

In the Senate of the United States,

October 11, 2018.

Resolved, That the bill from the House of Representatives (H.R. 3342) entitled “An Act to impose sanctions on foreign persons that are responsible for gross violations of internationally recognized human rights by reason of the use by Hizballah of civilians as human shields, and for other purposes.”, do pass with the following

AMENDMENTS:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Sanctioning the Use*
3 *of Civilians as Defenseless Shields Act”.*

4 ***SEC. 2. STATEMENT OF POLICY.***

5 *It shall be the policy of the United States to officially*
6 *and publicly condemn the use of innocent civilians as*
7 *human shields.*

1 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO FOR-**
 2 **EIGN PERSONS THAT ARE RESPONSIBLE FOR**
 3 **THE USE OF CIVILIANS AS HUMAN SHIELDS.**

4 (a) *IMPOSITION OF SANCTIONS.—*

5 (1) *MANDATORY SANCTIONS.—The President*
 6 *shall impose sanctions described in subsection (d)*
 7 *with respect to each person on the list required under*
 8 *subsection (b).*

9 (2) *PERMISSIVE SANCTIONS.—The President*
 10 *may impose sanctions described in subsection (d)*
 11 *with respect to each person on the list described in*
 12 *subsection (c).*

13 (b) *MANDATORY SANCTIONS LIST.—Not later than one*
 14 *year after the date of the enactment of this Act, and annu-*
 15 *ally thereafter, the President shall submit to the appropriate*
 16 *congressional committees a list of the following:*

17 (1) *Each foreign person that the President deter-*
 18 *mines, on or after the date of the enactment of this*
 19 *Act—*

20 (A) *is a member of Hizballah or is know-*
 21 *ingly acting on behalf of Hizballah; and*

22 (B) *knowingly orders, controls, or otherwise*
 23 *directs the use of civilians protected as such by*
 24 *the law of war to shield military objectives from*
 25 *attack.*

1 (2) *Each foreign person that the President deter-*
 2 *mines, on or after the date of the enactment of this*
 3 *Act—*

4 (A) *is a member of Hamas or is knowingly*
 5 *acting on behalf of Hamas; and*

6 (B) *knowingly orders, controls, or otherwise*
 7 *directs the use of civilians protected as such by*
 8 *the law of war to shield military objectives from*
 9 *attack.*

10 (3) *Each foreign person or agency or instrumen-*
 11 *tal of a foreign state that the President determines,*
 12 *on or after the date of the enactment of this Act,*
 13 *knowingly and materially supports, orders, controls,*
 14 *directs, or otherwise engages in—*

15 (A) *any act described in subparagraph (B)*
 16 *of paragraph (1) by a person described in that*
 17 *paragraph; or*

18 (B) *any act described in subparagraph (B)*
 19 *of paragraph (2) by a person described in that*
 20 *paragraph.*

21 (c) *PERMISSIVE SANCTIONS LIST.—Not later than one*
 22 *year after the date of the enactment of this Act, and annu-*
 23 *ally thereafter, the President should submit to the appro-*
 24 *priate congressional committees a list of each foreign person*
 25 *that the President determines, on or after the date of the*

1 *enactment of this Act, knowingly orders, controls, or other-*
 2 *wise directs the use of civilians protected as such by the*
 3 *law of war to shield military objectives from attack, exclud-*
 4 *ing foreign persons included in the most recent list under*
 5 *subsection (b).*

6 (d) *SANCTIONS DESCRIBED.—The sanctions to be im-*
 7 *posed on a foreign person or an agency or instrumentality*
 8 *of a foreign state under this subsection are the following:*

9 (1) *BLOCKING OF PROPERTY.—The President*
 10 *shall exercise all of the powers granted to the Presi-*
 11 *dent under the International Emergency Economic*
 12 *Powers Act (50 U.S.C. 1701 et seq.) to the extent nec-*
 13 *essary to block and prohibit all transactions in prop-*
 14 *erty and interests in property of the foreign person or*
 15 *agency or instrumentality of a foreign state if such*
 16 *property or interests in property are in the United*
 17 *States, come within the United States, or are or come*
 18 *within the possession or control of a United States*
 19 *person.*

