

112TH CONGRESS
1ST SESSION

H. R. 2215

To ensure that United States taxpayer dollars are not used to fund terrorist entities in Lebanon, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2011

Mr. BERMAN (for himself, Mr. ISSA, Mr. BOUSTANY, and Mr. RAHALL) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ensure that United States taxpayer dollars are not used to fund terrorist entities in Lebanon, 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 “Hezbollah Anti-Ter-
5 rorism Act of 2011”.

1 **SEC. 2. LIMITATION ON ASSISTANCE TO A HEZBOLLAH-DE-**
2 **PENDENT GOVERNMENT OF LEBANON.**

3 (a) DECLARATION OF POLICY.—It shall be the policy
4 of the United States—

5 (1) to promote the sovereignty, independence,
6 and territorial integrity of Lebanon;

7 (2) to oppose those organizations, individuals,
8 and countries that practice or support terrorism or
9 use Lebanon as a base to instigate attacks of any
10 kind against Lebanese citizens, the United States,
11 the West, and the State of Israel;

12 (3) to promote the rule of law, democracy, the
13 cessation of terrorism and incitement, and good gov-
14 ernance in Lebanon; and

15 (4) to urge members of the international com-
16 munity to avoid contact with and refrain from sup-
17 porting the terrorist organization Hezbollah until it
18 agrees to renounce violence and disarm.

19 (b) AMENDMENTS.—Chapter 1 of part III of the For-
20 eign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is
21 amended—

22 (1) by redesignating the second section 620J
23 (as added by section 651 of the Department of
24 State, Foreign Operations, and Related Programs
25 Appropriations Act, 2008 (division J of Public Law
26 110–161; 121 Stat. 2341) as section 620M; and

1 (2) by adding at the end the following new sec-
2 tion:

3 **“SEC. 620N. LIMITATION ON ASSISTANCE TO A HEZBOLLAH-**
4 **DEPENDENT GOVERNMENT OF LEBANON.**

5 “(a) LIMITATION.—Assistance may not be provided
6 under this Act to or for the benefit of a Hezbollah-depend-
7 ent Government of Lebanon unless a certification de-
8 scribed in subsection (c) or a recertification described in
9 subsection (d) is in effect.

10 “(b) EXCEPTIONS.—Subsection (a) shall not apply
11 with respect to the following:

12 “(1) ASSISTANCE TO MEET BASIC HUMAN
13 NEEDS.—Assistance to meet food, water, medicine,
14 health, or sanitation needs, or other assistance to
15 meet basic human needs.

16 “(2) ASSISTANCE TO PROMOTE DEMOCRACY.—
17 Assistance to promote democracy, human rights,
18 rule-of-law, and freedom of the press, provided that
19 such assistance does not directly benefit Hezbollah
20 or any other foreign terrorist organization.

21 “(3) ASSISTANCE TO PROMOTE DISAR-
22 MAMENT.—Assistance to promote disarmament of
23 Lebanese militia, including Hezbollah.

24 “(4) ASSISTANCE TO THE IMET PROGRAM.—As-
25 sistance to support the United States Government’s

1 International Military Education and Training
2 (IMET) program.

3 “(5) ASSISTANCE TO EDUCATIONAL INSTITU-
4 TIONS.—Assistance to the American University of
5 Beirut, the Lebanese American University, and
6 other Lebanese educational institutions.

7 “(c) CERTIFICATION.—A certification described in
8 subsection (a) is a certification transmitted by the Presi-
9 dent to Congress that contains a determination of the
10 President that—

11 “(1) Hezbollah has ceased its support for ter-
12 rorism, renounced violence, and disarmed; or

13 “(2) the Government of Lebanon has made de-
14 monstrable progress toward dismantling all
15 Hezbollah terrorist and military infrastructure with-
16 in Lebanon, arresting and bringing all wanted
17 Hezbollah terrorists to justice, ending all Hezbollah
18 imports of military and terrorism-related equipment,
19 destroying unauthorized Hezbollah arms factories,
20 thwarting and preempting terrorist attacks, and
21 fully cooperating with United Nations Interim Force
22 in Lebanon (UNIFIL) peacekeepers.

23 “(d) RECERTIFICATIONS.—Not later than 90 days
24 after the date on which the President transmits to Con-

1 gress an initial certification under subsection (c), and
2 every six months thereafter—

3 “(1) the President shall transmit to Congress a
4 recertification that the conditions described in sub-
5 section (c) are continuing to be met; or

6 “(2) if the President is unable to make such a
7 recertification, the President shall transmit to Con-
8 gress a report that contains the reasons therefor.

9 “(e) CONGRESSIONAL NOTIFICATION.—Assistance
10 made available under this Act to Lebanon may not be pro-
11 vided until 15 days after the date on which the President
12 has provided notice thereof to the appropriate congres-
13 sional committees in accordance with the procedures appli-
14 cable to reprogramming notifications under section
15 634A(a) of this Act.

