

118TH CONGRESS
2D SESSION

H. R. 8038

To authorize the President to impose certain sanctions with respect to Russia and Iran, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2024

Mr. McCAUL introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, the Judiciary, Ways and Means, Armed Services, the Budget, Rules, Energy and Commerce, and Transportation and Infrastructure, 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 authorize the President to impose certain sanctions with respect to Russia and Iran, 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 “21st Century Peace
5 through Strength Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

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TITLE I—REBUILDING ECONOMIC PROSPERITY AND
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DIVISION O—IRAN-CHINA ENERGY SANCTIONS ACT OF 2023

- Sec. 1. Short title.
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- Sec. 1. Budgetary effects.

1 **SEC. 3. REFERENCES.**

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall
4 be treated as referring only to the provisions of that divi-
5 sion.

6 **DIVISION A—FEND OFF** 7 **FENTANYL ACT**

8 **SEC. 3001. SHORT TITLES.**

9 This division may be cited as the “Fentanyl Eradi-
10 cation and Narcotics Deterrence Off Fentanyl” or the
11 “FEND Off Fentanyl Act”.

12 **SEC. 3002. SENSE OF CONGRESS.**

13 It is the sense of Congress that—

14 (1) the proliferation of fentanyl is causing an
15 unprecedented surge in overdose deaths in the
16 United States, fracturing families and communities,
17 and necessitating a comprehensive policy response to

1 combat its lethal flow and to mitigate the drug's
2 devastating consequences;

3 (2) the trafficking of fentanyl into the United
4 States is a national security threat that has killed
5 hundreds of thousands of United States citizens;

6 (3) transnational criminal organizations, includ-
7 ing cartels primarily based in Mexico, are the main
8 purveyors of fentanyl into the United States and
9 must be held accountable;

10 (4) precursor chemicals sourced from the Peo-
11 ple's Republic of China are—

12 (A) shipped from the People's Republic of
13 China by legitimate and illegitimate means;

14 (B) transformed through various synthetic
15 processes to produce different forms of
16 fentanyl; and

17 (C) crucial to the production of illicit
18 fentanyl by transnational criminal organiza-
19 tions, contributing to the ongoing opioid crisis;

20 (5) the United States Government must remain
21 vigilant to address all new forms of fentanyl precu-
22 sors and drugs used in combination with fentanyl,
23 such as Xylazine, which attribute to overdose deaths
24 of people in the United States;

1 (6) to increase the cost of fentanyl trafficking,
2 the United States Government should work collabo-
3 ratively across agencies and should surge analytic
4 capability to impose sanctions and other remedies
5 with respect to transnational criminal organizations
6 (including cartels), including foreign nationals who
7 facilitate the trade in illicit fentanyl and its precur-
8 sors from the People’s Republic of China; and

9 (7) the Department of the Treasury should
10 focus on fentanyl trafficking and its facilitators as
11 one of the top national security priorities for the De-
12 partment.

13 **SEC. 3003. DEFINITIONS.**

14 In this division:

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

18 (A) the Committee on Banking, Housing,
19 and Urban Affairs of the Senate;

20 (B) the Committee on Foreign Relations of
21 the Senate;

22 (C) the Committee on Financial Services of
23 the House of Representatives; and

24 (D) the Committee on Foreign Affairs of
25 the House of Representatives.

1 (2) FOREIGN PERSON.—The term “foreign per-
2 son”—

3 (A) means—

4 (i) any citizen or national of a foreign
5 country; or

6 (ii) any entity not organized under the
7 laws of the United States or a jurisdiction
8 within the United States; and

9 (B) does not include the government of a
10 foreign country.

11 (3) KNOWINGLY.—The term “knowingly”, with
12 respect to conduct, a circumstance, or a result,
13 means that a person has actual knowledge, or should
14 have known, of the conduct, the circumstance, or the
15 result.

16 (4) TRAFFICKING.—The term “trafficking”,
17 with respect to fentanyl, fentanyl precursors, or
18 other related opioids, has the meaning given the
19 term “opioid trafficking” in section 7203(8) of the
20 Fentanyl Sanctions Act (21 U.S.C. 2302(8)).

21 (5) TRANSNATIONAL CRIMINAL ORGANIZA-
22 TION.—The term “transnational criminal organiza-
23 tion” includes—

24 (A) any organization designated as a sig-
25 nificant transnational criminal organization

1 under part 590 of title 31, Code of Federal
2 Regulations;

3 (B) any of the organizations known as—

4 (i) the Sinaloa Cartel;

5 (ii) the Jalisco New Generation Car-
6 tel;

7 (iii) the Gulf Cartel;

8 (iv) the Los Zetas Cartel;

9 (v) the Juarez Cartel;

10 (vi) the Tijuana Cartel;

11 (vii) the Beltran-Leyva Cartel; or

12 (viii) La Familia Michoacana; or

13 (C) any successor organization to an orga-
14 nization described in subparagraph (B) or as
15 otherwise determined by the President.

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

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

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

25 (C) any person in the United States.

1 **TITLE I—SANCTIONS MATTERS**
2 **Subtitle A—Sanctions in Response**
3 **to National Emergency Relating**
4 **to Fentanyl Trafficking**

5 **SEC. 3101. FINDING; POLICY.**

6 (a) **FINDING.**—Congress finds that international
7 trafficking of fentanyl, fentanyl precursors, or other re-
8 lated opioids constitutes an unusual and extraordinary
9 threat to the national security, foreign policy, and econ-
10 omy of the United States, and is a national emergency.

11 (b) **POLICY.**—It shall be the policy of the United
12 States to apply economic and other financial sanctions to
13 those who engage in the international trafficking of
14 fentanyl, fentanyl precursors, or other related opioids to
15 protect the national security, foreign policy, and economy
16 of the United States.

17 **SEC. 3102. USE OF NATIONAL EMERGENCY AUTHORITIES;**
18 **REPORTING.**

19 (a) **IN GENERAL.**—The President may exercise all
20 authorities provided under sections 203 and 205 of the
21 International Emergency Economic Powers Act (50
22 U.S.C. 1702 and 1704) to carry out this subtitle.

23 (b) **REPORT REQUIRED.**—

24 (1) **IN GENERAL.**—Not later than 180 days
25 after the date of the enactment of this Act, and an-

1 nually thereafter, the President shall submit to the
2 appropriate congressional committees a report on ac-
3 tions taken by the executive branch pursuant to this
4 subtitle and any national emergency declared with
5 respect to the trafficking of fentanyl and trade in
6 other illicit drugs, including—

7 (A) the issuance of any new or revised reg-
8 ulations, policies, or guidance;

9 (B) the imposition of sanctions;

10 (C) the collection of relevant information
11 from outside parties;

12 (D) the issuance or closure of general li-
13 censes, specific licenses, and statements of li-
14 censing policy by the Office of Foreign Assets
15 Control;

16 (E) a description of any pending enforce-
17 ment cases; and

18 (F) the implementation of mitigation pro-
19 cedures.

20 (2) FORM OF REPORT.—Each report required
21 under paragraph (1) shall be submitted in unclassi-
22 fied form, but may include the matters required
23 under subparagraphs (C), (D), (E), and (F) of such
24 paragraph in a classified annex.

1 **SEC. 3103. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **FENTANYL TRAFFICKING BY**
3 **TRANSNATIONAL CRIMINAL ORGANIZATIONS.**

4 (a) **IN GENERAL.**—The President shall impose the
5 sanctions described in subsection (b) with respect to any
6 foreign person the President determines—

7 (1) is knowingly involved in the significant traf-
8 ficking of fentanyl, fentanyl precursors, or other re-
9 lated opioids, including such trafficking by a
10 transnational criminal organization; or

11 (2) otherwise is knowingly involved in signifi-
12 cant activities of a transnational criminal organiza-
13 tion relating to the trafficking of fentanyl, fentanyl
14 precursors, or other related opioids.

15 (b) **SANCTIONS DESCRIBED.**—The President, pursu-
16 ant to the International Emergency Economic Powers Act
17 (50 U.S.C. 1701 et seq.), may block and prohibit all trans-
18 actions in property and interests in property of a foreign
19 person described in subsection (a) if such property and
20 interests in property are in the United States, come within
21 the United States, or are or come within the possession
22 or control of a United States person.

23 (c) **REPORT REQUIRED.**—Not later than 180 days
24 after the date of the enactment of this Act, and annually
25 thereafter, the President shall submit to the appropriate
26 congressional committees a report on actions taken by the

1 executive branch with respect to the foreign persons iden-
2 tified under subsection (a).

3 **SEC. 3104. PENALTIES; WAIVERS; EXCEPTIONS.**

4 (a) PENALTIES.—Any person that violates, attempts
5 to violate, conspires to violate, or causes a violation of this
6 subtitle or any regulation, license, or order issued to carry
7 out this subtitle shall be subject to the penalties set forth
8 in subsections (b) and (c) of section 206 of the Inter-
9 national Emergency Economic Powers Act (50 U.S.C.
10 1705) to the same extent as a person that commits an
11 unlawful act described in subsection (a) of that section.

12 (b) NATIONAL SECURITY WAIVER.—The President
13 may waive the application of sanctions under this subtitle
14 with respect to a foreign person if the President deter-
15 mines that such waiver is in the national security interest
16 of the United States.

17 (c) EXCEPTIONS.—

18 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
19 TIES.—This subtitle shall not apply with respect to
20 activities subject to the reporting requirements
21 under title V of the National Security Act of 1947
22 (50 U.S.C. 3091 et seq.) or any authorized intel-
23 ligence activities of the United States.

24 (2) EXCEPTION FOR COMPLIANCE WITH INTER-
25 NATIONAL OBLIGATIONS AND LAW ENFORCEMENT

1 ACTIVITIES.—Sanctions under this subtitle shall not
2 apply with respect to an alien if admitting or parol-
3 ing the alien into the United States is necessary—

4 (A) to permit the United States to comply
5 with the Agreement regarding the Head-
6 quarters of the United Nations, signed at Lake
7 Success on June 26, 1947, and entered into
8 force November 21, 1947, between the United
9 Nations and the United States, or other appli-
10 cable international obligations of the United
11 States; or

12 (B) to carry out or assist law enforcement
13 activity of the United States.

14 (3) HUMANITARIAN EXEMPTION.—The Presi-
15 dent may not impose sanctions under this subtitle
16 with respect to any person for conducting or facili-
17 tating a transaction for the sale of agricultural com-
18 modities, food, medicine, or medical devices or for
19 the provision of humanitarian assistance.

20 **SEC. 3105. TREATMENT OF FORFEITED PROPERTY OF**
21 **TRANSNATIONAL CRIMINAL ORGANIZATIONS.**

22 (a) TRANSFER OF FORFEITED PROPERTY TO FOR-
23 FEITURE FUNDS.—

24 (1) IN GENERAL.—Any covered forfeited prop-
25 erty shall be deposited into the Department of the

1 Treasury Forfeiture Fund established under section
2 9705 of title 31, United States Code, or the Depart-
3 ment of Justice Assets Forfeiture Fund established
4 under section 524(c) of title 28, United States Code.

5 (2) REPORT REQUIRED.—Not later than 180
6 days after the date of the enactment of this Act, and
7 every 180 days thereafter, the President shall sub-
8 mit to the appropriate congressional committees a
9 report on any deposits made under paragraph (1)
10 during the 180-day period preceding submission of
11 the report.

12 (3) COVERED FORFEITED PROPERTY DE-
13 FINED.—In this subsection, the term “covered for-
14 feited property” means property—

15 (A) forfeited to the United States under
16 chapter 46 or section 1963 of title 18, United
17 States Code; and

18 (B) that belonged to or was possessed by
19 an individual affiliated with or connected to a
20 transnational criminal organization subject to
21 sanctions under—

22 (i) this subtitle;

23 (ii) the Fentanyl Sanctions Act (21
24 U.S.C. 2301 et seq.); or

1 (iii) Executive Order 14059 (50
2 U.S.C. 1701 note; relating to imposing
3 sanctions on foreign persons involved in
4 the global illicit drug trade).

5 (b) **BLOCKED ASSETS UNDER TERRORISM RISK IN-**
6 **SURANCE ACT OF 2002.**—Nothing in this subtitle may be
7 construed to affect the treatment of blocked assets of a
8 terrorist party described in section 201(a) of the Ter-
9 rorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note).

10 **Subtitle B—Other Matters**

11 **SEC. 3111. TEN-YEAR STATUTE OF LIMITATIONS FOR VIOLA-** 12 **TIONS OF SANCTIONS.**

13 (a) **INTERNATIONAL EMERGENCY ECONOMIC POW-**
14 **ERS ACT.**—Section 206 of the International Emergency
15 Economic Powers Act (50 U.S.C. 1705) is amended by
16 adding at the end the following:

17 “(d) **STATUTE OF LIMITATIONS.**—

18 “(1) **TIME FOR COMMENCING PROCEEDINGS.**—

19 “(A) **IN GENERAL.**—An action, suit, or
20 proceeding for the enforcement of any civil fine,
21 penalty, or forfeiture, pecuniary or otherwise,
22 under this section shall not be entertained un-
23 less commenced within 10 years after the latest
24 date of the violation upon which the civil fine,
25 penalty, or forfeiture is based.

1 “(B) COMMENCEMENT.—For purposes of
2 this paragraph, the commencement of an ac-
3 tion, suit, or proceeding includes the issuance of
4 a pre-penalty notice or finding of violation.

5 “(2) TIME FOR INDICTMENT.—No person shall
6 be prosecuted, tried, or punished for any offense
7 under subsection (c) unless the indictment is found
8 or the information is instituted within 10 years after
9 the latest date of the violation upon which the in-
10 dictment or information is based.”.

11 (b) TRADING WITH THE ENEMY ACT.—Section 16
12 of the Trading with the Enemy Act (50 U.S.C. 4315) is
13 amended by adding at the end the following:

14 “(d) STATUTE OF LIMITATIONS.—

15 “(1) TIME FOR COMMENCING PROCEEDINGS.—

16 “(A) IN GENERAL.—An action, suit, or
17 proceeding for the enforcement of any civil fine,
18 penalty, or forfeiture, pecuniary or otherwise,
19 under this section shall not be entertained un-
20 less commenced within 10 years after the latest
21 date of the violation upon which the civil fine,
22 penalty, or forfeiture is based.

23 “(B) COMMENCEMENT.—For purposes of
24 this paragraph, the commencement of an ac-

1 tion, suit, or proceeding includes the issuance of
2 a pre-penalty notice or finding of violation.

3 “(2) TIME FOR INDICTMENT.—No person shall
4 be prosecuted, tried, or punished for any offense
5 under subsection (a) unless the indictment is found
6 or the information is instituted within 10 years after
7 the latest date of the violation upon which the in-
8 dictment or information is based.”.

9 **SEC. 3112. CLASSIFIED REPORT AND BRIEFING ON STAFF-**
10 **ING OF OFFICE OF FOREIGN ASSETS CON-**
11 **TROL.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Director of the Office of Foreign
14 Assets Control shall provide to the appropriate congres-
15 sional committees a classified report and briefing on the
16 staffing of the Office of Foreign Assets Control,
17 disaggregated by staffing dedicated to each sanctions pro-
18 gram and each country or issue.

19 **SEC. 3113. REPORT ON DRUG TRANSPORTATION ROUTES**
20 **AND USE OF VESSELS WITH MISLABELED**
21 **CARGO.**

22 Not later than 180 days after the date of the enact-
23 ment of this Act, the Secretary of the Treasury, in con-
24 junction with the heads of other relevant Federal agencies,
25 shall provide to the appropriate congressional committees

1 a classified report and briefing on efforts to target drug
2 transportation routes and modalities, including an assess-
3 ment of the prevalence of false cargo labeling and ship-
4 ment of precursor chemicals without accurate tracking of
5 the customers purchasing the chemicals.

6 **SEC. 3114. REPORT ON ACTIONS OF PEOPLE'S REPUBLIC OF**
7 **CHINA WITH RESPECT TO PERSONS IN-**
8 **VOLVED IN FENTANYL SUPPLY CHAIN.**

9 Not later than 180 days after the date of the enact-
10 ment of this Act, the Secretary of the Treasury, in con-
11 junction with the heads of other relevant Federal agencies,
12 shall provide to the appropriate congressional committees
13 a classified report and briefing on actions taken by the
14 Government of the People's Republic of China with respect
15 to persons involved in the shipment of fentanyl, fentanyl
16 analogues, fentanyl precursors, precursors for fentanyl
17 analogues, and equipment for the manufacturing of
18 fentanyl and fentanyl-laced counterfeit pills.

1 **TITLE II—ANTI-MONEY**
2 **LAUNDERING MATTERS**

3 **SEC. 3201. DESIGNATION OF ILLICIT FENTANYL TRANS-**
4 **ACTIONS OF SANCTIONED PERSONS AS OF**
5 **PRIMARY MONEY LAUNDERING CONCERN.**

6 (a) IN GENERAL.—Subtitle A of the Fentanyl Sanc-
7 tions Act (21 U.S.C. 2311 et seq.) is amended by inserting
8 after section 7213 the following:

9 **“SEC. 7213A. DESIGNATION OF TRANSACTIONS OF SANC-**
10 **TIONED PERSONS AS OF PRIMARY MONEY**
11 **LAUNDERING CONCERN.**

12 “(a) IN GENERAL.—If the Secretary of the Treasury
13 determines that reasonable grounds exist for concluding
14 that 1 or more financial institutions operating outside of
15 the United States, 1 or more classes of transactions with-
16 in, or involving, a jurisdiction outside of the United States,
17 or 1 or more types of accounts within, or involving, a juris-
18 diction outside of the United States, is of primary money
19 laundering concern in connection with illicit opioid traf-
20 ficking, the Secretary of the Treasury may, by order, regu-
21 lation, or otherwise as permitted by law—

22 “(1) require domestic financial institutions and
23 domestic financial agencies to take 1 or more of the
24 special measures provided for in section 9714(a)(1)
25 of the National Defense Authorization Act for Fiscal

1 Year 2021 (Public Law 116–283; 31 U.S.C. 5318A
2 note); or

3 “(2) prohibit, or impose conditions upon, cer-
4 tain transmittals of funds (to be defined by the Sec-
5 retary) by any domestic financial institution or do-
6 mestic financial agency, if such transmittal of funds
7 involves any such institution, class of transaction, or
8 type of accounts.

9 “(b) CLASSIFIED INFORMATION.—In any judicial re-
10 view of a finding of the existence of a primary money laun-
11 dering concern, or of the requirement for 1 or more special
12 measures with respect to a primary money laundering con-
13 cern made under this section, if the designation or imposi-
14 tion, or both, were based on classified information (as de-
15 fined in section 1(a) of the Classified Information Proce-
16 dures Act (18 U.S.C. App.)), such information may be
17 submitted by the Secretary to the reviewing court ex parte
18 and in camera. This subsection does not confer or imply
19 any right to judicial review of any finding made or any
20 requirement imposed under this section.

21 “(c) AVAILABILITY OF INFORMATION.—The exemp-
22 tions from, and prohibitions on, search and disclosure re-
23 ferred to in section 9714(e) of the National Defense Au-
24 thorization Act for Fiscal Year 2021 (Public Law 116–
25 283; 31 U.S.C. 5318A note) shall apply to any report or

1 record of report filed pursuant to a requirement imposed
2 under subsection (a). For purposes of section 552 of title
3 5, United States Code, this subsection shall be considered
4 a statute described in subsection (b)(3)(B) of such section.

5 “(d) PENALTIES.—The penalties referred to in sec-
6 tion 9714(d) of the National Defense Authorization Act
7 for Fiscal Year 2021 (Public Law 116–283; 31 U.S.C.
8 5318A note) shall apply to violations of any order, regula-
9 tion, special measure, or other requirement imposed under
10 subsection (a), in the same manner and to the same extent
11 as described in such section 9714(d).

