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S. 3257

To impose sanctions on foreign persons responsible for serious violations of international law regarding the protection of civilians during armed conflict, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 24, 2018

Mr. CRUZ (for himself, Mr. DONNELLY, Mr. CORNYN, Mr. BLUMENTHAL, Mr. SCOTT, Mr. MARKEY, Mr. RUBIO, Mr. PERDUE, Mr. COTTON, Mr. CRAPO, Mr. WICKER, Ms. COLLINS, Mrs. HYDE-SMITH, Mr. BARRASSO, Mr. BOOZMAN, Mr. GARDNER, Mr. HATCH, Mr. HELLER, Mr. MANCHIN, Mr. YOUNG, Mr. KENNEDY, Mrs. CAPITO, Mr. MORAN, Mr. GRASSLEY, Ms. BALDWIN, Mr. BLUNT, Mr. CASSIDY, Mrs. ERNST, Mr. GRAHAM, Mr. INHOFE, Mr. KING, Mr. TILLIS, Mrs. FISCHER, Ms. CANTWELL, Mr. SULLIVAN, Mr. RISCH, Mr. TOOMEY, Mr. CASEY, Mr. HOEVEN, Mr. MURPHY, Mr. WARNER, Mr. PORTMAN, Mr. KAINE, Mr. CARDIN, Mr. THUNE, Mr. MENENDEZ, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

OCTOBER 3 (legislative day, SEPTEMBER 28), 2018

Reported by Mr. CORKER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To impose sanctions on foreign persons responsible for serious violations of international law regarding the protection of civilians during armed conflict, 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 “Sanction Terrorist Op-
5 erations Using Human Shields Act of 2018” or the
6 “STOP Using Human Shields Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) The international law of armed conflict pro-
10 hibits, during any armed conflict—

11 (A) the exploitation of the presence or
12 movement of civilians in an effort to impede at-
13 tack on or otherwise shield lawful targets;

14 (B) exposing prisoners of war, other de-
15 tainees, the wounded and sick, or other individ-
16 uals subject to special protection under inter-
17 national law, to unnecessary risks resulting
18 from the conduct of hostilities;

19 (C) using such persons to impede attack
20 on or otherwise shield lawful targets; and

21 (D) deliberately causing the injury or
22 death of such persons.

23 (2) Violating these prohibitions regarding civil-
24 ians and other specially protected persons is known
25 as the use of “human shields” and is a serious viola-

1 tion of international law subjecting those responsible
2 to individual criminal liability.

3 (3) The international law of armed conflict also
4 prohibits exposing property subject to special protec-
5 tion under international law to unnecessary risks re-
6 sulting from the conduct of hostilities, including a
7 prohibition against using such property to impede
8 attack on or otherwise shield lawful targets from at-
9 tack or to deliberately cause destruction of such
10 property. Such use of specially protected property is
11 a serious violation of international law, subjecting
12 those responsible to individual criminal responsi-
13 bility.

14 (4) Every party to an armed conflict is prohib-
15 ited under international law from using human
16 shields in an attempt to cause law-abiding armed
17 forces to forgo attacks on otherwise lawful targets.

18 (5) When law-abiding armed forces do attack in
19 such situations, the party using human shields fre-
20 quently hopes to discredit the law-abiding opponent
21 by blaming the opponent for civilian casualties,
22 which are in fact attributable to the unlawful use of
23 human shields.

24 (6) Terrorist groups routinely use human
25 shields to force law-abiding opponents to conduct at-

1 tacks in circumstances where civilian casualties be-
2 come unavoidable. While this unlawful tactic in no
3 way absolves an attacking force from its obligations
4 to do everything feasible to mitigate the risk of such
5 casualties, such illegal tactics inevitably influence the
6 efficacy of feasible precautions.

7 (7) In accordance with the proportionality rule,
8 an assessment of the legality of attack indicates that
9 these terrorist groups bear responsibility for such
10 casualties when such attack is otherwise legally per-
11 missible.

12 (8) Hizballah, designated by the Secretary of
13 State as a foreign terrorist organization, has repeat-
14 edly used human shields. Throughout its 2006 con-
15 flict with Israel, Hizballah forces purposefully used
16 civilians in an effort to shield themselves against at-
17 tacks by Israeli forces, including by storing weapons
18 inside civilian homes and launching attacks from fir-
19 ing positions in areas of dense civilian population,
20 often in or near homes, schools, mosques or hos-
21 pitals, in order to shield such positions from attack.

