)(8), by striking “In this
 22 subsection” and inserting “In this section”; and

23 (2) by adding at the end the following:

24 “(e) **TIMELINE FOR UNLAWFUL OR WRONGFUL DE-**
 25 **TENTION DETERMINATIONS.—**

1 “(1) CREDIBLE INFORMATION DETERMINA-
2 TIONS.—

3 “(A) IN GENERAL.—Not less frequently
4 than every 180 days, the Assistant Secretary of
5 State for Consular Affairs and the Special
6 Presidential Envoy for Hostage Affairs shall re-
7 view the cases, identified through official gov-
8 ernment channels to either bureau, for which
9 there is potential credible information that a
10 United States national is being unlawfully or
11 wrongfully detained abroad.

12 “(B) REPORT OF FINDINGS.—Not later
13 than 30 days after each review under subpara-
14 graph (A), the Assistant Secretary of State for
15 Consular Affairs and the Special Presidential
16 Envoy for Hostage Affairs shall jointly submit
17 to Congress a classified report identifying each
18 United States national whose case was reviewed
19 under subparagraph (A) but who has not, as of
20 the date of the submission of the report, been
21 determined by the Secretary to be unlawfully or
22 wrongfully detained under subsection (a).

23 “(C) NOTIFICATION TO FAMILY MEM-
24 BERS.—Not later than 30 days after the date
25 of the submission of the report under subpara-

1 graph (B), the Assistant Secretary of State for
2 Consular Affairs shall notify a family member
3 or legal representative of each United States
4 national identified in the report.

5 “(2) STATUS DETERMINATIONS.—

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (B), and to the extent practical,
8 not later than 180 days after the date on which
9 the Secretary of State receives an assessment
10 from the Special Presidential Envoy for Hos-
11 tage Affairs or the head of any other relevant
12 bureau of the Department of State that credible
13 information exists that a United States national
14 is being detained unlawfully or wrongfully, the
15 Secretary shall determine whether the United
16 States national is in fact being unlawfully or
17 wrongfully detained.

18 “(B) WAIVER.—

19 “(i) IN GENERAL.—The Secretary
20 may waive the requirement under subpara-
21 graph (A) to make an unlawful or wrong-
22 ful detention determination if the Sec-
23 retary—

24 “(I) determines that making such
25 a determination may jeopardize the

1 safety or interests of the United
2 States national being detained abroad
3 or the national security interests of
4 the United States; and

5 “(II) submits to Congress a re-
6 port describing the reasons for the
7 waiver.

8 “(ii) TIMING.—A waiver under clause
9 (i) shall expired on the date that is 180
10 days after the date on which the Secretary
11 submits the report on the waiver to Con-
12 gress pursuant to clause (i)(II).

13 “(iii) RENEWAL.—The Secretary may
14 renew a waiver granted pursuant to clause
15 (i) in the manner provided under such
16 clause.”.

17 **SEC. 202. DECLARATIONS OF INVALIDITY.**

18 Section 302 of the Robert Levinson Hostage Recov-
19 ery and Hostage-Taking Accountability Act (22 U.S.C.
20 1741), as amended by sections 201 and 202, is further
21 amended by adding at the end the following:

22 “(f) DECLARATIONS OF INVALIDITY.—Upon the re-
23 lease of a United States national taken hostage or deter-
24 mined to be unlawfully or wrongfully detained abroad and
25 the return of that national, the President shall issue to

1 that national a letter, to be known as a ‘declaration of
2 invalidity’, that officially declares the detention abroad of
3 the national as invalid for the purpose of completing any
4 documentation that warrants a background investigation
5 or review of prior offenses, such as a conviction.”.

6 **SEC. 203. ADVISORY COUNCIL ON HOSTAGE TAKING AND**
7 **UNLAWFUL OR WRONGFUL DETENTION.**

8 The Robert Levinson Hostage Recovery and Hostage-
9 Taking Accountability Act (22 U.S.C. 1741 et seq.), as
10 amended by section 102, is further amended by inserting
11 after section 305A the following:

12 **“SEC. 305B. ADVISORY COUNCIL ON HOSTAGE TAKING AND**
13 **UNLAWFUL OR WRONGFUL DETENTION.**

14 “(a) ESTABLISHMENT.—The President shall estab-
15 lish an advisory council, to be known as the ‘Advisory
16 Council on Hostage Taking and Unlawful or Wrongful De-
17 tention’ (in this section referred to as the ‘Advisory Coun-
18 cil’), to advise the Special Presidential Envoy for Hostage
19 Affairs, the Hostage Response Group, and the Hostage
20 Recovery Fusion Cell with respect to Federal policies re-
21 garding hostage-taking and unlawful or wrongful deten-
22 tion.

23 “(b) MEMBERSHIP.—

1 “(1) IN GENERAL.—The President shall invite
2 individuals to the Advisory Council, which shall be
3 comprised of—

4 “(A) United States nationals who have
5 been unlawfully or wrongfully detained or taken
6 hostage abroad;

7 “(B) family members of such United
8 States nationals; and

9 “(C) not fewer than 2 experts on areas in-
10 cluding hostage taking, wrongful detention,
11 international relations, rule of law, and counter-
12 terrorism who have been recommended by the
13 Secretary of State.

14 “(2) TERMS.—The term of a member of the
15 Advisory Council shall be 3 years.

16 “(3) COMPENSATION AND TRAVEL EX-
17 PENSES.—A member of the Advisory Council shall
18 not be considered a Federal employee and shall not
19 be compensated for service on the Advisory Council,
20 but may be allowed travel expenses, including per
21 diem in lieu of subsistence, in accordance with sub-
22 chapter I of chapter 57 of title 5, United States
23 Code.

24 “(c) ANNUAL REPORTS.—Not later than 1 year after
25 the date of the enactment of this section, and annually

1 thereafter, the Advisory Council shall submit to the Presi-
2 dent and the appropriate congressional committees a re-
3 port setting forth the recommendations of the Advisory
4 Council.

5 “(d) TERMINATION.—The Advisory Council shall ter-
6minate on the date that is 10 years after the date of the
7 enactment of this section.”.

8 **SEC. 204. CHAIRMANSHIP OF THE HOSTAGE RESPONSE**
9 **GROUP.**

10 Section 305(a) of the Robert Levinson Hostage Re-
11covery and Hostage-Taking Accountability Act (22 U.S.C.
12 1741c(a)) is amended to read as follows:

13 “(a) ESTABLISHMENT.—

14 “(1) IN GENERAL.—There shall be a Hostage
15 Response Group, which shall be—

16 “(A) chaired by the Special Presidential
17 Envoy for Hostage Affairs; and

18 “(B) convened on a regular basis at the
19 White House, and as needed at the request of
20 the National Security Council, to further the
21 safe recovery of United States nationals held
22 unlawfully or wrongfully abroad.

23 “(2) COORDINATION OF GOVERNMENT RE-
24 SPONSE.—The Hostage Response Group may also be
25 tasked with coordinating the United States Govern-

1 ment response to other hostage takings abroad in
2 which the United States has a national interest as
3 specifically referred to the Hostage Recovery Fusion
4 Cell by the National Security Council Deputies Com-
5 mittee.”.

○