

115TH CONGRESS
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S. 2365

To impose additional sanctions with respect to serious human rights abuses
by the Government of Iran, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2018

Mr. RUBIO (for himself, Mr. MENENDEZ, Mr. NELSON, and Mr. CORNYN) in-
troduced the following bill; which was read twice and referred to the Com-
mittee on Foreign Relations

A BILL

To impose additional sanctions with respect to serious human
rights abuses by the Government of Iran, 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 “Iran Human Rights
5 and Hostage-Taking Accountability Act”.

6 **SEC. 2. UNITED STATES POLICY ON HUMAN RIGHTS VIOLA-**
7 **TIONS BY THE GOVERNMENT OF IRAN.**

8 (a) FINDINGS.—Congress finds the following:

1 (1) Iran is a member of the United Nations,
2 voted for the Universal Declaration of Human
3 Rights, and is a signatory to the International Cov-
4 enant on Civil and Political Rights, among other
5 international human rights treaties.

6 (2) In violation of these and other international
7 obligations, Iranian regime officials continue to vio-
8 late the fundamental human rights of the people of
9 Iran.

10 (3) The Iranian regime persecutes ethnic and
11 religious minority groups, such as the Baha'is,
12 Christians, and Sufi, Sunni, and dissenting Shi'a
13 Muslims (such as imprisoned Ayatollah Hossein
14 Kazemeyni Boroujerdi), through harassment, ar-
15 rests, and imprisonment, during which detainees
16 have routinely been beaten, tortured, and killed.

17 (4) The 2016 Department of State Human
18 Rights Report on Iran noted "severe restrictions on
19 civil liberties, including the freedoms of assembly,
20 association, speech, religion, and press. Other
21 human rights problems included abuse of due proc-
22 ess combined with use of capital punishment for
23 crimes that do not meet the requirements of due
24 process, as well as cruel, inhuman, or degrading
25 treatment or punishment; and disregard for the

1 physical integrity of persons, whom authorities arbitrarily and unlawfully detained, tortured, or killed.”.

3 (5) Over a 4-month period in 1988, the Iranian regime carried out the barbaric mass executions of thousands of political prisoners.

6 (6) In 1999, the Iranian regime brutally suppressed a student revolt that was one of the largest mass uprisings up until that point in Iran since 1979.

10 (7) Following voting irregularities that resulted in the 2009 election of President Mahmoud Ahmadinejad, the Iranian regime brutally suppressed peaceful political dissent from wide segments of civil society during the Green Revolution in a cynical attempt to retain its undemocratic grip on power.

17 (8) Since February 2011 the leaders of Iran’s Green Movement, former Prime Minister Mir Hossein Mousavi, his wife Dr. Zahra Rahnava, and former Speaker of the Majles (parliament) Mehdi Karroubi, have lived under strict house arrest, ordered by Iran’s Supreme National Security Council.

24 (9) In response to anti-government demonstrations by citizens of Iran that began in the city of

1 Mashhad on December 28, 2017, and rapidly spread
2 throughout urban and rural populations across Iran
3 in the following weeks, the Iranian regime arrested
4 many hundreds of Iranians and killed dozens more.

5 (10) The Iranian regime, in addition to using
6 lethal force and widespread detentions, shut down
7 mobile Internet access and worked to block access to
8 social media applications, including Telegram,
9 Instagram, and Twitter, that citizens of Iran used to
10 share information and to organize and publicize the
11 protests.

12 (11) In those demonstrations, which constitute
13 the most significant anti-government demonstrations
14 in Iran since June 2009, citizens of Iran protested
15 against the system of entrenched corruption and im-
16 poverishment in Iran, as well as the Iranian regime's
17 foreign policy of supporting terrorism.

18 (12) Senior governmental, military, and public
19 security officials in Iran have continued ordering,
20 controlling, and committing egregious human rights
21 violations and abuses that, in many cases, represent
22 official policies of the Iranian regime.

