

Suspend the Rules and Pass the Bill, H. R. 340, With an Amendment

(The amendment strikes all after the enacting clause and inserts a complete new text)

118TH CONGRESS
1ST SESSION

H. R. 340

To impose sanctions with respect to foreign support for terrorist organizations, including Hamas and the Palestinian Islamic Jihad.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2023

Mr. MAST (for himself and Mr. GOTTHEIMER) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, 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 with respect to foreign support for terrorist organizations, including Hamas and the Palestinian Islamic Jihad.

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 and Other Pal-
5 estinian Terrorist Groups International Financing Preven-
6 tion Act”.

1 **SEC. 2. STATEMENT OF POLICY.**

2 It shall be the policy of the United States—

3 (1) to prevent Hamas, Palestinian Islamic
4 Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den, or
5 any affiliate or successor thereof from accessing its
6 international support networks; and

7 (2) to oppose Hamas, the Palestinian Islamic
8 Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den, or
9 any affiliate or successor thereof from using goods,
10 including medicine and dual use items, to smuggle
11 weapons and other materials to further acts of ter-
12 rorism, including against Israel.

13 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO FOR-**
14 **EIGN PERSONS SUPPORTING ACTS OF TER-**
15 **RORISM OR ENGAGING IN SIGNIFICANT**
16 **TRANSACTIONS WITH SENIOR MEMBERS OF**
17 **HAMAS, PALESTINIAN ISLAMIC JIHAD AND**
18 **OTHER PALESTINIAN TERRORIST ORGANIZA-**
19 **TIONS.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date of enactment of this Act, the President shall impose
22 the sanctions described in subsection (c) with respect to
23 each foreign person that the President determines, on or
24 after the date of the enactment of this Act, engages in
25 an activity described in subsection (b).

1 (b) ACTIVITIES DESCRIBED.—A foreign person en-
2 gages in an activity described in this subsection if the for-
3 eign person knowingly—

4 (1) assists in sponsoring or providing signifi-
5 cant financial, material, or technological support for,
6 or goods or other services to enable, acts of ter-
7 rorism; or

8 (2) engages, directly or indirectly, in a signifi-
9 cant transaction with—

10 (A) a senior member of Hamas, Pales-
11 tinian Islamic Jihad, Al-Aqsa Martyrs Brigade,
12 the Lion's Den, or any affiliate or successor
13 thereof; or

14 (B) a senior member of a foreign terrorist
15 organization designated pursuant to section 219
16 of the Immigration and Nationality Act (8
17 U.S.C. 1189) that is responsible for providing,
18 directly or indirectly, support to Hamas, Pales-
19 tinian Islamic Jihad, Al-Aqsa Martyrs Brigade,
20 the Lion's Den, or any affiliate or successor
21 thereof.

22 (c) SANCTIONS DESCRIBED.—The President shall ex-
23 ercise all of the powers granted to the President under
24 the International Emergency Economic Powers Act (50
25 U.S.C. 1701 et seq.) to the extent necessary to block and

1 prohibit all transactions in property and interests in prop-
2 erty of a foreign person described in subsection (a) if such
3 property and interests in property are in the United
4 States, come within the United States, or are or come
5 within the possession or control of a United States person.

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

15 (e) IMPLEMENTATION; REGULATIONS.—

16 (1) IN GENERAL.—The President may exercise
17 all authorities provided under sections 203 and 205
18 of the International Emergency Economic Powers
19 Act (50 U.S.C. 1702 and 1704) for purposes of car-
20 rying out this section.

21 (2) REGULATIONS.—Not later than 60 days
22 after the date of the enactment of this Act, the
23 President shall issue regulations or other guidance
24 as may be necessary for the implementation of this
25 section.

