

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

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

**IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.**

**H. R. 815**

To amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. RUBIO to the amendment (No. 1388) proposed by Mrs. MURRAY (for herself and Mr. SCHUMER)

Viz:

1 At the end, add the following:

1 **DIVISION C—SANCTIONS WITH**  
2 **RESPECT TO FOREIGN SUP-**  
3 **PORT FOR TERRORIST ORGA-**  
4 **NIZATIONS**

5 **SEC. 4001. SHORT TITLE.**

6 This division may be cited as the “ *Hamas and Other*  
7  *Palestinian Terrorist Groups International Financing Pre-*  
8  *vention Act*”.

9 **SEC. 4002. STATEMENT OF POLICY.**

10 It shall be the policy of the United States—

11 (1) to prevent Hamas, Palestinian Islamic  
12 Jihad, Al-Aqsa Martyrs Brigade, the Lion’s Den, or  
13 any affiliate or successor thereof from accessing its  
14 international support networks; and

15 (2) to oppose Hamas, the Palestinian Islamic  
16 Jihad, Al-Aqsa Martyrs Brigade, the Lion’s Den, or  
17 any affiliate or successor thereof from using goods,  
18 including medicine and dual use items, to smuggle  
19 weapons and other materials to further acts of ter-  
20 rorism, including against Israel.

1 **SEC. 4003. IMPOSITION OF SANCTIONS WITH RESPECT TO**  
2 **FOREIGN PERSONS SUPPORTING ACTS OF**  
3 **TERRORISM OR ENGAGING IN SIGNIFICANT**  
4 **TRANSACTIONS WITH SENIOR MEMBERS OF**  
5 **HAMAS, PALESTINIAN ISLAMIC JIHAD AND**  
6 **OTHER PALESTINIAN TERRORIST ORGANIZA-**  
7 **TIONS.**

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

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

17 (1) assists in sponsoring or providing signifi-  
18 cant financial, material, or technological support for,  
19 or goods or other services to enable, acts of ter-  
20 rorism; or

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

23 (A) a senior member of Hamas, Pales-  
24 tinian Islamic Jihad, Al-Aqsa Martyrs Brigade,  
25 the Lion's Den, or any affiliate or successor  
26 thereof; or

1 (B) a senior member of a foreign terrorist  
2 organization designated pursuant to section 219  
3 of the Immigration and Nationality Act (8  
4 U.S.C. 1189) that is responsible for providing,  
5 directly or indirectly, support to Hamas, Pales-  
6 tinian Islamic Jihad, Al-Aqsa Martyrs Brigade,  
7 the Lion's Den, or any affiliate or successor  
8 thereof.

9 (c) SANCTIONS DESCRIBED.—The President shall ex-  
10 ercise all of the powers granted to the President under  
11 the International Emergency Economic Powers Act (50  
12 U.S.C. 1701 et seq.) to the extent necessary to block and  
13 prohibit all transactions in property and interests in prop-  
14 erty of a foreign person described in subsection (a) if such  
15 property and interests in property are in the United  
16 States, come within the United States, or are or come  
17 within the possession or control of a United States person.

18 (d) PENALTIES.—The penalties provided for in sub-  
19 sections (b) and (c) of section 206 of the International  
20 Emergency Economic Powers Act (50 U.S.C. 1705) shall  
21 apply to a person that violates, attempts to violate, con-  
22 spires to violate, or causes a violation of this section or  
23 any regulations promulgated to carry out this section to  
24 the same extent that such penalties apply to a person that

1 commits an unlawful act described in section 206(a) of  
2 that Act.

3 (e) IMPLEMENTATION; REGULATIONS.—

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

9 (2) REGULATIONS.—Not later than 60 days  
10 after the date of the enactment of this Act, the  
11 President shall issue regulations or other guidance  
12 as may be necessary for the implementation of this  
13 section.

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

23 (g) HUMANITARIAN EXEMPTION.—The President  
24 may waive the application of any provision of this section  
25 if the President certifies in writing to the appropriate con-

1 gressional committees that such a waiver is vital to facili-  
2 tate the delivery of humanitarian aid and is consistent  
3 with the national security interests of the United States  
4 15 days prior to the waiver taking effect.

