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.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hamas Human Shields
Prevention Act”.

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 2006–2007 takeover of Gaza by Hamas, the organization engaged in summary executions and torture, and put the lives of civilians at constant risk.

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

(4) It is common practice for the Israeli Defense Forces to drop aerial leaflets, make announcements over radio, place phone calls, and send text messages warning of a coming military strike before targeting terrorists operating near Palestinian civilian areas.

(5) Hamas leaders routinely discourage Palestinian civilians from heeding these warnings, instructing them to remain in their homes, and, in
some cases, force civilians to gather on the roofs of their homes to act as human shields.

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

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

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

(9) In addition to Hamas, other foreign terrorist organizations, such as the Islamic State, al-Qa‘ida, and al-Shabaab, typically use civilians as human shields.

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

SEC. 3. STATEMENT OF POLICY.

It shall be the policy of the United States to—

(1) officially and publicly condemn the use of human shields by Hamas as an act of terrorism and
a violation of human rights and international humanitar- 
ian law; and
(2) take effective action against those engaging in, supporting, facilitating, or enabling the use of human shields.

SEC. 4. UNITED NATIONS SECURITY COUNCIL.
The President should direct the United States Per-
manent 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 Hamas for the use of human shields.

SEC. 5. SANCTIONS ON FOREIGN PERSONS RESPONSIBLE FOR GROSS VIOLATIONS OF INTERNATIONAL-ALLY RECOGNIZED HUMAN RIGHTS.
(a) IN GENERAL.—The President shall impose the sanctions described in subsection (b) with respect to the following:
(1) Each foreign person that the President determines, based on credible evidence—
(A) is a member of Hamas or is acting on behalf of Hamas; and
(B) is responsible for, complicit in, or responsible for ordering, controlling, or otherwise directing the use of human shields by Hamas.
(2) Each foreign person and each agency or instrumentality of a foreign state that the President determines has—

(A) directly or indirectly, significantly facilitated any act described in paragraph (1)(B) with respect to the use of human shields by Hamas;

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

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

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) BLOCKING OF PROPERTY.—The President shall exercise all of the powers granted to the President 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 person if such property and 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 Secretary of Homeland Security (or a designee of either such Secretaries) knows, or has reason to believe, meets any of the criteria described in subsection (a) 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 receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) **Current Visas Revoked.—**The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of either such Secretaries) shall revoke any visa or other entry documentation issued to an alien who meets any of the criteria described in subsection (a) regardless of when issued. A revocation under this subparagraph shall take effect immediately and shall automatically can-
cel any other valid visa or entry documentation that is in the possession of such alien.

(c) WAIVER.—The President may, on a case-by-case basis, waive the application of a sanction under this section with respect to a person or an agency or instrumentality of a foreign state for a 120-day period if the President certifies to the appropriate congressional committees, not less than 15 days before the start of such 120-day period, that such waiver is vital to the national security interest of the United States.

(d) 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 any person that violates, attempts to violate, conspires to violate, or causes a violation of any regulation 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.

(e) REGULATIONS.—

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

(3) NOTIFICATION TO CONGRESS.—Not later than 10 days before the promulgation of a regulation under paragraph (2), the President shall brief the appropriate congressional committees on the proposed regulation and the provisions of this section implemented by such regulation.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to limit the authorities 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; or

(2) to apply with respect to 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. DEFINITIONS.

In this Act:

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

(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—

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

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

(5) HAMAS.—The term “Hamas” means—

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

(B) any person identified as an agent, in-
strumentality, or affiliate of Hamas on the list
of specially designated nationals and blocked
persons maintained by the Office of Foreign
Asset Control of the Department of Treasury,
the property or interests in property of which
are blocked pursuant to the International
1701 et seq.).

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

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

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