16 “(f) NATIONAL SECURITY WAIVER.—The President
17 may waive on a case-by-case basis the requirement to
18 make a certification under subsection (c) or a recertifi-
19 cation under subsection (d) if the President—

20 “(1) determines and certifies in writing to the
21 appropriate congressional committees that it is vital
22 to the national security interests of the United
23 States to do so; and

1 “(2) submits to the appropriate congressional
2 committees a report describing the reasons for the
3 determination, including—

4 “(A) a description of the reason or reasons
5 the President is unable to make a certification
6 under subsection (c) or a recertification under
7 subsection (d); and

8 “(B) a description of the potential impact
9 of the waiver on United States regional inter-
10 ests.

11 “(g) DEFINITIONS.—In this section:

12 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term ‘appropriate congressional com-
14 mittees’ means—

15 “(A) the Committee on Foreign Affairs
16 and the Committee on Appropriations of the
17 House of Representatives; and

18 “(B) the Committee on Foreign Relations
19 and the Committee on Appropriations of the
20 Senate.

21 “(2) FOREIGN TERRORIST ORGANIZATION.—
22 The term ‘foreign terrorist organization’ means an
23 organization designated as a foreign terrorist organi-
24 zation by the Secretary of State in accordance with

1 section 219(a) of the Immigration and Nationality
2 Act (8 U.S.C. 1189(a)).

3 “(3) HEZBOLLAH-DEPENDENT GOVERNMENT
4 OF LEBANON.—The term ‘Hezbollah-dependent Gov-
5 ernment of Lebanon’ means—

6 “(A) a Lebanese government in which
7 Hezbollah is the majority element in a gov-
8 erning coalition;

9 “(B) a Lebanese government in which
10 Hezbollah is the architect or primary forger of
11 the governing coalition; or

12 “(C) a Lebanese government which de-
13 pends on Hezbollah, even from outside that
14 government, for its parliamentary majority.”.

15 (c) PREVIOUSLY OBLIGATED FUNDS.—The provi-
16 sions of section 620N of the Foreign Assistance Act of
17 1961, as added by subsection (b) of this section, shall be
18 applicable to the unexpended balances of funds obligated
19 prior to the date of the enactment of this Act.

1 **SEC. 3. LIMITATION ON ASSISTANCE TO HEZBOLLAH-IN-**
 2 **FLUENCED MINISTRIES, AGENCIES, AND IN-**
 3 **STRUMENTALITIES OF A GOVERNMENT OF**
 4 **LEBANON IN WHICH HEZBOLLAH IS A MINOR-**
 5 **ITY ELEMENT IN A GOVERNING COALITION.**

6 (a) AMENDMENT.—Chapter 1 of part III of the For-
 7 eign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as
 8 amended by section 2(b)(2) of this Act, is further amended
 9 by adding at the end the following new section:

10 **“SEC. 6200. LIMITATION ON ASSISTANCE TO HEZBOLLAH-**
 11 **INFLUENCED MINISTRIES, AGENCIES, AND**
 12 **INSTRUMENTALITIES OF A GOVERNMENT OF**
 13 **LEBANON IN WHICH HEZBOLLAH IS A MINOR-**
 14 **ITY ELEMENT IN A GOVERNING COALITION.**

15 “(a) LIMITATION.—

16 “(1) IN GENERAL.—In the case of a Govern-
 17 ment of Lebanon in which Hezbollah is a minority
 18 element in a governing coalition, assistance may not
 19 be provided under this Act to, or to the benefit of,
 20 any ministry, agency, or instrumentality in which
 21 the chief official or other senior-level officials are
 22 members of Hezbollah or which is otherwise effec-
 23 tively controlled by Hezbollah unless a certification
 24 described in section 620N(c) or a recertification de-
 25 scribed in 620N(d) is in effect.

1 “(2) ADDITIONAL REQUIREMENT.—A certifi-
2 cation described in section 620N(c)(2) may be made
3 for purposes of subsection (a) only if the President
4 determines that Hezbollah has fully cooperated with
5 the Government of Lebanon in making demonstrable
6 progress toward meeting the conditions specified in
7 section 620N(c)(2).

8 “(b) EXCEPTIONS.—Subsection (a) shall not apply
9 with respect to assistance described in paragraphs (1)
10 through (4) of section 620N(b).

11 “(c) CONGRESSIONAL NOTIFICATION.—Assistance
12 made available under this Act to Lebanon may not be pro-
13 vided until 15 days after the date on which the President
14 has provided notice thereof to the appropriate congres-
15 sional committees in accordance with the procedures appli-
16 cable to reprogramming notifications under section
17 634A(a) of this Act.