1 (f) WAIVER.—The President may waive, on a case-
2 by-case basis and for a period of not more than 180 days,
3 the application of sanctions under this section with respect
4 to a foreign person only if, not later than 15 days prior
5 to the date on which the waiver is to take effect, the Presi-
6 dent submits to the appropriate congressional committees
7 a written determination and justification that the waiver
8 is in the vital national security interests of the United
9 States.

10 (g) HUMANITARIAN EXEMPTION.—The President
11 may waive the application of any provision of this section
12 if the President certifies in writing to the appropriate con-
13 gressional committees that such a waiver is vital to facili-
14 tate the delivery of humanitarian aid and is consistent
15 with the national security interests of the United States
16 15 days prior to the waiver taking effect.

17 (h) RULE OF CONSTRUCTION.—The authority to im-
18 pose sanctions under this section with respect to a foreign
19 person is in addition to the authority to impose sanctions
20 under any other provision of law with respect to a foreign
21 person that directly or indirectly supports acts of inter-
22 national terrorism.

1 **SEC. 4. IMPOSITION OF MEASURES WITH RESPECT TO FOR-**
2 **EIGN STATES PROVIDING SUPPORT TO**
3 **HAMAS, PALESTINIAN ISLAMIC JIHAD AND**
4 **OTHER PALESTINIAN TERRORIST ORGANIZA-**
5 **TIONS.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of enactment of this Act, the President shall impose
8 the measures described in subsection (c) with respect to
9 a foreign state if the President determines that the foreign
10 state, on or after the date of the enactment of this Act,
11 engages in an activity described in subsection (b).

12 (b) ACTIVITIES DESCRIBED.—A foreign state en-
13 gages in an activity described in this subsection if the for-
14 eign state knowingly—

15 (1) provides significant material or financial
16 support for acts of international terrorism, pursuant
17 to—

18 (A) section 1754(c) of the Export Control
19 Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A));

20 (B) section 620A of the Foreign Assistance
21 Act of 1961 (22 U.S.C. 2371);

22 (C) section 40 of the Arms Export Control
23 Act (22 U.S.C. 2780); or

24 (D) any other provision of law;

25 (2) provides significant material support to
26 Hamas, the Palestinian Islamic Jihad, Al-Aqsa Mar-

1 tyrs Brigade, the Lion's Den, or any affiliate or suc-
2 cessor thereof; or

3 (3) engages in a significant transaction that
4 materially contributes, directly or indirectly, to the
5 terrorist activities of Hamas, the Palestinian Islamic
6 Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den, or
7 any affiliate or successor thereof.

8 (c) MEASURES DESCRIBED.—The measures de-
9 scribed in this subsection with respect to a foreign state
10 are the following:

11 (1) The President shall suspend, for a period of
12 at least 1 year, United States assistance to the for-
13 eign state.

14 (2) The Secretary of the Treasury shall instruct
15 the United States Executive Director to each appro-
16 priate international financial institution to oppose,
17 and vote against, for a period of 1 year, the exten-
18 sion by such institution of any loan or financial or
19 technical assistance to the government of the foreign
20 state.

21 (3) The President shall prohibit the export of
22 any item on the United States Munitions List (es-
23 tablished pursuant to section 38 of the Arms Export
24 Control Act (22 U.S.C. 2778)) or the Commerce
25 Control List set forth in Supplement No. 1 to part

1 774 of title 15, Code of Federal Regulations, to the
2 foreign state for a period of 1 year.

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

12 (e) WAIVER.—The President may waive, on a case-
13 by-case basis and for a period of not more than 180 days,
14 the application of measures under this section with respect
15 to a foreign state only if, not later than 15 days prior
16 to the date on which the waiver is to take effect, the Presi-
17 dent submits to the appropriate congressional committees
18 a written determination and justification that the waiver
19 is in the vital national security interests of the United
20 States.

