

115TH CONGRESS  
1ST SESSION

# H. R. 3542

To impose sanctions against Hamas for gross violations of internationally recognized human rights by reason of the use of civilians as human shields, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2017

Mr. WILSON of South Carolina (for himself, Mr. MOULTON, Ms. ROS-LEHTINEN, and Mr. DEUTCH) 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

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## A BILL

To impose sanctions against Hamas for gross violations of internationally recognized human rights by reason of the use 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 “Hamas Human Shields  
5 Prevention Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Human shields are civilians, prisoners of  
2 war, and other noncombatants whose presence is de-  
3 signed to protect combatants and military objects  
4 from attack, and the use of human shields violates  
5 international law.

6           (2) Throughout the 2006–2007 takeover of  
7 Gaza by Hamas, the organization engaged in sum-  
8 mary executions and torture, and put the lives of ci-  
9 vilians at constant risk.

10          (3) Since that 2006–2007 takeover of Gaza,  
11 Hamas forces have repeatedly fired rockets at the  
12 Israeli Defense Forces and at Israeli civilian areas,  
13 from civilian areas predominantly occupied by Pal-  
14 estinians including hospitals, mosques, and schools,  
15 putting Palestinian lives at constant risk.

16          (4) It is common practice for the Israeli De-  
17 fense Forces to drop aerial leaflets, make announce-  
18 ments over radio, place phone calls, and send text  
19 messages warning of a coming military strike before  
20 targeting terrorists operating near Palestinian civil-  
21 ian areas.

22          (5) Hamas leaders routinely discourage Pales-  
23 tinian civilians from heeding these warnings, in-  
24 structing them to remain in their homes, and, in

1 some cases, force civilians to gather on the roofs of  
2 their homes to act as human shields.

3 (6) In 2010, Hamas forced children to work as  
4 laborers in the tunnel networks between Gaza and  
5 Egypt.

6 (7) On June 9, 2017, the United Nations Relief  
7 and Works Agency announced it had discovered  
8 Hamas tunnels under two of its schools in the Gaza  
9 Strip, adding it was “unacceptable that students and  
10 staff are placed at risk in such a way.”

11 (8) Hamas was designated as a foreign terrorist  
12 organization by the Secretary of State on October 8,  
13 1997.

14 (9) In addition to Hamas, other foreign ter-  
15 rorist organizations, such as the Islamic State, al-  
16 Qa’ida, and al-Shabaab, typically use civilians as  
17 human shields.

18 (10) Congress has repeatedly condemned the  
19 use of human shields by Hamas and other foreign  
20 terrorist organizations.

21 **SEC. 3. STATEMENT OF POLICY.**

22 It shall be the policy of the United States to—

23 (1) officially and publicly condemn the use of  
24 human shields by Hamas as an act of terrorism and

1 a violation of human rights and international hu-  
2 manitarian law; and

3 (2) take effective action against those engaging  
4 in, supporting, facilitating, or enabling the use of  
5 human shields.

6 **SEC. 4. UNITED NATIONS SECURITY COUNCIL.**

7 The President should direct the United States Per-  
8 manent Representative to the United Nations to use the  
9 voice, vote, and influence of the United States at the  
10 United Nations Security Council to secure support for a  
11 resolution that would impose multilateral sanctions  
12 against Hamas for the use of human shields.

13 **SEC. 5. SANCTIONS ON FOREIGN PERSONS RESPONSIBLE**  
14 **FOR GROSS VIOLATIONS OF INTERNATION-**  
15 **ALLY RECOGNIZED HUMAN RIGHTS.**

16 (a) IN GENERAL.—The President shall impose the  
17 sanctions described in subsection (b) with respect to the  
18 following:

19 (1) Each foreign person that the President de-  
20 termines, based on credible evidence—

21 (A) is a member of Hamas or is acting on  
22 behalf of Hamas; and

23 (B) is responsible for, complicit in, or re-  
24 sponsible for ordering, controlling, or otherwise  
25 directing the use of human shields by Hamas.

1           (2) Each foreign person and each agency or in-  
2           strumentality of a foreign state that the President  
3           determines has—

4                   (A) directly or indirectly, significantly fa-  
5                   cilitated any act described in paragraph (1)(B)  
6                   with respect to the use of human shields by  
7                   Hamas;

8                   (B) provided material support to a person  
9                   listed under paragraph (1); or

10                  (C) attempted to so facilitate or so support  
11                  such acts or persons.

12           (b) SANCTIONS DESCRIBED.—The sanctions de-  
13           scribed in this subsection are the following:

14                   (1) BLOCKING OF PROPERTY.—The President  
15                   shall exercise all of the powers granted to the Presi-  
16                   dent under the International Emergency Economic  
17                   Powers Act (50 U.S.C. 1701 et seq.) to the extent  
18                   necessary to block and prohibit all transactions in  
19                   property and interests in property of the foreign per-  
20                   son if such property and interests in property are in  
21                   the United States, come within the United States, or  
22                   are or come within the possession or control of a  
23                   United States person.