20 (2) *ALIENS INELIGIBLE FOR VISAS, ADMISSION,*
 21 *OR PAROLE.—*

22 (A) *VISAS, ADMISSION, OR PAROLE.—An*
 23 *alien who the Secretary of State or the Secretary*
 24 *of Homeland Security determines is subject to*
 25 *sanctions under subsection (a) is—*

- 1 (i) inadmissible to the United States;
2 (ii) ineligible to receive a visa or other
3 documentation to enter the United States;
4 and
5 (iii) otherwise ineligible to be admitted
6 or paroled into the United States or to re-
7 ceive any other benefit under the Immigra-
8 tion and Nationality Act (8 U.S.C. 1101 *et*
9 *seq.*).

10 (B) *CURRENT VISAS REVOKED.*—Any visa
11 or other documentation issued to an alien who is
12 subject to sanctions under subsection (a), regard-
13 less of when such visa or other documentation
14 was issued, shall be revoked and such alien shall
15 be denied admission to the United States.

16 (C) *EXCEPTION TO COMPLY WITH UNITED*
17 *NATIONS HEADQUARTERS AGREEMENT AND*
18 *OTHER INTERNATIONAL OBLIGATIONS.*—The
19 sanctions under this paragraph shall not be im-
20 posed on an individual if admitting such indi-
21 vidual to the United States is necessary to per-
22 mit the United States to comply with the Agree-
23 ment regarding the Headquarters of the United
24 Nations, signed at Lake Success June 26, 1947,
25 and entered into force November 21, 1947, be-

1 *tween the United Nations and the United States,*
 2 *or with other applicable international obliga-*
 3 *tions.*

4 *(e) PENALTIES.—The penalties provided for in sub-*
 5 *sections (b) and (c) of section 206 of the International*
 6 *Emergency Economic Powers Act (50 U.S.C. 1705) shall*
 7 *apply to a person that knowingly violates, attempts to vio-*
 8 *late, conspires to violate, or causes a violation of regulations*
 9 *prescribed to carry out this section to the same extent that*
 10 *such penalties apply to a person that knowingly commits*
 11 *an unlawful act described in section 206(a) of such Act.*

12 *(f) PROCEDURES FOR JUDICIAL REVIEW OF CLASSI-*
 13 *FIED INFORMATION.—*

14 *(1) IN GENERAL.—If a finding under this sec-*
 15 *tion, or a prohibition, condition, or penalty imposed*
 16 *as a result of any such finding, is based on classified*
 17 *information (as defined in section 1(a) of the Classi-*
 18 *fied Information Procedures Act (18 U.S.C. App.))*
 19 *and a court reviews the finding or the imposition of*
 20 *the prohibition, condition, or penalty, the President*
 21 *may submit such information to the court ex parte*
 22 *and in camera.*

23 *(2) RULE OF CONSTRUCTION.—Nothing in this*
 24 *subsection shall be construed to confer or imply any*
 25 *right to judicial review of any finding under this sec-*

1 *tion or any prohibition, condition, or penalty im-*
 2 *posed as a result of any such finding.*

3 (g) *WAIVER.—The President may waive the applica-*
 4 *tion of sanctions under this section if the President deter-*
 5 *mines and reports to the appropriate congressional commit-*
 6 *tees that such waiver is in the national security interest*
 7 *of the United States.*

8 (h) *REGULATORY AUTHORITY.—*

9 (1) *IN GENERAL.—The President may exercise*
 10 *all authorities under sections 203 and 205 of the*
 11 *International Emergency Economic Powers Act (50*
 12 *U.S.C. 1702 and 1704) for purposes of carrying out*
 13 *this section.*

14 (2) *ISSUANCE OF REGULATIONS.—Not later than*
 15 *180 days after the date of the enactment of this Act,*
 16 *the President shall prescribe such regulations as may*
 17 *be necessary to implement this section.*

