To impose sanctions with respect to foreign support for terrorist organizations in Gaza and the West Bank, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Rubio introduced the following bill; which was read twice and referred to the Committee on

A BILL

To impose sanctions with respect to foreign support for terrorist organizations in Gaza and the West Bank, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Hamas and Palestinian Islamic Jihad International Terrorism Support Prevention Act of 2023”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Statement of policy.
Sec. 4. Imposition of sanctions with respect to foreign persons and agencies and
instrumentalities of foreign states supporting Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof.

Sec. 5. Imposition of sanctions with respect to foreign governments that provide
material support for the terrorist activities of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof.

Sec. 6. Report on activities of foreign countries to disrupt global fundraising,
financing, and money laundering activities of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof.

Sec. 7. Miscellaneous provisions.

Sec. 8. Determination of budgetary effects.

SEC. 2. DEFINITIONS.

In this Act:

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

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

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(4) FOREIGN PERSON.—The term “foreign person” means—

(A) an individual who is not a United States person; or
(B) a corporation, partnership, or other nongovernmental entity that is not a United States person.

(5) 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.

(6) PERSON.—The term “person” means an individual or entity.

(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;

(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; or

(C) a person in the United States.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to prevent Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof from accessing its international support networks; and
(2) to oppose Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof from attempting to use goods, including medicine and dual-use items, to smuggle weapons and other materials to further acts of terrorism.

SEC. 4. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN PERSONS AND AGENCIES AND INTRUMENTALITIES OF FOREIGN STATES SUPPORTING HAMAS, THE PALESTINIAN ISLAMIC JIHAD, OR ANY AFFILIATE OR SUCCESSOR THEREOF.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall impose the sanctions required under subsection (c) with respect to any foreign person and any agency or instrumentality of a foreign state that the President determines knowingly—

(1) assists in, sponsors, or provides significant financial or material support for, or financial or other services to or in support of any person described in subsection (b); or

(2) directly or indirectly, materially engages in a significant transaction with any person described in subsection (b).

(b) PERSON DESCRIBED.—
(1) IN GENERAL.—A person described in this subsection is a foreign person that the President determines—

(A) is a senior member of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof;

(B) is a senior member of the Al-Aqsa Martyr’s Brigade, Lion’s Den, or any other entity that the President determines is part of the terrorist infrastructure in the West Bank and Gaza;

(C) is a senior member of a foreign terrorist organization designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) whose members directly or indirectly support any of the activities of, knowingly engage in a significant transaction with, or provide financial or material support for Hamas, the Palestinian Islamic Jihad, any affiliate or successor thereof, or any person described in subparagraph (A) or (B); or

(D) knowingly provides or has provided material assistance, financial or material support, or goods or services that directly or indirectly supports the terrorist activities of any
foreign person described in subparagraph (A) or (B).

(2) Requirement to issue guidance.—Not later than 60 days after the date of the enactment of this Act, and not later than 180 days thereafter, the President shall issue regulations or other guidance to identify the persons described in this subsection.

(e) Sanctions Required.—

(1) Foreign persons.—With respect to a foreign person subject to sanctions under subsection (a), the President shall exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person 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.

(2) Agencies or instrumentalities of a foreign state.—With respect to an agency or instrumentality of a foreign state subject to sanctions
under subsection (a), the President shall impose 2 or
more of the following:

(A) The President may direct the Export-
Import Bank of the United States not to give
approval to the issuance of any guarantee, in-
surance, extension of credit, or participation in
the extension of credit in connection with the
export of any goods or services to the agency or
instrumentality, and the Export-Import Bank
of the United States shall comply with any such
direction.

(B) The President may prohibit the sale of
any defense articles, defense services, or design
and construction services under the Arms Ex-
port Control Act (22 U.S.C. 2751 et seq.) to
the agency or instrumentality.

(C) The President may prohibit the
issuance of licenses for export of any item on
the United States Munitions List under section
38(a)(1) of the Arms Export Control Act (22
U.S.C. 2778(a)(1)) that include the agency or
instrumentality as a party to the license.

