

Union Calendar No. 269

115TH CONGRESS
1ST SESSION

H. R. 3342

[Report No. 115–367, Part I]

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

OCTOBER 24, 2017

Additional sponsors: Ms. WASSERMAN SCHULTZ, Mr. KINZINGER, Mr. LIPINSKI, Mr. GARRETT, Ms. ROSEN, Mr. WEBER of Texas, Mrs. HARTZLER, Mr. MEEHAN, Mr. SENSENBRENNER, Mr. KING of New York, Ms. STEFANIK, Mr. SCHNEIDER, Mr. SHERMAN, Mr. WILSON of South Carolina, Mr. DESANTIS, Mrs. DEMINGS, Mr. ZELDIN, Mr. BACON, Ms. ROSELEHTINEN, Ms. SINEMA, Mr. GOTTHEIMER, and Ms. MENG

OCTOBER 24, 2017

Reported from the Committee on Foreign Affairs

OCTOBER 24, 2017

The Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Human shields are civilians, prisoners of
10 war, and other noncombatants whose presence is de-
11 signed to protect combatants and military objects
12 from attack, and the use of human shields violates
13 international law.

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

20 (3) Hizballah has rearmed to include an arsenal
21 of over 150,000 missiles, and other destabilizing
22 weapons provided by the Syrian and Iranian govern-
23 ments, which are concealed in Shiite villages in
24 southern Lebanon, often beneath civilian infrastruc-
25 ture.

1 (4) Hizballah is legally required to disarm
2 under both United Nations Security Council Resolu-
3 tion 1701 (2006) and the Taif Agreement (1989).

4 (5) Hizballah maintains an armed military force
5 within Lebanon's sovereign territory in direct viola-
6 tion of United Nations Security Council Resolutions
7 1559 (2004) and 1680 (2006), thus preventing Leb-
8 anon from exerting its lawful control over its inter-
9 nationally recognized borders.

10 **SEC. 3. STATEMENT OF POLICY.**

11 It shall be the policy of the United States to consider
12 the use of human shields by Hizballah as a gross violation
13 of internationally recognized human rights, to officially
14 and publicly condemn the use of innocent civilians as
15 human shields by Hizballah, and to take effective action
16 against those that engage in the grave breach of inter-
17 national law through the use of human shields.

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

19 The President should direct the United States Per-
20 manent Representative to the United Nations to use the
21 voice, vote, and influence of the United States at the
22 United Nations Security Council to secure support for a
23 resolution that would impose multilateral sanctions
24 against Hizballah for its use of civilians as human shields.

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

6 (a) IN GENERAL.—The President shall impose sanc-
7 tions described in subsection (c) with respect to each per-
8 son on the list required under subsection (b).

9 (b) LIST.—

10 (1) IN GENERAL.—Not later than 120 days
11 after the date of the enactment of this Act, the
12 President shall transmit to the appropriate congres-
13 sional committees a list of the following:

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

21 (B) Each foreign person, or agency or in-
22 strumentality of a foreign state, that the Presi-
23 dent determines has provided, attempted to pro-
24 vide, or significantly facilitated the provision of,
25 material support to a person described in sub-
26 paragraph (A).

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

5 (c) SANCTIONS DESCRIBED.—The sanctions to be
6 imposed on a foreign person or an agency or instrumen-
7 tality of a foreign state on the list required under sub-
8 section (b) 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
13 necessary to block and prohibit all transactions in
14 property and interests in property of the foreign per-
15 son or of such agency or instrumentality of a foreign
16 state if such property or interests in property are in
17 the United States, come within the United States, or
18 are or come within the possession or control of a
19 United States 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 Sec-
24 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

1 (II) shall automatically cancel
2 any other valid visa or entry docu-
3 mentation that is in the possession of
4 the alien who is the subject of such
5 revocation.

6 (3) PENALTIES.—The penalties provided for in
7 subsections (b) and (c) of section 206 of the Inter-
8 national Emergency Economic Powers Act (50
9 U.S.C. 1705) shall apply to a person that knowingly
10 violates, attempts to violate, conspires to violate, or
11 causes a violation of regulations promulgated to
12 carry out this section to the same extent that such
13 penalties apply to a person that knowingly commits
14 an unlawful act described in section 206(a) of such
15 Act.

16 (4) REGULATORY AUTHORITY.—

17 (A) IN GENERAL.—The President may ex-
18 ercise all authorities provided to the President
19 under sections 203 and 205 of the International
20 Emergency Economic Powers Act (50 U.S.C.
21 1702 and 1704) for purposes of carrying out
22 this section.

23 (B) ISSUANCE OF REGULATIONS.—Not
24 later than 180 days after the date of the enact-
25 ment of this Act, the President shall, promul-

1 gate regulations as necessary for the implemen-
2 tation of this section and the amendments made
3 by this section.

4 (C) NOTIFICATION TO CONGRESS.—Not
5 later than ten days before the promulgation of
6 regulations under subparagraph (B), the Presi-
7 dent shall brief the appropriate congressional
8 committees on the proposed regulations and the
9 provisions of this section that the regulations
10 are implementing.

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

16 (d) WAIVER.—The President may waive the applica-
17 tion of sanctions under this section for periods not to ex-
18 ceed 120 days with respect to a foreign person, or an agen-
19 cy or instrumentality of a foreign state, if the President
20 reports to the appropriate congressional committees that
21 such waiver is vital to the national security interests of
22 the United States.

23 (e) EXEMPTIONS.—Any activity subject to the report-
24 ing requirements under title V of the National Security

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

3 **SEC. 6. REPORT.**

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

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

12 (1) The Secretary General of Hizballah.

13 (2) Members of the Hizballah Politburo.

14 (3) Any other senior members of Hizballah or
15 other associated entities that the President deter-
16 mines to be appropriate.

17 (4) Any person, or agency or instrumentality of
18 a foreign state that the President determines pro-
19 vides material support to Hizballah that supports its
20 use of civilians as human shields.

21 (c) FORM OF REPORT; PUBLIC AVAILABILITY.—

22 (1) FORM.—The report required under sub-
23 section (a) shall be submitted in unclassified form,
24 but may contain a classified annex.

1 (2) PUBLIC AVAILABILITY.—The unclassified
2 portion of such report shall be made available to the
3 public and posted on the internet website of the De-
4 partment of State—

5 (A) in English, Farsi, Arabic, and Azeri;
6 and

7 (B) in pre-compressed, easily downloadable
8 versions that are made available in all appro-
9 priate formats.

10 **SEC. 7. DEFINITIONS.**

11 In this Act:

12 (1) ADMITTED; ALIEN.—The terms “admitted”
13 and “alien” have the meanings given such terms in
14 section 101 of the Immigration and Nationality Act
15 (8 U.S.C. 1101).

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

20 (3) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—In this section, the term “appropriate con-
22 gressional committees” means—

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

1 (B) the Committee on Banking, Housing,
2 and Urban Affairs and the Committee on For-
3 eign Relations of the Senate.

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

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

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

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

19 (A) the entity known as Hizballah and des-
20 ignated by the Secretary of State as a foreign
21 terrorist organization pursuant to section 219
22 of the Immigration and Nationality Act (8
23 U.S.C. 1189); or

24 (B) any person—

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

5 (ii) who is identified on the list of spe-
6 cially designated nationals and blocked
7 persons maintained by the Office of For-
8 eign Assets Control of the Department of
9 the Treasury as an agent, instrumentality,
10 or affiliate of Hizballah.

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