24                   (2) ALIENS INELIGIBLE FOR VISAS, ADMISSION,  
25                   OR PAROLE.—

1 (A) VISAS, ADMISSION, OR PAROLE.—An  
2 alien who the Secretary of State or the Sec-  
3 retary of Homeland Security (or a designee of  
4 either such Secretaries) knows, or has reason to  
5 believe, meets any of the criteria described in  
6 subsection (a) is—

7 (i) inadmissible to the United States;

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

10 and

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

16 (B) CURRENT VISAS REVOKED.—The  
17 issuing consular officer, the Secretary of State,  
18 or the Secretary of Homeland Security (or a  
19 designee of either such Secretaries) shall revoke  
20 any visa or other entry documentation issued to  
21 an alien who meets any of the criteria described  
22 in subsection (a) regardless of when issued. A  
23 revocation under this subparagraph shall take  
24 effect immediately and shall automatically can-

1           cel any other valid visa or entry documentation  
2           that is in the possession of such alien.

3           (c) WAIVER.—The President may, on a case-by-case  
4 basis, waive the application of a sanction under this sec-  
5 tion with respect to a person or an agency or instrumen-  
6 tality of a foreign state for a 120-day period if the Presi-  
7 dent certifies to the appropriate congressional committees,  
8 not less than 15 days before the start of such 120-day  
9 period, that such waiver is vital to the national security  
10 interest of the United States.

11          (d) PENALTIES.—The penalties provided for in sub-  
12 sections (b) and (c) of section 206 of the International  
13 Emergency Economic Powers Act (50 U.S.C. 1705) shall  
14 apply to any person that violates, attempts to violate, con-  
15 spires to violate, or causes a violation of any regulation  
16 promulgated to carry out this section to the same extent  
17 that such penalties apply to a person that knowingly com-  
18 mits an unlawful act described in section 206(a) of such  
19 Act.

20          (e) REGULATIONS.—

21           (1) IN GENERAL.—The President may exercise  
22 all authorities provided to the President under sec-  
23 tions 203 and 205 of the International Emergency  
24 Economic Powers Act (50 U.S.C. 1702 and 1704)  
25 for purposes of carrying out this section.

1           (2) ISSUANCE OF REGULATIONS.—Not later  
2 than 180 days after the date of the enactment of  
3 this Act, the President shall prescribe such regula-  
4 tions as may be necessary to implement this section.

5           (3) NOTIFICATION TO CONGRESS.—Not later  
6 than 10 days before the promulgation of a regula-  
7 tion under paragraph (2), the President shall brief  
8 the appropriate congressional committees on the pro-  
9 posed regulation and the provisions of this section  
10 implemented by such regulation.

11          (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
12 tion may be construed—

13           (1) to limit the authorities of the President pur-  
14 suant to the International Emergency Economic  
15 Powers Act (50 U.S.C. 1701 et seq.) or any other  
16 relevant provision of law; or

17           (2) to apply with respect to any activity subject  
18 to the reporting requirements under title V of the  
19 National Security Act of 1947 (50 U.S.C. 3091 et  
20 seq.), or to any authorized intelligence activities of  
21 the United States.

22 **SEC. 6. DEFINITIONS.**

23 In this Act:

24           (1) ADMITTED; ALIEN.—The terms “admitted”  
25 and “alien” have the meanings given such terms in

1 section 101 of the Immigration and Nationality Act  
2 (8 U.S.C. 1101).

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

7 (3) APPROPRIATE CONGRESSIONAL COMMIT-  
8 TEES.—In this section, the term “appropriate con-  
9 gressional committees” means—

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

13 (B) the Committee on Banking, Housing,  
14 and Urban Affairs and the Committee on For-  
15 eign Relations of the Senate.

16 (4) FOREIGN PERSON.—The term “foreign per-  
17 son” means—

18 (A) an individual who is not a United  
19 States citizen or an alien lawfully admitted for  
20 permanent residence to the United States; or

21 (B) an entity that is not a United States  
22 person.

23 (5) HAMAS.—The term “Hamis” means—

24 (A) the entity known as Hamas and des-  
25 ignated by the Secretary of State as foreign ter-

1           rorist 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, in-  
5           strumentality, or affiliate of Hamas on the list  
6           of specially designated nationals and blocked  
7           persons maintained by the Office of Foreign  
8           Asset Control of the Department of Treasury,  
9           the property or interests in property of which  
10          are blocked pursuant to the International  
11          Emergency Economic Powers Act (50 U.S.C.  
12          1701 et seq.).

13          (6) UNITED STATES PERSON.—The term  
14          “United States person” means—

15                   (A) a United States citizen or an alien law-  
16           fully admitted for permanent residence to the  
17           United States; or

18                   (B) an entity organized under the laws of  
19           the United States or of any jurisdiction within  
20           the United States, including a foreign branch of  
21           such an entity.

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