

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. 868

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 1:00-CV-03110 (ESG) 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 _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Justice for Former
5 American Hostages in Iran Act of 2015”.

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

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that ensuring justice for United States victims of
10 acts of terrorism by Iran who hold legal judgments against

1 Iran relating to such acts is of paramount importance and
2 should be expeditiously addressed.

3 (b) ESTABLISHMENT.—There is established in the
4 Treasury a fund, to be known as the “American Hostages
5 in Iran Compensation Fund” (in this section referred to
6 as the “Fund”) for the purposes of—

7 (1) making payments to the Americans held
8 hostage in Iran and their spouses who are identified
9 as members of the proposed class in case number
10 1:00–CV–03110 (EGS) of the United States District
11 Court for the District of Columbia; and

12 (2) satisfying claims against Iran relating to
13 the taking of hostages and treatment of personnel of
14 the United States embassy in Tehran, Iran, between
15 November 3, 1979, and January 20, 1981.

16 (c) FUNDING.—

17 (1) IMPOSITION OF SURCHARGE.—

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

20 (i) any fine or monetary penalty im-
21 posed, in whole or in part, for a violation
22 of a law or regulation specified in subpara-
23 graph (B) committed on or after the date
24 of the enactment of this Act; or

1 (ii) the monetary amount of a settle-
2 ment entered into by a person with respect
3 to a suspected violation of a law or regula-
4 tion specified in subparagraph (B) related
5 to activities undertaken on or after such
6 date of enactment.

7 (B) LAWS AND REGULATIONS SPECI-
8 FIED.—A law or regulation specified in this
9 subparagraph is any law or regulation that pro-
10 vides for a civil or criminal fine or monetary
11 penalty for any economic activity relating to
12 Iran that is administered by the Department of
13 State, the Department of the Treasury, the De-
14 partment of Justice, the Department of Com-
15 merce, or the Department of Energy.

16 (C) TERMINATION OF DEPOSITS.—The im-
17 position of the surcharge under subparagraph
18 (A) shall terminate on the date on which all
19 amounts described in subsection (d)(2) have
20 been distributed to all recipients described in
21 that subsection.

22 (D) RULE OF CONSTRUCTION.—Nothing in
23 this paragraph shall be construed to require a
24 person that is found to have violated a law or
25 regulation specified in subparagraph (B) to pay

1 a surcharge under subparagraph (A) if that
2 person has not been assessed a fine or mone-
3 tary penalty described in clause (i) of subpara-
4 graph (A) or entered into a settlement de-
5 scribed in clause (ii) of that subparagraph for
6 that violation.

7 (2) DEPOSITS INTO FUND; AVAILABILITY OF
8 AMOUNTS.—

9 (A) DEPOSITS.—The Secretary of the
10 Treasury shall deposit in the Fund all sur-
11 charges collected pursuant to paragraph (1)(A),
12 all contributions collected pursuant to para-
13 graph (3), and any other funds made available
14 pursuant to paragraph (4).

15 (B) PAYMENT OF SURCHARGE TO SEC-
16 RETARY OF THE TREASURY.—A person upon
17 which a surcharge is imposed under paragraph
18 (1)(A) shall pay the surcharge to the Secretary
19 without regard to whether the fine or penalty
20 with respect to which the surcharge is im-
21 posed—

22 (i) is paid directly to the Federal
23 agency that administers the law or regula-
24 tion pursuant to which the fine or penalty
25 is imposed; or

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

3 (C) AVAILABILITY OF AMOUNTS IN
4 FUND.—Amounts in the Fund shall be avail-
5 able, without further appropriation, to make
6 payments under subsection (d).

7 (3) CONTRIBUTIONS.—The President may ac-
8 cept such amounts as may be contributed by individ-
9 uals, business concerns, governments, or other enti-
10 ties for payments under this Act and deposit such
11 amounts into the Fund.

12 (4) OTHER RESOURCES.—The President may
13 identify and use other funds available for compen-
14 sating claims under this Act and deposit such
15 amounts into the Fund.

16 (d) DISTRIBUTION OF FUNDS.—

17 (1) ADMINISTRATION OF FUND.—Payments
18 from the Fund shall be administered by the Sec-
19 retary of State in accordance with such rules and
20 procedures as the Secretary may prescribe.

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

24 (A) To each living former hostage identi-
25 fied as a member of the proposed class de-

1 scribed in subsection (b)(1), \$6,750 for each
2 day of captivity of the former hostage.

3 (B) To the estate of each deceased former
4 hostage identified as a member of the proposed
5 class described in subsection (b)(1), \$6,750 for
6 each day of captivity of the former hostage.

7 (C) To each spouse of a former hostage
8 identified as a member of the proposed class de-
9 scribed in subsection (b)(1) if the spouse is
10 identified as a member of that proposed class,
11 \$600,000.

12 (3) PRIORITY.—Payments from the Fund shall
13 be distributed under paragraph (2) in the following
14 order:

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

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

19 (C) Third, to each spouse of a former hos-
20 tage described in paragraph (2)(C).

21 (4) CONSENT OF RECIPIENT.—A payment to a
22 recipient from the Fund under paragraph (2) shall
23 be made only after receiving the consent of the re-
24 cipient.

1 (e) PRECLUSION OF FUTURE ACTIONS AND RELEASE
2 OF CLAIMS.—

3 (1) PRECLUSION OF FUTURE ACTIONS.—A re-
4 cipient of a payment under subsection (d) may not
5 file or maintain an action against Iran in any Fed-
6 eral or State court for any claim relating to the
7 events described in subsection (b)(2).

8 (2) RELEASE OF ALL CLAIMS.—Upon the pay-
9 ment of all amounts described in subsection (d)(2)
10 to all recipients described in that subsection, all
11 claims against Iran relating to the events described
12 in subsection (b)(2) shall be deemed waived and for-
13 ever released.

14 (f) DEPOSIT OF REMAINING FUNDS INTO THE
15 TREASURY.—

16 (1) IN GENERAL.—Any amounts remaining in
17 the Fund after the date specified in paragraph (2)
18 shall be deposited in the general fund of the Treas-
19 ury.

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

22 (A) the date on which all amounts de-
23 scribed in subsection (d)(2) have been made to
24 all recipients described in that subsection; or

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

3 (g) NO JUDICIAL REVIEW.—Decisions made under
4 this section shall not be subject to review in any judicial,
5 administrative, or other proceeding.

6 (h) REPORT TO CONGRESS ON COMPLETION OF PAY-
7 MENTS.—Not later than 60 days after determining that
8 a law or regulation specified in subsection (c)(1)(B) is ter-
9 minated or suspended or that amounts in the Fund will
10 be insufficient for the payment of all amounts described
11 in subsection (d)(2) to all recipients described in that sub-
12 section by the date that is 444 days after the date of the
13 enactment of this Act, the Secretary of State shall submit
14 to Congress recommendations to expedite the completion
15 of the payment of those amounts.