21 (f) IMPLEMENTATION; REGULATIONS.—

22 (1) IN GENERAL.—The President may exercise
23 all authorities provided under sections 203 and 205
24 of the International Emergency Economic Powers

1 Act (50 U.S.C. 1702 and 1704) for purposes of car-
2 rying out this section.

3 (2) REGULATIONS.—Not later than 60 days
4 after the date of the enactment of this Act, the
5 President shall issue regulations or other guidance
6 as may be necessary for the implementation of this
7 section.

8 (g) ADDITIONAL EXEMPTIONS.—

9 (1) STATUS OF FORCES AGREEMENTS.—The
10 President may exempt the application of measures
11 under this section with respect to a foreign state if
12 the application of such measures would prevent the
13 United States from meeting the terms of any status
14 of forces agreement to which the United States is a
15 party.

16 (2) AUTHORIZED INTELLIGENCE ACTIVITIES.—
17 Measures under this section shall not apply with re-
18 spect to any activity subject to the reporting require-
19 ments under title V of the National Security Act of
20 1947 (50 U.S.C. 3091 et seq.) or any authorized in-
21 telligence activities of the United States.

22 (3) HUMANITARIAN EXEMPTION.—The Presi-
23 dent may waive the application of any provision of
24 this section if the President certifies in writing to
25 the appropriate congressional committees that such

1 a waiver is vital to facilitate the delivery of humani-
2 tarian aid and is consistent with the national secu-
3 rity interests of the United States 15 days prior to
4 the waiver taking effect.

5 (h) **RULE OF CONSTRUCTION.**—The authority to im-
6 pose measures under this section with respect to a foreign
7 state is in addition to the authority to impose measures
8 under any other provision of law with respect to foreign
9 states that directly or indirectly support acts of inter-
10 national terrorism.

11 **SEC. 5. REPORTS ON ACTIVITIES TO DISRUPT GLOBAL**
12 **FUNDRAISING, FINANCING, AND MONEY**
13 **LAUNDERING ACTIVITIES OF HAMAS, PALES-**
14 **TINIAN ISLAMIC JIHAD, AL-AQSA MARTYRS**
15 **BRIGADE, THE LION'S DEN OR ANY AFFIL-**
16 **IATE OR SUCCESSOR THEREOF.**

17 (a) **IN GENERAL.**—Not later than 90 days after the
18 date of enactment of this Act, and every 180 days there-
19 after, the President shall submit to the appropriate con-
20 gressional committees a report that includes—

21 (1) an assessment of the disposition of the as-
22 sets and activities of Hamas, the Palestinian Islamic
23 Jihad, Al-Aqsa Martyrs Brigade, the Lion's Den, or
24 any affiliate or successor thereof related to fund-
25 raising, financing, and money laundering worldwide;

1 (2) a list of foreign states that knowingly pro-
2 viding material, financial, or technical support for,
3 or goods or services to Hamas, the Palestinian Is-
4 lamic Jihad, Al-Aqsa Martyrs Brigade, the Lion's
5 Den, or any affiliate or successor thereof;

6 (3) a list of foreign states in which Hamas, the
7 Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade,
8 the Lion's Den, or any affiliate or successor thereof
9 conducts significant fundraising, financing, or money
10 laundering activities;

11 (4) a list of foreign states from which Hamas,
12 the Palestinian Islamic Jihad, Al-Aqsa Martyrs Bri-
13 gade, the Lion's Den, or any affiliate or successor
14 thereof knowingly engaged in the transfer of surveil-
15 lance equipment, electronic monitoring equipment,
16 or other means to inhibit communication or the free
17 flow of information in Gaza; and

18 (5) with respect to each foreign state listed in
19 paragraph (2), (3), or (4)—

20 (A) a description of the steps the foreign
21 state identified is taking adequate measures to
22 restrict financial flows to Hamas, the Pales-
23 tinian Islamic Jihad, Al-Aqsa Martyrs Brigade,
24 the Lion's Den, or any affiliates or successors
25 thereof; and

