

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. 1478

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.

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. COONS

Viz:

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

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 2025”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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. Required certification regarding international travel advisories.

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

Sec. 201. Advisory Council on Hostage Taking and Unlawful or Wrongful Detention.

Sec. 202. Congressional Report on Components Related to Hostage Affairs and Recovery.

1 **TITLE I—DETECTING AND PRE-**
2 **VENTING UNLAWFUL OR**
3 **WRONGFUL DETENTION**

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

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

10 **“SEC. 306A. DESIGNATION OF A FOREIGN COUNTRY AS A**
11 **STATE SPONSOR OF UNLAWFUL OR WRONG-**
12 **FUL DETENTION.**

13 “(a) IN GENERAL.—Subject to the notice require-
14 ment of subsection (c)(1)(A), the Secretary of State, in
15 consultation with the heads of other relevant Federal
16 agencies, may designate a foreign country that has pro-
17 vided support for or directly engaged in the unlawful or
18 wrongful detention of a United States national as a State
19 Sponsor of Unlawful or Wrongful Detention based on any
20 of the following criteria:

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

1 “(2) The government of the foreign country or
2 an entity organized under the laws of a foreign
3 country has failed to release an unlawfully or wrong-
4 fully detained United States national within 30 days
5 of being officially notified by the Department of
6 State of the unlawful or wrongful detention.

7 “(3) Actions taken by the government of the
8 foreign country indicate that the government is re-
9 sponsible for, complicit in, or materially supports the
10 unlawful or wrongful detention of a United States
11 national, including by acting as described in para-
12 graph (2) after having been notified by the Depart-
13 ment of State.

14 “(4) The actions of a state or nonstate actor in
15 the foreign country, including any previous action
16 relating to unlawful or wrongful detention or hostage
17 taking of a United States national, pose a risk to
18 the safety and security of United States nationals
19 abroad sufficient to warrant designation of the for-
20 eign country as a State Sponsor of Unlawful or
21 Wrongful Detention, as determined by the Secretary.

22 “(b) TERMINATION OF DESIGNATION.—The Sec-
23 retary of State may terminate the designation of a foreign
24 country under subsection (a) if the Secretary certifies to
25 Congress that the government of the foreign country—

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

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

8 “(3) has demonstrated changes in leadership or
9 policies with respect to unlawful or wrongful deten-
10 tion and hostage taking; or

11 “(4) has provided assurances that the govern-
12 ment of the foreign country will not engage or be
13 complicit in or support acts described in subsection
14 (a).

15 “(c) BRIEFING AND REPORTS TO CONGRESS; PUBLI-
16 CATION.—

17 “(1) REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than 7 days prior to making a designation of a foreign country as a State Sponsor of Unlawful or Wrongful Detention under subsection (a), the Secretary of State shall submit to the appropriate committees of Congress a report that notifies the committees of the proposed designation.

“(B) ELEMENTS.—In each report submitted under subparagraph (A) with respect to the designation of a foreign country as a State Sponsor of Unlawful or Wrongful Detention, the Secretary shall include—

6 “(i) the justification for the designa-
7 tion; and

8 “(ii) a description of any action taken
9 by the United States Government, includ-
10 ing the Secretary of State or the head of
11 any other relevant Federal agency, in re-
12 sponse to the designation to deter the un-
13 lawful or wrongful detention or hostage-
14 taking of foreign nationals in the country.

15 “(2) INITIAL BRIEFING REQUIRED.—Not later
16 than 60 days after the date of the enactment of this
17 section, the Secretary shall brief Congress on the fol-
18 lowing:

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

23 “(i) Afghanistan.

24 “(ii) Eritrea.

25 “(iii) The Islamic Republic of Iran.

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

2 “(v) The Russian Federation.

3 “(vi) The Syrian Arab Republic or
4 any transitional government therein.

5 “(vii) Venezuela under the regime of
6 Nicolás Maduro.

7 “(viii) The Republic of Belarus.