22 (9) Hizballah has since rearmed and built up
23 an arsenal of some 150,000 rockets and missiles, in
24 addition to other destabilizing weapons, provided by
25 the Iranian and Syrian governments. These weap-

1 ons, as well as Hizballah command posts, logistics
2 depots, and other vital military assets, are often con-
3 cealed in Shiite villages in southern Lebanon, fre-
4 quently within or near homes, hospitals, schools, and
5 mosques.

6 (10) Hamas, also designated by the Secretary
7 of State as a foreign terrorist organization, has also
8 repeatedly used human shields. Hamas routinely and
9 purposefully uses civilians and the civilian popu-
10 lation to shield military assets from attack, including
11 by launching attacks from firing positions in areas
12 of dense civilian population, often in or near schools,
13 mosques, or hospitals, in order to shield such posi-
14 tions from attack.

15 (11) Other unlawful Hamas tactics include dis-
16 couraging Palestinian civilians from heeding Israeli
17 warnings, instructing Palestinian civilians to remain
18 in their homes, and encouraging or forcing Pales-
19 tinian civilians to gather on the roofs of their homes
20 to act as human shields. In June 2017 and again in
21 October 2017, the United Nations Relief and Works
22 Agency announced that it had discovered Hamas
23 tunnels under its schools in the Gaza Strip.

24 (12) On December 10, 2014, the 113th Con-
25 gress unanimously adopted H. Con. Res. 107, a bi-

1 cameral and bipartisan resolution in which Congress
2 “strongly condemns the use of innocent civilians as
3 human shields”, “calls on the international commu-
4 nity to recognize and condemn Hamas’ use of
5 human shields”, “places responsibility for the rocket
6 attacks against Israel on Hamas and other terrorist
7 organizations, such as Palestine Islamic Jihad”, and
8 “supports the sovereign right of the Government of
9 Israel to defend its territory and its citizens from
10 Hamas’ rocket attacks, kidnapping attempts, and
11 the use of tunnels and other means to carry out at-
12 tacks against Israel”.

13 (13) In addition to Hizballah and Hamas, other
14 groups designated by the Secretary of State as for-
15 eign terrorist organizations, including the Islamic
16 State, Palestinian Islamic Jihad, Boko Haram, Al-
17 Shabaab, and al Qai’da, have repeatedly used similar
18 human shield tactics in violation of international
19 law.

20 (14) The international community has routinely
21 failed to hold terrorist organizations and their per-
22 sonnel accountable for the use of human shields. In
23 addition, unlike many state actors, there is no indi-
24 cation that terrorist organizations possess the capa-
25 bility or the will to investigate and prosecute their

1 members for the use of human shields (or indeed
2 any other war crimes). Instead, many terrorist orga-
3 nizations routinely use human shields as a deliberate
4 tactic during armed conflict, reflecting a complete
5 disregard for the obligations established by inter-
6 national law to mitigate the risk to civilians.

7 (15) Absent appropriate and consistent inter-
8 national, national, and public condemnation and en-
9 forcement of the prohibitions against using human
10 shields, terrorist organizations will likely continue to
11 engage in such criminal exploitation of civilians dur-
12 ing armed conflicts.

13 **SEC. 3. STATEMENT OF POLICY.**

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

15 (1) officially and publicly condemn terrorist or-
16 ganizations and others that violate the international
17 law of armed conflict by exploiting civilians, other
18 persons specially protected by international law, or
19 specially protected property, in order to impede at-
20 tack on or otherwise shield lawful targets from at-
21 tack, deliberately cause injury or death to civilians
22 or other specially protected persons, or destroy spe-
23 cially protected property; and

24 (2) take effective action against those know-
25 ingly engaging in, encouraging, supporting, ordering,

1 controlling, directing, facilitating, enabling, or other-
2 wise being complicit in such violations of inter-
3 national law or attempts to commit such violations.

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

5 The President should direct the United States Per-
6 manent Representative to the United Nations to use the
7 voice, vote, and influence of the United States at the
8 United Nations Security Council to secure support for a
9 resolution that would—

10 (1) emphasize that the law of armed conflict
11 imposes an obligation on all parties to any armed
12 conflict, including non-state organized armed groups,
13 of compliance;

14 (2) condemn the use of human shields and rein-
15 force that such use is a violation of international
16 law;

17 (3) impose multilateral sanctions against ter-
18 rorist organizations for the use of human shields;

19 (4) require member states of the United Na-
20 tions to take specific steps to prevent the use of
21 human shields and impose consequences on those
22 who use, attempt to use, or encourage or support
23 the use of human shields;

1 (5) require organizations and agencies of the
2 United Nations to track and report the use of
3 human shields in monitored conflicts; and

4 (6) specify steps to prevent, and consequences
5 for, the use of United Nations personnel or facilities
6 as human shields.