1 (B) in the case of a foreign state failing to
2 take adequate measures to restrict financial
3 flows to Hamas, Palestinian Islamic Jihad, Al-
4 Aqsa Martyrs Brigade, the Lion's Den or any
5 other designated entity engaged in significant
6 act of terrorism threatening the peace and secu-
7 rity of Israel—

8 (i) an assessment of the reasons that
9 government is not taking adequate meas-
10 ures to restrict financial flows to those en-
11 tities; and

12 (ii) a description of measures being
13 taken by the United States Government to
14 encourage the foreign state to restrict fi-
15 nancial flows to those entities; and

16 (b) FORM.—Each report required by subsection (a)
17 shall be submitted in unclassified form to the greatest ex-
18 tent possible, and may contain a classified annex.

19 **SEC. 6. EXCEPTION RELATING TO IMPORTATION OF**
20 **GOODS.**

21 (a) IN GENERAL.—The authorities and requirements
22 to impose sanctions authorized under this Act shall not
23 include the authority or requirement to impose sanctions
24 on the importation of goods.

1 (b) GOOD DEFINED.—In this section, the term
2 “good” means any article, natural or man-made sub-
3 stance, material, supply or manufactured product, includ-
4 ing inspection and test equipment, and excluding technical
5 data.

6 **SEC. 7. TERMINATION.**

7 This Act shall terminate on the earlier of—

8 (1) the date that is 7 years after the date of the
9 enactment of this Act; or

10 (2) the date that is 30 days after the date on
11 which the President certifies to the appropriate con-
12 gressional committees that—

13 (A) Hamas or any successor or affiliate
14 thereof is no longer designated as a foreign ter-
15 rorist organization pursuant to section 219 of
16 the Immigration and Nationality Act (8 U.S.C.
17 1189);

18 (B) Hamas, the Palestinian Islamic Jihad,
19 Al-Aqsa Martyrs Brigade, the Lion’s Den, and
20 any successor or affiliate thereof are no longer
21 subject to sanctions pursuant to—

22 (i) Executive Order No. 12947 (Janu-
23 ary 23, 1995; relating to prohibiting trans-
24 actions with terrorists who threaten to dis-
25 rupt the Middle East peace process); and

1 (ii) Executive Order No. 13224 (Sep-
2 tember 23, 2001; relating to blocking prop-
3 erty and prohibiting transactions with per-
4 sons who commit, threaten to commit, or
5 support terrorism); and

6 (C) Hamas, the Palestinian Islamic Jihad,
7 Al-Aqsa Martyrs Brigade, the Lion's Den, and
8 any successor or affiliate thereof meet the cri-
9 teria described in paragraphs (1) through (4) of
10 section 9 of the Palestinian Anti-Terrorism Act
11 of 2006 (22 U.S.C. 2378b note).

12 **SEC. 8. DEFINITIONS.**

13 In this Act:

14 (1) ACT OF TERRORISM.—The term “act of ter-
15 rorism” means an activity that—

16 (A) involves a violent act or an act dan-
17 gerous to human life, property, or infrastruc-
18 ture; and

19 (B) appears to be intended to—

20 (i) intimidate or coerce a civilian pop-
21 ulation;

22 (ii) influence the policy of a govern-
23 ment by intimidation or coercion; or

1 (iii) affect the conduct of a govern-
2 ment by mass destruction, assassination,
3 kidnapping, or hostage-taking.

4 (2) ADMITTED.—The term “admitted” has the
5 meaning given such term in section 101(a)(13)(A) of
6 the Immigration and Nationality Act (8 U.S.C.
7 1101(a)(13)(A)).

8 (3) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means—

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

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

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

20 (5) HUMANITARIAN AID.—The term “humani-
21 tarian aid” means food, medicine, and medical sup-
22 plies.

23 (6) MATERIAL SUPPORT.—The term “material
24 support” has the meaning given the term “material

1 support or resources” in section 2339A of title 18,
2 United States Code.

3 (7) UNITED STATES PERSON.—The term
4 “United States person” means—

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

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