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

11 **SEC. 4004. IMPOSITION OF MEASURES WITH RESPECT TO**  
12 **FOREIGN STATES PROVIDING SUPPORT TO**  
13 **HAMAS, PALESTINIAN ISLAMIC JIHAD AND**  
14 **OTHER PALESTINIAN TERRORIST ORGANIZA-**  
15 **TIONS.**

16 (a) **IN GENERAL.**—Not later than 180 days after the  
17 date of enactment of this Act, the President shall impose  
18 the measures described in subsection (c) with respect to  
19 a foreign state if the President determines that the foreign  
20 state, on or after the date of the enactment of this Act,  
21 engages in an activity described in subsection (b).

22 (b) **ACTIVITIES DESCRIBED.**—A foreign state en-  
23 gages in an activity described in this subsection if the for-  
24 eign state knowingly—

1           (1) provides significant material or financial  
2 support for acts of international terrorism, pursuant  
3 to—

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

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

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

10           (D) any other provision of law;

11           (2) provides significant material support to  
12 Hamas, the Palestinian Islamic Jihad, Al-Aqsa Mar-  
13 tyrs Brigade, the Lion’s Den, or any affiliate or suc-  
14 cessor thereof; or

15           (3) engages in a significant transaction that  
16 materially contributes, directly or indirectly, to the  
17 terrorist activities of Hamas, the Palestinian Islamic  
18 Jihad, Al-Aqsa Martyrs Brigade, the Lion’s Den, or  
19 any affiliate or successor thereof.

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

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

1           (2) The Secretary of the Treasury shall instruct  
2           the United States Executive Director to each appro-  
3           priate international financial institution to oppose,  
4           and vote against, for a period of 1 year, the exten-  
5           sion by such institution of any loan or financial or  
6           technical assistance to the government of the foreign  
7           state.

8           (3) The President shall prohibit the export of  
9           any item on the United States Munitions List (es-  
10          tablished pursuant to section 38 of the Arms Export  
11          Control Act (22 U.S.C. 2778)) or the Commerce  
12          Control List set forth in Supplement No. 1 to part  
13          774 of title 15, Code of Federal Regulations, to the  
14          foreign state for a period of 1 year.

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

24          (e) WAIVER.—The President may waive, on a case-  
25          by-case basis and for a period of not more than 180 days,



1 the application of measures under this section with respect  
2 to a foreign state only if, not later than 15 days prior  
3 to the date on which the waiver is to take effect, the Presi-  
4 dent submits to the appropriate congressional committees  
5 a written determination and justification that the waiver  
6 is in the vital national security interests of the United  
7 States.

8 (f) IMPLEMENTATION; REGULATIONS.—

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

14 (2) REGULATIONS.—Not later than 60 days  
15 after the date of the enactment of this Act, the  
16 President shall issue regulations or other guidance  
17 as may be necessary for the implementation of this  
18 section.

19 (g) ADDITIONAL EXEMPTIONS.—

20 (1) STATUS OF FORCES AGREEMENTS.—The  
21 President may exempt the application of measures  
22 under this section with respect to a foreign state if  
23 the application of such measures would prevent the  
24 United States from meeting the terms of any status

1 of forces agreement to which the United States is a  
2 party.

3 (2) AUTHORIZED INTELLIGENCE ACTIVITIES.—  
4 Measures under this section shall not apply with re-  
5 spect to any activity subject to the reporting require-  
6 ments under title V of the National Security Act of  
7 1947 (50 U.S.C. 3091 et seq.) or any authorized in-  
8 telligence activities of the United States.

9 (3) HUMANITARIAN EXEMPTION.—The Presi-  
10 dent may waive the application of any provision of  
11 this section if the President certifies in writing to  
12 the appropriate congressional committees that such  
13 a waiver is vital to facilitate the delivery of humani-  
14 tarian aid and is consistent with the national secu-  
15 rity interests of the United States 15 days prior to  
16 the waiver taking effect.