8 “(B) The steps taken by the Secretary and
9 the heads of other relevant Federal agencies to
10 deter the unlawful and wrongful detention of
11 United States nationals and to respond to such
12 detentions, including—

13 “(i) any engagement with private sec-
14 tor companies to optimize the distribution
15 of travel advisories; and

16 “(ii) any engagement with private
17 companies responsible for promoting travel
18 to foreign countries engaged in the unlaw-
19 ful or wrongful detention of United States
20 nationals.

21 “(C) An assessment of a possible expan-
22 sion of chapter 97 of title 28, United States
23 Code (commonly known as the ‘Foreign Sov-
24 ereign Immunities Act of 1976’) to include an

1 exception from asset seizure immunity for State
2 Sponsors of Unlawful or Wrongful Detention.

3 “(D) A detailed plan on the manner by
4 which a geographic travel restriction could be
5 instituted against State Sponsors of Unlawful
6 or Wrongful Detention.

7 “(E) The progress made in multilateral
8 fora, including the United Nations and other
9 international organizations, to address the un-
10 lawful and wrongful detention of United States
11 nationals, in addition to nationals of partners
12 and allies of the United States in foreign coun-
13 tries.

14 “(3) ANNUAL BRIEFING.—Not later than one
15 year after the date of the enactment of this section,
16 and annually thereafter for 5 years, the Assistant
17 Secretary of State for Consular Affairs and the Spe-
18 cial Presidential Envoy for Hostage Affairs shall
19 brief the appropriate committees of Congress with
20 respect to unlawful or wrongful detentions taking
21 place in the countries listed under paragraph (2)(A)
22 and actions taken by the Secretary of State and the
23 heads of other relevant Federal agencies to deter the
24 wrongful detention of United States nationals, in-

1 including any steps taken in accordance with para-
2 graph (2)(B).

3 “(4) PUBLICATION.—The Secretary shall make
4 available on a publicly accessible website of the De-
5 partment of State, and regularly update, a list of
6 foreign countries designated as State Sponsors of
7 Unlawful or Wrongful Detention under subsection
8 (a).

9 “(d) REVIEW OF AVAILABLE RESPONSES TO STATE
10 SPONSORS OF UNLAWFUL OR WRONGFUL DETENTION.—
11 Upon designation of a foreign country as a State Sponsor
12 of Unlawful or Wrongful Detention under subsection (a),
13 the Secretary of State, in consultation with the heads of
14 other relevant Federal agencies, shall conduct a com-
15 prehensive review of the use of existing authorities to re-
16 spond to and deter the unlawful or wrongful detention of
17 United States nationals in the foreign country, includ-
18 ing—

19 “(1) sanctions available under the International
20 Emergency Economic Powers Act (50 U.S.C. 1701
21 et seq.);

22 “(2) visa restrictions available under section
23 7031(c) of the Department of State, Foreign Oper-
24 ations, and Related Programs Appropriations Act,

1 2024 (division F of Public Law 118–47; 8 U.S.C.
2 1182 note) or any other provision of Federal law;

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

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

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

11 “(6) restrictions on the export of certain goods
12 to the country under the Arms Export Control Act
13 (22 U.S.C. 2751 et seq.), the Export Control Re-
14 form Act of 2018 (50 U.S.C. 4801 et seq.), or any
15 other Federal law; and

16 “(7) designating the government of the country
17 as a government that has repeatedly provided sup-
18 port for acts of international terrorism pursuant
19 to—

20 “(A) section 1754(c)(1)(A)(i) of the Ex-
21 port Control Reform Act of 2018 (50 U.S.C.
22 4813(c)(1)(A)(i));

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

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

3 “(D) any other provision of law.

4 “(e) APPROPRIATE COMMITTEES OF CONGRESS DE-
5 FINED.—In this paragraph, the term ‘appropriate commit-
6 tees of Congress’ means—

7 “(1) the Committee on Foreign Relations and
8 the Committee on Appropriations of the Senate; and

9 “(2) the Committee on Foreign Affairs and the
10 Committee on Appropriations of the House of Rep-
11 resentatives.

12 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion shall be construed to imply that the United States
14 Government formally recognizes any particular country or
15 the government of such country as legitimate.”.