12 “(e) INJUNCTIONS.—The Secretary of the Treasury
13 may bring a civil action to enjoin a violation of any order,
14 regulation, special measure, or other requirement imposed
15 under subsection (a) in the same manner and to the same
16 extent as described in section 9714(e) of the National De-
17 fense Authorization Act for Fiscal Year 2021 (Public Law
18 116–283; 31 U.S.C. 5318A note).”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 for the National Defense Authorization Act for Fiscal
21 Year 2020 (Public Law 116–92) is amended by inserting
22 after the item relating to section 7213 the following:

“Sec. 7213A. Designation of transactions of sanctioned persons as of primary
money laundering concern.”.

1 **SEC. 3202. TREATMENT OF TRANSNATIONAL CRIMINAL OR-**
2 **GANIZATIONS IN SUSPICIOUS TRANSACTIONS**
3 **REPORTS OF THE FINANCIAL CRIMES EN-**
4 **FORCEMENT NETWORK.**

5 (a) FILING INSTRUCTIONS.—Not later than 180 days
6 after the date of the enactment of this Act, the Director
7 of the Financial Crimes Enforcement Network shall issue
8 guidance or instructions to United States financial institu-
9 tions for filing reports on suspicious transactions required
10 under section 1010.320 of title 31, Code of Federal Regu-
11 lations, related to suspected fentanyl trafficking by
12 transnational criminal organizations.

13 (b) PRIORITIZATION OF REPORTS RELATING TO
14 FENTANYL TRAFFICKING OR TRANSNATIONAL CRIMINAL
15 ORGANIZATIONS.—The Director shall prioritize research
16 into reports described in subsection (a) that indicate a
17 connection to trafficking of fentanyl or related synthetic
18 opioids or financing of suspected transnational criminal
19 organizations.

20 **SEC. 3203. REPORT ON TRADE-BASED MONEY LAUNDERING**
21 **IN TRADE WITH MEXICO, THE PEOPLE’S RE-**
22 **PUBLIC OF CHINA, AND BURMA.**

23 (a) IN GENERAL.—In the first update to the national
24 strategy for combating the financing of terrorism and re-
25 lated forms of illicit finance submitted to Congress after
26 the date of the enactment of this Act, the Secretary of

1 the Treasury shall include a report on trade-based money
2 laundering originating in Mexico or the People’s Republic
3 of China and involving Burma.

4 (b) DEFINITION.—In this section, the term “national
5 strategy for combating the financing of terrorism and re-
6 lated forms of illicit finance” means the national strategy
7 for combating the financing of terrorism and related forms
8 of illicit finance required under section 261 of the Coun-
9 tering America’s Adversaries Through Sanctions Act
10 (Public Law 115–44; 131 Stat. 934), as amended by sec-
11 tion 6506 of the National Defense Authorization Act for
12 Fiscal Year 2022 (Public Law 117–81; 135 Stat. 2428).

13 **TITLE III—EXCEPTION RELAT-**
14 **ING TO IMPORTATION OF**
15 **GOODS**

16 **SEC. 3301. EXCEPTION RELATING TO IMPORTATION OF**
17 **GOODS.**

18 (a) IN GENERAL.—The authority or a requirement
19 to block and prohibit all transactions in all property and
20 interests in property under this division shall not include
21 the authority or a requirement to impose sanctions on the
22 importation of goods.

23 (b) GOOD DEFINED.—In this section, the term
24 “good” means any article, natural or manmade substance,

1 material, supply or manufactured product, including in-
 2 spection and test equipment, and excluding technical data.

3 **DIVISION B—REBUILDING ECO-**
 4 **NOMIC PROSPERITY AND OP-**
 5 **PORTUNITY FOR UKRAINIANS**
 6 **ACT**

7 **TITLE I**

8 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

9 (a) **SHORT TITLE.**—This Act may be cited as the
 10 “Rebuilding Economic Prosperity and Opportunity for
 11 Ukrainians Act” or the “REPO for Ukrainians Act”.

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

TITLE I

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE II—REPURPOSING OF RUSSIAN SOVEREIGN ASSETS

Sec. 101. Findings; sense of Congress.

Sec. 102. Sense of Congress regarding importance of the Russian Federation providing compensation to Ukraine.

Sec. 103. Prohibition on release of blocked Russian sovereign assets.

Sec. 104. Authority to ensure compensation to Ukraine using seized Russian sovereign assets and Russian aggressor state sovereign assets.

Sec. 105. International mechanism to use Russian sovereign assets and Russian aggressor state sovereign assets to provide for the reconstruction of Ukraine.

Sec. 106. Report on use of transferred Russian sovereign assets for reconstruction.

Sec. 107. Assessment by Secretary of State and Administrator of USAID on reconstruction and rebuilding needs of Ukraine.

Sec. 108. Extensions.

14 **SEC. 2. DEFINITIONS.**

15 In this Act:

1 (1) RUSSIAN AGGRESSOR STATE.—The term
2 “Russian aggressor state” means—

3 (A) the Russian Federation; and

4 (B) Belarus, if the President determines
5 Belarus has engaged in an act of war against
6 Ukraine related to Russia’s ongoing February
7 24, 2022, invasion of Ukraine.

8 (2) RUSSIAN AGGRESSOR STATE SOVEREIGN
9 ASSET.—The term “Russian aggressor state sov-
10 ereign asset” means any Russian sovereign assets or
11 any funds or property of another Russian aggressor
12 state determine by the President to be of the same
13 sovereign character as the assets describes in para-
14 graph (7).

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

18 (A) the Committee on Foreign Relations
19 and the Committee on Banking, Housing, and
20 Urban Affairs of the Senate; and

21 (B) the Committee on Foreign Affairs and
22 the Committee on Financial Services of the
23 House of Representatives.

24 (4) FINANCIAL INSTITUTION.—The term “fi-
25 nancial institution” means a financial institution

1 specified in subparagraph (A), (B), (C), (D), (E),
2 (F), (G), (H), (I), (J), (M), or (Z) of section
3 5312(a)(2) of title 31, United States Code.

4 (5) G7.—The term “G7” means the countries
5 that are member of the informal Group of 7, includ-
6 ing Canada, France, Germany, Italy, Japan, the
7 United Kingdom, and the United States.

8 (6) RUSSIAN SOVEREIGN ASSET.—The term
9 “Russian sovereign asset” means any of the fol-
10 lowing:

11 (A) Funds and other property of—

12 (i) the Central Bank of the Russian
13 Federation;

14 (ii) the Russian National Wealth
15 Fund; or

16 (iii) the Ministry of Finance of the
17 Russian Federation.

18 (B) Any other funds or other property that
19 are owned by the Government of the Russian
20 Federation, including by any subdivision, agen-
21 cy, or instrumentality of that government.

22 (7) UNITED STATES.—The term “United
23 States” means the several States, the District of Co-
24 lumbia, the Commonwealth of Puerto Rico, the Com-
25 monwealth of the Northern Mariana Islands, Amer-

1 ican Samoa, Guam, the United States Virgin Is-
2 lands, and any other territory or possession of the
3 United States.

4 (8) UNITED STATES FINANCIAL INSTITUTION.—
5 The term “United States financial institution”
6 means a financial institution organized under the
7 laws of the United States or of any jurisdiction with-
8 in the United States, including a foreign branch of
9 such an institution.

10 (9) SEIZE OR SEIZURE.—The term “seize” or
11 “seizure” means confiscation of all right, title, and
12 interest whatsoever in a Russian sovereign asset or
13 a Russian aggressor state sovereign asset or affili-
14 ated aggressor state sovereign asset and vesting of
15 the same in the United States.

16 **TITLE II—REPURPOSING OF**
17 **RUSSIAN SOVEREIGN ASSETS**

18 **SEC. 101. FINDINGS; SENSE OF CONGRESS.**

19 (a) FINDINGS.—Congress makes the following find-
20 ings:

21 (1) On February 24, 2022, the Government of
22 the Russian Federation violated the sovereignty and
23 territorial integrity of Ukraine by engaging in a pre-
24 meditated, second illegal invasion of Ukraine.

1 (2) The international community has con-
2 demned the illegal invasions of Ukraine by the Rus-
3 sian Federation, as well as the commission of the
4 crime of aggression, war crimes, crimes against hu-
5 manity, and genocide by officials of the Russian
6 Federation, including through the deliberate tar-
7 geting of civilians and civilian infrastructure, the
8 forcible transfer of children, and the commission of
9 sexual violence.

10 (3) The leaders of the G7 have called the Rus-
11 sian Federation’s “unprovoked and completely un-
12 justified attack on the democratic state of Ukraine”
13 a “serious violation of international law and a grave
14 breach of the United Nations Charter and all com-
15 mitments Russia entered in the Helsinki Final Act
16 and the Charter of Paris and its commitments in the
17 Budapest Memorandum”.

18 (4) On March 2, 2022, the United Nations
19 General Assembly adopted Resolution ES–11/1, enti-
20 tled “Aggression against Ukraine”, by a vote of 141
21 to 5. That resolution “deplore[d] in the strongest
22 terms the aggression by the Russian Federation
23 against Ukraine in violation of Article 2(4) of the
24 [United Nations] Charter” and demanded that the
25 Russian Federation “immediately cease its use of

1 force against Ukraine” and “immediately, completely
2 and unconditionally withdraw all of its military
3 forces from the territory of Ukraine within its inter-
4 nationally recognized borders”.

5 (5) On March 16, 2022, the International
6 Court of Justice issued a provisional measures order
7 requiring the Russian Federation to “immediately
8 suspend the military operations that it commenced
9 on 24 February 2022 in the territory of Ukraine”
10 and, in this regard, observed that “orders on provi-
11 sional measures . . . have binding effect”.

12 (6) On November 14, 2022, the United Nations
13 General Assembly adopted a resolution—

14 (A) recognizing that the Russian Federa-
15 tion has committed a serious breach of the most
16 fundamental norms of international law and its
17 gross and systematic refusal to obey its obliga-
18 tions has affected the entire international com-
19 munity;

20 (B) recognizing the need for the establish-
21 ment, in cooperation with Ukraine, of an inter-
22 national mechanism for compensation for finan-
23 cially assessable damages caused by the Rus-
24 sian Federation’s internationally wrongful acts;
25 and

1 (C) recommending “the creation . . . of an
2 international register of damage to serve as a
3 record . . . of evidence and claims information
4 on damage, loss or injury to all natural and
5 legal persons concerned, as well as the State of
6 Ukraine, caused by internationally wrongful
7 acts of the Russian Federation in or against
8 Ukraine”.

9 (7) The Russian Federation bears international
10 legal responsibility for its aggression against
11 Ukraine and, under international law, must cease its
12 internationally wrongful acts. Because of this breach
13 of the prohibition on aggression under international
14 law, the United States is legally entitled to take
15 counter measures that are proportionate and aimed
16 at inducing the Russian Federation to comply with
17 its international obligations.

18 (8) Approximately \$300,000,000,000 of Rus-
19 sian sovereign assets have been immobilized world-
20 wide. Only a small fraction of those assets, 1 to 2
21 percent, or between \$4,000,000,000 and
22 \$5,000,000,000, are reportedly subject to the juris-
23 diction of the United States.

24 (9) The vast majority of immobilized Russian
25 sovereign assets, approximately \$190,000,000,000,

1 are reportedly subject to the jurisdiction of Belgium.
2 The Government of Belgium has publicly indicated
3 that any action by that Government regarding those
4 assets would be predicated on support by the G7.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that, having committed an act of aggression, as rec-
7 ognized by the United Nations General Assembly on
8 March 2, 2022, the Russian Federation is to be considered
9 as an aggressor state. The extreme illegal actions taken
10 by the Russian Federation, including an act of aggression,
11 present a unique situation, justifying the establishment of
12 a legal authority for the United States Government and
13 other countries to confiscate Russian sovereign assets in
14 their respective jurisdictions.

15 **SEC. 102. SENSE OF CONGRESS REGARDING IMPORTANCE**
16 **OF THE RUSSIAN FEDERATION PROVIDING**
17 **COMPENSATION TO UKRAINE.**

18 It is the sense of Congress that—

19 (1) the Russian Federation bears responsibility
20 for the financial burden of the reconstruction of
21 Ukraine and for countless other costs associated
22 with the illegal invasion of Ukraine by the Russian
23 Federation that began on February 24, 2022;

24 (2) the most effective ways to provide com-
25 pensation for the damages caused by the Russian

1 Federation's internationally wrongful acts should be
2 assessed by an international mechanism charged
3 with determining compensation and providing assist-
4 ance to Ukraine;

5 (3) at least since November 2022 the Russian
6 Federation has been on notice of its opportunity to
7 comply with its international obligations, including
8 to make full compensation for injury, or, by agree-
9 ment with Ukraine, to authorize an international
10 mechanism to resolve issues regarding compensation
11 to Ukraine;

12 (4) the Russian Federation can, by negotiated
13 agreement, participate in any international process
14 to assess the damages caused by the Russian Fed-
15 eration's internationally wrongful acts and make
16 funds available to compensate for these damages,
17 and if it fails to do so, the United States and other
18 countries should explore all avenues for ensuring
19 compensation to Ukraine;

20 (5) the President should lead robust engage-
21 ment on all bilateral and multilateral aspects of the
22 response by the United States to acts by the Rus-
23 sian Federation that undermine the sovereignty and
24 territorial integrity of Ukraine, including on any pol-
25 icy coordination and alignment regarding the

1 repurposing or ordered transfer of Russian sovereign
2 assets in the context of determining compensation
3 and providing assistance to Ukraine;

4 (6) as part of the robust engagement on bilat-
5 eral and multilateral responses to acts by the Rus-
6 sian Federation that undermine the sovereignty and
7 territorial integrity of Ukraine, the President should
8 endeavor to facilitate creation of, and United States
9 participation in, an international mechanism regard-
10 ing the repurposing or seizure of sovereign assets of
11 the Russian Federation for the benefit of Ukraine.

12 (7) the repurposing of Russian sovereign assets
13 is in the national interests of the United States and
14 consistent with United States and international law;

15 (8) the United States should work with inter-
16 national allies and partners on the repurposing of
17 Russian sovereign assets as part of a coordinated,
18 multilateral effort, including with G7 countries and
19 other countries in which Russian sovereign assets
20 are located; and

21 (9) any effort by the United States to con-
22 fiscate and repurpose Russian sovereign assets
23 should be undertaken alongside international allies
24 and partners as part of a coordinated, multilateral
25 effort, including with G7 countries, the European

1 Union, Australia, and other countries in which Rus-
2 sian sovereign assets are located.

3 **SEC. 103. PROHIBITION ON RELEASE OF BLOCKED RUSSIAN**
4 **SOVEREIGN ASSETS.**

5 (a) IN GENERAL.—No Russian sovereign asset that
6 is blocked or effectively immobilized by the Department
7 of the Treasury before the date specified in section 104(j)
8 may be released or mobilized, except as otherwise author-
9 ized by this Act, until the date on which the President
10 certifies to the appropriate congressional committees
11 that—

12 (1) hostilities between the Russian Federation
13 and Ukraine have ceased; and

14 (2)(A) full compensation has been made to
15 Ukraine for harms resulting from the invasion of
16 Ukraine by the Russian Federation; or

17 (B) the Russian Federation is participating in
18 a bona fide international mechanism that, by agree-
19 ment, will discharge the obligations of the Russian
20 Federation to compensate Ukraine for all amounts
21 determined to be owed to Ukraine.

22 (b) NOTIFICATION.—Not later than 30 days before
23 the release or mobilization of a Russian sovereign asset
24 that is blocked or effectively immobilized by the Depart-

1 ment of the Treasury, the President shall submit to the
2 appropriate congressional committees—

3 (1) a notification of the decision to take the ac-
4 tion that releases or mobilizes the asset; and

5 (2) a justification in writing for such decision.

6 (c) JOINT RESOLUTION OF DISAPPROVAL.—

7 (1) IN GENERAL.—No Russian sovereign asset
8 that is blocked or effectively immobilized by the De-
9 partment of the Treasury may be released or mobi-
10 lized if, within 30 days of receipt of the notification
11 and justification required under subsection (b), a
12 joint resolution is enacted into law prohibiting the
13 proposed release or mobilization.

14 (2) EXPEDITED PROCEDURES.—Any joint reso-
15 lution described in paragraph (1) introduced in ei-
16 ther House of Congress shall be considered in ac-
17 cordance with the provisions of section 601(b) of the
18 International Security Assistance and Arms Export
19 Control Act of 1976 (Public Law 94–329; 90 Stat.
20 765), except that any such resolution shall be sub-
21 ject to germane amendments. If such a joint resolu-
22 tion should be vetoed by the President, the time for
23 debate in consideration of the veto message on such
24 measure shall be limited to 20 hours in the Senate

1 and in the House of Representatives shall be deter-
2 mined in accordance with the Rules of the House.

3 (d) COOPERATION ON PROHIBITION OF RELEASE OF
4 CERTAIN RUSSIAN SOVEREIGN ASSETS.—Notwith-
5 standing subsection (a), the President may take such ac-
6 tions as may be necessary to seek to obtain an agreement
7 or arrangement to which the Government of Ukraine is
8 party that discharges the Russian Federation from further
9 obligations to compensate Ukraine.

10 **SEC. 104. AUTHORITY TO ENSURE COMPENSATION TO**
11 **UKRAINE USING SEIZED RUSSIAN SOV-**
12 **EREIGN ASSETS AND RUSSIAN AGGRESSOR**
13 **STATE SOVEREIGN ASSETS.**

14 (a) REPORTING ON RUSSIAN ASSETS.—

15 (1) NOTICE REQUIRED.—Not later than 90
16 days after the date of the enactment of this Act, the
17 President shall, by means of such instructions or
18 regulations as the President may prescribe, require
19 any financial institution at which Russian sovereign
20 assets are located, and that knows or should know
21 of such assets, to provide notice of such assets, in-
22 cluding relevant information required under section
23 501.603(b)(ii) of title 31, Code of Federal Regula-
24 tions (or successor regulations), to the Secretary of

1 the Treasury not later than 10 days after detection
2 of such assets.

3 (2) REPORT REQUIRED.—

4 (A) IN GENERAL.—Not later than 180
5 days after the date of the enactment of this
6 Act, and annually thereafter for 3 years, the
7 President shall submit to the appropriate con-
8 gressional committees a report detailing the sta-
9 tus of Russian sovereign assets with respect to
10 which notice has been provided to the Secretary
11 of the Treasury under paragraph (1).

12 (B) FORM.—The report required by sub-
13 paragraph (A) shall be submitted in unclassi-
14 fied form, but may include a classified annex.

15 (b) SEIZURE OR TRANSFER OF ASSETS.—

16 (1) SEIZURE OF RUSSIAN AGGRESSOR STATE
17 SOVEREIGN ASSETS.—On and after the date that is
18 30 days after the President submits to the appro-
19 priate congressional committees the certification de-
20 scribed in subsection (c), the President may seize,
21 confiscate, transfer, or vest any Russian aggressor
22 state sovereign assets, in whole or in part, and in-
23 cluding any interest or interests in such assets, sub-
24 ject to the jurisdiction of the United States for the

1 purpose of transferring those funds to the Ukraine
2 Support Fund established under subsection (d).

3 (2) VESTING.—For funds confiscated under
4 paragraph (1), all right, title, and interest shall vest
5 in the United States Government, provided that no
6 use of those funds other than the use of those funds
7 consistent with subsection (f).

8 (3) LIQUIDATION AND DEPOSIT.—The Presi-
9 dent shall—

10 (A) deposit any funds seized, transferred,
11 or confiscated under paragraph (1) into the
12 Ukraine Support Fund established under sub-
13 section (d);

14 (B) liquidate or sell any other property
15 seized, transferred, or confiscated under para-
16 graph (1) and deposit the funds resulting from
17 such liquidation or sale into the Ukraine Sup-
18 port Fund; and

19 (C) make all such funds available for the
20 purposes described in subsection (f).