7 **SEC. 5. SANCTIONS ON FOREIGN PERSONS RESPONSIBLE**
8 **FOR SERIOUS VIOLATIONS OF INTER-**
9 **NATIONAL LAW REGARDING THE PROTEC-**
10 **TION OF CIVILIANS DURING ARMED CON-**
11 **FLICT.**

12 (a) **IN GENERAL.**—The President shall impose the
13 sanctions described in subsection (c) with respect to each
14 person on the list required under subsection (b).

15 (b) **LIST.**—

16 (1) **IN GENERAL.**—Not later than 180 days
17 after the date of the enactment of this Act, the
18 President shall transmit to the appropriate congress-
19 sional committees a list of the following:

20 (A) Each foreign person that the President
21 determines, based on credible evidence—

22 (i) is a member of a group designated
23 by the Secretary of State as a foreign ter-
24 rorist organization pursuant to section 219
25 of the Immigration and Nationality Act (8

1 U.S.C. 1189), including Hamas or
2 Hizballah, or is acting on behalf of such a
3 group; and

4 (ii) knowingly encouraged, ordered,
5 controlled, or otherwise directed or was
6 complicit in, any attempt to use civilians or
7 other persons specially protected by inter-
8 national law, or property specially pro-
9 tected by international law, to shield lawful
10 targets from attack or to deliberately cause
11 casualties to civilians or other specially
12 protected persons or destruction to spe-
13 cially protected property.

14 (B) Each foreign person, or each agency or
15 instrumentality of a foreign state, that the
16 President determines has knowingly, on or after
17 the date of the enactment of this Act—

18 (i) encouraged, supported, ordered,
19 controlled, directed, or significantly facili-
20 tated, directly or indirectly, or otherwise
21 been complicit in any act described in sub-
22 paragraph (A)(ii) by a person listed pursu-
23 ant to such subparagraph; or

24 (ii) attempted to encourage, support,
25 order, control, direct, significantly facili-

1 tate, or otherwise be complicit in any such
2 act by any person so listed.

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

7 ~~(c) SANCTIONS DESCRIBED.~~—The sanctions de-
8 scribed in this subsection 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 a foreign per-
15 son or agency or instrumentality of a foreign state
16 on the list required by subsection (b) if such prop-
17 erty or interests in property are in the United
18 States, come within the United States, or are or
19 come within the possession or control of a United
20 States person.

21 ~~(2) ALIENS INELIGIBLE FOR VISAS, ADMISSION,~~
22 ~~OR PAROLE.~~—

23 ~~(A) VISAS, ADMISSION, OR PAROLE.~~—An
24 alien who the Secretary of State or the Sec-
25 retary of Homeland Security (or a designee of

1 either such Secretary) determines is a foreign
 2 person on the list required under subsection (b)
 3 is—

4 (i) inadmissible to the United States;

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

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

13 (B) ~~CURRENT VISAS REVOKED.—~~

14 (i) ~~IN GENERAL.—~~Any visa or other
 15 documentation issued to an alien who is a
 16 foreign person on the list required under
 17 subsection (b), regardless of when such
 18 visa or other documentation was issued,
 19 shall be revoked and such alien shall be de-
 20 nied admission to the United States.

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

23 (I) shall take effect immediately;

24 and

1 (H) shall automatically cancel
2 any other valid visa or documentation
3 that is in the possession of the alien
4 who is the subject of such revocation.

5 (C) EXCEPTION TO COMPLY WITH UNITED
6 NATIONS HEADQUARTERS AGREEMENT.—The
7 sanctions under this paragraph shall not be im-
8 posed on an individual if admitting such indi-
9 vidual to the United States is necessary to per-
10 mit the United States to comply with the
11 Agreement regarding the Headquarters of the
12 United Nations, signed at Lake Success June
13 26, 1947, and entered into force November 21,
14 1947, between the United Nations and the
15 United States, or with other applicable inter-
16 national agreements.

17 (d) WAIVER.—The President may, on a case-by-case
18 basis, waive the application of a sanction under this sec-
19 tion with respect to a person or an agency or instrumen-
20 tality of a foreign state for periods not longer than 180
21 days if the President certifies to the appropriate congres-
22 sional committees that such waiver is in the national secu-
23 rity interest of the United States.