(D) The President may prohibit the export
of any goods or technologies controlled for na-
tional security reasons under the Export Ad-
ministration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, or successor regulations, to the agency or instrumentality, except that such prohibition shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.).

(E) The President may prohibit any United States financial institution from making loans or providing any credit or financing totaling more than $10,000,000 to the agency or instrumentality, except that this subparagraph shall not apply to—

(i) any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.);

(ii) the provision of medicines, medical equipment, and humanitarian assistance; or

(iii) any credit, credit guarantee, or financial assistance provided by the Department of Agriculture to support the pur-
chase of food or other agricultural commodities.

(F) The President may exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in all property and interests in property of the agency or instrumentality if such property and interests in property are in the United States, come within the possession or control of a United States person.

(d) CONGRESSIONAL NOMINATION DETERMINATION WITH RESPECT TO FOREIGN PERSONS SUBJECT TO SANCTIONS.—Not later than 60 days after receiving a request from the chairman and ranking member of one of the appropriate congressional committees with respect to whether a foreign person is subject to sanctions under subsection (a) pursuant to the criteria set forth in that subsection, the President shall—

(1) determine if the person meets those criteria; and
(2) submit a classified or unclassified report to such chairman and ranking member with respect to the determination under paragraph (1) that includes a statement of whether or not the President has imposed or intends to impose sanctions with respect to that person.

(e) Penalties.—

(1) In general.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that knowingly violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under section 7(b) to carry out paragraph (1) or (2)(F) of subsection (c) to the same extent that such penalties apply to a person that knowingly commits an unlawful act described in section 206(a) of that Act.

(2) Authorities.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out paragraphs (1) and (2)(F) of subsection (e).

(f) Exception.—The President shall not be required to impose sanctions under this section with respect to a
foreign person or an agency or instrumentality of a foreign state if the President certifies in writing to the appropriate congressional committees that—

(1) the foreign person or agency or instrumentality (as the case may be)—

(A) is no longer carrying out activities or transactions subject to sanctions under this section; or

(B) has taken and is continuing to take significant verifiable steps toward terminating activities or transactions subject to sanctions under this section; and

(2) the President has received reliable assurances from the foreign person or agency or instrumentality (as the case may be) that it will not carry out any activities or transactions subject to sanctions under this section in the future.

(g) Waiver.—

(1) In general.—The President may waive, on a case-by-case basis and for a period of not more than 180 days, a requirement under this section to impose or maintain sanctions with respect to a foreign person or agency or instrumentality of a foreign state if the President—
(A) determines that the waiver is in the national security interest of the United States; and

(B) not less than 30 days before the waiver takes effect, submits to the appropriate congressional committees a report on the waiver and the justification for the waiver.

(2) RENEWAL OF WAIVER.—The President may, on a case-by-case basis, renew a waiver under paragraph (1) for additional periods of not more than 180 days if the President—

(A) determines that the renewal of the waiver is in the national security interest of the United States; and

(B) not less than 15 days before the waiver expires, submits to the appropriate congressional committees a report on the renewal of the waiver and the justification for the renewal of the waiver.

(h) RULE OF CONSTRUCTION.—The authority to impose sanctions under this section with respect to a foreign person or an agency or instrumentality of a foreign state is in addition to the authority to impose sanctions under any other provision of law with respect to foreign persons
or agencies or instrumentalities of foreign states that directly or indirectly support international terrorism.

(i) **Effective Date.**—This section shall take effect on the date of the enactment of this Act and apply with respect to activities and transactions described in subsection (a) that are carried out on or after such date of enactment.

**SEC. 5. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN GOVERNMENTS THAT PROVIDE MATERIAL SUPPORT FOR THE TERRORIST ACTIVITIES OF HAMAS, THE PALESTINIAN ISLAMIC JIHAD, OR ANY AFFILIATE OR SUCCESSOR THEREOF.**

(a) **Identification.**—

(1) **In General.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report that identifies the following:

(A) Each government of a foreign country that—

(i) the Secretary of State determines has repeatedly provided support for acts of international terrorism pursuant to section 1754(e) of the Export Control Reform Act
of 2018 (50 U.S.C. 4813(e)), section 40 of
the Arms Export Control Act (22 U.S.C.
2780), section 620A of the Foreign Assist-
ance Act of 1961 (22 U.S.C. 2371), or any
other provision of law; and

(ii) the President determines has pro-
vided direct or indirect material support
for the terrorist activities of Hamas, the
Palestinian Islamic Jihad, or any affiliate
or successor thereof.