21 (4) METHOD OF SEIZURE, TRANSFER, OR CON-
22 FISCATION.—The President may seize, transfer, con-
23 fiscate or vest Russian aggressor state sovereign as-
24 sets under paragraph (1) through instructions or li-

1 censes or in such other manner as the President de-
2 termines appropriate.

3 (c) CERTIFICATION.—The certification described in
4 this subsection, with respect to Russian aggressor state
5 sovereign assets, is a certification that—

6 (1) seizing, confiscating, transferring, or vesting
7 Russian aggressor state sovereign assets for the ben-
8 efit of Ukraine is in the national interests of the
9 United States;

10 (2) the President has meaningfully coordinated
11 with G7 leaders to take multilateral action with re-
12 gard to any seizure, confiscation, vesting, or transfer
13 of Russian sovereign assets for the benefit of
14 Ukraine; and

15 (3) either—

16 (A) the President has received an official
17 and legitimate request from a properly con-
18 stituted international mechanism that includes
19 the participation of the Government of Ukraine
20 and the United States and that has been estab-
21 lished for the purpose of, or otherwise tasked
22 with, compensating Ukraine for damages aris-
23 ing or resulting from the internationally wrong-
24 ful acts of the Russian Federation regarding

1 the repurposing of sovereign assets of the Rus-
2 sian Federation; or

3 (B) either—

4 (i) the Russian Federation has not
5 ceased its unlawful aggression against
6 Ukraine; or

7 (ii) the Russian Federation has ceased
8 its unlawful aggression against Ukraine,
9 but—

10 (I) has not provided full com-
11 pensation to Ukraine for harms re-
12 sulting from the internationally
13 wrongful acts of the Russian Federa-
14 tion’s; and

15 (II) is not participating in a bona
16 fide process to provide full compensa-
17 tion to Ukraine for harms resulting
18 from Russian aggression.

19 (d) ESTABLISHMENT OF THE UKRAINE SUPPORT
20 FUND.—

21 (1) UKRAINE SUPPORT FUND.—The President
22 shall establish an account, to be known as the
23 “Ukraine Support Fund”, to consist of any funds
24 with respect to which a seizure is ordered pursuant
25 to subsection (b).

1 (2) USE OF FUNDS.—The funds in the accounts
2 established under paragraph (1) shall be available to
3 be used only as specified in subsection (f).

4 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion may be construed to provide the President with the
6 authority to seize, transfer, confiscate, or vest title to for-
7 eign sovereign assets that are not Russian aggressor state
8 sovereign assets in the United States or transfer any for-
9 eign sovereign assets to any recipient for any use other
10 than the uses described in this Act.

11 (f) FURTHER TRANSFER AND USE OF FUNDS.—

12 (1) IN GENERAL.—Subject to paragraphs (2)
13 and (3), Funds in the Ukraine Support Fund shall
14 be available to the Secretary of State, in consulta-
15 tion with the Administrator of the United States
16 Agency for International Development, for the pur-
17 pose of providing assistance to Ukraine for the dam-
18 age resulting from the unlawful invasion by the Rus-
19 sian Federation that began on February 24, 2022.

20 (2) SPECIFIC PERMISSIBLE USES.—Subject to
21 paragraph (3), the following are permissible uses of
22 the funds in the Ukraine Support Fund pursuant to
23 paragraph (1):

24 (A) Making contributions to an inter-
25 national body, fund, or mechanism established

1 consistent with section 105(a) that is charged
2 with determining and administering compensa-
3 tion or providing assistance to Ukraine.

4 (B) Supporting reconstruction, rebuilding,
5 and recovery efforts in Ukraine.

6 (C) Providing economic and humanitarian
7 assistance to the people of Ukraine.

8 (3) NOTIFICATION.—

9 (A) IN GENERAL.—The Secretary of State
10 shall notify the appropriate congressional com-
11 mittees not fewer than 15 days before providing
12 any funds from the Ukraine Support Fund to
13 any other account for the purposes described in
14 paragraph (1).

15 (B) ELEMENTS.—A notification under sub-
16 paragraph (A) with respect to the transfer of
17 funds to another account pursuant to para-
18 graph (1) shall specify—

19 (i) the amount of funds to be pro-
20 vided;

21 (ii) the specific purpose for which
22 such funds are provided; and

23 (iii) the recipient of those funds.

24 (g) LIMITATION ON TRANSFER OF FUNDS.—No
25 funds may be transferred or otherwise expended from the

1 Ukraine Support Fund pursuant to subsection (f) unless
2 the President certifies to the appropriate congressional
3 committees that—

4 (1) a plan exists to ensure transparency and ac-
5 countability for all funds transferred to and from
6 any account receiving the funds; and

7 (2) the President has transmitted the plan re-
8 quired under paragraph (1) to the appropriate con-
9 gressional committees in writing.

10 (h) JOINT RESOLUTION OF DISAPPROVAL.—No
11 funds may be transferred pursuant to subsection (f) if,
12 within 15 days of receipt of the notification required under
13 subsection (f)(3), a joint resolution is enacted into law
14 prohibiting such transfer.

15 (i) REPORT.—Not later than 90 days after the date
16 of the enactment of this Act, and not less frequently than
17 every 180 days thereafter, the President shall submit to
18 the appropriate congressional committees a report that in-
19 cludes the following:

20 (1) An accounting of funds in the Ukraine Sup-
21 port Fund.

22 (2) Any information regarding the disposition
23 of funds in any account to which funds have been
24 transferred pursuant to subsection (f) that has been
25 transmitted to the President by the institution hous-

1 ing said account during the period covered by the re-
2 port.

3 (3) A description of United States multilateral
4 and bilateral diplomatic engagement with allies and
5 partners of the United States that also have immo-
6 bilized Russian sovereign assets to compensate for
7 damages caused by the Russian Federation's inter-
8 nationally wrongful acts during the period covered
9 by the report.

10 (4) An outline of steps taken to carry out the
11 establishment of the international mechanism de-
12 scribed by section 105(a) during the period covered
13 by the report.

14 (j) EXCEPTION FOR UNITED STATES OBLIGATIONS
15 UNDER TREATIES.—The authorities provided by this sec-
16 tion may not be exercised in a manner inconsistent with
17 the obligations of the United States under—

18 (1) the Convention on Diplomatic Relations,
19 done at Vienna April 18, 1961, and entered into
20 force April 24, 1964 (23 UST 3227);

21 (2) the Convention on Consular Relations, done
22 at Vienna April 24, 1963, and entered into force on
23 March 19, 1967 (21 UST 77);

24 (3) the Agreement Regarding the Headquarters
25 of the United Nations, signed at Lake Success June

1 26, 1947, and entered into force November 21, 1947
2 (TIAS 1676); or

3 (4) any other international agreement to which
4 the United States is a state party on the day before
5 the date of the enactment of this Act.

6 (k) JUDICIAL REVIEW.—

7 (1) EXCLUSIVENESS OF REMEDY.—Notwith-
8 standing any other provision of law, any action
9 taken under this section shall not be subject to judi-
10 cial review, except as provided in this subsection.

11 (2) LIMITATIONS FOR FILING CLAIMS.—A claim
12 may only be brought with respect to an action under
13 this section—

14 (A) that alleges that the action will deny
15 rights under the Constitution of the United
16 States; and

17 (B) if the claim is brought not later than
18 60 days after the date of such action.

19 (3) JURISDICTION.—

20 (A) IN GENERAL.—A claim under para-
21 graph (2) of this subsection shall be barred un-
22 less a complaint is filed prior to the expiration
23 of such time limits in the United States District
24 Court for the District of Columbia.

1 (B) APPEAL.—An appeal of an order of
2 the United States District Court for the Dis-
3 trict of Columbia issued pursuant to a claim
4 brought under this subsection shall be taken by
5 a notice of appeal filed with the United States
6 Court of Appeals for the District of Columbia
7 Circuit not later than 10 days after the date on
8 which the order is entered.

9 (C) EXPEDITED CONSIDERATION.—It shall
10 be the duty of the United States District Court
11 for the District of Columbia and the United
12 States Court of Appeals for the District of Co-
13 lumbia Circuit to advance on the docket and to
14 expedite to the greatest possible extent the dis-
15 position of any claim brought under this sub-
16 section.

17 (I) SUNSET.—The authorities conferred under this
18 section shall terminate on the earlier of—

19 (1) the date that is 5 years after the date of the
20 enactment of this Act; or

21 (2) the date that is 120 days after the date on
22 which the President determines and certifies to the
23 appropriate congressional committees that—

24 (A) the Russian Federation has reached an
25 agreement relating to the respective withdrawal

1 of Russian forces and cessation of military hos-
2 tilities that is accepted by the free and inde-
3 pendent Government of Ukraine; and

4 (B)(i) full compensation has been made to
5 Ukraine for harms resulting from the invasion
6 of Ukraine by the Russian Federation;

7 (ii) the Russian Federation is participating
8 in a bona fide international mechanism that, by
9 agreement, will discharge the obligations of the
10 Russian Federation to compensate Ukraine for
11 all amounts determined to be owed to Ukraine;

12 or

13 (iii) the Russian Federation's obligation to
14 compensate Ukraine for the damage caused by
15 the Russian Federation's aggression has been
16 resolved pursuant to an agreement between the
17 Russian Federation and the Government of
18 Ukraine.

19 **SEC. 105. INTERNATIONAL MECHANISM TO USE RUSSIAN**
20 **SOVEREIGN ASSETS AND RUSSIAN AGGRES-**
21 **SOR STATE SOVEREIGN ASSETS TO PROVIDE**
22 **FOR THE RECONSTRUCTION OF UKRAINE.**

23 (a) IN GENERAL.—The President shall take such ac-
24 tions as the President determines appropriate to coordi-
25 nate with the G7, the European Union, Australia, and

1 other partners and allies of the United States regarding
2 the disposition of immobilized Russian aggressor state sov-
3 ereign assets, including seeking to establish an inter-
4 national mechanism with foreign partners, including
5 Ukraine, the G7, the European Union, Australia, and
6 other partners and allies of the United States, for the pur-
7 pose of assisting Ukraine, which may include the establish-
8 ment of an international fund to be known as the
9 “Ukraine Compensation Fund”, that may receive and use
10 assets in the Ukraine Support Fund established under sec-
11 tion 104(c) and contributions from foreign partners that
12 have also frozen or seized Russian aggressor state sov-
13 ereign assets to assist Ukraine, including by—

14 (1) supporting a register of damage to serve as
15 a record of evidence and for assessment of the finan-
16 cially assessable damages to Ukraine resulting from
17 the invasions of Ukraine by the Russian Federation
18 and operations or actions in support thereof;

19 (2) establishing a mechanism to compensate
20 Ukraine for damages caused by Russia’s internation-
21 ally wrongful acts connected with the invasions of
22 Ukraine;

23 (3) ensuring distribution of those assets or the
24 proceeds of those assets based on determinations
25 under that mechanism; and

1 (4) taking such other actions as may be nec-
2 essary to carry out this section.

3 (b) AUTHORIZATION FOR DEPOSIT IN THE UKRAINE
4 COMPENSATION FUND.—Upon the President reaching an
5 agreement or arrangement to establish a common inter-
6 national mechanism pursuant to subsection (a) or at any
7 time thereafter, the Secretary of State may, pursuant to
8 the authority conferred by and subject to the limitations
9 described in section 104(f) and subject to the limitations
10 described in subsection (e), transfer funds from the
11 Ukraine Support Fund established under section 104(d)
12 to a fund or mechanism established consistent with sub-
13 section (a).

14 (c) NOTIFICATION.—The President shall notify the
15 appropriate congressional committees not later than 30
16 days after entering into any new bilateral or multilateral
17 agreement or arrangement under subsection (a).

18 (d) GOOD GOVERNANCE.—The Secretary of State, in
19 consultation with the Secretary of the Treasury, shall—

20 (1) seek to ensure that any fund or mechanism
21 established consistent with subsection (a) operates in
22 accordance with established international accounting
23 principles;

24 (2) seek to ensure that any fund or mechanism
25 established consistent with subsection (a) is—

1 (A) staffed, operated, and administered in
2 accordance with established accounting rules
3 and governance procedures, including providing
4 for payment of reasonable expenses from the
5 fund for the governance and operation of the
6 fund and the tribunal;

7 (B) operated transparently as to all funds
8 transfers, filings, and decisions; and

9 (C) audited on a regular basis by an inde-
10 pendent auditor, in accordance with inter-
11 nationally accepted accounting and auditing
12 standards;

13 (3) seek to ensure that any audits of any fund
14 or mechanism established consistent with subsection
15 (a) shall be made available to the public; and

16 (4) ensure that any audits of any fund or mech-
17 anism established consistent with subsection (a)
18 shall be reviewed and reported on by the Govern-
19 ment Accountability Office to the appropriate con-
20 gressional committees and the public.

21 (e) LIMITATION ON TRANSFER OF FUNDS.—No
22 funds may be transferred from the Ukraine Support Fund
23 to a fund or mechanism established consistent with sub-
24 section (a) unless the President certifies to the appropriate
25 congressional committees that—

1 (1) the institution housing the fund or mecha-
2 nism has a plan to ensure transparency and ac-
3 countability for all funds transferred to and from
4 the fund or mechanism established consistent with
5 subsection (a); and

6 (2) the President has transmitted the plan re-
7 quired under paragraph (1) to the appropriate con-
8 gressional committees in writing.

9 (f) JOINT RESOLUTION OF DISAPPROVAL.—No funds
10 may be transferred from the Ukraine Support Fund to
11 a fund or mechanism established consistent with sub-
12 section (a) if, within 30 days of receipt of the notification
13 required under subsection (c)(2), a joint resolution is en-
14 acted prohibiting the transfer.

15 (g) REPORT.—Not later than 90 days after the date
16 of the enactment of this Act, and not less frequently than
17 every 90 days thereafter, the President shall submit to the
18 appropriate congressional committees a report that in-
19 cludes the following:

20 (1) An accounting of funds in any fund or
21 mechanism established consistent with subsection
22 (a).

23 (2) Any information regarding the disposition
24 of any such fund or mechanism that has been trans-
25 mitted to the President by the institution housing

1 the fund or mechanism during the period covered by
2 the report.

3 (3) A description of United States multilateral
4 and bilateral diplomatic engagement with allies and
5 partners of the United States that also have immo-
6 bilized Russian sovereign assets to allow for com-
7 pensation for Ukraine during the period covered by
8 the report.

9 (4) An outline of steps taken to carry out this
10 section during the period covered by the report.

11 **SEC. 106. REPORT ON USE OF TRANSFERRED RUSSIAN SOV-**
12 **EREIGN ASSETS FOR RECONSTRUCTION.**

13 Not later than 90 days after the date of the enact-
14 ment of this Act, and every 180 days thereafter, the Sec-
15 retary of State, in consultation with the Secretary of the
16 Treasury, shall submit to the appropriate congressional
17 committees a report that contains—

18 (1) the amount and source of Russian sovereign
19 assets seized, transferred, or confiscated pursuant to
20 section 104(b);

21 (2) the amount and source of funds deposited
22 into the Ukraine Support Fund under section
23 104(b)(3); and

1 (3) a detailed description and accounting of
2 how such funds were used to meet the purposes de-
3 scribed in section 104(f).

4 **SEC. 107. ASSESSMENT BY SECRETARY OF STATE AND AD-**
5 **MINISTRATOR OF USAID ON RECONSTRUC-**
6 **TION AND REBUILDING NEEDS OF UKRAINE.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Secretary of State,
9 in consultation with the Administrator of the United
10 States Agency for International Development, shall submit
11 to the appropriate congressional committees an assess-
12 ment of the most pressing needs of Ukraine for recon-
13 struction, rebuilding, and humanitarian aid.

14 (b) ELEMENTS.—The assessment required by sub-
15 section (a) shall include the following:

16 (1) An estimate of the rebuilding and recon-
17 struction needs of Ukraine, as of the date of the as-
18 sessment, resulting from the unlawful invasion of
19 Ukraine by the Russian Federation, including—

20 (A) a description of the sources and meth-
21 ods for the estimate; and

22 (B) an identification of the locations or re-
23 gions in Ukraine with the most pressing needs.

24 (2) An estimate of the humanitarian needs, as
25 of the date of the assessment, of the people of

1 Ukraine, including Ukrainians residing inside the
2 internationally recognized borders of Ukraine or out-
3 side those borders, resulting from the unlawful inva-
4 sion of Ukraine by the Russian Federation.

5 (3) An assessment of the extent to which the
6 needs described in paragraphs (1) and (2) have been
7 met or funded, by any source, as of the date of the
8 assessment.

9 (4) A plan to engage in robust multilateral and
10 bilateral diplomacy to ensure that allies and partners
11 of the United States, particularly in the European
12 Union as Ukraine seeks accession to the European
13 Union, increase their commitment to Ukraine’s re-
14 construction.

15 (5) An identification of which such needs
16 should be prioritized, including any assessment or
17 request by the Government of Ukraine with respect
18 to the prioritization of such needs.

19 **SEC. 108. EXTENSIONS.**

20 Section 5(a) of the Elie Wiesel Genocide and Atroc-
21 ities Prevention Act of 2018 (Public Law 115–441; 132
22 Stat. 5587) is amended, in the matter preceding para-
23 graph (1), by striking “six years” and inserting “12
24 years”.

1 **DIVISION C—OTHER MATTERS**

2 **SEC. 1. REPORT AND IMPOSITION OF SANCTIONS TO HAR-** 3 **MONIZE WITH ALLIED SANCTIONS.**

4 (a) REPORT REQUIRED.—Not later than 90 days
5 after the date of the enactment of this Act, the President
6 shall submit to the Committee on Foreign Affairs of the
7 House of Representatives and the Committee on Foreign
8 Relations of the Senate a report identifying—

9 (1) each foreign person currently subject to—

10 (A) sanctions issued by the European
11 Union pursuant to European Union Council
12 Regulation No. 269/2014 of 17 March, 2014,
13 as amended; or

14 (B) sanctions issued by the United King-
15 dom pursuant to the Russia (Sanctions) (EU
16 Exit) Regulations 2019, as amended; and

17 (2) each such foreign person that also meets
18 the criteria for imposition of sanctions by the United
19 States pursuant to—

20 (A) the Global Magnitsky Human Rights
21 Accountability Act of 2016 (22 U.S.C. 10101 et
22 seq.);

23 (B) Executive Order 14024 (50 U.S.C.
24 1701 note, relating to blocking property with
25 respect to specified harmful foreign activities of

1 the Government of the Russian Federation), as
2 amended;

3 (C) Executive Order 14068 (50 U.S.C.
4 1701 note, relating to prohibiting certain im-
5 ports, exports, and new investment with respect
6 to continued Russian Federation aggression), as
7 amended; or

8 (D) Executive Order 14071 (50 U.S.C.
9 1701 note, relating to prohibiting new invest-
10 ment in and certain services to the Russian
11 Federation in response to continued Russian
12 Federation aggression), as amended.

13 (b) IMPOSITION OF SANCTIONS.—The President shall
14 impose the sanctions authorized by the applicable provi-
15 sion of law listed in subsection (a)(2) with respect to each
16 foreign person identified in the report required under sub-
17 section (a)(1) who is not already subject to sanctions
18 under United States law pursuant to one or more statu-
19 tory sanctions authorities as of the date of the submission
20 of such report.

1 **DIVISION** **D—PROTECTING**
2 **AMERICANS FROM FOREIGN**
3 **ADVERSARY CONTROLLED**
4 **APPLICATIONS ACT**

5 **SEC. 1. SHORT TITLE.**

6 This division may be cited as the “Protecting Ameri-
7 cans from Foreign Adversary Controlled Applications
8 Act”.

9 **SEC. 2. PROHIBITION OF FOREIGN ADVERSARY CON-**
10 **TROLLED APPLICATIONS.**

11 (a) IN GENERAL.—

12 (1) PROHIBITION OF FOREIGN ADVERSARY CON-
13 TROLLED APPLICATIONS.—It shall be unlawful for
14 an entity to distribute, maintain, or update (or en-
15 able the distribution, maintenance, or updating of) a
16 foreign adversary controlled application by carrying
17 out, within the land or maritime borders of the
18 United States, any of the following:

19 (A) Providing services to distribute, main-
20 tain, or update such foreign adversary con-
21 trolled application (including any source code of
22 such application) by means of a marketplace
23 (including an online mobile application store)
24 through which users within the land or mari-

1 time borders of the United States may access,
2 maintain, or update such application.

