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 provi-
sions as fall within the jurisdiction of the committee concerned

A BILL

To impose sanctions with respect to foreign support for ter-
rorist organizations, including Hamas and the Pales-
stinian 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”.

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October 30, 2023 (2:46 p.m.)
SEC. 2. STATEMENT OF POLICY.

It shall be the policy of the United States—

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

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

SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN PERSONS SUPPORTING ACTS OF TERRORISM OR ENGAGING IN SIGNIFICANT TRANSACTIONS WITH SENIOR MEMBERS OF HAMAS, PALESTINIAN ISLAMIC JIHAD AND OTHER PALESTINIAN TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President shall impose the sanctions described in subsection (c) with respect to each foreign person that the President determines, on or after the date of the enactment of this Act, engages in an activity described in subsection (b).
(b) ACTIVITIES DESCRIBED.—A foreign person engages in an activity described in this subsection if the foreign person knowingly—

(1) assists in sponsoring or providing significant financial, material, or technological support for, or goods or other services to enable, acts of terrorism; or

(2) engages, directly or indirectly, in a significant transaction with—

(A) a senior member of Hamas, Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion’s Den, or any affiliate or successor thereof; or

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

(c) SANCTIONS DESCRIBED.—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 a foreign person described in subsection (a) 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.

(d) Penalties.—The penalties provided for in subsections (b) and (e) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulations promulgated to carry out this section to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(e) Implementation; Regulations.—

(1) In general.—The President may exercise all authorities provided 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) Regulations.—Not later than 60 days after the date of the enactment of this Act, the President shall issue regulations or other guidance as may be necessary for the implementation of this section.
(f) Waiver.—The President may waive, on a case-by-case basis and for a period of not more than 180 days, the application of sanctions under this section with respect to a foreign person only if, not later than 15 days prior to the date on which the waiver is to take effect, the President submits to the appropriate congressional committees a written determination and justification that the waiver is in the vital national security interests of the United States.

(g) Humanitarian Exemption.—The President may waive the application of any provision of this section if the President certifies in writing to the appropriate congressional committees that such a waiver is vital to facilitate the delivery of humanitarian aid and is consistent with the national security interests of the United States 15 days prior to the waiver taking effect.

(h) Rule of Construction.—The authority to impose sanctions under this section with respect to a foreign person is in addition to the authority to impose sanctions under any other provision of law with respect to a foreign person that directly or indirectly supports acts of international terrorism.
SEC. 4. IMPOSITION OF MEASURES WITH RESPECT TO FOREIGN STATES PROVIDING SUPPORT TO HAMAS, PALESTINIAN ISLAMIC JIHAD AND OTHER PALESTINIAN TERRORIST ORGANIZATIONS.

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

(b) ACTIVITIES DESCRIBED.—A foreign state engages in an activity described in this subsection if the foreign state knowingly—

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

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

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

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

(D) any other provision of law;

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

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

(c) MEASURES DESCRIBED.—The measures described in this subsection with respect to a foreign state are the following:

(1) The President shall suspend, for a period of at least 1 year, United States assistance to the foreign state.

(2) The Secretary of the Treasury shall instruct the United States Executive Director to each appropriate international financial institution to oppose, and vote against, for a period of 1 year, the extension by such institution of any loan or financial or technical assistance to the government of the foreign state.

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

(d) **Penalties.**—The penalties provided for in sub-
sections (b) and (c) of section 206 of the International
apply to a person that violates, attempts to violate, con-
spires to violate, or causes a violation of this section or
any regulations promulgated to carry out this section to
the same extent that such penalties apply to a person that
commits an unlawful act described in section 206(a) of
that Act.

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

(f) **Implementation; Regulations.**—

(1) **In General.**—The President may exercise
all authorities provided 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) Regulations.—Not later than 60 days after the date of the enactment of this Act, the President shall issue regulations or other guidance as may be necessary for the implementation of this section.

(g) Additional Exemptions.—

(1) Status of Forces Agreements.—The President may exempt the application of measures under this section with respect to a foreign state if the application of such measures would prevent the United States from meeting the terms of any status of forces agreement to which the United States is a party.

(2) Authorized Intelligence Activities.—Measures under this section shall not 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 any authorized intelligence activities of the United States.

(3) Humanitarian Exemption.—The President may waive the application of any provision of this section if the President certifies in writing to the appropriate congressional committees that such
a waiver is vital to facilitate the delivery of humanitarian aid and is consistent with the national security interests of the United States 15 days prior to the waiver taking effect.

(h) RULE OF CONSTRUCTION.—The authority to impose measures under this section with respect to a foreign state is in addition to the authority to impose measures under any other provision of law with respect to foreign states that directly or indirectly support acts of international terrorism.

SEC. 5. REPORTS ON ACTIVITIES TO DISRUPT GLOBAL FUNDRAISING, FINANCING, AND MONEY LAUNDERING ACTIVITIES OF HAMAS, PALESTINIAN ISLAMIC JIHAD, AL-AQSA MARTYRS BRIGADE, THE LION’S DEN OR ANY AFFILIATE OR SUCCESSOR THEREOF.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report that includes—

(1) an assessment of the disposition of the assets and activities of Hamas, the Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion’s Den, or any affiliate or successor thereof related to fundraising, financing, and money laundering worldwide;
(2) a list of foreign states that knowingly providing material, financial, or technical support for, or goods or services to Hamas, the Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion’s Den, or any affiliate or successor thereof;

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

(4) a list of foreign states from which Hamas, the Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion’s Den, or any affiliate or successor thereof knowingly engaged in the transfer of surveillance equipment, electronic monitoring equipment, or other means to inhibit communication or the free flow of information in Gaza; and

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

(A) a description of the steps the foreign state identified is taking adequate measures to restrict financial flows to Hamas, the Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion’s Den, or any affiliates or successors thereof; and
(B) in the case of a foreign state failing to take adequate measures to restrict financial flows to Hamas, Palestinian Islamic Jihad, Al-Aqsa Martyrs Brigade, the Lion’s Den or any other designated entity engaged in significant act of terrorism threatening the peace and security of Israel—

(i) an assessment of the reasons that government is not taking adequate measures to restrict financial flows to those entities; and

(ii) a description of measures being taken by the United States Government to encourage the foreign state to restrict financial flows to those entities; and

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

SEC. 6. EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this Act shall not include the authority or requirement to impose sanctions on the importation of goods.
(b) GOOD DEFINED.—In this section, the term “good” means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

SEC. 7. TERMINATION.

This Act shall terminate on the earlier of—

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

(2) the date that is 30 days after the date on which the President certifies to the appropriate congressional committees that—

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

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

(i) Executive Order No. 12947 (January 23, 1995; relating to prohibiting transactions with terrorists who threaten to disrupt the Middle East peace process); and
(ii) Executive Order No. 13224 (September 23, 2001; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism); and

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

SEC. 8. DEFINITIONS.

In this Act:

(1) ACT OF TERRORISM.—The term “act of terrorism” means an activity that—

(A) involves a violent act or an act dangerous to human life, property, or infrastructure; and

(B) appears to be intended to—

(i) intimidate or coerce a civilian population;

(ii) influence the policy of a government by intimidation or coercion; or
(iii) affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

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

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

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

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

(5) HUMANITARIAN AID.—The term “humanitarian aid” means food, medicine, and medical supplies.

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

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

(A) a United States citizen or an alien lawfully 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.