24 (e) PENALTIES.—The penalties provided for in sub-
25 sections (b) and (c) of section 206 of the International

1 Emergency Economic Powers Act (50 U.S.C. 1705) shall
2 apply to any person that violates, attempts to violate, con-
3 spires to violate, or causes a violation of any regulation
4 promulgated to carry out this section to the same extent
5 that such penalties apply to a person that commits an un-
6 lawful act described in section 206(a) of such Act.

7 (f) REGULATIONS.—

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

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

17 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion may be construed—

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

23 (2) to apply with respect to any activity subject
24 to the reporting requirements under title V of the
25 National Security Act of 1947 (50 U.S.C. 3091 et

1 seq.); or to any authorized intelligence activities of
2 the United States.

3 **SEC. 6. RULE OF CONSTRUCTION.**

4 Nothing in this Act shall be construed as an author-
5 ization of the use of force.

6 **SEC. 7. DEFINITIONS.**

7 In this Act:

8 (1) **ADMITTED; ALIEN.**—The terms “admitted”
9 and “alien” have the meanings given such terms in
10 section 101 of the Immigration and Nationality Act
11 (8 U.S.C. 1101).

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

16 (3) **APPROPRIATE CONGRESSIONAL COMMIT-**
17 **TEES.**—The term “appropriate congressional com-
18 mittees” means—

19 (A) the Committee on Financial Services,
20 the Committee on Ways and Means, and the
21 Committee on Foreign Affairs of the House of
22 Representatives; and

23 (B) the Committee on Banking, Housing,
24 and Urban Affairs and the Committee on For-
25 eign Relations of the Senate.

1 (4) FOREIGN PERSON.—The term “foreign per-
2 son” has the meaning given such term in section
3 594.304 of title 31, Code of Federal Regulations, as
4 in effect on the date of the enactment of this Act.

5 (5) UNITED STATES PERSON.—The term
6 “United States person” has the meaning given such
7 term in section 594.315 of title 31, Code of Federal
8 Regulations, as in effect on the date of the enact-
9 ment of this Act.

10 **SECTION 1. SHORT TITLE.**

11 *This Act may be cited as the “Sanctioning the Use*
12 *of Civilians as Defenseless Shields Act”.*

13 **SEC. 2. STATEMENT OF POLICY.**

14 *It shall be the policy of the United States to officially*
15 *and publicly condemn the use of innocent civilians as*
16 *human shields.*

17 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO FOR-**

18 **EIGN PERSONS THAT ARE RESPONSIBLE FOR**

19 **THE USE OF CIVILIANS AS HUMAN SHIELDS.**

20 (a) IMPOSITION OF SANCTIONS.—

21 (1) MANDATORY SANCTIONS.—*The President*
22 *shall impose sanctions described in subsection (d)*
23 *with respect to each person on the list required under*
24 *subsection (b).*

1 (2) *PERMISSIVE SANCTIONS.*—*The President*
2 *may impose sanctions described in subsection (d)*
3 *with respect to each person on the list described in*
4 *subsection (c).*

5 (b) *MANDATORY SANCTIONS LIST.*—*Not later than one*
6 *year after the date of the enactment of this Act, and annu-*
7 *ally thereafter, the President shall submit to the appropriate*
8 *congressional committees a list of the following:*

9 (1) *Each foreign person that the President deter-*
10 *mines, on or after the date of the enactment of this*
11 *Act—*

12 (A) *is a member of Hizballah or is know-*
13 *ingly acting on behalf of Hizballah; and*

14 (B) *knowingly orders, controls, or otherwise*
15 *directs the use of civilians protected as such by*
16 *the law of war to shield military objectives from*
17 *attack.*

18 (2) *Each foreign person that the President deter-*
19 *mines, on or after the date of the enactment of this*
20 *Act—*

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

23 (B) *knowingly orders, controls, or otherwise*
24 *directs the use of civilians protected as such by*

1 *the law of war to shield military objectives from*
2 *attack.*

3 (3) *Each foreign person or agency or instrumen-*
4 *tality of a foreign state that the President determines,*
5 *on or after the date of the enactment of this Act,*
6 *knowingly and materially supports, orders, controls,*
7 *directs, or otherwise engages in—*

8 (A) *any act described in subparagraph (B)*
9 *of paragraph (1) by a person described in that*
10 *paragraph; or*

11 (B) *any act described in subparagraph (B)*
12 *of paragraph (2) by a person described in that*
13 *paragraph.*

