

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 559

To establish a fund to make payments to the Americans held hostage in Iran, and to members of their families, who are identified as members of the proposed class in case number 1:08-CV-00487 (EGS) of the United States District Court for the District of Columbia, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. MENENDEZ

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Justice for Former
5 American Hostages in Iran Act of 2013”.

6 **SEC. 2. AMERICAN HOSTAGES IN IRAN COMPENSATION
7 FUND.**

8 (a) ESTABLISHMENT.—There is established in the
9 Treasury a fund, to be known as the “American Hostages
10 in Iran Compensation Fund” (in this section referred to

1 as the “Fund”) for the purpose of making payments to
2 the 52 Americans held hostage in the United States em-
3 bassy in Tehran, Iran, between November 3, 1979, and
4 January 20, 1981 (in this section referred to as the
5 “former hostages”).

6 (b) FUNDING.—

7 (1) IMPOSITION OF SURCHARGE.—

8 (A) IN GENERAL.—There is imposed a sur-
9 charge equal to 30 percent of the amount of—

10 (i) any fine or monetary penalty as-
11 sessed, in whole or in part, on a person for
12 a violation of a law or regulation specified
13 in subparagraph (B) related to activities
14 undertaken on or after the date of the en-
15 actment of this Act; or

16 (ii) the monetary amount of a settle-
17 ment entered into by a person with respect
18 to a suspected violation of a law or regula-
19 tion specified in subparagraph (B) related
20 to activities undertaken on or after such
21 date of enactment.

22 (B) LAWS AND REGULATIONS SPECI-
23 FIED.—A law or regulation specified in this
24 subparagraph is any law or regulation that pro-
25 vides for a civil or criminal fine or other mone-

1 tary penalty for any economic activity relating
2 to Iran that is administered by the Department
3 of the Treasury, the Department of Justice, or
4 the Department of Commerce.

5 (C) TERMINATION OF DEPOSITS.—The im-
6 position of the surcharge under subparagraph
7 (A) shall terminate on the date on which all
8 amounts described in subsection (c)(2) have
9 been distributed to all recipients described in
10 that subsection.

11 (2) DEPOSITS INTO FUND; AVAILABILITY OF
12 AMOUNTS.—

13 (A) DEPOSITS.—All surcharges collected
14 pursuant to paragraph (1)(A) shall be deposited
15 into the Fund.

16 (B) PAYMENT OF SURCHARGE.—A person
17 on whom a surcharge is imposed under para-
18 graph (1)(A) shall pay the surcharge to the
19 Fund without regard to whether the fine, pen-
20 alty, or settlement to which the surcharge ap-
21 plies—

22 (i) is paid directly to the Federal
23 agency that administers the relevant law or
24 regulation specified in paragraph (1)(B);
25 or

1 (ii) is deemed satisfied by a payment
2 to another Federal agency.

3 (C) CONTRIBUTIONS.—The Secretary of
4 State is authorized to accept such amounts as
5 may be contributed by individuals, business
6 concerns, foreign governments, or other entities
7 for payments under this Act. Such amounts
8 shall be deposited directly into the Fund.

9 (D) AVAILABILITY OF AMOUNTS IN
10 FUND.—Amounts in the Fund shall be avail-
11 able, without further appropriation, to make
12 payments under subsection (c).

13 (c) DISTRIBUTION OF FUNDS.—

14 (1) ADMINISTRATION OF FUND.—Payments
15 from the Fund shall be administered by the Sec-
16 retary of State, pursuant to such rules and processes
17 as the Secretary, in the Secretary's sole discretion,
18 may establish.

19 (2) PAYMENTS.—Subject to paragraphs (3) and
20 (4), payments shall be made from the Fund to the
21 following recipients in the following amounts:

22 (A) To each living former hostage,
23 \$150,000, plus \$5,000 for each day of captivity
24 of the former hostage.

1 (B) To the estate of each deceased former
2 hostage, \$150,000, plus \$5,000 for each day of
3 captivity of the former hostage.

4 (3) PRIORITY.—Payments from the Fund shall
5 be distributed under paragraph (2) in the following
6 order:

7 (A) First, to each living former hostage de-
8 scribed in paragraph (2)(A).

9 (B) Second, to the estate of each deceased
10 former hostage described in paragraph (2)(B).

11 (4) CONSENT OF RECIPIENT.—A payment to a
12 recipient from the Fund under paragraph (2) shall
13 be made only after receiving the consent of the re-
14 cipient.

15 (d) WAIVER.—A recipient of a payment under sub-
16 section (c) shall waive and forever release all existing
17 claims against Iran and the United States arising out of
18 the events described in subsection (a).

19 (e) NOTIFICATION OF CLAIMANTS; LIMITATION ON
20 REVIEW.—

21 (1) NOTIFICATION.—The Secretary of State
22 shall notify, in a reasonable manner, each individual
23 qualified to receive a payment under subsection (c)
24 of the status of the individual's claim for such a
25 payment.

1 (2) SUBMISSION OF ADDITIONAL INFORMA-
2 TION.—If the claim of an individual to receive a pay-
3 ment under subsection (c) is denied, or is approved
4 for payment of less than the full amount of the
5 claim, the individual shall be entitled to submit to
6 the Secretary additional information with respect to
7 the claim. Upon receipt and consideration of that in-
8 formation, the Secretary may affirm, modify, or re-
9 vise the former action of the Secretary with respect
10 to the claim.

11 (3) LIMITATION ON REVIEW.—The actions of
12 the Secretary in identifying qualifying claimants and
13 in disbursing amounts from the Fund shall be final
14 and conclusive on all questions of law and fact and
15 shall not be subject to review by any other official,
16 agency, or establishment of the United States or by
17 any court by mandamus or otherwise.

18 (f) DEPOSIT OF REMAINING FUNDS INTO THE
19 TREASURY.—

20 (1) IN GENERAL.—Any amounts remaining in
21 the Fund after the date specified in paragraph (2)
22 shall be deposited in the general fund of the Treas-
23 ury.

24 (2) DATE SPECIFIED.—The date specified in
25 this paragraph is the later of—

1 (A) the date on which all amounts de-
2 scribed in subsection (c)(2) have been made to
3 all recipients described in that subsection; or

4 (B) the date that is 5 years after the date
5 of the enactment of this Act.

6 (g) REPORT TO CONGRESS.—Not later than one year
7 after the date of the enactment of this Act, and annually
8 thereafter until the date specified in subsection (f)(2), the
9 Secretary of State shall submit to the appropriate congres-
10 sional committees a report on the status of the Fund, in-
11 cluding—

12 (1) the amounts and sources of money depos-
13 ited into the Fund;

14 (2) the rules and processes established to ad-
15 minister the Fund; and

16 (3) the distribution of payments from the Fund.

17 (h) DEFINITIONS.—In this section:

18 (1) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—The term “appropriate congressional com-
20 mittees” means—

21 (A) the Committee on Foreign Relations
22 and the Committee on Banking, Housing, and
23 Urban Affairs of the Senate; and

1 (B) the Committee on Foreign Affairs and
2 the Committee on Financial Services of the
3 House of Representatives.

4 (2) PERSON.—The term “person” includes any
5 individual or entity subject to the civil or criminal
6 jurisdiction of the United States.