3 (B) Providing internet hosting services to
4 enable the distribution, maintenance, or updat-
5 ing of such foreign adversary controlled applica-
6 tion for users within the land or maritime bor-
7 ders of the United States.

8 (2) APPLICABILITY.—Subject to paragraph (3),
9 this subsection shall apply—

10 (A) in the case of an application that satis-
11 fies the definition of a foreign adversary con-
12 trolled application pursuant to subsection
13 (g)(3)(A), beginning on the date that is 270
14 days after the date of the enactment of this
15 Act; and

16 (B) in the case of an application that satis-
17 fies the definition of a foreign adversary con-
18 trolled application pursuant to subsection
19 (g)(3)(B), beginning on the date that is 270
20 days after the date of the relevant determina-
21 tion of the President under such subsection.

22 (3) EXTENSION.—With respect to a foreign ad-
23 versary controlled application, the President may
24 grant a 1-time extension of not more than 90 days
25 with respect to the date on which this subsection

1 would otherwise apply to such application pursuant
2 to paragraph (2), if the President certifies to Con-
3 gress that—

4 (A) a path to executing a qualified divesti-
5 ture has been identified with respect to such
6 application;

7 (B) evidence of significant progress toward
8 executing such qualified divestiture has been
9 produced with respect to such application; and

10 (C) there are in place the relevant binding
11 legal agreements to enable execution of such
12 qualified divestiture during the period of such
13 extension.

14 (b) DATA AND INFORMATION PORTABILITY TO AL-
15 TERNATIVE APPLICATIONS.—Before the date on which a
16 prohibition under subsection (a) applies to a foreign adver-
17 sary controlled application, the entity that owns or con-
18 trols such application shall provide, upon request by a user
19 of such application within the land or maritime borders
20 of United States, to such user all the available data related
21 to the account of such user with respect to such applica-
22 tion. Such data shall be provided in a machine readable
23 format and shall include any data maintained by such ap-
24 plication with respect to the account of such user, includ-

1 ing content (including posts, photos, and videos) and all
2 other account information.

3 (c) EXEMPTIONS.—

4 (1) EXEMPTIONS FOR QUALIFIED
5 DIVESTITURES.—Subsection (a)—

6 (A) does not apply to a foreign adversary
7 controlled application with respect to which a
8 qualified divestiture is executed before the date
9 on which a prohibition under subsection (a)
10 would begin to apply to such application; and

11 (B) shall cease to apply in the case of a
12 foreign adversary controlled application with re-
13 spect to which a qualified divestiture is exe-
14 cuted after the date on which a prohibition
15 under subsection (a) applies to such application.

16 (2) EXEMPTIONS FOR CERTAIN NECESSARY
17 SERVICES.—Subsections (a) and (b) do not apply to
18 services provided with respect to a foreign adversary
19 controlled application that are necessary for an enti-
20 ty to attain compliance with such subsections.

21 (d) ENFORCEMENT.—

22 (1) CIVIL PENALTIES.—

23 (A) FOREIGN ADVERSARY CONTROLLED
24 APPLICATION VIOLATIONS.—An entity that vio-
25 lates subsection (a) shall be subject to pay a

1 civil penalty in an amount not to exceed the
2 amount that results from multiplying \$5,000 by
3 the number of users within the land or mari-
4 time borders of the United States determined to
5 have accessed, maintained, or updated a foreign
6 adversary controlled application as a result of
7 such violation.

8 (B) DATA AND INFORMATION VIOLA-
9 TIONS.—An entity that violates subsection (b)
10 shall be subject to pay a civil penalty in an
11 amount not to exceed the amount that results
12 from multiplying \$500 by the number of users
13 within the land or maritime borders of the
14 United States affected by such violation.

15 (2) ACTIONS BY ATTORNEY GENERAL.—The At-
16 torney General—

17 (A) shall conduct investigations related to
18 potential violations of subsection (a) or (b),
19 and, if such an investigation results in a deter-
20 mination that a violation has occurred, the At-
21 torney General shall pursue enforcement under
22 paragraph (1); and

23 (B) may bring an action in an appropriate
24 district court of the United States for appro-
25 priate relief, including civil penalties under

1 paragraph (1) or declaratory and injunctive re-
2 lief.

3 (e) SEVERABILITY.—

4 (1) IN GENERAL.—If any provision of this sec-
5 tion or the application of this section to any person
6 or circumstance is held invalid, the invalidity shall
7 not affect the other provisions or applications of this
8 section that can be given effect without the invalid
9 provision or application.

10 (2) SUBSEQUENT DETERMINATIONS.—If the
11 application of any provision of this section is held in-
12 valid with respect to a foreign adversary controlled
13 application that satisfies the definition of such term
14 pursuant to subsection (g)(3)(A), such invalidity
15 shall not affect or preclude the application of the
16 same provision of this section to such foreign adver-
17 sary controlled application by means of a subsequent
18 determination pursuant to subsection (g)(3)(B).

19 (f) RULE OF CONSTRUCTION.—Nothing in this divi-
20 sion may be construed—

21 (1) to authorize the Attorney General to pursue
22 enforcement, under this section, other than enforce-
23 ment of subsection (a) or (b);

24 (2) to authorize the Attorney General to pursue
25 enforcement, under this section, against an indi-

1 vidual user of a foreign adversary controlled applica-
2 tion; or

3 (3) except as expressly provided herein, to alter
4 or affect any other authority provided by or estab-
5 lished under another provision of Federal law.

6 (g) DEFINITIONS.—In this section:

7 (1) CONTROLLED BY A FOREIGN ADVERSARY.—

8 The term “controlled by a foreign adversary” means,
9 with respect to a covered company or other entity,
10 that such company or other entity is—

11 (A) a foreign person that is domiciled in,
12 is headquartered in, has its principal place of
13 business in, or is organized under the laws of
14 a foreign adversary country;

15 (B) an entity with respect to which a for-
16 eign person or combination of foreign persons
17 described in subparagraph (A) directly or indi-
18 rectly own at least a 20 percent stake; or

19 (C) a person subject to the direction or
20 control of a foreign person or entity described
21 in subparagraph (A) or (B).

22 (2) COVERED COMPANY.—

23 (A) IN GENERAL.—The term “covered
24 company” means an entity that operates, di-
25 rectly or indirectly (including through a parent

1 company, subsidiary, or affiliate), a website,
2 desktop application, mobile application, or aug-
3 mented or immersive technology application
4 that—

5 (i) permits a user to create an ac-
6 count or profile to generate, share, and
7 view text, images, videos, real-time commu-
8 nications, or similar content;

9 (ii) has more than 1,000,000 monthly
10 active users with respect to at least 2 of
11 the 3 months preceding the date on which
12 a relevant determination of the President
13 is made pursuant to paragraph (3)(B);

14 (iii) enables 1 or more users to gen-
15 erate or distribute content that can be
16 viewed by other users of the website, desk-
17 top application, mobile application, or aug-
18 mented or immersive technology applica-
19 tion; and

20 (iv) enables 1 or more users to view
21 content generated by other users of the
22 website, desktop application, mobile appli-
23 cation, or augmented or immersive tech-
24 nology application.

1 (B) EXCLUSION.—The term “covered com-
2 pany” does not include an entity that operates
3 a website, desktop application, mobile applica-
4 tion, or augmented or immersive technology ap-
5 plication whose primary purpose is to allow
6 users to post product reviews, business reviews,
7 or travel information and reviews.

8 (3) FOREIGN ADVERSARY CONTROLLED APPLI-
9 CATION.—The term “foreign adversary controlled
10 application” means a website, desktop application,
11 mobile application, or augmented or immersive tech-
12 nology application that is operated, directly or indi-
13 rectly (including through a parent company, sub-
14 sidiary, or affiliate), by—

15 (A) any of—

16 (i) ByteDance, Ltd.;

17 (ii) TikTok;

18 (iii) a subsidiary of or a successor to
19 an entity identified in clause (i) or (ii) that
20 is controlled by a foreign adversary; or

21 (iv) an entity owned or controlled, di-
22 rectly or indirectly, by an entity identified
23 in clause (i), (ii), or (iii); or

24 (B) a covered company that—

1 (i) is controlled by a foreign adver-
2 sary; and

3 (ii) that is determined by the Presi-
4 dent to present a significant threat to the
5 national security of the United States fol-
6 lowing the issuance of—

7 (I) a public notice proposing such
8 determination; and

9 (II) a public report to Congress,
10 submitted not less than 30 days be-
11 fore such determination, describing
12 the specific national security concern
13 involved and containing a classified
14 annex and a description of what as-
15 sets would need to be divested to exe-
16 cute a qualified divestiture.

17 (4) FOREIGN ADVERSARY COUNTRY.—The term
18 “foreign adversary country” means a country speci-
19 fied in section 4872(d)(2) of title 10, United States
20 Code.

21 (5) INTERNET HOSTING SERVICE.—The term
22 “internet hosting service” means a service through
23 which storage and computing resources are provided
24 to an individual or organization for the accommoda-
25 tion and maintenance of 1 or more websites or on-

1 line services, and which may include file hosting, do-
2 main name server hosting, cloud hosting, and virtual
3 private server hosting.

4 (6) QUALIFIED DIVESTITURE.—The term
5 “qualified divestiture” means a divestiture or similar
6 transaction that—

7 (A) the President determines, through an
8 interagency process, would result in the relevant
9 foreign adversary controlled application no
10 longer being controlled by a foreign adversary;
11 and

12 (B) the President determines, through an
13 interagency process, precludes the establish-
14 ment or maintenance of any operational rela-
15 tionship between the United States operations
16 of the relevant foreign adversary controlled ap-
17 plication and any formerly affiliated entities
18 that are controlled by a foreign adversary, in-
19 cluding any cooperation with respect to the op-
20 eration of a content recommendation algorithm
21 or an agreement with respect to data sharing.

22 (7) SOURCE CODE.—The term “source code”
23 means the combination of text and other characters
24 comprising the content, both viewable and
25 nonviewable, of a software application, including any

1 publishing language, programming language, pro-
2 tocol, or functional content, as well as any successor
3 languages or protocols.

4 (8) UNITED STATES.—The term “United
5 States” includes the territories of the United States.

6 **SEC. 3. JUDICIAL REVIEW.**

7 (a) RIGHT OF ACTION.—A petition for review chal-
8 lenging this division or any action, finding, or determina-
9 tion under this division may be filed only in the United
10 States Court of Appeals for the District of Columbia Cir-
11 cuit.

12 (b) EXCLUSIVE JURISDICTION.—The United States
13 Court of Appeals for the District of Columbia Circuit shall
14 have exclusive jurisdiction over any challenge to this divi-
15 sion or any action, finding, or determination under this
16 division.

17 (c) STATUTE OF LIMITATIONS.—A challenge may
18 only be brought—

19 (1) in the case of a challenge to this division,
20 not later than 165 days after the date of the enact-
21 ment of this Act; and

22 (2) in the case of a challenge to any action,
23 finding, or determination under this division, not
24 later than 90 days after the date of such action,
25 finding, or determination.

1 **DIVISION** **E—PROTECTING**
2 **AMERICANS’ DATA FROM**
3 **FOREIGN ADVERSARIES ACT**
4 **OF 2024**

5 **SEC. 1. SHORT TITLE.**

6 This division may be cited as the “Protecting Ameri-
7 cans’ Data from Foreign Adversaries Act of 2024”.

8 **SEC. 2. PROHIBITION ON TRANSFER OF PERSONALLY IDEN-**
9 **TIFIABLE SENSITIVE DATA OF UNITED**
10 **STATES INDIVIDUALS TO FOREIGN ADVER-**
11 **SARIES.**

12 (a) **PROHIBITION.**—It shall be unlawful for a data
13 broker to sell, license, rent, trade, transfer, release, dis-
14 close, provide access to, or otherwise make available per-
15 sonally identifiable sensitive data of a United States indi-
16 vidual to—

17 (1) any foreign adversary country; or

18 (2) any entity that is controlled by a foreign ad-
19 versary.

20 (b) **ENFORCEMENT BY FEDERAL TRADE COMMIS-**
21 **SION.**—

22 (1) **UNFAIR OR DECEPTIVE ACTS OR PRAC-**
23 **TICES.**—A violation of this section shall be treated
24 as a violation of a rule defining an unfair or a de-
25 ceptive act or practice under section 18(a)(1)(B) of

1 the Federal Trade Commission Act (15 U.S.C.
2 57a(a)(1)(B)).

3 (2) POWERS OF COMMISSION.—

4 (A) IN GENERAL.—The Commission shall
5 enforce this section in the same manner, by the
6 same means, and with the same jurisdiction,
7 powers, and duties as though all applicable
8 terms and provisions of the Federal Trade
9 Commission Act (15 U.S.C. 41 et seq.) were in-
10 corporated into and made a part of this section.

11 (B) PRIVILEGES AND IMMUNITIES.—Any
12 person who violates this section shall be subject
13 to the penalties and entitled to the privileges
14 and immunities provided in the Federal Trade
15 Commission Act.

16 (3) AUTHORITY PRESERVED.—Nothing in this
17 section may be construed to limit the authority of
18 the Commission under any other provision of law.

19 (c) DEFINITIONS.—In this section:

20 (1) COMMISSION.—The term “Commission”
21 means the Federal Trade Commission.

22 (2) CONTROLLED BY A FOREIGN ADVERSARY.—
23 The term “controlled by a foreign adversary” means,
24 with respect to an individual or entity, that such in-
25 dividual or entity is—

1 (A) a foreign person that is domiciled in,
2 is headquartered in, has its principal place of
3 business in, or is organized under the laws of
4 a foreign adversary country;

5 (B) an entity with respect to which a for-
6 eign person or combination of foreign persons
7 described in subparagraph (A) directly or indi-
8 rectly own at least a 20 percent stake; or

9 (C) a person subject to the direction or
10 control of a foreign person or entity described
11 in subparagraph (A) or (B).

12 (3) DATA BROKER.—

13 (A) IN GENERAL.—The term “data
14 broker” means an entity that, for valuable con-
15 sideration, sells, licenses, rents, trades, trans-
16 fers, releases, discloses, provides access to, or
17 otherwise makes available data of United States
18 individuals that the entity did not collect di-
19 rectly from such individuals to another entity
20 that is not acting as a service provider.

21 (B) EXCLUSION.—The term “data broker”
22 does not include an entity to the extent such
23 entity—

24 (i) is transmitting data of a United
25 States individual, including communica-

1 tions of such an individual, at the request
2 or direction of such individual;

3 (ii) is providing, maintaining, or offer-
4 ing a product or service with respect to
5 which personally identifiable sensitive data,
6 or access to such data, is not the product
7 or service;

8 (iii) is reporting or publishing news or
9 information that concerns local, national,
10 or international events or other matters of
11 public interest;

12 (iv) is reporting, publishing, or other-
13 wise making available news or information
14 that is available to the general public—

15 (I) including information from—

16 (aa) a book, magazine, tele-
17 phone book, or online directory;

18 (bb) a motion picture;

19 (cc) a television, internet, or
20 radio program;

21 (dd) the news media; or

22 (ee) an internet site that is
23 available to the general public on
24 an unrestricted basis; and

1 (II) not including an obscene vis-
2 ual depiction (as such term is used in
3 section 1460 of title 18, United States
4 Code); or
5 (v) is acting as a service provider.

6 (4) FOREIGN ADVERSARY COUNTRY.—The term
7 “foreign adversary country” means a country speci-
8 fied in section 4872(d)(2) of title 10, United States
9 Code.

10 (5) PERSONALLY IDENTIFIABLE SENSITIVE
11 DATA.—The term “personally identifiable sensitive
12 data” means any sensitive data that identifies or is
13 linked or reasonably linkable, alone or in combina-
14 tion with other data, to an individual or a device
15 that identifies or is linked or reasonably linkable to
16 an individual.

17 (6) PRECISE GEOLOCATION INFORMATION.—
18 The term “precise geolocation information” means
19 information that—

20 (A) is derived from a device or technology
21 of an individual; and

22 (B) reveals the past or present physical lo-
23 cation of an individual or device that identifies
24 or is linked or reasonably linkable to 1 or more
25 individuals, with sufficient precision to identify

1 street level location information of an individual
2 or device or the location of an individual or de-
3 vice within a range of 1,850 feet or less.

4 (7) SENSITIVE DATA.—The term “sensitive
5 data” includes the following:

6 (A) A government-issued identifier, such as
7 a Social Security number, passport number, or
8 driver’s license number.

9 (B) Any information that describes or re-
10 veals the past, present, or future physical
11 health, mental health, disability, diagnosis, or
12 healthcare condition or treatment of an indi-
13 vidual.

14 (C) A financial account number, debit card
15 number, credit card number, or information
16 that describes or reveals the income level or
17 bank account balances of an individual.

18 (D) Biometric information.

19 (E) Genetic information.

20 (F) Precise geolocation information.

21 (G) An individual’s private communica-
22 tions such as voicemails, emails, texts, direct
23 messages, mail, voice communications, and
24 video communications, or information identi-
25 fying the parties to such communications or

1 pertaining to the transmission of such commu-
2 nications, including telephone numbers called,
3 telephone numbers from which calls were
4 placed, the time calls were made, call duration,
5 and location information of the parties to the
6 call.

7 (H) Account or device log-in credentials, or
8 security or access codes for an account or de-
9 vice.

10 (I) Information identifying the sexual be-
11 havior of an individual.

12 (J) Calendar information, address book in-
13 formation, phone or text logs, photos, audio re-
14 cordings, or videos, maintained for private use
15 by an individual, regardless of whether such in-
16 formation is stored on the individual's device or
17 is accessible from that device and is backed up
18 in a separate location.

19 (K) A photograph, film, video recording, or
20 other similar medium that shows the naked or
21 undergarment-clad private area of an indi-
22 vidual.

23 (L) Information revealing the video con-
24 tent requested or selected by an individual.

1 (M) Information about an individual under
2 the age of 17.

3 (N) An individual's race, color, ethnicity,
4 or religion.

5 (O) Information identifying an individual's
6 online activities over time and across websites
7 or online services.

8 (P) Information that reveals the status of
9 an individual as a member of the Armed
10 Forces.

11 (Q) Any other data that a data broker
12 sells, licenses, rents, trades, transfers, releases,
13 discloses, provides access to, or otherwise makes
14 available to a foreign adversary country, or en-
15 tity that is controlled by a foreign adversary,
16 for the purpose of identifying the types of data
17 listed in subparagraphs (A) through (P).

18 (8) SERVICE PROVIDER.—The term “service
19 provider” means an entity that—

20 (A) collects, processes, or transfers data on
21 behalf of, and at the direction of—

22 (i) an individual or entity that is not
23 a foreign adversary country or controlled
24 by a foreign adversary; or

1 (ii) a Federal, State, Tribal, terri-
2 torial, or local government entity; and

3 (B) receives data from or on behalf of an
4 individual or entity described in subparagraph
5 (A)(i) or a Federal, State, Tribal, territorial, or
6 local government entity.

7 (9) UNITED STATES INDIVIDUAL.—The term
8 “United States individual” means a natural person
9 residing in the United States.

10 (d) EFFECTIVE DATE.—This section shall take effect
11 on the date that is 60 days after the date of the enactment
12 of this Act.