23 (13) The 2016 Department of State Human
24 Rights Report on Iran noted, "According to the
25 press, NGOs, and the testimony of former prisoners,

1 authorities often held political prisoners in solitary
2 confinement for extended periods, denying them due
3 process and access to legal representation. Political
4 prisoners were also at greater risk of torture and
5 abuse in detention and often mixed with the general
6 prison population despite the political crimes bill
7 stipulation that they have their own facilities.”.

8 (b) SENSE OF CONGRESS.—It is the sense of the
9 Congress that the United States should—

10 (1) deny the Government of Iran the ability to
11 continue to oppress the people of Iran and to use vi-
12 olence and executions to silence pro-democracy
13 protestors;

14 (2) support efforts made by the people of Iran
15 to promote the establishment of basic freedoms that
16 build the foundation for the emergence of a freely
17 elected, open, non-corrupt, and democratic political
18 system; and

19 (3) help the people of Iran produce, access, and
20 share information freely and safely via the Internet
21 and other media.

22 (c) STATEMENT OF POLICY.—It shall be the policy
23 of the United States to stand with the people of Iran who
24 seek the opportunity to freely elect a government of their
25 choosing, and increase the utilization of all available au-

1 thorties to impose sanctions on officials of the Govern-
 2 ment of Iran and other individuals responsible for serious
 3 human rights abuses.

4 **SEC. 3. DETERMINATIONS WITH RESPECT TO IMPOSITION**
 5 **OF SANCTIONS ON CERTAIN PERSONS RE-**
 6 **SPONSIBLE FOR OR COMPLICIT IN HUMAN**
 7 **RIGHTS ABUSES, ENGAGING IN CENSORSHIP,**
 8 **ENGAGING IN THE DIVERSION OF GOODS IN-**
 9 **TENDED FOR THE PEOPLE OF IRAN, OR EN-**
 10 **GAGING IN CORRUPTION.**

11 (a) IN GENERAL.—Not later than 270 days after the
 12 date of the enactment of this Act, and annually thereafter
 13 (or more frequently if the President determines it appro-
 14 priate based on new information received by the Presi-
 15 dent) for the following 4 years, the President shall submit
 16 to the appropriate congressional committees a report con-
 17 taining a determination of whether any senior officials of
 18 the Government of Iran or other Iranian persons meet the
 19 criteria described in—

20 (1) section 105(b), 105A(b), 105B(b), or
 21 105C(b) of the Comprehensive Iran Sanctions, Ac-
 22 countability, and Divestment Act of 2010 (22 U.S.C.
 23 8514(b), 8514a(b), 8514b(b), or 8514c(b)) or sec-
 24 tion 105D(b) of such Act (as added by section 5 of
 25 this Act); or

1 (2) paragraph (3) or (4) of section 1263(a) of
2 the Global Magnitsky Human Rights Accountability
3 Act (subtitle F of title XII of Public Law 114–328;
4 22 U.S.C. 2656 note).

5 (b) FORM OF REPORT; PUBLIC AVAILABILITY.—

6 (1) FORM.—Each report required by subsection
7 (a) shall be submitted in unclassified form, but may
8 contain a classified annex.

9 (2) PUBLIC AVAILABILITY.—The unclassified
10 portion of a report required by subsection (a) shall
11 be posted on a publicly available Internet website of
12 the Department of the Treasury—

13 (A) in English, Farsi, Arabic, and Azeri;
14 and

15 (B) in precompressed, easily downloadable
16 versions that are made available in all appro-
17 priate formats.

18 (c) SOURCES OF INFORMATION.—In preparing a re-
19 port required by subsection (a), the President may utilize
20 any credible publication, database, Internet-based re-
21 source, and any credible information compiled by any gov-
22 ernment agency, nongovernmental organization, or other
23 entity provided to or made available to the President.

24 (d) DEFINITION.—In this section, the term “appro-
25 priate congressional committees” means—

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

4 (2) the Committee on Banking, Housing, and
5 Urban Affairs and the Committee on Foreign Rela-
6 tions of the Senate.