14 (c) *PERMISSIVE SANCTIONS LIST.—Not later than one*
15 *year after the date of the enactment of this Act, and annu-*
16 *ally thereafter, the President should submit to the appro-*
17 *priate congressional committees a list of each foreign person*
18 *that the President determines, on or after the date of the*
19 *enactment of this Act, knowingly orders, controls, or other-*
20 *wise directs the use of civilians protected as such by the*
21 *law of war to shield military objectives from attack, exclud-*
22 *ing foreign persons included in the most recent list under*
23 *subsection (b).*

1 (d) *SANCTIONS DESCRIBED.*—*The sanctions to be im-*
2 *posed on a foreign person or an agency or instrumentality*
3 *of a foreign state under this subsection are the following:*

4 (1) *BLOCKING OF PROPERTY.*—*The President*
5 *shall exercise all of the powers granted to the Presi-*
6 *dent under the International Emergency Economic*
7 *Powers Act (50 U.S.C. 1701 et seq.) to the extent nec-*
8 *essary to block and prohibit all transactions in prop-*
9 *erty and interests in property of the foreign person or*
10 *agency or instrumentality of a foreign state if such*
11 *property or interests in property are in the United*
12 *States, come within the United States, or are or come*
13 *within the possession or control of a United States*
14 *person.*

15 (2) *ALIENS INELIGIBLE FOR VISAS, ADMISSION,*
16 *OR PAROLE.*—

17 (A) *VISAS, ADMISSION, OR PAROLE.*—*An*
18 *alien who the Secretary of State or the Secretary*
19 *of Homeland Security determines is subject to*
20 *sanctions under subsection (a) is—*

21 (i) *inadmissible to the United States;*

22 (ii) *ineligible to receive a visa or other*
23 *documentation to enter the United States;*
24 *and*

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

6 (B) *CURRENT VISAS REVOKED.*—Any visa
7 or other documentation issued to an alien who is
8 subject to sanctions under subsection (a), regard-
9 less of when such visa or other documentation
10 was issued, shall be revoked and such alien shall
11 be denied admission to the United States.

12 (C) *EXCEPTION TO COMPLY WITH UNITED*
13 *NATIONS HEADQUARTERS AGREEMENT AND*
14 *OTHER INTERNATIONAL OBLIGATIONS.*—The
15 sanctions under this paragraph shall not be im-
16 posed on an individual if admitting such indi-
17 vidual to the United States is necessary to per-
18 mit the United States to comply with the Agree-
19 ment regarding the Headquarters of the United
20 Nations, signed at Lake Success June 26, 1947,
21 and entered into force November 21, 1947, be-
22 tween the United Nations and the United States,
23 or with other applicable international obliga-
24 tions.

1 (e) *PENALTIES.*—*The penalties provided for in sub-*
2 *sections (b) and (c) of section 206 of the International*
3 *Emergency Economic Powers Act (50 U.S.C. 1705) shall*
4 *apply to a person that knowingly violates, attempts to vio-*
5 *late, conspires to violate, or causes a violation of regulations*
6 *prescribed to carry out this section to the same extent that*
7 *such penalties apply to a person that knowingly commits*
8 *an unlawful act described in section 206(a) of such Act.*

9 (f) *PROCEDURES FOR JUDICIAL REVIEW OF CLASSI-*
10 *FIED INFORMATION.*—

11 (1) *IN GENERAL.*—*If a finding under this sec-*
12 *tion, or a prohibition, condition, or penalty imposed*
13 *as a result of any such finding, is based on classified*
14 *information (as defined in section 1(a) of the Classi-*
15 *fied Information Procedures Act (18 U.S.C. App.))*
16 *and a court reviews the finding or the imposition of*
17 *the prohibition, condition, or penalty, the President*
18 *may submit such information to the court ex parte*
19 *and in camera.*

20 (2) *RULE OF CONSTRUCTION.*—*Nothing in this*
21 *subsection shall be construed to confer or imply any*
22 *right to judicial review of any finding under this sec-*
23 *tion or any prohibition, condition, or penalty im-*
24 *posed as a result of any such finding.*

1 (g) *WAIVER.*—*The President may waive the applica-*
2 *tion of sanctions under this section if the President deter-*
3 *mines and reports to the appropriate congressional commit-*
4 *tees that such waiver is in the national security interest*
5 *of the United States.*