18 “(d) NATIONAL SECURITY WAIVER.—The President
19 may waive on a case-by-case basis the requirement to
20 make a certification under section 620N(c) for purposes
21 of subsection (a) or a recertification under section
22 620N(d) for purposes of subsection (a) if the President—

23 “(1) determines and certifies in writing to the
24 appropriate congressional committees that it is vital

1 to the national security interests of the United
2 States to do so; and

3 “(2) submits to the appropriate congressional
4 committees a report describing the reasons for the
5 determination, including—

6 “(A) a description of the reason or reasons
7 the President is unable to make a certification
8 under section 620N(c) for purposes of sub-
9 section (a) or a recertification under section
10 620N(d) for purposes of subsection (a); and

11 “(B) a description of the potential impact
12 of the waiver on United States regional inter-
13 ests.

14 “(e) DEFINITION.—In this section, the term ‘appro-
15 priate congressional committees’ has the meaning given
16 the term in section 620N(g).”.

17 (b) PREVIOUSLY OBLIGATED FUNDS.—The provi-
18 sions of section 620O of the Foreign Assistance Act of
19 1961, as added by subsection (a) of this section, shall be
20 applicable to the unexpended balances of funds obligated
21 prior to the date of the enactment of this Act.

22 **SEC. 4. LIMITATION ON ASSISTANCE FOR NONGOVERN-**
23 **MENTAL ORGANIZATIONS FOR LEBANON.**

24 (a) AMENDMENT.—Chapter 1 of part III of the For-
25 eign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as

1 amended by sections 2(b)(2) and 3(a) of this Act, is fur-
2 ther amended by adding at the end the following new sec-
3 tion:

4 **“SEC. 620P. LIMITATION ON ASSISTANCE FOR NONGOVERN-**
5 **MENTAL ORGANIZATIONS FOR LEBANON.**

6 “(a) LIMITATION.—

7 “(1) IN GENERAL.—Assistance may be provided
8 under this Act to nongovernmental organizations
9 working in Lebanon only during a period for which
10 a certification described in section 620N(c) or a re-
11 certification described in section 620N(d) is in ef-
12 fect.

13 “(2) APPLICABILITY.—The limitation on assist-
14 ance under paragraph (1) applies only during a pe-
15 riod for which a Hezbollah-dependent Government of
16 Lebanon is in power.

17 “(b) EXCEPTIONS.—Subsection (a) shall not apply
18 with respect to the following:

19 “(1) ASSISTANCE TO MEET BASIC HUMAN
20 NEEDS, PROMOTE DEMOCRACY, AND PROMOTE DIS-
21 ARMAMENT.—Assistance described in paragraphs
22 (1), (2), and (3) of section 620N(b).

23 “(2) ASSISTANCE FOR INDIVIDUAL MEMBERS
24 OF THE LEBANESE GOVERNMENT.—Assistance,
25 other than funding of salaries or salary supplements,

1 to individual members of the Lebanese Government
2 who the President determines are not members of
3 Hezbollah or any other foreign terrorist organiza-
4 tion, for the purposes of facilitating the attendance
5 of such members in programs for the development of
6 institutions of democratic governance, including en-
7 hancing the transparent and accountable operations
8 of such institutions.

9 “(3) OTHER TYPES OF ASSISTANCE.—Any
10 other type of assistance if the President—

11 “(A) determines that the provision of such
12 assistance is in the national security interest of
13 the United States; and

14 “(B) not less than 30 days prior to the ob-
15 ligation of amounts for the provision of such as-
16 sistance—

17 “(i) consults with the appropriate con-
18 gressional committees regarding the spe-
19 cific programs, projects, and activities to
20 be carried out using such assistance; and

21 “(ii) submits to the appropriate con-
22 gressional committees a written memo-
23 randum that contains the determination of
24 the President under subparagraph (A),

1 with an explanation as to the reasons for
2 the President’s determination.

3 “(c) CONGRESSIONAL NOTIFICATION.—Assistance
4 made available under this Act to nongovernmental organi-
5 zations for Lebanon may not be provided until 15 days
6 after the date on which the President has provided notice
7 thereof to the appropriate congressional committees in ac-
8 cordance with the procedures applicable to reprogramming
9 notifications under section 634A(a) of this Act.

10 “(d) DEFINITIONS.—In this section, the terms ‘ap-
11 propriate congressional committees’, ‘foreign terrorist or-
12 ganization’, and ‘Hezbollah-dependent Government of
13 Lebanon’ have the meanings given such terms in section
14 620N(g).”.

