H. R. 3342

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2017

Mr. GALLAGHER (for himself, Mr. SUOZZI, Mr. ROYCE of California, Mr. ROSKAM, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, 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 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.

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 “Sanctioning
5 Hizballah’s Illicit Use of Civilians as Defenseless Shields
6 Act”.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,
SEC. 2. FINDINGS.

Congress finds the following:

(1) Human shields are civilians, prisoners of war, and other noncombatants whose presence is designed to protect combatants and military objects from attack, and the use of human shields violates international law.

(2) Throughout the 2006 conflict with the State of Israel, Hizballah forces utilized human shields to protect themselves from counterattacks by Israeli forces, including storing weapons inside civilian homes and firing rockets from inside populated civilian areas.

(3) Hizballah has rearmed to include an arsenal of over 150,000 missiles, and other destabilizing weapons provided by the Syrian and Iranian governments, which are concealed in Shiite villages in southern Lebanon, often beneath civilian infrastructure.


(5) Hizballah maintains an armed military force within Lebanon’s sovereign territory in direct violation of United Nations Security Council Resolutions 1559 (2004) and 1680 (2006), thus preventing Leb-
anon from exerting its lawful control over its internationally recognized borders.

SEC. 3. STATEMENT OF POLICY.

It shall be the policy of the United States to consider the use of human shields by Hizballah as a gross violation of internationally recognized human rights, to officially and publicly condemn the use of innocent civilians as human shields by Hizballah, and to take effective action against those that engage in the grave breach of international law through the use of human shields.

SEC. 4. UNITED NATIONS SECURITY COUNCIL.

The President should direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations Security Council to secure support for a resolution that would impose multilateral sanctions against Hizballah for its use of civilians as human shields.

SEC. 5. IDENTIFICATION OF FOREIGN PERSONS THAT ARE RESPONSIBLE FOR GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS BY REASON OF USE BY HIZBALLAH OF CIVILIANS AS HUMAN SHIELDS.

(a) In General.—The President shall impose sanctions described in subsection (c) with respect to each person on the list required under subsection (b).
(b) LIST.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a list of the following:

(A) Each foreign person that the President determines, based on credible evidence, is a member of Hizballah, or acting on behalf of Hizballah, that is responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the use of civilians as human shields.

(B) Each foreign person, or agency or instrumentality of a foreign state, that the President determines has provided, attempted to provide, or significantly facilitated the provision of, material support to a person described in subparagraph (A).

(2) UPDATES.—The President shall transmit to the appropriate congressional committees an update of the list required under paragraph (1) as new information becomes available.

(e) SANCTIONS DESCRIBED.—The sanctions to be imposed on a foreign person or an agency or instrument-
tality of a foreign state on the list required under sub-
section (b) are the following:

(1) **Blocking of property.**—The President shall exercise all of the powers granted to the Presi-
dent under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the foreign per-
son or of such agency or instrumentality of a foreign state if such property or interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) **Aliens ineligible for visas, admission, or parole.**—

(A) **Visas, admission, or parole.**—An alien who the Secretary of State or the Sec-
retary of Homeland Security (or a designee of one of such Secretaries) who is a foreign person on the list required under subsection (b) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other
documentation to enter the United States;

and
(iii) otherwise ineligible to be admitted
or paroled into the United States or to re-
ceive any other benefit under the Immigra-
tion and Nationality Act (8 U.S.C. 1101 et
seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The issuing con-
sular officer, the Secretary of State, or the
Secretary of Homeland Security (or a des-
ignee of one of such Secretaries) shall re-
voke any visa or other entry documentation
issued to an alien who is a foreign person
on the list required under subsection (b)
regardless of when such visa or other entry
documentation was issued.

(ii) EFFECT OF REVOCATION.—A rev-
ocation under clause (i)—

(I) shall take effect immediately;

and

(II) shall automatically cancel
any other valid visa or entry docu-
mentation that is in the possession of
the alien who is the subject of such
revocation.
(3) Penalties.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that knowingly violates, attempts to violate, conspires to violate, or causes a violation of regulations promulgated to carry out this section to the same extent that such penalties apply to a person that knowingly commits an unlawful act described in section 206(a) of such Act.

(4) Regulatory authority.—

(A) In general.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out this section.

(B) Issuance of regulations.—Not later than 180 days after the date of the enactment of this Act, the President shall, promulgate regulations as necessary for the implementation of this section and the amendments made by this section.

(C) Notification to Congress.—Not later than ten days before the promulgation of
regulations under subparagraph (B), the President shall brief the appropriate congressional committees on the proposed regulations and the provisions of this section that the regulations are implementing.

(5) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or any other relevant provision of law.

(d) WAIVER.—The President may waive the application of sanctions under this section for periods not to exceed 120 days with respect to a foreign person, or an agency or instrumentality of a foreign state, if the President reports to the appropriate congressional committees that such waiver is vital to the national security interests of the United States.

(e) EXEMPTIONS.—Any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), or to any authorized intelligence activities of the United States.

SEC. 6. REPORT.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report con-
containing a determination on whether each person described in subsection (b) meets the criteria described in subparagraph (A) or (B) of section 5(b)(1).

(b) PERSONS DESCRIBED.—The persons described in this subsection are the following:

(1) The Secretary General of Hizballah.

(2) Members of the Hizballah Politburo.

(3) Any other senior members of Hizballah or other associated entities that the President determines to be appropriate.

(4) Any person, or agency or instrumentality of a foreign state that the President determines provides material support to Hizballah that supports its use of civilians as human shields.

(c) FORM OF REPORT; PUBLIC AVAILABILITY.—

(1) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(2) PUBLIC AVAILABILITY.—The unclassified portion of such report shall be made available to the public and posted on the internet website of the Department of State—

(A) in English, Farsi, Arabic, and Azeri; and
(B) in pre-compressed, easily downloadable versions that are made available in all appropriate formats.

SEC. 7. DEFINITIONS.

In this Act:

(1) ADMIITTED; ALIEN.—The terms “admitted” and “alien” have the meanings given such terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE.—The term “agency or instrumentality of a foreign state” has the meaning given such term in section 1603(b) of title 28, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(A) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate.

(4) FOREIGN PERSON.—The term “foreign person” means any citizen or national of a foreign country, or any entity not organized solely under the
laws of the United States or existing solely in the United States.

(5) FOREIGN STATE.—The term “foreign state” has the meaning given such term in section 1603(a) of title 28, United States Code.

(6) UNITED STATES PERSON.—The term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States.

(7) HIZBALLAH.—The term “Hizballah” means—

(A) the entity known as Hizballah and designated by the Secretary of State as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

(B) any person—

(i) the property or interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(ii) who is identified on the list of specially designated nationals and blocked persons maintained by the Office of For-
eign Assets Control of the Department of the Treasury as an agent, instrumentality, or affiliate of Hizballah.