7 **SEC. 4. UNITED STATES POLICY ON HOSTAGE-TAKING BY**
8 **THE GOVERNMENT OF IRAN.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) Since 1979 the Iranian regime has engaged
11 in various destabilizing activities that undermine the
12 national security of the United States and its allies
13 and partners.

14 (2) These activities include the hostage-taking
15 or prolonged arbitrary detentions of United States
16 citizens and other persons with connections to Can-
17 ada, the United Kingdom, France, and other coun-
18 tries allied with the United States.

19 (3) The Iranian regime has detained on fab-
20 ricated claims a significant number of United States
21 citizens, including Siamak and Baquer Namazi and
22 Xiyue Wang, as well as United States legal perma-
23 nent resident, Nizar Zakka, in violation of inter-
24 national legal norms.

1 (4) The Iranian regime has not provided infor-
2 mation on the whereabouts of or assistance in ensur-
3 ing the prompt and safe return of Robert Levinson,
4 despite repeated promises to do so, after he was kid-
5 napped while visiting Iran’s Kish Island on March 9,
6 2007—making him the longest held hostage in
7 United States history.

8 (5) The Iranian regime reportedly uses hostages
9 as leverage against foreign investors to exact busi-
10 ness concessions in foreign investment deals.

11 (6) The type of hostage-taking enterprise put in
12 place by the Iranian regime is a crime against hu-
13 manity and a violation of customary international
14 law.

15 (b) SENSE OF CONGRESS.—It is the sense of the
16 Congress that—

17 (1) the President should fully utilize all nec-
18 essary and appropriate measures to prevent the Ira-
19 nian regime from engaging in hostage-taking or the
20 prolonged arbitrary detention of United States citi-
21 zens or aliens lawfully admitted to the United States
22 for permanent residence, to include—

23 (A) the use of extradition to try and con-
24 vict those individuals responsible for ordering or

1 controlling such hostage-taking or arbitrary de-
2 tention; and

3 (B) the use of the Department of Home-
4 land Security's Human Rights Violators and
5 War Crimes Unit to target such individuals;
6 and

7 (2) the United States should encourage its al-
8 lies and other affected countries to pursue the crimi-
9 nal prosecution and extradition of state and non-
10 state actors in Iran that assist in or benefit from
11 such hostage-taking to prevent such state and non-
12 state actors from engaging in this practice in the fu-
13 ture.

14 (c) STATEMENT OF POLICY.—It shall be the policy
15 of the United States Government not to pay ransom or
16 release prisoners for the purpose of securing the release
17 of United States citizens or aliens lawfully admitted to the
18 United States for permanent residence taken hostage
19 abroad.

20 (d) STRATEGY.—Not later than 120 days after the
21 date of the enactment of this Act, the Secretary of State
22 shall submit to the Committee on Foreign Affairs of the
23 House of Representatives and the Committee on Foreign
24 Relations of the Senate a report that contains a strategy
25 to prevent elements of the Iranian regime from engaging

1 in hostage-taking or the prolonged arbitrary detention of
2 United States citizens or aliens lawfully admitted to the
3 United States for permanent residence.

4 **SEC. 5. IMPOSITION OF SANCTIONS WITH RESPECT TO PER-**
5 **SONS WHO ENGAGE IN CERTAIN ACTIONS**
6 **AGAINST UNITED STATES CITIZENS OR IRA-**
7 **NIAN PERSONS.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the United States should coordinate with allies
10 and partners of the United States and other countries
11 whose citizens may be subject to politically motivated de-
12 tention or trial in Iran, to apply sanctions against persons
13 that are responsible for or complicit in, or responsible for
14 ordering, controlling, or otherwise directing, such deten-
15 tion or trial.