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

1 **SEC. 4005. REPORTS ON ACTIVITIES TO DISRUPT GLOBAL**  
2 **FUNDRAISING, FINANCING, AND MONEY**  
3 **LAUNDERING ACTIVITIES OF HAMAS, PALES-**  
4 **TINIAN ISLAMIC JIHAD, AL-AQSA MARTYRS**  
5 **BRIGADE, THE LION'S DEN OR ANY AFFIL-**  
6 **IATE OR SUCCESSOR THEREOF.**

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

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

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

21 (3) a list of foreign states in which Hamas, the  
22 Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade,  
23 the Lion's Den, or any affiliate or successor thereof  
24 conducts significant fundraising, financing, or money  
25 laundering activities;

1           (4) a list of foreign states from which Hamas,  
2           the Palestinian Islamic Jihad, Al-Aqsa Martyrs Bri-  
3           gade, the Lion's Den, or any affiliate or successor  
4           thereof knowingly engaged in the transfer of surveil-  
5           lance equipment, electronic monitoring equipment,  
6           or other means to inhibit communication or the free  
7           flow of information in Gaza; and

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

10           (A) a description of the steps the foreign  
11           state identified is taking adequate measures to  
12           restrict financial flows to Hamas, the Pales-  
13           tinian Islamic Jihad, Al-Aqsa Martyrs Brigade,  
14           the Lion's Den, or any affiliates or successors  
15           thereof; and

16           (B) in the case of a foreign state failing to  
17           take adequate measures to restrict financial  
18           flows to Hamas, Palestinian Islamic Jihad, Al-  
19           Aqsa Martyrs Brigade, the Lion's Den or any  
20           other designated entity engaged in significant  
21           act of terrorism threatening the peace and secu-  
22           rity of Israel—

23           (i) an assessment of the reasons that  
24           government is not taking adequate meas-

1                   ures to restrict financial flows to those en-  
2                   tities; and

3                   (ii) a description of measures being  
4                   taken by the United States Government to  
5                   encourage the foreign state to restrict fi-  
6                   nancial flows to those entities; and

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

10 **SEC. 4006. EXCEPTION RELATING TO IMPORTATION OF**  
11 **GOODS.**

12           (a) IN GENERAL.—The authorities and requirements  
13 to impose sanctions authorized under this Act shall not  
14 include the authority or requirement to impose sanctions  
15 on the importation of goods.

16           (b) GOOD DEFINED.—In this section, the term  
17 “good” means any article, natural or man-made sub-  
18 stance, material, supply or manufactured product, includ-  
19 ing inspection and test equipment, and excluding technical  
20 data.

21 **SEC. 4007. TERMINATION.**

22           This division shall terminate on the earlier of—

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

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

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

9                   (B) Hamas, the Palestinian Islamic Jihad,  
10                  Al-Aqsa Martyrs Brigade, the Lion's Den, and  
11                  any successor or affiliate thereof are no longer  
12                  subject to sanctions pursuant to—

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

17                           (ii) Executive Order No. 13224 (Sep-  
18                           tember 23, 2001; relating to blocking prop-  
19                           erty and prohibiting transactions with per-  
20                           sons who commit, threaten to commit, or  
21                           support terrorism); and

22                   (C) Hamas, the Palestinian Islamic Jihad,  
23                   Al-Aqsa Martyrs Brigade, the Lion's Den, and  
24                   any successor or affiliate thereof meet the cri-  
25                   teria described in paragraphs (1) through (4) of

1 section 9 of the Palestinian Anti-Terrorism Act  
2 of 2006 (22 U.S.C. 2378b note).

3 **SEC. 4008. DEFINITIONS.**

4 In this division:

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

7 (A) involves a violent act or an act dan-  
8 gerous to human life, property, or infrastruc-  
9 ture; and

10 (B) appears to be intended to—

11 (i) intimidate or coerce a civilian pop-  
12 ulation;

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

15 (iii) affect the conduct of a govern-  
16 ment by mass destruction, assassination,  
17 kidnapping, or hostage-taking.

18 (2) ADMITTED.—The term “admitted” has the  
19 meaning given such term in section 101(a)(13)(A) of  
20 the Immigration and Nationality Act (8 U.S.C.  
21 1101(a)(13)(A)).

22 (3) APPROPRIATE CONGRESSIONAL COMMIT-  
23 TEES.—The term “appropriate congressional com-  
24 mittees” means—

1 (A) the Committee on Foreign Affairs and  
2 the Committee on Financial Services of the  
3 House of Representatives; and

4 (B) the Committee on Foreign Relations  
5 and the Committee on Banking, Housing, and  
6 Urban Affairs of the Senate.

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

10 (5) HUMANITARIAN AID.—The term “humani-  
11 tarian aid” means food, medicine, and medical sup-  
12 plies.

13 (6) MATERIAL SUPPORT.—The term “material  
14 support” has the meaning given the term “material  
15 support or resources” in section 2339A of title 18,  
16 United States Code.

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

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

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