13 **DIVISION F—SHIP ACT**

14 **SEC. 1. SHORT TITLE.**

15 This division may be cited as the “Stop Harboring
16 Iranian Petroleum Act” or the “SHIP Act”.

17 **SEC. 2. STATEMENT OF POLICY.**

18 It is the policy of the United States—

19 (1) to deny Iran the ability to engage in desta-
20 bilizing activities, support international terrorism,
21 fund the development and acquisition of weapons of
22 mass destruction and the means to deliver such
23 weapons by limiting export of petroleum and petro-
24 leum products by Iran;

1 (2) to deny Iran funds to oppress and commit
2 human rights violations against the Iranian people
3 assembling to peacefully redress the Iranian regime;

4 (3) to fully enforce sanctions against those enti-
5 ties which provide support to the Iranian energy sec-
6 tor; and

7 (4) to counter Iran's actions to finance and fa-
8 cilitate the participation of foreign terrorist organi-
9 zations in ongoing conflicts and illicit activities due
10 to the threat such actions pose to the vital national
11 interests of the United States.

12 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO IRA-**
13 **NIAN PETROLEUM.**

14 (a) IN GENERAL.—On and after the date that is 180
15 days after the date of the enactment of this Act, and ex-
16 cept as provided in subsection (e)(2), the President shall
17 impose the sanctions described in subsection (c) with re-
18 spect to each foreign person that the President determines
19 knowingly engaged, on or after such date of enactment,
20 in an activity described in subsection (b).

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

1 (1) owns or operates a foreign port at which, on
2 or after the date of the enactment of this Act, such
3 person knowingly permits to dock a vessel—

4 (A) that is included on the list of specially
5 designated nationals and blocked persons main-
6 tained by the Office of Foreign Assets Control
7 of the Department of the Treasury for trans-
8 porting Iranian crude oil or petroleum products;
9 or

10 (B) of which the operator or owner of such
11 vessel otherwise knowingly engages in a signifi-
12 cant transaction involving such vessel to trans-
13 port, offload, or deal in significant transactions
14 in condensate, refined, or unrefined petroleum
15 products, or other petrochemical products origi-
16 nating from the Islamic Republic of Iran;

17 (2) owns or operates a vessel through which
18 such owner knowingly conducts a ship to ship trans-
19 fer involving a significant transaction of any petro-
20 leum product originating from the Islamic Republic
21 of Iran;

22 (3) owns or operates a refinery through which
23 such owner knowingly engages in a significant trans-
24 action to process, refine, or otherwise deal in any pe-

1 troleum product originating from the Islamic Repub-
2 lic of Iran;

3 (4) is a covered family member of a foreign per-
4 son described in paragraph (1), (2), or (3); or

5 (5) is owned or controlled by a foreign person
6 described in paragraph (1), (2), or (3), and know-
7 ingly engages in an activity described in paragraph
8 (1), (2), or (3).

9 (c) SANCTIONS DESCRIBED.—The sanctions de-
10 scribed in this subsection with respect to a foreign person
11 described in subsection (a) are the following:

12 (1) SANCTIONS ON FOREIGN VESSELS.—Subject
13 to such regulations as the President may prescribe,
14 the President may prohibit a vessel described in sub-
15 section (b)(1)(A) or (b)(1)(B) from landing at any
16 port in the United States—

17 (A) with respect to a vessel described in
18 subsection (b)(1)(A), for a period of not more
19 than 2 years beginning on the date on which
20 the President imposes sanctions with respect to
21 a related foreign port described in subsection
22 (b)(1)(A); and

23 (B) with respect to a vessel described in
24 subsection (b)(1)(B), for a period of not more
25 than 2 years.

1 (2) BLOCKING OF PROPERTY.—The President
2 shall exercise all of the powers granted to the Presi-
3 dent under the International Emergency Economic
4 Powers Act (50 U.S.C. 1701 et seq.) to the extent
5 necessary to block and prohibit all transactions in
6 property and interests in property of the foreign per-
7 son if such property and interests in property are in
8 the United States, come within the United States, or
9 are or come within the possession or control of a
10 United States person.

11 (3) INELIGIBILITY FOR VISAS, ADMISSION, OR
12 PAROLE.—

13 (A) VISAS, ADMISSION, OR PAROLE.—An
14 alien described in subsection (a) is—

15 (i) inadmissible to the United States;

16 (ii) ineligible to receive a visa or other
17 documentation to enter the United States;

18 and

19 (iii) otherwise ineligible to be admitted
20 or paroled into the United States or to re-
21 ceive any other benefit under the Immigra-
22 tion and Nationality Act (8 U.S.C. 1101 et
23 seq.).

24 (B) CURRENT VISAS REVOKED.—

1 (i) IN GENERAL.—An alien described
2 in subsection (a) is subject to revocation of
3 any visa or other entry documentation re-
4 gardless of when the visa or other entry
5 documentation is or was issued.

6 (ii) IMMEDIATE EFFECT.—A revoca-
7 tion under clause (i) shall take effect im-
8 mediately and automatically cancel any
9 other valid visa or entry documentation
10 that is in the alien's possession.

11 (C) EXCEPTIONS.—Sanctions under this
12 paragraph shall not apply with respect to an
13 alien if admitting or paroling the alien into the
14 United States is necessary—

15 (i) to permit the United States to
16 comply with the Agreement regarding the
17 Headquarters of the United Nations,
18 signed at Lake Success June 26, 1947,
19 and entered into force November 21, 1947,
20 between the United Nations and the
21 United States, or other applicable inter-
22 national obligations; or

23 (ii) to carry out or assist law enforce-
24 ment activity in the United States.

1 (4) PENALTIES.—The penalties provided for in
2 subsections (b) and (c) of section 206 of the Inter-
3 national Emergency Economic Powers Act (50
4 U.S.C. 1705) shall apply to a person that violates,
5 attempts to violate, conspires to violate, or causes a
6 violation of this section or any regulations promul-
7 gated to carry out this section to the same extent
8 that such penalties apply to a person that commits
9 an unlawful act described in section 206(a) of that
10 Act.

11 (d) RULES OF CONSTRUCTION.—

12 (1) For purposes of determinations under sub-
13 section (a) that a foreign person engaged in activi-
14 ties described in subsection (b), a foreign person
15 shall not be determined to know that petroleum or
16 petroleum products originated from Iran if such per-
17 son relied on a certificate of origin or other docu-
18 mentation confirming that the origin of the petro-
19 leum or petroleum products was a country other
20 than Iran, unless such person knew or had reason
21 to know that such documentation was falsified.

22 (2) Nothing in this division shall be construed
23 to affect the availability of any existing authorities
24 to issue waivers, exceptions, exemptions, licenses, or
25 other authorization.

1 (e) IMPLEMENTATION; REGULATIONS.—

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

7 (2) DEADLINE FOR REGULATIONS.—Not later
8 than 180 days after the date of the enactment of
9 this Act, the President shall prescribe such regula-
10 tions as may be necessary for the implementation of
11 this division.

12 (3) NOTIFICATION TO CONGRESS.—Not later
13 than 10 days before the prescription of regulations
14 under paragraph (2), the President shall brief and
15 provide written notification to the appropriate con-
16 gressional committees regarding—

17 (A) the proposed regulations; and

18 (B) the specific provisions of this division
19 that the regulations are implementing.

20 (f) EXCEPTION FOR HUMANITARIAN ASSISTANCE.—

21 (1) IN GENERAL.—Sanctions under this section
22 shall not apply to—

23 (A) the conduct or facilitation of a trans-
24 action for the provision of agricultural commod-
25 ities, food, medicine, medical devices, or human-

1 itarian assistance, or for humanitarian pur-
2 poses; or

3 (B) transactions that are necessary for or
4 related to the activities described in subpara-
5 graph (A).

6 (2) DEFINITIONS.—In this subsection:

7 (A) AGRICULTURAL COMMODITY.—The
8 term “agricultural commodity” has the meaning
9 given that term in section 102 of the Agricul-
10 tural Trade Act of 1978 (7 U.S.C. 5602).

11 (B) MEDICAL DEVICE.—The term “med-
12 ical device” has the meaning given the term
13 “device” in section 201 of the Federal Food,
14 Drug, and Cosmetic Act (21 U.S.C. 321).

15 (C) MEDICINE.—The term “medicine” has
16 the meaning given the term “drug” in section
17 201 of the Federal Food, Drug, and Cosmetic
18 Act (21 U.S.C. 321).

19 (g) EXCEPTION FOR SAFETY OF VESSELS AND
20 CREW.—Sanctions under this section shall not apply with
21 respect to a person providing provisions to a vessel other-
22 wise subject to sanctions under this section if such provi-
23 sions are intended for the safety and care of the crew
24 aboard the vessel, the protection of human life aboard the

1 vessel, or the maintenance of the vessel to avoid any envi-
2 ronmental or other significant damage.

3 (h) WAIVER.—

4 (1) IN GENERAL.—The President may, on a
5 case-by-case basis and for periods not to exceed 180
6 days each, waive the application of sanctions im-
7 posed with respect to a foreign person under this
8 section if the President certifies to the appropriate
9 congressional committees, not later than 15 days
10 after such waiver is to take effect, that the waiver
11 is vital to the national interests of the United States.

12 (2) SPECIAL RULE.—The President shall not be
13 required to impose sanctions under this section with
14 respect to a foreign person described in subsection
15 (a) if the President certifies in writing to the appro-
16 priate congressional committees that the foreign per-
17 son—

18 (A) is no longer engaging in activities de-
19 scribed in subsection (b); or

20 (B) has taken and is continuing to take
21 significant, verifiable steps toward permanently
22 terminating such activities.

23 (i) TERMINATION.—The authorities provided by this
24 section shall cease to have effect on and after the date

1 that is 30 days after the date on which the President cer-
2 tifies to the appropriate congressional committees that—

3 (1) the Government of Iran no longer repeat-
4 edly provides support for international terrorism as
5 determined by the Secretary of State pursuant to—

6 (A) section 1754(c)(1)(A) of the Export
7 Control Reform Act of 2018 (50 U.S.C.
8 4318(c)(1)(A));

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

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

13 (D) any other provision of law; and

14 (2) Iran has ceased the pursuit, acquisition,
15 and development of, and verifiably dismantled, its
16 nuclear, biological, and chemical weapons, ballistic
17 missiles, and ballistic missile launch technology.

18 **SEC. 4. REPORT ON IRANIAN PETROLEUM AND PETRO-**
19 **LEUM PRODUCTS EXPORTS.**

20 (a) IN GENERAL.—Not later than 120 days after the
21 date of enactment of this Act, and annually thereafter
22 until the date described in subsection (d), the Adminis-
23 trator of the Energy Information Administration shall
24 submit to the appropriate congressional committees a re-

1 port describing Iran’s growing exports of petroleum and
2 petroleum products, that includes the following:

3 (1) An analysis of Iran’s exports and sale of pe-
4 troleum and petroleum products, including—

5 (A) an estimate of Iran’s petroleum export
6 and sale revenue per year since 2018;

7 (B) an estimate of Iran’s petroleum export
8 and sale revenue to China per year since 2018;

9 (C) the amount of petroleum and crude oil
10 barrels exported per year since 2018;

11 (D) the amount of petroleum and crude oil
12 barrels exported to China per year since 2018;

13 (E) the amount of petroleum and crude oil
14 barrels exported to countries other than China
15 per year since 2018;

16 (F) the average price per petroleum and
17 crude oil barrel exported per year since 2018;

18 and

19 (G) the average price per petroleum and
20 crude oil barrel exported to China per year
21 since 2018.

22 (2) An analysis of Iran’s labeling practices of
23 exported petroleum and petroleum products.

1 in consultation with the heads of other appropriate Fed-
2 eral agencies, shall submit to the appropriate congres-
3 sional committees a written strategy, and provide to those
4 committees an accompanying briefing, on the role of the
5 People’s Republic of China in evasion of sanctions imposed
6 by the United States with respect to Iranian-origin petro-
7 leum products that includes an assessment of options—

8 (1) to strengthen the enforcement of such sanc-
9 tions; and

10 (2) to expand sanctions designations targeting
11 the involvement of the People’s Republic of China in
12 the production, transportation, storage, refining, and
13 sale of Iranian-origin petroleum products.

14 (b) ELEMENTS.—The strategy required by subsection
15 (a) shall include—

16 (1) a description and assessment of the use of
17 sanctions in effect before the date of the enactment
18 of this Act to target individuals and entities of the
19 People’s Republic of China that are directly or indi-
20 rectly associated with smuggling of Iranian-origin
21 petroleum products;

22 (2) an assessment of—

23 (A) Iranian-owned entities operating in the
24 People’s Republic of China and involved in pe-
25 troleum refining supply chains;

1 (B) the People’s Republic of China’s role
2 in global petroleum refining supply chains;

3 (C) how the People’s Republic of China
4 leverages its role in global petroleum supply
5 chains to achieve political objectives;

6 (D) the People’s Republic of China’s petro-
7 leum importing and exporting partners;

8 (E) what percent of the People’s Republic
9 of China’s energy consumption is linked to ille-
10 gally imported Iranian-origin petroleum prod-
11 ucts; and

12 (F) what level of influence the Chinese
13 Communist Party holds over non-state, semi-
14 independent “teapot” refineries;

15 (3) a detailed plan for—

16 (A) monitoring the maritime domain for
17 sanctionable activity related to smuggling of
18 Iranian-origin petroleum products;

19 (B) identifying the individuals, entities,
20 and vessels engaging in sanctionable activity re-
21 lated to Iranian-origin petroleum products, in-
22 cluding—

23 (i) vessels—

24 (I) transporting petrochemicals
25 subject to sanctions;

- 1 (II) conducting ship-to-ship
2 transfers of such petrochemicals;
- 3 (III) with deactivated automatic
4 identification systems; or
- 5 (IV) that engage in “flag hop-
6 ping” by changing national registries;
- 7 (ii) individuals or entities—
- 8 (I) storing petrochemicals subject
9 to sanctions; or
- 10 (II) refining or otherwise proc-
11 essing such petrochemicals; and
- 12 (iii) through the use of port entry and
13 docking permission of vessels subject to
14 sanctions;
- 15 (C) deterring individuals and entities from
16 violating sanctions by educating and engag-
17 ing—
- 18 (i) insurance providers;
- 19 (ii) parent companies; and
- 20 (iii) vessel operators;
- 21 (D) collaborating with allies and partners
22 of the United States engaged in the Arabian
23 Peninsula, including through standing or new
24 maritime task forces, to build sanctions enforce-

1 ment capacity through assistance and training
2 to defense and law enforcement services; and

3 (E) using public communications and glob-
4 al diplomatic engagements to highlight the role
5 of illicit petroleum product smuggling in bol-
6 stering Iran’s support for terrorism and its nu-
7 clear program; and

8 (4) an assessment of—

9 (A) the total number of vessels smuggling
10 Iranian-origin petroleum products;

11 (B) the total number of vessels smuggling
12 such petroleum products destined for the Peo-
13 ple’s Republic of China;

14 (C) the number of vessels smuggling such
15 petroleum products specifically from the Islamic
16 Revolutionary Guard Corps;

17 (D) interference by the People’s Republic
18 of China with attempts by the United States to
19 investigate or enforce sanctions on illicit Ira-
20 nian petroleum product exports;

21 (E) the effectiveness of the use of sanc-
22 tions with respect to insurers of entities that
23 own or operate vessels involved in smuggling
24 Iranian-origin petroleum products;

1 (F) the personnel and resources needed to
2 enforce sanctions with respect to Iranian-origin
3 petroleum products; and

4 (G) the impact of smuggled illicit Iranian-
5 origin petroleum products on global energy
6 markets.

7 (c) FORM.—The strategy required by subsection (a)
8 shall be submitted in unclassified form, but may include
9 a classified index.

10 **SEC. 6. DEFINITIONS.**

11 In this division:

12 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
13 **TEES.**—The term “appropriate congressional com-
14 mittees” means—

15 (A) the Committee on Foreign Affairs, the
16 Committee on the Judiciary, and the Com-
17 mittee on Financial Services of the House of
18 Representatives; and

19 (B) the Committee on Foreign Relations,
20 the Committee on the Judiciary, and the Com-
21 mittee on Banking, Housing, and Urban Affairs
22 of the Senate.

23 (2) **COVERED FAMILY MEMBER.**—The term
24 “covered family member”, with respect to a foreign
25 person who is an individual, means a spouse, adult

1 child, parent, or sibling of the person who engages
2 in the sanctionable activity described under section
3 3 or who demonstrably benefits from such activity.

4 **DIVISION G—FIGHT CRIME ACT**

5 **SEC. 1. SHORT TITLE.**

6 This division may be cited as the “Fight and Combat
7 Rampant Iranian Missile Exports Act” or the “Fight
8 CRIME Act”.

9 **SEC. 2. FINDINGS.**

10 Congress makes the following findings:

11 (1) Annex B to United Nations Security Coun-
12 cil Resolution 2231 (2015) restricts certain missile-
13 related activities and transfers to and from Iran, in-
14 cluding all items, materials, equipment, goods, and
15 technology set out in the Missile Technology Control
16 Regime Annex, absent advance, case-by-case ap-
17 proval from the United Nations Security Council.

18 (2) Iran has transferred Shahed and Mohajer
19 drones, covered under the Missile Technology Con-
20 trol Regime Annex, to the Russian Federation, the
21 Government of Ethiopia, and other Iran-aligned en-
22 tities, including the Houthis in Yemen and militia
23 units in Iraq, without prior authorization from the
24 United Nations Security Council, in violation of the

1 restrictions set forth in Annex B to United Nations
2 Security Council Resolution 2231.

3 (3) Certain missile-related restrictions in Annex
4 B to United Nations Security Council Resolution
5 2231 expired in October 2023, removing inter-
6 national legal restrictions on missile-related activities
7 and transfers to and from Iran.

8 **SEC. 3. STATEMENT OF POLICY.**

9 It is the policy of the United States—

10 (1) to urgently seek the extension of missile-re-
11 lated restrictions set forth in Annex B to United Na-
12 tions Security Council Resolution 2231 (2015);

13 (2) to use all available authorities to constrain
14 Iran’s domestic ballistic missile production capabili-
15 ties;

16 (3) to combat and deter the transfer of conven-
17 tional and non-conventional arms, equipment, mate-
18 rial, and technology to, or from Iran, or involving
19 the Government of Iran; and

20 (4) to ensure countries, individuals, and entities
21 engaged in, or attempting to engage in, the acquisi-
22 tion, facilitation, or development of arms and related
23 components and technology subject to restrictions
24 under Annex B to United Nations Security Council
25 Resolution 2231 are held to account under United

1 States and international law, including through the
2 application and enforcement of sanctions and use of
3 export controls, regardless of whether the restric-
4 tions under Annex B to United Nations Security
5 Council Resolution 2231 remain in effect following
6 their anticipated expiration in October 2023.

7 **SEC. 4. REPORT.**

8 (a) IN GENERAL.—Not later than 90 days after the
9 date of the enactment of this Act, and annually thereafter
10 for two years, the Secretary of State, in coordination with
11 the heads of other appropriate Federal agencies, shall sub-
12 mit to the appropriate congressional committees an un-
13 classified report, with a classified annex if necessary, that
14 includes the following:

15 (1) A diplomatic strategy to secure the renewal
16 of international restrictions on certain missile-re-
17 lated activities, including transfers to and from Iran
18 set forth in Annex B to United Nations Security
19 Council Resolution 2231 (2015).

20 (2) An analysis of how the expiration of missile-
21 related restrictions set forth in Annex B to United
22 Nations Security Council Resolution 2231 impacts
23 the Government of Iran’s arms proliferation and ma-
24 lignant activities, including as the restrictions relate to

1 cooperation with, and support for, Iran-aligned enti-
2 ties and allied countries.

3 (3) An assessment of the revenue, or in-kind
4 benefits, accrued by the Government of Iran, or
5 Iran-aligned entities, as a result of a lapse in mis-
6 sile-related restrictions set forth in Annex B to
7 United Nations Security Council Resolution 2231.

8 (4) A detailed description of a United States
9 strategy to deter, prevent, and disrupt the sale, pur-
10 chase, or transfer of covered technology involving
11 Iran absent restrictions pursuant to Annex B to
12 United Nations Security Council Resolution 2231.

