

114TH CONGRESS
1ST SESSION

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.

IN THE SENATE OF THE UNITED STATES

MARCH 26, 2015

Mr. ISAKSON (for himself, Mr. BLUMENTHAL, and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

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.

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.**

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

1 **SEC. 2. AMERICAN HOSTAGES IN IRAN COMPENSATION**
2 **FUND.**

3 (a) 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 to members of their families,
9 who are identified as members of the proposed class
10 in case number 1:00–CV–03110 (ESG) of the
11 United States District Court for the District of Co-
12 lumbia; and

13 (2) satisfying the claims of the members of the
14 proposed class against Iran relating to the taking of
15 hostages and treatment of personnel of the United
16 States embassy in Tehran, Iran, between November
17 3, 1979, and January 20, 1981.

18 (b) FUNDING.—

19 (1) IMPOSITION OF SURCHARGE.—

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

22 (i) any fine or penalty imposed, in
23 whole or in part, for a violation of a law
24 or regulation specified in subparagraph

25 (B) committed on or after the date of the
26 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 imposing
10 a fine or penalty for any economic activity re-
11 lating to Iran that is administered by the De-
12 partment of State, the Department of the
13 Treasury, the Department of Justice, the De-
14 partment of Commerce, or the Department of
15 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 (c)(2) have
20 been distributed to all recipients described in
21 that subsection.

22 (2) DEPOSITS INTO FUND; AVAILABILITY OF
23 AMOUNTS.—

1 (A) DEPOSITS.—The Secretary of the
 2 Treasury shall deposit in the Fund all sur-
 3 charges collected pursuant to paragraph (1)(A).

4 (B) PAYMENT OF SURCHARGE TO SEC-
 5 RETARY OF THE TREASURY.—A person upon
 6 which a surcharge is imposed under paragraph
 7 (1)(A) shall pay the surcharge to the Secretary
 8 without regard to whether the fine or penalty
 9 with respect to which the surcharge is im-
 10 posed—

11 (i) is paid directly to the Federal
 12 agency that administers the law or regula-
 13 tion pursuant to which the fine or penalty
 14 is imposed; or

15 (ii) is deemed satisfied by a payment
 16 to another Federal agency.

17 (C) AVAILABILITY OF AMOUNTS IN
 18 FUND.—Amounts in the Fund shall be avail-
 19 able, without further appropriation, to make
 20 payments under subsection (c).

21 (c) DISTRIBUTION OF FUNDS.—

22 (1) ADMINISTRATION OF FUND.—Payments
 23 from the Fund shall be administered, subject to
 24 oversight by the Secretary of the Treasury, by the
 25 named representatives of the proposed class de-

1 scribed in subsection (a)(1) and the principal agent
2 designated by the proposed class for the period be-
3 ginning in 1999 and continuing through the date of
4 the enactment of this Act.

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

8 (A) To each living former hostage identi-
9 fied as a member of the proposed class de-
10 scribed in subsection (a)(1), \$10,000 for each
11 day of captivity of the former hostage.

12 (B) To the estate of each deceased former
13 hostage identified as a member of the proposed
14 class described in subsection (a)(1), \$10,000 for
15 each day of captivity of the former hostage.

16 (C) To each spouse and child of a former
17 hostage identified as a member of the proposed
18 class described in subsection (a)(1) if the
19 spouse or child is identified as a member of
20 that proposed class, \$5,000 for each day of cap-
21 tivity of the former hostage.

22 (3) PRIORITY.—Payments from the Fund shall
23 be distributed under paragraph (2) in the following
24 order:

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

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

5 (C) Third, to each spouse and child of a
 6 former hostage described in paragraph (2)(C).

7 (4) CONSENT OF RECIPIENT.—A payment to a
 8 recipient from the Fund under paragraph (2) shall
 9 be made only after receiving the consent of the re-
 10 cipient.

11 (d) PRECLUSION OF FUTURE ACTIONS AND RELEASE
 12 OF CLAIMS.—

13 (1) PRECLUSION OF FUTURE ACTIONS.—A re-
 14 cipient of a payment under subsection (c) may not
 15 file or maintain an action against Iran in any Fed-
 16 eral or State court for any claim relating to the
 17 events described in subsection (a)(2).

18 (2) RELEASE OF ALL CLAIMS.—Upon the pay-
 19 ment of all amounts described in subsection (c)(2) to
 20 all recipients described in that subsection, all claims
 21 against Iran relating to the events described in sub-
 22 section (a)(2) shall be deemed waived and forever re-
 23 leased.

24 (e) DEPOSIT OF REMAINING FUNDS INTO THE
 25 TREASURY.—

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

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

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

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

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

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