16 **SEC. 102. REQUIRED CERTIFICATION REGARDING INTER-**
17 **NATIONAL TRAVEL ADVISORIES.**

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

21 **“§ 42309. Required certification regarding inter-**
22 **national travel advisories**

23 “(a) IN GENERAL.—An air carrier, foreign air car-
24 rier, or ticket agent who sells, in the United States, a tick-
25 et for foreign air transportation of a passenger to a coun-

1 try or other geographic area with a ‘D’ or ‘K’ indicator
2 issued by the Department of State Travel Advisory Sys-
3 tem shall require the passenger listed on the ticket to cer-
4 tify that the passenger—

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

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

10 “(b) RULE OF CONSTRUCTION.—Nothing in sub-
11 section (a) may be construed as grounds to inhibit access
12 to consular services by a United States citizen abroad.

13 “(c) DEFINITIONS.—For purposes of this section:

14 “(1) ‘D’ INDICATOR.—The term “‘D’” indi-
15 cator’ means a travel advisory issued by the Depart-
16 ment of State that indicates a risk of wrongful de-
17 tention of a United States national.

18 “(2) ‘K’ INDICATOR.—The term “‘K’” indi-
19 cator’ means a travel advisory issued by the Depart-
20 ment of State that indicates a criminal or terrorist
21 individual or group has threatened to seize, detain,
22 kill, or injure individuals (or has seized, detained,
23 killed, or injured individuals) to compel a third party
24 (including a governmental organization) to meet cer-
25 tain requirements as a condition of release.”.

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

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

5 **TITLE II—STRENGTHENING**
6 **PROCESSES AND SERVICES**
7 **FOR HOSTAGES AND UNLAW-**
8 **FUL OR WRONGFUL DETAIN-**
9 **EES**

10 **SEC. 201. ADVISORY COUNCIL ON HOSTAGE-TAKING AND**
11 **UNLAWFUL OR WRONGFUL DETENTION.**

12 The Robert Levinson Hostage Recovery and Hostage-
13 Taking Accountability Act (22 U.S.C. 1741 et seq.), as
14 amended by section 101, is further amended by inserting
15 after section 305B the following:

16 **“SEC. 305C. ADVISORY COUNCIL ON HOSTAGE TAKING AND**
17 **UNLAWFUL OR WRONGFUL DETENTION.**

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

1 guarding hostage-taking and unlawful or wrongful deten-
2 tion.

3 “(b) MEMBERSHIP.—

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

7 “(A) United States nationals who have
8 been unlawfully or wrongfully detained or taken
9 hostage abroad;

10 “(B) family members of such United
11 States nationals; and

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

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

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

1 chapter I of chapter 57 of title 5, United States
2 Code.

3 “(c) ANNUAL REPORTS.—Not later than 1 year after
4 the date of the enactment of this section, and annually
5 thereafter, the Advisory Council shall submit to the Presi-
6 dent and the appropriate congressional committees a re-
7 port setting forth the recommendations of the Advisory
8 Council.

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

12 **SEC. 202. CONGRESSIONAL REPORT ON COMPONENTS RE-**
13 **LATED TO HOSTAGE AFFAIRS AND RECOV-**
14 **ERY.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, the President shall sub-
17 mit to Congress a report on the following:

18 (1) The Hostage Response Group established
19 pursuant to section 305(a) of the Robert Levinson
20 Hostage Recovery and Hostage-Taking Account-
21 ability Act (22 U.S.C. 1741c(a)).

22 (2) The Hostage Recovery Fusion Cell estab-
23 lished pursuant to section 304(a) of that Act (22
24 U.S.C. 1741b(a)).

1 (3) The Office of the Special Presidential
2 Envoy for Hostage Affairs established pursuant to
3 section 303(a) of that Act (22 U.S.C. 1741a(a)).

4 (b) ELEMENTS.—The report required by subsection
5 (a) shall include—

6 (1) a description of the existing structure of
7 each component listed in subsection (a);

8 (2) recommendations on how the components
9 can be improved, including through reorganization
10 or consolidation of the components; and

11 (3) cost efficiencies on the components listed in
12 subsection (a), including resources available to eligi-
13 ble former wrongful detainees and hostages and
14 their family members.