18 (i) *RULE OF CONSTRUCTION.—Nothing in this section*
 19 *may be construed—*

20 (1) *to limit the authorities of the President pur-*
 21 *suant to the International Emergency Economic Pow-*
 22 *ers Act (50 U.S.C. 1701 et seq.) or any other relevant*
 23 *provision of law; or*

24 (2) *to apply with respect to any activity subject*
 25 *to the reporting requirements under title V of the Na-*

1 *tional Security Act of 1947 (50 U.S.C. 3091 et seq.),*
 2 *or to any authorized intelligence activities of the*
 3 *United States.*

4 **SEC. 4. DEFINITIONS.**

5 *In this Act:*

6 (1) *ADMITTED; ALIEN.*—*The terms “admitted”*
 7 *and “alien” have the meanings given those terms in*
 8 *section 101 of the Immigration and Nationality Act*
 9 *(8 U.S.C. 1101).*

10 (2) *AGENCY OR INSTRUMENTALITY OF A FOREIGN*
 11 *STATE.*—*The term “agency or instrumentality of a*
 12 *foreign state” has the meaning given that term in sec-*
 13 *tion 1603(b) of title 28, United States Code.*

14 (3) *APPROPRIATE CONGRESSIONAL COMMIT-*
 15 *TEES.*—*In this section, the term “appropriate con-*
 16 *gressional committees” means—*

17 (A) *the Committee on Banking, Housing,*
 18 *and Urban Affairs, the Committee on Foreign*
 19 *Relations, and the Committee on the Judiciary*
 20 *of the Senate; and*

21 (B) *the Committee on Financial Services,*
 22 *the Committee on Foreign Affairs, and the Com-*
 23 *mittee on the Judiciary of the House of Rep-*
 24 *resentatives.*

1 (4) *FOREIGN PERSON*.—The term “foreign per-
2 son” means—

3 (A) any citizen or national of a foreign
4 state, wherever located; or

5 (B) any entity not organized solely under
6 the laws of the United States or existing solely
7 in the United States.

8 (5) *HAMAS*.—The term “*Hamas*” means—

9 (A) the entity known as *Hamas* and des-
10 ignated by the Secretary of State as a foreign
11 terrorist organization pursuant to section 219 of
12 the *Immigration and Nationality Act* (8 U.S.C.
13 1189); or

14 (B) any person identified as an agent or in-
15 strumentality of *Hamas* on the list of specially
16 designated nationals and blocked persons main-
17 tained by the Office of Foreign Asset Control of
18 the Department of the Treasury, the property or
19 interests in property of which are blocked pursu-
20 ant to the *International Emergency Economic*
21 *Powers Act* (50 U.S.C. 1701 et seq.).

22 (6) *HIZBALLAH*.—The term “*Hizballah*”
23 means—

24 (A) the entity known as *Hizballah* and des-
25 ignated by the Secretary of State as a foreign

1 *terrorist organization pursuant to section 219 of*
 2 *the Immigration and Nationality Act (8 U.S.C.*
 3 *1189); or*

4 *(B) any person identified as an agent or in-*
 5 *strumentality of Hizballah on the list of spe-*
 6 *cially designated nationals and blocked persons*
 7 *maintained by the Office of Foreign Asset Con-*
 8 *trol of the Department of the Treasury, the prop-*
 9 *erty or interests in property of which are blocked*
 10 *pursuant to the International Emergency Eco-*
 11 *nomics Powers Act (50 U.S.C. 1701 et seq.).*

12 *(7) UNITED STATES PERSON.—The term “United*
 13 *States person” means any United States citizen, per-*
 14 *manent resident alien, entity organized under the*
 15 *laws of the United States (including foreign*
 16 *branches), or any person in the United States.*

17 **SEC. 5. SUNSET.**

18 *This Act shall cease to be effective on December 31,*
 19 *2023.*

Amend the title so as to read: “An Act to impose sanctions with respect to foreign persons that are respon-

sible for using civilians as human shields, and for other purposes.”.

Attest:

Secretary.

115TH CONGRESS
2^D Session

H.R. 3342

AMENDMENTS