15 (b) OVERSIGHT AND RELATED REQUIREMENTS.—

16 (1) OVERSIGHT.—For each of the fiscal years
17 2011 and 2012, the Secretary of State shall certify
18 to the appropriate congressional committees not
19 later than 30 days prior to the initial obligation of
20 amounts assistance to nongovernmental organiza-
21 tions for Lebanon under the Foreign Assistance Act
22 of 1961 that procedures have been established to en-
23 sure that the Comptroller General of the United
24 States will have access to appropriate United States

1 financial information in order to review the use of
2 such assistance.

3 (2) VETTING.—

4 (A) IN GENERAL.—Prior to any obligation
5 of for each of the fiscal years 2011 and 2012
6 for assistance to nongovernmental organizations
7 for Lebanon under the Foreign Assistance Act
8 of 1961, the Secretary of State shall take all
9 appropriate steps to ensure that such assistance
10 is not provided to or through any individual or
11 entity that the Secretary knows, or has reason
12 to believe, advocates, plans, sponsors, engages
13 in, or has engaged in, terrorist activity.

14 (B) PROCEDURES.—The Secretary of
15 State shall, as appropriate, establish procedures
16 specifying the steps to be taken in carrying out
17 this paragraph and shall terminate assistance
18 to any individual or entity that the Secretary
19 has determined advocates, plans, sponsors, or
20 engages in terrorist activity.

21 (C) DEFINITION.—In this paragraph, the
22 term “terrorist activity” has the meaning given
23 the term in section 212(a)(3)(B)(iii) of the Im-
24 migration and Nationality Act (8 U.S.C. 1182).

1 (3) PROHIBITION.—No amounts made available
2 for fiscal year 2011 or 2012 for assistance to non-
3 governmental organizations for Lebanon under the
4 Foreign Assistance Act of 1961 may be made avail-
5 able for the purpose of recognizing or otherwise hon-
6 oring individuals who commit, or have committed,
7 acts of terrorism.

8 **SEC. 5. INTERNATIONAL FINANCIAL INSTITUTIONS.**

9 (a) REQUIREMENT.—The President should direct the
10 United States Executive Director at each international fi-
11 nancial institution to use the voice, vote, and influence of
12 the United States to prohibit assistance to the Hezbollah-
13 dependent Government of Lebanon (other than assistance
14 described under subsection (b)) during any period for
15 which a certification described in section 620N(c) of the
16 Foreign Assistance Act of 1961 or a recertification de-
17 scribed in section 620N(d) of such Act (as added by sec-
18 tion 2(b)(2) of this Act) is not in effect with respect to
19 the Hezbollah-dependent Government of Lebanon.

20 (b) EXCEPTIONS.—The prohibition on assistance de-
21 scribed in subsection (a) should not apply with respect to
22 the following types of assistance:

23 (1) Assistance to meet food, water, medicine, or
24 sanitation needs, or other assistance to meet basic
25 human needs.

1 (2) Assistance to promote democracy, human
2 rights, freedom of the press, non-violence, reconcili-
3 ation, and peaceful coexistence, provided that such
4 assistance does not directly benefit Hezbollah or
5 other foreign terrorist organizations.

6 (c) DEFINITION.—In this section, the term “inter-
7 national financial institution” has the meaning given the
8 term in section 1701(c)(2) of the International Financial
9 Institutions Act (22 U.S.C. 262r(c)(2)).

10 **SEC. 6. REPORTING REQUIREMENT.**

11 Not later than 90 days after the date of the enact-
12 ment of this Act, and annually thereafter, the Secretary
13 of State shall submit to the appropriate congressional
14 committees a report that—

15 (1) describes the steps that have been taken by
16 the United States Government to ensure that other
17 countries and international organizations, including
18 multilateral development banks, do not provide di-
19 rect assistance to the Hezbollah-dependent Govern-
20 ment of Lebanon for any period for which a certifi-
21 cation described in section 620N(c) of the Foreign
22 Assistance Act of 1961 or a recertification described
23 in section 620N(d) of such Act (as added by section
24 2(b)(2) of this Act) is not in effect; and

1 (2) identifies any countries and international
2 organizations, including multilateral development
3 banks, that are providing direct assistance to the
4 Hezbollah-dependent Government of Lebanon during
5 such a period, and describes the nature and amount
6 of such assistance.

7 **SEC. 7. DEFINITIONS.**

8 In this Act:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means—

12 (A) the Committee on Foreign Affairs and
13 the Committee on Appropriations of the House
14 of Representatives; and

15 (B) the Committee on Foreign Relations
16 and the Committee on Appropriations of the
17 Senate.

18 (2) HEZBOLLAH-DEPENDENT GOVERNMENT OF
19 LEBANON.—The term “Hezbollah-dependent Gov-
20 ernment of Lebanon” has the meaning given the
21 term in section 620N(g) of the Foreign Assistance
22 Act of 1961 (as added by section 2(b)(2) of this
23 Act).

○