16 (b) IN GENERAL.—Title I of the Comprehensive Iran
17 Sanctions, Accountability, and Divestment Act of 2010 is
18 amended by inserting after section 105C (22 U.S.C.
19 8514c) the following:

1 **“SEC. 105D. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **PERSONS WHO ENGAGE IN CERTAIN ACTIONS**
3 **AGAINST UNITED STATES CITIZENS OR IRA-**
4 **NIAN PERSONS.**

5 “(a) IN GENERAL.—The President shall impose sanc-
6 tions described in section 105(c) with respect to each per-
7 son on the list required by subsection (b).

8 “(b) LIST OF PERSONS WHO ENGAGE IN CERTAIN
9 ACTIONS AGAINST UNITED STATES CITIZENS OR IRANIAN
10 PERSONS.—

11 “(1) IN GENERAL.—Not later than 90 days
12 after the date of the enactment of this section, the
13 President shall submit to the appropriate congress-
14 sional committees a list of persons that the Presi-
15 dent determines, based on credible evidence are re-
16 sponsible for or complicit in, or responsible for or-
17 dering, controlling, or otherwise directing, the politi-
18 cally motivated intimidation, abuse, extortion, or de-
19 tention or trial in Iran of citizens of the United
20 States or aliens lawfully admitted to the United
21 States for permanent residence.

22 “(2) UPDATES OF LIST.—The President shall
23 submit to the appropriate congressional committees
24 an updated list under paragraph (1)—

1 “(A) each time the President is required to
2 submit an updated list to those committees
3 under section 105(b)(2)(A); and

4 “(B) as new information becomes avail-
5 able.

6 “(3) FORM OF REPORT; PUBLIC AVAIL-
7 ABILITY.—

8 “(A) FORM.—The list required by para-
9 graph (1) shall be submitted in unclassified
10 form but may contain a classified annex.

11 “(B) PUBLIC AVAILABILITY.—The unclas-
12 sified portion of the list required by paragraph
13 (1) shall be posted on a publicly available Inter-
14 net website of the Department of the Treasury
15 and of the Department of State.

16 “(c) TERMINATION OF SANCTIONS.—The provisions
17 of this section shall terminate on the date that is 30 days
18 after the date on which the President—

19 “(1) determines and certifies to the appropriate
20 congressional committees that the Government of
21 Iran is no longer complicit in or responsible for the
22 wrongful and unlawful detention of United States
23 citizens or aliens lawfully admitted to the United
24 States for permanent residence; and

“Sec. 105D. Imposition of sanctions with respect to persons who engage in certain actions against United States citizens or Iranian persons.”.

(1) in subsection (a), by striking “and 305”
and inserting “, 105D, and 305”; and

15 (A) by striking “or 105C(a)” and inserting
16 “, 105C(a), or 105D(a)”; and

17 (B) by striking “or 105C(b)” and inserting
18 “105C(b), or 105D(b)”.

(a) IN GENERAL.—Any and all reports required to be submitted to Congress under this Act, any amendment made by this Act, or a covered provision of law that are subject to a deadline for submission consisting of the same

1 unit of time may be consolidated into a single report that
2 is submitted to Congress pursuant to such deadline.

3 (b) MATTERS TO BE INCLUDED.—A consolidated re-
4 port under subsection (a) shall contain all information re-
5 quired under all applicable provisions of this Act, amend-
6 ments made by this Act, covered provisions of law, and
7 other provisions of law.

8 (c) COVERED PROVISIONS OF LAW.—In this section,
9 the term “covered provision of law” means the following:

10 (1) The Iran Sanctions Act of 1996 (Public
11 Law 104–172; 50 U.S.C. 1701 note).

12 (2) The Comprehensive Iran Sanctions, Ac-
13 countability, and Divestment Act of 2010 (22 U.S.C.
14 8501 et seq.).

15 (3) The Iran Threat Reduction and Syria
16 Human Rights Act of 2012 (22 U.S.C. 8701 et
17 seq.).

18 (4) The Iran Freedom and Counter-Prolifera-
19 tion Act of 2012 (22 U.S.C. 8801 et seq.).

20 (5) Section 1245 of the National Defense Au-
21 thorization Act for Fiscal Year 2012 (22 U.S.C.
22 8513a).

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