(B) Each government of a foreign country
that—

(i) is not identified under subpara-
graph (A); and

(ii) the President determines know-
ingly engaged in a significant transaction
that contributes to the efforts by the gov-
ernment of a foreign country described in
subparagraph (A)(i) to provide direct or
indirect material support for the terrorist
activities of Hamas, the Palestinian Is-
lamic Jihad, or any affiliate or successor
thereof.
(2) FORM OF REPORT.—Each report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(b) IMPOSITION OF SANCTIONS.—The President shall impose the following sanctions with respect to each government of a foreign country identified under subparagraph (A) or (B) of subsection (a)(1):

(1) The United States Government shall suspend, for a period of one year, United States assistance to the government of the foreign country.

(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 one year, the extension by that institution of any loan or financial or technical assistance to the government of the foreign country.

(3) No item on the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)) or the Commerce Control List set forth in Supplement No. 1 to part 774 of title 15, Code of Federal Regulations (or any successor list), may be exported to the government of the foreign country for a period of one year.
(c) IMPOSITION OF ADDITIONAL SANCTIONS WITH RESPECT TO CERTAIN FOREIGN GOVERNMENTS.—The President shall impose the following additional sanctions with respect to each government of a foreign country identified under subsection (a)(1)(A):

(1) The President shall, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the government of the foreign country has any interest.

(2) The President shall, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between one or more financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the government of the foreign country.

(d) EXCEPTIONS.—

(1) MILITARY USE EXCEPTION.—The President shall not be required to impose sanctions with respect to the government of a foreign country pursuant to subsection (b)—
(A) with respect to materials intended to be used by military or civilian personnel of the Armed Forces of the United States at military facilities in the country; or

(B) if the application of such sanctions would prevent the United States from meeting the terms of any status of forces agreement to which the United States is a party.

(2) HUMANITARIAN EXCEPTION.—The following activities shall be exempt from sanctions under this section:

(A) The conduct or facilitation of a transaction for the sale of agricultural commodities, food, medicine, or medical devices to a foreign government described in subsection (a) that is not otherwise subject to the export control laws of the United States.

(B) The provision of humanitarian assistance to a foreign government described in subsection (a), including engaging in a financial transaction relating to humanitarian assistance or for humanitarian purposes or transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes.
(c) Waiver.—

(1) In general.—The President may waive, on a case-by-case basis and for a period of not more than 180 days, a requirement under subsection (b) or (c) to impose or maintain sanctions with respect to a foreign government identified pursuant to subparagraph (A) or (B) of subsection (a)(1) if the President—

(A) determines that the waiver is in the national security interest of the United States; and

(B) not less than 30 days before the waiver takes effect, submits to the appropriate congressional committees a report on the waiver and the justification for the waiver.

(2) Renewal of waiver.—The President may, on a case-by-case basis, renew a waiver under paragraph (1) for additional periods of not more than 180 days if the President—

(A) determines that the renewal of the waiver is in the national security interest of the United States; and

(B) not less than 15 days before the waiver expires, submits to the appropriate congressional committees a report on the renewal of
the waiver and the justification for the renewal
of the waiver.

(3) SUNSET.—The authority of the President
under this subsection shall terminate on the date
that is 2 years after the date of the enactment of
this Act.