13 (5) An identification of any foreign person en-
14 gaging in, enabling, or otherwise facilitating any ac-
15 tivity involving Iran restricted under Annex B to
16 United Nations Security Council Resolution 2231,
17 regardless of whether such restrictions remain in ef-
18 fect after October 2023.

19 (6) A description of actions by the United Na-
20 tions and other multilateral organizations, including
21 the European Union, to hold accountable foreign
22 persons that have violated the restrictions set forth
23 in Annex B to United Nations Security Council Res-
24 olution 2231, and efforts to prevent further viola-
25 tions of such restrictions.

1 (7) A description of actions by individual mem-
2 ber states of the United Nations Security Council to
3 hold accountable foreign persons that have violated
4 restrictions set forth in Annex B to United Nations
5 Security Council Resolution 2231 and efforts to pre-
6 vent further violations of such restrictions.

7 (8) A description of actions by the People’s Re-
8 public of China, the Russian Federation, or any
9 other country to prevent, interfere with, or under-
10 mine efforts to hold accountable foreign persons that
11 have violated the restrictions set forth in Annex B
12 to United Nations Security Council Resolution 2231,
13 including actions to restrict United Nations-led in-
14 vestigations into suspected violations of such restric-
15 tions, or limit funding to relevant United Nations of-
16 fices or experts.

17 (9) An analysis of the foreign and domestic
18 supply chains in Iran that directly or indirectly fa-
19 cilitate, support, or otherwise aid the Government of
20 Iran’s drone or missile program, including storage,
21 transportation, or flight-testing of related goods,
22 technology, or components.

23 (10) An identification of any foreign person, or
24 network containing foreign persons, that enables,
25 supports, or otherwise facilitates the operations or

1 maintenance of any Iranian airline subject to United
2 States sanctions or export control restrictions.

3 (11) An assessment of how the continued oper-
4 ation of Iranian airlines subject to United States
5 sanctions or export control restrictions impacts the
6 Government of Iran’s ability to transport or develop
7 arms, including covered technology.

8 (b) SCOPE.—The initial report required by subsection
9 (a) shall address the period beginning on January 1, 2021,
10 and ending on the date that is 90 days after date of the
11 enactment of this Act, and each subsequent report shall
12 address the one-year period following the conclusion of the
13 prior report.

14 **SEC. 5. SANCTIONS TO COMBAT THE PROLIFERATION OF**
15 **IRANIAN MISSILES.**

16 (a) IN GENERAL.—The sanctions described in sub-
17 section (b) shall apply to any foreign person the President
18 determines, on or after the date of the enactment of this
19 Act—

20 (1) knowingly engages in any effort to acquire,
21 possess, develop, transport, transfer, or deploy cov-
22 ered technology to, from, or involving the Govern-
23 ment of Iran or Iran-aligned entities, regardless of
24 whether the restrictions set forth in Annex B to

1 United Nations Security Council Resolution 2231
2 (2015) remain in effect after October 2023;

3 (2) knowingly provides entities owned or con-
4 trolled by the Government of Iran or Iran-aligned
5 entities with goods, technology, parts, or compo-
6 nents, that may contribute to the development of
7 covered technology;

8 (3) knowingly participates in joint missile or
9 drone development, including development of covered
10 technology, with the Government of Iran or Iran-
11 aligned entities, including technical training, storage,
12 and transport;

13 (4) knowingly imports, exports, or re-exports to,
14 into, or from Iran, whether directly or indirectly,
15 any significant arms or related materiel prohibited
16 under paragraph (5) or (6) to Annex B of United
17 Nations Security Council Resolution 2231 (2015) as
18 of April 1, 2023;

19 (5) knowingly provides significant financial, ma-
20 terial, or technological support to, or knowingly en-
21 gages in a significant transaction with, a foreign
22 person subject to sanctions for conduct described in
23 paragraph (1), (2), (3), or (4); or

1 (6) is an adult family member of a person sub-
2 ject to sanctions for conduct described in paragraph
3 (1), (2), (3), or (4).

4 (b) SANCTIONS DESCRIBED.—The sanctions de-
5 scribed in this subsection are the following:

6 (1) BLOCKING OF PROPERTY.—The President
7 shall exercise all authorities granted under the Inter-
8 national Emergency Economic Powers Act (50
9 U.S.C. 1701 et seq.) to the extent necessary to block
10 and prohibit all transactions in property and inter-
11 ests in property of the foreign person if such prop-
12 erty and interests in property are in the United
13 States, come within the United States, or come with-
14 in the possession or control of a United States per-
15 son.

16 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR
17 PAROLE.—

18 (A) VISAS, ADMISSION, OR PAROLE.—An
19 alien described in subsection (a) shall be—

20 (i) inadmissible to the United States;

21 (ii) ineligible to receive a visa or other
22 documentation to enter the United States;

23 and

24 (iii) otherwise ineligible to be admitted
25 or paroled into the United States or to re-

1 ceive any other benefit under the Immigra-
2 tion and Nationality Act (8 U.S.C. 1101 et
3 16 seq.).

4 (B) CURRENT VISAS REVOKED.—

5 (i) IN GENERAL.—The visa or other
6 entry documentation of any alien described
7 in subsection (a) is subject to revocation
8 regardless of the issue date of the visa or
9 other entry documentation.

10 (ii) IMMEDIATE EFFECT.—A revoca-
11 tion under clause (i) shall, in accordance
12 with section 221(i) of the Immigration and
13 Nationality Act (8 U.S.C. 1201(i))—

14 (I) take effect immediately; and

15 (II) cancel any other valid visa or
16 entry documentation that is in the
17 possession of the alien.

18 (c) PENALTIES.—Any person that violates, or at-
19 tempts to violate, subsection (b) or any regulation, license,
20 or order issued pursuant to that subsection, shall be sub-
21 ject to the penalties set forth in subsections (b) and (c)
22 of section 206 of the International Economic Powers Act
23 (50 U.S.C. 1705) to the same extent as a person that com-
24 mits an unlawful act described in subsection (a) of that
25 section.

1 (d) WAIVER.—The President may waive the applica-
2 tion of sanctions under this section with respect to a for-
3 eign person for renewable periods not to exceed 180 days
4 only if, not later than 15 days after the date on which
5 the waiver is to take effect, the President submits to the
6 appropriate congressional committees a written deter-
7 mination and justification that the waiver is in the vital
8 national security interests of the United States.

9 (e) IMPLEMENTATION.—The President may exercise
10 all authorities provided under sections 203 and 205 of the
11 International Emergency Economic Powers Act (50
12 U.S.C. 1702 and 1704) to carry out any amendments
13 made by this section.

14 (f) REGULATIONS.—

15 (1) IN GENERAL.—The President shall, not
16 later than 120 days after the date of the enactment
17 of this Act, promulgate regulations as necessary for
18 the implementation of this division and the amend-
19 ments made by this division.

20 (2) NOTIFICATION TO CONGRESS.—Not less
21 than 10 days before the promulgation of regulations
22 under subsection (a), the President shall notify the
23 appropriate congressional committees of the pro-
24 posed regulations and the provisions of this division

1 and the amendments made by this division that the
2 regulations are implementing.

3 (g) EXCEPTIONS.—

4 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
5 TIES.—Sanctions under this section shall not apply
6 to any activity subject to the reporting requirements
7 under title V of the National Security Act of 1947
8 (50 U.S.C. 3091 et seq.) or any authorized intel-
9 ligence activities of the United States.

10 (2) EXCEPTION TO COMPLY WITH INTER-
11 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
12 MENT ACTIVITIES.—Sanctions under this section
13 shall not apply with respect to an alien if admitting
14 or paroling the alien into the United States is nec-
15 essary—

16 (A) to permit the United States to comply
17 with the Agreement regarding the Head-
18 quarters of the United Nations, signed at Lake
19 Success June 26, 1947, and entered into force
20 November 21, 1947, between the United Na-
21 tions and the United States, or other applicable
22 international obligations; or

23 (B) to carry out or assist authorized law
24 enforcement activity in the United States.

1 (h) TERMINATION OF SANCTIONS.—This section
2 shall cease to be effective beginning on the date that is
3 30 days after the date on which the President certifies
4 to the appropriate congressional committees that—

5 (1) the Government of Iran no longer repeat-
6 edly provides support for international terrorism as
7 determined by the Secretary of State pursuant to—

8 (A) section 1754(e)(1)(A) of the Export
9 Control Reform Act of 2018 (50 U.S.C.
10 4318(c)(1)(A));

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

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

15 (D) any other provision of law; and

16 (2) Iran has ceased the pursuit, acquisition,
17 and development of, and verifiably dismantled its,
18 nuclear, biological, and chemical weapons and bal-
19 listic missiles and ballistic missile launch technology.

1 **SEC. 6. REPORT TO IDENTIFY, AND DESIGNATION AS FOR-**
2 **EIGN TERRORIST ORGANIZATIONS OF, IRA-**
3 **NIAN PERSONS THAT HAVE ATTACKED**
4 **UNITED STATES CITIZENS USING UNMANNED**
5 **COMBAT AERIAL VEHICLES.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of the enactment of this Act, and every 180 days
8 thereafter, the Secretary of State shall submit to the ap-
9 propriate congressional committees a report that identi-
10 fies, for the period specified in subsection (b), any Iranian
11 person that has attacked a United States citizen using an
12 unmanned combat aerial vehicle, as defined for the pur-
13 pose of the United Nations Register of Conventional
14 Arms.

15 (b) PERIOD SPECIFIED.—The period specified in this
16 subsection is—

17 (1) for the initial report, the period—

18 (A) beginning on October 27, 2023; and

19 (B) ending on the date such report is sub-
20 mitted; and

21 (2) for the second or a subsequent report, the
22 period—

23 (A) beginning on the date the preceding
24 report was submitted; and

25 (B) ending on the date such second or sub-
26 sequent report is submitted.

1 (c) DESIGNATION OF PERSONS AS FOREIGN TER-
2 RORIST ORGANIZATIONS.—

3 (1) IN GENERAL.—The President shall des-
4 ignate any person identified in a report submitted
5 under subsection (a) as a foreign terrorist organiza-
6 tion under section 219 of the Immigration and Nat-
7 uralization Act (8 U.S.C. 1189).

8 (2) REVOCATION.—The President may not re-
9 voke a designation made under paragraph (1) until
10 the date that is 4 years after the date of such des-
11 ignation.

12 (d) WAIVER.—The Secretary of State may waive the
13 requirements of this section upon a determination and cer-
14 tification to the appropriate congressional committees that
15 such a waiver is in the vital national security interests of
16 the United States.

17 (e) SUNSET.—This section shall terminate on the
18 date that is 4 years after the date of the enactment of
19 this Act.

20 (f) IRANIAN PERSON DEFINED.—In this section, the
21 term “Iranian person”—

22 (1) means an entity organized under the laws
23 of Iran or otherwise subject to the jurisdiction of the
24 Government of Iran; and

1 (2) includes the Islamic Revolutionary Guard
2 Corps.

3 **SEC. 7. DEFINITIONS.**

4 In this division:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Foreign Affairs, the
9 Committee on Financial Services, and the Com-
10 mittee on the Judiciary of the House of Rep-
11 resentatives; and

12 (B) the Committee on Foreign Relations,
13 the Committee on the Judiciary, and the Com-
14 mittee on Banking, Housing, and Urban Affairs
15 of the Senate.

16 (2) FOREIGN PERSON.—The term “foreign per-
17 son”—

18 (A) means an individual or entity that is
19 not a United States person; and

20 (B) includes a foreign state (as such term
21 is defined in section 1603 of title 28, United
22 States Code).

23 (3) GOVERNMENT OF IRAN.—The term “Gov-
24 ernment of Iran” has the meaning given such term
25 in section 560.304 of title 31, Code of Federal Reg-

1 ulations, as such section was in effect on January 1,
2 2021.

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

5 (A) a United States citizen;

6 (B) a permanent resident alien of the
7 United States;

8 (C) 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; or

12 (D) a person in the United States.

13 (5) IRAN-ALIGNED ENTITY.—The term “Iran-
14 aligned entity” means a foreign person that—

15 (A) is controlled or significantly influenced
16 by the Government of Iran; and

17 (B) knowingly receives material or finan-
18 cial support from the Government of Iran, in-
19 cluding Hezbollah, the Houthis, or any other
20 proxy group that furthers Iran’s national secu-
21 rity objectives.

22 (6) COVERED TECHNOLOGY.—The term “cov-
23 ered technology” means—

24 (A) any goods, technology, software, or re-
25 lated material specified in the Missile Tech-

1 nology Control Regime Annex, as in effect on
2 the day before the date of the enactment of this
3 Act; and

4 (B) any additional goods, technology, soft-
5 ware, or related material added to the Missile
6 Technology Control Regime Annex after the
7 day before the date of the enactment of this
8 Act.

9 (7) FAMILY MEMBER.—The term “family mem-
10 ber” means—

11 (A) a child, grandchild, parent, grand-
12 parent, sibling, or spouse; and

13 (B) any spouse, widow, or widower of an
14 individual described in subparagraph (A).

15 (8) KNOWINGLY.—The term “knowingly” has
16 the meaning given that term in section 14 of the
17 Iran Sanctions Act of 1996 (50 U.S.C. 1701 note).

18 (9) MISSILE TECHNOLOGY CONTROL REGIME.—
19 The term “Missile Technology Control Regime”
20 means the policy statement, between the United
21 States, the United Kingdom, the Federal Republic of
22 Germany, France, Italy, Canada, and Japan, an-
23 nounced on April 16, 1987, to restrict sensitive mis-
24 sile-relevant transfers based on the Missile Tech-
25 nology Control Regime Annex, and any amendments

1 thereto or expansions thereof, as in effect on the day
2 before the date of the enactment of this Act.

3 (10) MISSILE TECHNOLOGY CONTROL REGIME
4 ANNEX.—The term “Missile Technology Control Re-
5 gime Annex” means the Guidelines and Equipment
6 and Technology Annex of the Missile Technology
7 Control Regime, and any amendments thereto or up-
8 dates thereof, as in effect on the day before the date
9 of the enactment of this Act.

10 **DIVISION H—MAHSA ACT**

11 **SEC. 1. SHORT TITLE.**

12 This Act may be cited as the “Mahsa Amini Human
13 rights and Security Accountability Act” or the “MAHSA
14 Act”.

15 **SEC. 2. IMPOSITION OF SANCTIONS ON IRAN’S SUPREME** 16 **LEADER’S OFFICE, ITS APPOINTEES, AND ANY** 17 **AFFILIATED PERSONS.**

18 (a) FINDINGS.—Congress finds the following:

19 (1) The Supreme Leader is an institution of the
20 Islamic Republic of Iran.

21 (2) The Supreme Leader holds ultimate author-
22 ity over Iran’s judiciary and security apparatus, in-
23 cluding the Ministry of Intelligence and Security,
24 law enforcement forces under the Interior Ministry,
25 the Islamic Revolutionary Guard Corps (IRGC), and

1 the Basij, a nationwide volunteer paramilitary group
2 subordinate to the IRGC, all of which have engaged
3 in human rights abuses in Iran. Additionally the
4 IRGC, a United States designated Foreign Terrorist
5 Organization, which reports to the Supreme Leader,
6 continues to perpetrate terrorism around the globe,
7 including attempts to kill and kidnap American citi-
8 zens on United States soil.

9 (3) The Supreme Leader appoints the head of
10 Iran's judiciary. International observers continue to
11 criticize the lack of independence of Iran's judicial
12 system and maintained that trials disregarded inter-
13 national standards of fairness.

14 (4) The revolutionary courts, created by Iran's
15 former Supreme Leader Ruhollah Khomeini, within
16 Iran's judiciary, are chiefly responsible for hearing
17 cases of political offenses, operate in parallel to
18 Iran's criminal justice system and routinely hold
19 grossly unfair trials without due process, handing
20 down predetermined verdicts and rubberstamping
21 executions for political purpose.

22 (5) The Iranian security and law enforcement
23 forces engage in serious human rights abuse at the
24 behest of the Supreme Leader.

1 (6) Iran’s President, Ebrahim Raisi, sits at the
2 helm of the most sanctioned cabinet in Iranian his-
3 tory which includes internationally sanctioned rights
4 violators. Raisi has supported the recent crackdown
5 on protestors and is a rights violator himself, having
6 served on a “death commission” in 1988 that led to
7 the execution of several thousand political prisoners
8 in Iran. He most recently served as the head of
9 Iran’s judiciary, a position appointed by Iran’s cur-
10 rent Supreme Leader Ali Khamenei, and may likely
11 be a potential candidate to replace Khamenei as
12 Iran’s next Supreme Leader.

13 (7) On September 16, 2022, a 22-year-old
14 woman, Mahsa Amini, died in the detention of the
15 Morality Police after being beaten and detained for
16 allegedly transgressing discriminatory dress codes
17 for women. This tragic incident triggered wide-
18 spread, pro-women’s rights, pro-democracy protests
19 across all of Iran’s 31 provinces, calling for the end
20 to Iran’s theocratic regime.

21 (8) In the course of the protests, the Iranian
22 security forces’ violent crackdown includes mass ar-
23 rests, well documented beating of protestors, throt-
24 tling of the internet and telecommunications serv-
25 ices, and shooting protestors with live ammunition.

1 Iranian security forces have reportedly killed hun-
2 dreds of protestors and other civilians, including
3 women and children, and wounded many more.

4 (9) Iran’s Supreme Leader is the leader of the
5 “Axis of Resistance”, which is a network of
6 Tehran’s terror proxy and partner militias materially
7 supported by the Islamic Revolutionary Guard Corps
8 that targets the United States as well as its allies
9 and partners.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) the United States shall stand with and sup-
13 port the people of Iran in their demand for funda-
14 mental human rights;

15 (2) the United States shall continue to hold the
16 Islamic Republic of Iran, particularly the Supreme
17 Leader and President, accountable for abuses of
18 human rights, corruption, and export of terrorism;
19 and

20 (3) Iran must immediately end its gross viola-
21 tions of internationally recognized human rights.

22 (c) IN GENERAL.—

23 (1) DETERMINATION AND REPORT RE-
24 QUIRED.—Not later than 90 days after the date of

1 the enactment of this Act, and annually thereafter,
2 the President shall—

3 (A) determine whether each foreign person
4 described in subsection (d) meets the criteria
5 for imposition of sanctions under one or more
6 of the sanctions programs and authorities listed
7 in paragraph (2);

8 (B) impose applicable sanctions against
9 any foreign person determined to meet the cri-
10 teria for imposition of sanctions pursuant to
11 subparagraph (A) under the sanctions programs
12 and authorities listed in subparagraph (A) or
13 (F) of subsection (c)(2) and pursue applicable
14 sanctions against any foreign person deter-
15 mined to meet the criteria for imposition of
16 sanctions pursuant to subparagraph (A) under
17 the sanctions programs and authorities listed in
18 subparagraph (B), (C), (D), or (E) of sub-
19 section (c)(2); and

20 (C) submit to the appropriate congres-
21 sional committees a report in unclassified form,
22 with a classified annex provided separately if
23 needed, containing—

24 (i) a list of all foreign persons de-
25 scribed in subsection (d) that meet the cri-

1 teria for imposition of sanctions under one
2 or more of the sanctions programs and au-
3 thorities listed in paragraph (2); and

4 (ii) for each foreign person identified
5 pursuant to clause (i)—

6 (I) a list of each sanctions pro-
7 gram or authority listed in paragraph
8 (2) for which the person meets the
9 criteria for imposition of sanctions;

10 (II) a statement which, if any, of
11 the sanctions authorized by any of the
12 sanctions programs and authorities
13 identified pursuant to subclause (I)
14 have been imposed or will be imposed
15 within 30 days of the submission of
16 the report; and

17 (III) with respect to which any of
18 the sanctions authorized by any of the
19 sanctions programs and authorities
20 identified pursuant to subclause (I)
21 have not been imposed and will not be
22 imposed within 30 days of the submis-
23 sion of the report, the specific author-
24 ity under which otherwise applicable
25 sanctions are being waived, have oth-

1 erwise been determined not to apply,
2 or are not being imposed and a com-
3 plete justification of the decision to
4 waive or otherwise not apply the sanc-
5 tions authorized by such sanctions
6 programs and authorities.