6 (h) *REGULATORY AUTHORITY.*—

7 (1) *IN GENERAL.*—*The President may exercise*
8 *all authorities under sections 203 and 205 of the*
9 *International Emergency Economic Powers Act (50*
10 *U.S.C. 1702 and 1704) for purposes of carrying out*
11 *this section.*

12 (2) *ISSUANCE OF REGULATIONS.*—*Not later than*
13 *180 days after the date of the enactment of this Act,*
14 *the President shall prescribe such regulations as may*
15 *be necessary to implement this section.*

16 (i) *RULE OF CONSTRUCTION.*—*Nothing in this section*
17 *may be construed—*

18 (1) *to limit the authorities of the President pur-*
19 *suant to the International Emergency Economic Pow-*
20 *ers Act (50 U.S.C. 1701 et seq.) or any other relevant*
21 *provision of law; or*

22 (2) *to apply with respect to any activity subject*
23 *to the reporting requirements under title V of the Na-*
24 *tional Security Act of 1947 (50 U.S.C. 3091 et seq.),*

1 *or to any authorized intelligence activities of the*
2 *United States.*

3 **SEC. 4. DEFINITIONS.**

4 *In this Act:*

5 (1) *ADMITTED; ALIEN.*—*The terms “admitted”*
6 *and “alien” have the meanings given those terms in*
7 *section 101 of the Immigration and Nationality Act*
8 *(8 U.S.C. 1101).*

9 (2) *AGENCY OR INSTRUMENTALITY OF A FOREIGN*
10 *STATE.*—*The term “agency or instrumentality of a*
11 *foreign state” has the meaning given that term in sec-*
12 *tion 1603(b) of title 28, United States Code.*

13 (3) *APPROPRIATE CONGRESSIONAL COMMIT-*
14 *TEES.*—*In this section, the term “appropriate con-*
15 *gressional committees” means—*

16 (A) *the Committee on Banking, Housing,*
17 *and Urban Affairs, the Committee on Foreign*
18 *Relations, and the Committee on the Judiciary*
19 *of the Senate; and*

20 (B) *the Committee on Financial Services,*
21 *the Committee on Foreign Affairs, and the Com-*
22 *mittee on the Judiciary of the House of Rep-*
23 *resentatives.*

24 (4) *FOREIGN PERSON.*—*The term “foreign per-*
25 *son” means—*

1 (A) any citizen or national of a foreign
2 state, wherever located; or

3 (B) any entity not organized solely under
4 the laws of the United States or existing solely
5 in the United States.

6 (5) *HAMAS*.—The term “*Hamas*” means—

7 (A) the entity known as *Hamas* and des-
8 igned by the Secretary of State as a foreign
9 terrorist organization pursuant to section 219 of
10 the *Immigration and Nationality Act* (8 U.S.C.
11 1189); or

12 (B) any person identified as an agent or in-
13 strumentality of *Hamas* on the list of specially
14 designated nationals and blocked persons main-
15 tained by the Office of Foreign Asset Control of
16 the Department of the Treasury, the property or
17 interests in property of which are blocked pursu-
18 ant to the *International Emergency Economic*
19 *Powers Act* (50 U.S.C. 1701 et seq.).

20 (6) *HIZBALLAH*.—The term “*Hizballah*”
21 means—

22 (A) the entity known as *Hizballah* and des-
23 igned by the Secretary of State as a foreign
24 terrorist organization pursuant to section 219 of

1 *the Immigration and Nationality Act (8 U.S.C.*
2 *1189); or*

3 *(B) any person identified as an agent or in-*
4 *strumentality of Hizballah on the list of spe-*
5 *cially designated nationals and blocked persons*
6 *maintained by the Office of Foreign Asset Con-*
7 *trol of the Department of the Treasury, the prop-*
8 *erty or interests in property of which are blocked*
9 *pursuant to the International Emergency Eco-*
10 *nomics Powers Act (50 U.S.C. 1701 et seq.).*

11 *(7) UNITED STATES PERSON.—The term “United*
12 *States person” means any United States citizen, per-*
13 *manent resident alien, entity organized under the*
14 *laws of the United States (including foreign*
15 *branches), or any person in the United States.*

16 **SEC. 5. SUNSET.**

17 *This Act shall cease to be effective on December 31,*
18 *2023.*

Calendar No. 618

115TH CONGRESS
2^D SESSION

S. 3257

A BILL

To impose sanctions on foreign persons responsible for serious violations of international law regarding the protection of civilians during armed conflict, and for other purposes.

OCTOBER 3 (legislative day, SEPTEMBER 28), 2018

Reported with an amendment