(f) RULE OF CONSTRUCTION.—The authority to im-
pose sanctions under subsection (b) or (c) with respect to
each government of a foreign country identified pursuant
to subparagraph (A) or (B) of subsection (a)(1) is in addi-
tion to the authority to impose sanctions under any other
provision of law with respect to governments of foreign
countries that provide material support to foreign terrorist
organizations designated pursuant to section 219 of the

(g) TERMINATION.—The President may terminate
any sanctions imposed with respect to the government of
a foreign country under subsection (b) or (c) if the Presi-
dent determines and notifies the appropriate congressional
committees that the government of the foreign country is
no longer carrying out activities or transactions for which
the sanctions were imposed and has provided assurances
to the United States Government that it will not carry
out those activities or transactions in the future.
(h) **Effective Date.**—This section shall take effect on the date of the enactment of this Act and apply with respect to activities and transactions described in subparagraph (A) or (B) of subsection (a)(1) that are carried out on or after such date of enactment.

**SEC. 6. REPORT ON ACTIVITIES OF FOREIGN COUNTRIES TO DISRUPT GLOBAL FUNDRAISING, FINANCING, AND MONEY LAUNDERING ACTIVITIES OF HAMAS, THE PALESTINIAN ISLAMIC JIHAD, OR ANY AFFILIATE OR SUCCESSOR THEREOF.**

(a) **Report.**—

(1) **In General.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report that includes—

(A) a list of foreign countries that support Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof, or in which Hamas maintains important portions of its financial networks;

(B) with respect to each foreign country on the list required by subparagraph (A)—

(i) an assessment of whether the government of the country is taking adequate
measures to freeze the assets of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof within the territory of the country; and

(ii) in the case of a country the government of which is not taking adequate measures to freeze the assets of Hamas—

(I) an assessment of the reasons that government is not taking adequate measures to freeze those assets; and

(II) a description of measures being taken by the United States Government to encourage that government to freeze those assets;

(C) a list of foreign countries in which Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof, conducts significant fundraising, financing, or money laundering activities;

(D) with respect to each foreign country on the list required by subparagraph (C)—

(i) an assessment of whether the government of the country is taking adequate measures to disrupt the fundraising, fi-
nancing, or money laundering activities of Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof within the territory of the country; and

(ii) in the case of a country the government of which is not taking adequate measures to disrupt those activities—

(I) an assessment of the reasons that government is not taking adequate measures to disrupt those activities; and

(II) a description of measures being taken by the United States Government to encourage that government to improve measures to disrupt those activities; and

(E) a list of foreign countries from which Hamas, the Palestinian Islamic Jihad, or any affiliate or successor thereof, acquires surveillance equipment, electronic monitoring equipment, or other means to inhibit communication or political expression in Gaza.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form to the
greatest extent possible and may contain a classified annex.

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for the following 3 years, the Secretary of State, the Secretary of the Treasury, and the heads of other applicable Federal departments and agencies (or their designees) shall provide to the appropriate committees of Congress a briefing on the disposition of the assets and activities of Hamas, the Palestinian Islamic Jihad, or any successor or affiliate thereof related to fundraising, financing, and money laundering worldwide.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.
SEC. 7. MISCELLANEOUS PROVISIONS.

(a) Rule of Construction.—Nothing in this Act shall be construed to apply to the authorized intelligence activities of the United States.

(b) Regulatory Authority.—The President shall, not later than 180 days after the date of the enactment of this Act, prescribe regulations as are necessary for the implementation of this Act.

(c) Exception Relating to Importation of Goods.—

(1) 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.

(2) Good Defined.—In this subsection, 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.

(d) Termination.—This Act shall terminate on the earlier of—

(1) 30 days after the date on which the President certifies to the appropriate congressional committees that Hamas and the Palestinian Islamic Jihad, or any successor or affiliate thereof—
(A) are no longer designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(B) are no longer subject to sanctions pursuant to—

(i) Executive Order 12947 (50 U.S.C. 1701 note; relating to prohibiting transactions with terrorists who threaten to disrupt the Middle East peace process); and

(ii) Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism); and

(C) meet the criteria described in paragraphs (1) through (4) of section 9 of the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446; 22 U.S.C. 2378b note); or

(2) 3 years after the date of the enactment of this Act.

SEC. 8. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010 (2 U.S.C. 931 et seq.), shall be determined by reference
to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.