7 (2) SANCTIONS LISTED.—The sanctions listed
8 in this paragraph are the following:

9 (A) Sanctions described in section 105(c)
10 of the Comprehensive Iran Sanctions, Account-
11 ability, and Divestment Act of 2010 (22 U.S.C.
12 8514(c)).

13 (B) Sanctions applicable with respect to a
14 person pursuant to Executive Order 13553 (50
15 U.S.C. 1701 note; relating to blocking property
16 of certain persons with respect to serious
17 human rights abuses by the Government of
18 Iran).

19 (C) Sanctions applicable with respect to a
20 person pursuant to Executive Order 13224 (50
21 U.S.C. 1701 note; relating to blocking property
22 and prohibiting transactions with persons who
23 commit, threaten to commit, or support ter-
24 rorism).

1 (D) Sanctions applicable with respect to a
2 person pursuant to Executive Order 13818 (re-
3 lating to blocking the property of persons in-
4 volved in serious human rights abuse or corrup-
5 tion).

6 (E) Sanctions applicable with respect to a
7 person pursuant to Executive Order 13876 (re-
8 lating to imposing sanctions with respect to
9 Iran).

10 (F) Penalties and visa bans applicable with
11 respect to a person pursuant to section 7031(c)
12 of the Department of State, Foreign Oper-
13 ations, and Related Programs Appropriations
14 Act, 2021.

15 (3) FORM OF DETERMINATION.—The deter-
16 mination required by paragraph (1) shall be pro-
17 vided in an unclassified form but may contain a clas-
18 sified annex provided separately containing addi-
19 tional contextual information pertaining to justifica-
20 tion for the issuance of any waiver issued, as de-
21 scribed in paragraph (1)(C)(ii). The unclassified por-
22 tion of such determination shall be made available
23 on a publicly available internet website of the Fed-
24 eral Government.

1 (d) FOREIGN PERSONS DESCRIBED.—The foreign
2 persons described in this subsection are the following:

3 (1) The Supreme Leader of Iran and any offi-
4 cial in the Office of the Supreme Leader of Iran.

5 (2) The President of Iran and any official in
6 the Office of the President of Iran or the President’s
7 cabinet, including cabinet ministers and executive
8 vice presidents.

9 (3) Any entity, including foundations and eco-
10 nomic conglomerates, overseen by the Office of the
11 Supreme Leader of Iran which is complicit in financ-
12 ing or resourcing of human rights abuses or support
13 for terrorism.

14 (4) Any official of any entity owned or con-
15 trolled by the Supreme Leader of Iran or the Office
16 of the Supreme Leader of Iran.

17 (5) Any person determined by the President—

18 (A) to be a person appointed by the Su-
19 preme Leader of Iran, the Office of the Su-
20 preme Leader of Iran, the President of Iran, or
21 the Office of the President of Iran to a position
22 as a state official of Iran, or as the head of any
23 entity located in Iran or any entity located out-
24 side of Iran that is owned or controlled by one
25 or more entities in Iran;

1 (B) to have materially assisted, sponsored,
2 or provided financial, material, or technological
3 support for, or goods or services to or in sup-
4 port of any person whose property and interests
5 in property are blocked pursuant to any sanc-
6 tions program or authority listed in subsection
7 (c)(2);

8 (C) to be owned or controlled by, or to
9 have acted or purported to act for or on behalf
10 of, directly or indirectly any person whose prop-
11 erty and interests in property are blocked pur-
12 suant to any sanctions program or authority
13 listed in subsection (c)(2); or

14 (D) to be a member of the board of direc-
15 tors or a senior executive officer of any person
16 whose property and interests in property are
17 blocked pursuant to any sanctions program or
18 authority listed in subsection (c)(2).

19 (e) CONGRESSIONAL OVERSIGHT.—

20 (1) IN GENERAL.—Not later than 60 days after
21 receiving a request from the chairman and ranking
22 member of one of the appropriate congressional com-
23 mittees with respect to whether a foreign person
24 meets the criteria of a person described in sub-
25 section (d)(5), the President shall—

1 (A) determine if the person meets such cri-
2 teria; and

3 (B) submit an unclassified report, with a
4 classified annex provided separately if needed,
5 to such chairman and ranking member with re-
6 spect to such determination that includes a
7 statement of whether or not the President im-
8 posed or intends to impose sanctions with re-
9 spect to the person pursuant to any sanctions
10 program or authority listed in subsection (c)(2).

11 (2) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES DEFINED.—In this subsection, the term “ap-
13 propriate congressional committees” means—

14 (A) the Committee on Foreign Affairs, and
15 the Committee on Financial Services of the
16 House of Representatives; and

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

20 **SEC. 3. SEVERABILITY.**

21 If any provision of this division, or the application
22 of such provision to any person or circumstance, is found
23 to be unconstitutional, the remainder of this division, or
24 the application of that provision to other persons or cir-
25 cumstances, shall not be affected.

1 **DIVISION I—HAMAS AND OTHER**
2 **PALESTINIAN TERRORIST**
3 **GROUPS INTERNATIONAL FI-**
4 **NANCING PREVENTION ACT**

5 **SEC. 1. 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. 2. 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. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO FOR-**
2 **EIGN PERSONS SUPPORTING ACTS OF TER-**
3 **RORISM 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 ASSISTANCE.—

24 (1) IN GENERAL.—Sanctions under this section
25 shall not apply to—

1 (A) the conduct or facilitation of a trans-
2 action for the provision of agricultural commod-
3 ities, food, medicine, medical devices, or human-
4 itarian assistance, or for humanitarian pur-
5 poses; or

6 (B) transactions that are necessary for or
7 related to the activities described in subpara-
8 graph (A).

9 (2) DEFINITIONS.—In this subsection:

10 (A) AGRICULTURAL COMMODITY.—The
11 term “agricultural commodity” has the meaning
12 given that term in section 102 of the Agricul-
13 tural Trade Act of 1978 (7 U.S.C. 5602).

14 (B) MEDICAL DEVICE.—The term “med-
15 ical device” has the meaning given the term
16 “device” in section 201 of the Federal Food,
17 Drug, and Cosmetic Act (21 U.S.C. 321).

18 (C) MEDICINE.—The term “medicine” has
19 the meaning given the term “drug” in section
20 201 of the Federal Food, Drug, and Cosmetic
21 Act (21 U.S.C. 321).

22 (h) RULE OF CONSTRUCTION.—The authority to im-
23 pose sanctions under this section with respect to a foreign
24 person is in addition to the authority to impose sanctions
25 under any other provision of law with respect to a foreign

1 person that directly or indirectly supports acts of inter-
2 national terrorism.

3 **SEC. 4. IMPOSITION OF MEASURES WITH RESPECT TO FOR-**
4 **EIGN STATES PROVIDING SUPPORT TO**
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 measures described in subsection (c) with respect to
11 a foreign state if the President determines that the foreign
12 state, on or after the date of the enactment of this Act,
13 engages in an activity described in subsection (b).

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

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

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

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

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

1 (D) any other provision of law;

2 (2) provides significant material support to
3 Hamas, the Palestinian Islamic Jihad, Al-Aqsa Mar-
4 tyrs Brigade, the Lion's Den, or any affiliate or suc-
5 cessor thereof; or

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

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

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

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

24 (3) The President shall prohibit the export of
25 any item on the United States Munitions List (es-

1 tablished pursuant to section 38 of the Arms Export
2 Control Act (22 U.S.C. 2778)) or the Commerce
3 Control List set forth in Supplement No. 1 to part
4 774 of title 15, Code of Federal Regulations, to the
5 foreign state for a period of 1 year.

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

24 (f) IMPLEMENTATION; REGULATIONS.—

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

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

11 (g) ADDITIONAL EXEMPTIONS.—

12 (1) STATUS OF FORCES AGREEMENTS.—The
13 President may exempt the application of measures
14 under this section with respect to a foreign state if
15 the application of such measures would prevent the
16 United States from meeting the terms of any status
17 of forces agreement to which the United States is a
18 party or meeting other obligations relating to the
19 basing of United States service members.

20 (2) AUTHORIZED INTELLIGENCE ACTIVITIES.—
21 Measures under this section shall not apply with re-
22 spect to any activity subject to the reporting require-
23 ments under title V of the National Security Act of
24 1947 (50 U.S.C. 3091 et seq.) or any authorized in-
25 telligence activities of the United States.

1 (3) HUMANITARIAN ASSISTANCE.—

2 (A) IN GENERAL.—Measures under this
3 section shall not apply to—

4 (i) the conduct or facilitation of a
5 transaction for the provision of agricultural
6 commodities, food, medicine, medical de-
7 vices, or humanitarian assistance, or for
8 humanitarian purposes; or

9 (ii) transactions that are necessary for
10 or related to the activities described in
11 clause (i).

12 (B) DEFINITIONS.—In this subsection:

13 (i) AGRICULTURAL COMMODITY.—The
14 term “agricultural commodity” has the
15 meaning given that term in section 102 of
16 the Agricultural Trade Act of 1978 (7
17 U.S.C. 5602).

18 (ii) MEDICAL DEVICE.—The term
19 “medical device” has the meaning given
20 the term “device” in section 201 of the
21 Federal Food, Drug, and Cosmetic Act (21
22 U.S.C. 321).

23 (iii) MEDICINE.—The term “medi-
24 cine” has the meaning given the term

1 “drug” in section 201 of the Federal Food,
2 Drug, and Cosmetic Act (21 U.S.C. 321).

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

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

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

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

24 (2) a list of foreign states that knowingly pro-
25 viding material, financial, or technical support for,

1 or goods or services to Hamas, the Palestinian Is-
2 lamic Jihad, Al-Aqsa Martyrs Brigade, the Lion's
3 Den, or any affiliate or successor thereof;

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

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

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

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

24 (B) in the case of a foreign state failing to
25 take adequate measures to restrict financial

1 flows to Hamas, Palestinian Islamic Jihad, Al-
2 Aqsa Martyrs Brigade, the Lion's Den or any
3 other designated entity engaged in significant
4 act of terrorism threatening the peace and secu-
5 rity of Israel—

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

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

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

17 **SEC. 6. TERMINATION.**

18 This division shall terminate on the earlier of—

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

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

24 (A) Hamas or any successor or affiliate
25 thereof is no longer designated as a foreign ter-

1 rorist organization pursuant to section 219 of
2 the Immigration and Nationality Act (8 U.S.C.
3 1189);

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

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

12 (ii) Executive Order No. 13224 (Sep-
13 tember 23, 2001; relating to blocking prop-
14 erty and prohibiting transactions with per-
15 sons who commit, threaten to commit, or
16 support terrorism); and

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

23 **SEC. 7. DEFINITIONS.**

24 In this division:

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

3 (A) involves a violent act or an act dan-
4 gerous to human life, property, or infrastruc-
5 ture; and

6 (B) appears to be intended to—

7 (i) intimidate or coerce a civilian pop-
8 ulation;

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

11 (iii) affect the conduct of a govern-
12 ment by mass destruction, assassination,
13 kidnapping, or hostage-taking.

14 (2) ADMITTED.—The term “admitted” has the
15 meaning given such term in section 101(a)(13)(A) of
16 the Immigration and Nationality Act (8 U.S.C.
17 1101(a)(13)(A)).

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

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

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

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

7 (5) HUMANITARIAN AID.—The term “humani-
8 tarian aid” means food, medicine, and medical sup-
9 plies.

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

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

16 (A) a United States citizen or an alien law-
17 fully admitted for permanent residence to the
18 United States; or

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

1 **DIVISION J—NO TECHNOLOGY**
2 **FOR TERROR ACT**

3 **SEC. 1. SHORT TITLE.**

4 This Act may be cited as the “No Technology for
5 Terror Act”.

6 **SEC. 2. APPLICATION OF FOREIGN-DIRECT PRODUCT**
7 **RULES TO IRAN.**

8 (a) **IN GENERAL.**—Beginning on the date that is 90
9 days after the date of the enactment of this Act, a foreign-
10 produced item shall be subject to the Export Administra-
11 tion Regulations (pursuant to the Export Control Reform
12 Act of 2018 (50 U.S.C. 4801 et seq.)) if the item—

13 (1) meets—

14 (A) the product scope requirements de-
15 scribed in subsection (b); and

16 (B) the destination scope requirements de-
17 scribed in subsection (c); and

18 (2) is exported, reexported, or in-country trans-
19 ferred to Iran from abroad or involves the Govern-
20 ment of Iran.

21 (b) **PRODUCT SCOPE REQUIREMENTS.**—A foreign-
22 produced item meets the product scope requirements of
23 this subsection if the item—

24 (1) is a direct product of United States-origin
25 technology or software subject to the Export Admin-

1 istration Regulations that is specified in a covered
2 Export Control Classification Number or is identi-
3 fied in supplement no. 7 to part 746 of the Export
4 Administration Regulations; or

5 (2) is produced by any plant or major compo-
6 nent of a plant that is located outside the United
7 States, if the plant or major component of a plant,
8 whether made in the United States or a foreign
9 country, itself is a direct product of United States-
10 origin technology or software subject to the Export
11 Administration Regulations that is specified in a
12 covered Export Control Classification Number.

13 (c) DESTINATION SCOPE REQUIREMENTS.—A for-
14 eign-produced item meets the destination scope require-
15 ments of this subsection if there is knowledge that the for-
16 eign-produced item is destined to Iran or will be incor-
17 porated into or used in the production or development of
18 any part, component, or equipment subject to the Export
19 Administration Regulations and produced in or destined
20 to Iran.

21 (d) LICENSE REQUIREMENTS.—

22 (1) IN GENERAL.—A license shall be required
23 to export, reexport, or in-country transfer a foreign-
24 produced item from abroad that meets the product
25 scope requirements described in subsection (b) and

1 the destination scope requirements described in sub-
2 section (c) and is subject to the Export Administra-
3 tion Regulations pursuant to this section.

4 (2) EXCEPTIONS.—The license requirements of
5 paragraph (1) shall not apply to—

6 (A) food, medicine, or medical devices that
7 are—

8 (i) designated as EAR99; or

9 (ii) not designated under or listed on
10 the Commerce Control List; or

11 (B) services, software, or hardware (other
12 than services, software, or hardware for end-
13 users owned or controlled by the Government of
14 Iran) that are—

15 (i) necessarily and ordinarily incident
16 to communications; or

17 (ii) designated as—

18 (I) EAR99; or

19 (II) Export Control Classification
20 Number 5A992.c or 5D992.c, and
21 classified in accordance with section
22 740.17 of title 15 Code of Federal
23 Regulations; and

1 (iii) subject to a general license issued
2 by the Department of Commerce or De-
3 partment of Treasury.

4 (e) NATIONAL INTEREST WAIVER.—The Secretary of
5 Commerce may waive the requirements imposed under this
6 section if the Secretary—

7 (1) determines that the waiver is in the national
8 interests of the United States; and

9 (2) submits to the Committee on Foreign Af-
10 fairs of the House of Representatives and the Com-
11 mittee on Banking, Housing, and Urban Affairs of
12 the Senate a report explaining which requirements
13 are being waived and the reasons for the waiver.

14 (f) SUNSET.—The authority provided under this sec-
15 tion shall terminate on the date that is 7 years after the
16 date of the enactment of this Act.

17 (g) DEFINITIONS.—In this section—

18 (1) the term “Commerce Control List” means
19 the list maintained pursuant to part 744 of the Ex-
20 port Administration Regulations;

21 (2) the term “covered Export Control Classi-
22 fication Number” means an Export Control Classi-
23 fication Number in product group D or E of Cat-
24 egory 3, 4, 5, 6, 7, 8, or 9 of the Commerce Control
25 List;

1 (3) the terms “Export Administration Regula-
2 tions”, “export”, “reexport”, and “in-country trans-
3 fer” have the meanings given those terms in section
4 1742 of the Export Control Reform Act of 2018 (50
5 U.S.C. 4801); and

6 (4) the terms “direct product”, “technology”,
7 “software”, “major component”, “knowledge”, “pro-
8 duction”, “development”, “part”, “component”,
9 “equipment”, and “government end users” have the
10 meanings given those terms in section 734.9 or part
11 772 of the Export Administration Regulations, as
12 the case may be.

13 **DIVISION K—STRENGTHENING**
14 **TOOLS TO COUNTER THE USE**
15 **OF HUMAN SHIELDS ACT**

16 **SEC. 1. SHORT TITLE.**

17 This Act may be cited as the “Strengthening Tools
18 to Counter the Use of Human Shields Act”.

19 **SEC. 2. STATEMENT OF POLICY.**

20 It shall be the policy of the United States to fully
21 implement and enforce sanctions against terrorist organi-
22 zations and other malign actors that use innocent civilians
23 as human shields.

1 **SEC. 3. MODIFICATION AND EXTENSION OF SANCTIONING**
2 **THE USE OF CIVILIANS AS DEFENSELESS**
3 **SHIELDS ACT.**

4 (a) IN GENERAL.—Section 3 of the Sanctioning the
5 Use of Civilians as Defenseless Shields Act (Public Law
6 115–348; 50 U.S.C. 1701 note) is amended—

7 (1) in subsection (b)—

8 (A) by redesignating paragraph (3) as
9 paragraph (4); and

10 (B) by inserting after paragraph (2) the
11 following:

12 “(3) Each foreign person that the President de-
13 termines, on or after the date of the enactment of
14 the Strengthening Tools to Counter the Use of
15 Human Shields Act—

16 “(A) is a member of Palestine Islamic
17 Jihad or is knowingly acting on behalf of Pal-
18 estine Islamic Jihad; and

19 “(B) knowingly orders, controls, or other-
20 wise directs the use of civilians protected as
21 such by the law of war to shield military objec-
22 tives from attack.”;

23 (2) by redesignating subsections (e), (f), (g),
24 (h), and (i) as subsections (f), (g), (h), (i), and (j),
25 respectively; and

1 (3) by inserting after subsection (d) the fol-
2 lowing:

3 “(e) CONGRESSIONAL REQUESTS.—Not later than
4 120 days after receiving a request from the chairman and
5 ranking member of one of the appropriate congressional
6 committees with respect to whether a foreign person meets
7 the criteria of a person described in subsection (b) or (c),
8 the President shall—

9 “(1) determine if the person meets such cri-
10 teria; and

11 “(2) submit a written justification to the chair-
12 man and ranking member detailing whether or not
13 the President imposed or intends to impose sanc-
14 tions described in subsection (b) or (c) with respect
15 to such person.”.

16 (b) DEFINITIONS.—Section 4 of the Sanctioning the
17 Use of Civilians as Defenseless Shields Act (Public Law
18 115–348; 50 U.S.C. 1701 note) is amended—

19 (1) by redesignating paragraph (7) as para-
20 graph (8); and

21 (2) by inserting after paragraph (6) the fol-
22 lowing:

23 “(7) PALESTINE ISLAMIC JIHAD.—The term
24 ‘Palestine Islamic Jihad’ means—

1 “(A) the entity known as Palestine Islamic
2 Jihad and designated by the Secretary of State
3 as a foreign terrorist organization pursuant to
4 section 219 of the Immigration and Nationality
5 Act (8 U.S.C. 1189); or

6 “(B) any person identified as an agent or
7 instrumentality of Palestine Islamic Jihad on
8 the list of specially designated nationals and
9 blocked persons maintained by the Office of
10 Foreign Asset Control of the Department of the
11 Treasury, the property or interests in property
12 of which are blocked pursuant to the Inter-
13 national Emergency Economic Powers Act (50
14 U.S.C. 1701 et seq.).”.

15 (c) SUNSET.—Section 5 of the Sanctioning the Use
16 of Civilians as Defenseless Shields Act (Public Law 115–
17 348; 50 U.S.C. 1701 note) is amended by striking “De-
18 cember 31, 2023” and inserting “December 31, 2030”.

19 (d) SEVERABILITY.—The Sanctioning the Use of Ci-
20 vilians as Defenseless Shields Act (Public Law 115–348;
21 50 U.S.C. 1701 note) is amended by adding at the end
22 the following:

23 **“SEC. 6. SEVERABILITY.**

24 “If any provision of this Act, or the application of
25 such provision to any person or circumstance, is found to

1 be unconstitutional, the remainder of this Act, or the ap-
2 plication of that provision to other persons or cir-
3 cumstances, shall not be affected.”.

4 **SEC. 4. REPORT ON COUNTERING THE USE OF HUMAN**
5 **SHIELDS.**

6 (a) IN GENERAL.—Not later than 120 days after the
7 date of the enactment of this Act, the Secretary of Defense
8 shall submit to the congressional defense committees, the
9 Committee on Foreign Affairs of the House of Representa-
10 tives, and the Committee on Foreign Relations of the Sen-
11 ate a report that contains the following:

12 (1) A description of the lessons learned from
13 the United States and its allies and partners in ad-
14 dressing the use of human shields by terrorist orga-
15 nizations such as Hamas, Hezbollah, Palestine Is-
16 lamic Jihad, and any other organization as deter-
17 mined by the Secretary of Defense.

18 (2) A description of a specific plan and actions
19 being taken by the Department of Defense to incor-
20 porate the lessons learned as identified in paragraph
21 (1) into Department of Defense operating guidance,
22 relevant capabilities, and tactics, techniques, and
23 procedures to deter, counter, and address the chal-
24 lenge posed by the use of human shields and hold

1 accountable terrorist organizations for the use of
2 human shields.

3 (3) A description of specific measures being de-
4 veloped and implemented by the United States Gov-
5 ernment to mobilize and leverage allied nations, in-
6 cluding member nations of the North Atlantic Trea-
7 ty Organization (NATO), to deter, counter, and hold
8 accountable terrorist organizations for the use of
9 human shields.

10 (4) The current status of joint exercises, doc-
11 trine development, education, and training on coun-
12 tering the use of human shields in multinational cen-
13 ters of excellence.

14 (5) The current status of participation of mem-
15 bers of the Armed Forces and Department of De-
16 fense civilian personnel in any multinational center
17 of excellence for the purposes of countering the use
18 of human shields.

19 (6) The feasibility and advisability of beginning
20 or continuing participation of members of the Armed
21 Forces and Department of Defense civilian per-
22 sonnel to promote the integration of joint exercises,
23 doctrine development, education, and training on
24 countering the use of human shields into multi-
25 national centers of excellence.

1 (b) DEFINITION.—In this section, the term “multi-
2 national center of excellence” has the meaning given that
3 term in section 344 of title 10, United States Code.

4 **SEC. 5. CONFRONTING ASYMMETRIC AND MALICIOUS**
5 **CYBER ACTIVITIES.**

6 (a) IN GENERAL.—On and after the date that is 180
7 days after the date of the enactment of this Act, the Presi-
8 dent may impose the sanctions described in subsection (b)
9 with respect to any foreign person that the Secretary of
10 the Treasury, in consultation with the Attorney General
11 and the Secretary of State determine, on or after such
12 date of enactment—

13 (1) is responsible for or complicit in, or has en-
14 gaged knowingly in, significant cyber-enabled activi-
15 ties originating from, or directed by persons located,
16 in whole or in substantial part, outside the United
17 States that are reasonably likely to result in, or have
18 materially contributed to, a significant threat to the
19 national security, foreign policy, or economic health
20 or financial stability of the United States;

21 (2) materially assisted, sponsored, or provided
22 financial, material, or technological support for, or
23 goods or services to or in support of, any activity de-
24 scribed in this subsection or any person whose prop-

1 erty and interests in property are blocked pursuant
2 to this section;

3 (3) is owned or controlled by, or has acted or
4 purported to act for or on behalf of, directly or indi-
5 rectly, any person whose property and interests in
6 property are blocked pursuant to this section; or

7 (4) has attempted to engage in any of the ac-
8 tivities described in paragraph (1), (2), or (3).

9 (b) SANCTIONS DESCRIBED.—The sanctions de-
10 scribed in this subsection are the following:

11 (1) INADMISSIBILITY TO UNITED STATES.—In
12 the case of an alien—

13 (A) ineligibility to receive a visa to enter
14 the United States or to be admitted to the
15 United States; or

16 (B) if the individual has been issued a visa
17 or other documentation, revocation, in accord-
18 ance with section 221(i) of the Immigration and
19 Nationality Act (8 U.S.C. 1201(i)), of the visa
20 or other documentation.

21 (2) BLOCKING OF PROPERTY.—The blocking, in
22 accordance with the International Emergency Eco-
23 nomic Powers Act (50 U.S.C. 1701 et seq.), of all
24 transactions in all property and interests in property
25 of a foreign person if such property and interests in

1 property are in the United States, come within the
2 United States, or are or come within the possession
3 or control of a United States person.

4 (c) REQUESTS BY APPROPRIATE CONGRESSIONAL
5 COMMITTEES.—

6 (1) IN GENERAL.—Not later than 120 days
7 after receiving a request that meets the require-
8 ments of paragraph (2) with respect to whether a
9 foreign person has engaged in an activity described
10 in subsection (a), the Secretary of the Treasury, in
11 consultation with the Attorney General and the Sec-
12 retary of State shall—

13 (A) determine if that person has engaged
14 in such an activity; and

15 (B) submit a classified or unclassified re-
16 port to the chairperson and ranking member of
17 the committee or committees that submitted the
18 request with respect to that determination that
19 includes—

20 (i) a statement of whether or not the
21 Secretary of the Treasury, in consultation
22 with the Attorney General and the Sec-
23 retary of State imposed or intends to im-
24 pose sanctions with respect to the person;

1 (ii) if the President imposed or in-
2 tends to impose sanctions, a description of
3 those sanctions; and

4 (iii) if the President does not intend
5 to impose sanctions, a description of ac-
6 tions that meet the threshold for the Presi-
7 dent to impose sanctions.

8 (2) REQUIREMENTS.—A request under para-
9 graph (1) with respect to whether a foreign person
10 has engaged in an activity described in subsection
11 (a) shall be submitted to the President in writing
12 jointly by the chairperson and ranking member of
13 one of the appropriate congressional committees.

14 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
15 DEFINED.—In this section, the term “appropriate con-
16 gressional committees” means—

17 (1) the Committee on Foreign Affairs, the
18 Committee on Financial Services, and the Com-
19 mittee on the Judiciary of the House of Representa-
20 tives; and

21 (2) the Committee on Foreign Relations, the
22 Committee on the Judiciary, and the Committee on
23 Banking, Housing, and Urban Affairs of the Senate.

1 **SEC. 6. SANCTIONS WITH RESPECT TO THREATS TO CUR-**
2 **RENT OR FORMER UNITED STATES OFFI-**
3 **CIALS.**

4 (a) **IN GENERAL.**—On and after the date that is 180
5 days after the date of the enactment of this Act, the Presi-
6 dent shall impose the sanctions described in subsection (b)
7 with respect to any foreign person the President deter-
8 mines has, on or after such date of enactment, ordered,
9 directed, or taken material steps to carry out any use of
10 violence or has attempted or threatened to use violence
11 against any current or former official of the Government
12 of the United States.

13 (b) **SANCTIONS DESCRIBED.**—The sanctions de-
14 scribed in this subsection are the following:

15 (1) **INADMISSIBILITY TO UNITED STATES.**—In
16 the case of a foreign person who is an individual—

17 (A) ineligibility to receive a visa to enter
18 the United States or to be admitted to the
19 United States; or

20 (B) if the individual has been issued a visa
21 or other documentation, revocation, in accord-
22 ance with section 221(i) of the Immigration and
23 Nationality Act (8 U.S.C. 1201(i)), of the visa
24 or other documentation.

25 (2) **BLOCKING OF PROPERTY.**—The blocking, in
26 accordance with the International Emergency Eco-

1 nomic Powers Act (50 U.S.C. 1701 et seq.), of all
2 transactions in all property and interests in property
3 of a foreign person if such property and interests in
4 property are in the United States, come within the
5 United States, or are or come within the possession
6 or control of a United States person.

7 (c) ENFORCEMENT OF BLOCKING OF PROPERTY.—
8 A person that violates, attempts to violate, conspires to
9 violate, or causes a violation of a sanction described in
10 subsection (b)(2) that is imposed by the President or any
11 regulation, license, or order issued to carry out such a
12 sanction shall be subject to the penalties set forth in sub-
13 sections (b) and (c) of section 206 of the International
14 Emergency Economic Powers Act (50 U.S.C. 1705) to the
15 same extent as a person that commits an unlawful act de-
16 scribed in subsection (a) of that section.

17 (d) WAIVER.—The President may waive the applica-
18 tion of sanctions under this section for renewable periods
19 not to exceed 180 days if the President—

20 (1) determines that such a waiver is in the vital
21 national security interests of the United States; and

22 (2) not less than 15 days before the granting
23 of the waiver, submits to the appropriate congress-
24 sional committees a notice of and justification for
25 the waiver.

1 (e) TERMINATION AND SUNSET.—

2 (1) TERMINATION OF SANCTIONS.—The Presi-
3 dent may terminate the application of sanctions
4 under this section with respect to a person if the
5 President determines and reports to the appropriate
6 congressional committees not later than 15 days be-
7 fore the termination of the sanctions that—

8 (A) credible information exists that the
9 person did not engage in the activity for which
10 sanctions were imposed;

11 (B) the person has credibly demonstrated
12 a significant change in behavior, has paid an
13 appropriate consequence for the activity for
14 which sanctions were imposed, and has credibly
15 committed to not engage in an activity de-
16 scribed in subsection (a) in the future; or

17 (C) the termination of the sanctions is in
18 the vital national security interests of the
19 United States.

20 (2) SUNSET.—The requirement to impose sanc-
21 tions under this section shall terminate on the date
22 that is 4 years after the date of the enactment of
23 this Act.

1 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—In this section, the term “appropriate congres-
3 sional committees” means—

4 (1) the Committee on Foreign Affairs and the
5 Committee on the Judiciary; and

6 (2) the Committee on Foreign Relations and
7 the Committee on the Judiciary.

8 **DIVISION L—ILLICIT CAPTAGON**
9 **TRAFFICKING SUPPRESSION**
10 **ACT**

11 **SEC. 1. SHORT TITLE.**

12 This Act may be cited as the “Illicit Captagon Traf-
13 ficking Suppression Act of 2023”.

14 **SEC. 2. FINDINGS.**

15 Congress finds the following:

16 (1) Industrial scale production of the amphet-
17 amine-type stimulant also known as captagon, and
18 the illicit production of precursor chemicals, in terri-
19 tories held by the regime of President Bashar al
20 Assad in Syria are becoming more sophisticated and
21 pose a severe challenge to regional and international
22 security.

23 (2) Elements of the Government of Syria are
24 key drivers of illicit trafficking in captagon, with
25 ministerial-level complicity in production and smug-

1 gling, using other armed groups such as Hizballah
2 for technical and logistical support in captagon pro-
3 duction and trafficking.

4 (3) As affiliates of the Government of Syria and
5 other actors seek to export captagon, they under-
6 mine regional security by empowering a broad range
7 of criminal networks, militant groups, mafia syn-
8 dicates, and autocratic governments.

9 **SEC. 3. STATEMENT OF POLICY.**

10 It is the policy of the United States to target individ-
11 uals, entities, and networks associated with the Govern-
12 ment of Syria to dismantle and degrade the transnational
13 criminal organizations, including narcotics trafficking net-
14 works, associated with the regime of President Bashar al
15 Assad in Syria and Hizballah.

16 **SEC. 4. IMPOSITION OF SANCTIONS WITH RESPECT TO IL-**
17 **LICIT CAPTAGON TRAFFICKING.**

18 (a) IN GENERAL.—The sanctions described in sub-
19 section (b) shall be imposed with respect to any foreign
20 person the President determines, on or after the date of
21 enactment of this Act—

22 (1) engages in, or attempts to engage in, activi-
23 ties or transactions that have materially contributed
24 to, or pose a significant risk of materially contrib-

1 uting to, the illicit production and international il-
2 licit proliferation of captagon; or

3 (2) knowingly receives any property or interest
4 in property that the foreign person knows—

5 (A) constitutes or is derived from proceeds
6 of activities or transactions that have materially
7 contributed to, or pose a significant risk of ma-
8 terially contributing to, the illicit production
9 and international illicit proliferation of
10 captagon; or

11 (B) was used or intended to be used to
12 commit or to facilitate activities or transactions
13 that have materially contributed to, or pose a
14 significant risk of materially contributing to,
15 the illicit production and international illicit
16 proliferation of captagon.

17 (b) SANCTIONS DESCRIBED.—The sanctions de-
18 scribed in this subsection are the following:

19 (1) BLOCKING OF PROPERTY.—The President
20 shall exercise all authorities granted under the Inter-
21 national Emergency Economic Powers Act (50
22 U.S.C. 1701 et seq.) to the extent necessary to block
23 and prohibit all transactions in property and inter-
24 ests in property of the foreign person if such prop-
25 erty and interests in property are in the United

1 States, come within the United States, or come with-
2 in the possession or control of a United States per-
3 son.

4 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR
5 PAROLE.—

6 (A) VISAS, ADMISSION, OR PAROLE.—An
7 alien described in subsection (a) shall be—

8 (i) inadmissible to the United States;

9 (ii) ineligible to receive a visa or other
10 documentation to enter the United States;
11 and

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

17 (B) CURRENT VISAS REVOKED.—

18 (i) IN GENERAL.—The visa or other
19 entry documentation of any alien described
20 in subsection (a) is subject to revocation
21 regardless of the issue date of the visa or
22 other entry documentation.

23 (ii) IMMEDIATE EFFECT.—A revoca-
24 tion under clause (i) shall, in accordance

1 with section 221(i) of the Immigration and
2 Nationality Act (8 U.S.C. 1201(i))—

3 (I) take effect immediately; and

4 (II) cancel any other valid visa or

5 entry documentation that is in the
6 possession of the alien.

7 (c) PENALTIES.—Any person that violates, or at-
8 tempts to violate, subsection (b) or any regulation, license,
9 or order issued pursuant to that subsection, shall be sub-
10 ject to the penalties set forth in subsections (b) and (c)
11 of section 206 of the International Emergency Economic
12 Powers Act (50 U.S.C. 1705) to the same extent as a per-
13 son that commits an unlawful act described in subsection
14 (a) of that section.

15 (d) WAIVER.—

16 (1) IN GENERAL.—The President may waive
17 the application of sanctions under this section with
18 respect to a foreign person only if, not later than 15
19 days prior to the date on which the waiver is to take
20 effect, the President submits to the appropriate con-
21 gressional committees a written determination and
22 justification that the waiver is important to the na-
23 tional security interests of the United States.

24 (2) BRIEFING.—Not later than 60 days after
25 the issuance of a waiver under paragraph (1), and

1 every 180 days thereafter while the waiver remains
2 in effect, the President shall brief the appropriate
3 congressional committees on the reasons for the
4 waiver.

5 (e) IMPLEMENTATION.—The President may exercise
6 all authorities provided under sections 203 and 205 of the
7 International Emergency Economic Powers Act (50
8 U.S.C. 1702 and 1704) to carry out this section.

9 (f) REGULATIONS.—

10 (1) IN GENERAL.—The President shall, not
11 later than 120 days after the date of the enactment
12 of this Act, promulgate regulations as necessary for
13 the implementation of this section.

14 (2) NOTIFICATION TO CONGRESS.—Not later
15 than 10 days before the promulgation of regulations
16 under this subsection, the President shall notify the
17 appropriate congressional committees of the pro-
18 posed regulations and the provisions of this section
19 that the regulations are implementing.

20 (g) EXCEPTIONS.—

21 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
22 TIES.—Sanctions under this section shall not apply
23 to any activity subject to the reporting requirements
24 under title V of the National Security Act of 1947

1 (50 U.S.C. 3091 et seq.) or any authorized intel-
2 ligence activities of the United States.

3 (2) EXCEPTION TO COMPLY WITH INTER-
4 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
5 MENT ACTIVITIES.—Sanctions under this section
6 shall not apply with respect to an alien if admitting
7 or paroling the alien into the United States is nec-
8 essary—

9 (A) to permit the United States to comply
10 with the Agreement regarding the Head-
11 quarters of the United Nations, signed at Lake
12 Success June 26, 1947, and entered into force
13 November 21, 1947, between the United Na-
14 tions and the United States, or other applicable
15 international obligations; or

16 (B) to carry out or assist authorized law
17 enforcement activity in the United States.

18 (3) HUMANITARIAN ASSISTANCE.—

19 (A) IN GENERAL.—Sanctions under this
20 Act shall not apply to—

21 (i) the conduct or facilitation of a
22 transaction for the provision of agricultural
23 commodities, food, medicine, medical de-
24 vices, humanitarian assistance, or for hu-
25 manitarian purposes; or

1 (ii) transactions that are necessary for
2 or related to the activities described in
3 clause (i).

4 (B) DEFINITIONS.—In this subsection:

5 (i) AGRICULTURAL COMMODITY.—The
6 term “agricultural commodity” has the
7 meaning given that term in section 102 of
8 the Agricultural Trade Act of 1978 (7
9 U.S.C. 5602).

10 (ii) MEDICAL DEVICE.—The term
11 “medical device” has the meaning given
12 the term “device” in section 201 of the
13 Federal Food, Drug, and Cosmetic Act (21
14 U.S.C. 321).

15 (iii) MEDICINE.—The term “medi-
16 cine” has the meaning given the term
17 “drug” in section 201 of the Federal Food,
18 Drug, and Cosmetic Act (21 U.S.C. 321).

19 **SEC. 5. DETERMINATIONS WITH RESPECT TO THE GOVERN-**
20 **MENT OF SYRIA, HIZBALLAH, AND NETWORKS**
21 **AFFILIATED WITH THE GOVERNMENT OF**
22 **SYRIA OR HIZBALLAH.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of the enactment of this Act, the President shall—

1 (1) determine whether each foreign person de-
2 scribed in subsection (b) meets the criteria for sanc-
3 tions under this Act; and

4 (2) submit to the appropriate congressional
5 committees a report containing—

6 (A) a list of all foreign persons described
7 in subsection (b) that meet the criteria for im-
8 position of sanctions under this Act;

9 (B) for each foreign person identified pur-
10 suant to subparagraph (A), a statement of
11 whether sanctions have been imposed or will be
12 imposed within 30 days of the submission of the
13 report; and

14 (C) with respect to any person identified
15 pursuant to subparagraph (A) for whom sanc-
16 tions have not been imposed and will not be im-
17 posed within 30 days of the submission of the
18 report, the specific authority under which other-
19 wise applicable sanctions are being waived, have
20 otherwise been determined not to apply, or are
21 not being imposed and a complete justification
22 of the decision to waive or otherwise not apply
23 such sanctions.

24 (b) FOREIGN PERSONS DESCRIBED.—The foreign
25 persons described in this subsection are the following:

- 1 (1) Maher Al Assad.
- 2 (2) Imad Abu Zureiq.
- 3 (3) Amer Taysir Khiti.
- 4 (4) Taher al-Kayyali.
- 5 (5) Raji Falhout.
- 6 (6) Mohammed Asif Issa Shalish.
- 7 (7) Abdellatif Hamid.
- 8 (8) Mustafa Al Masalmeh.

9 **SEC. 6. DEFINITIONS.**

10 In this Act:

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Foreign Affairs, the
15 Committee on Financial Services, and the Com-
16 mittee on the Judiciary of the House of Rep-
17 resentatives; and

18 (B) the Committee on Foreign Relations,
19 the Committee on Banking, Housing, and
20 Urban Affairs, and the Committee on the Judi-
21 ciary of the Senate.

22 (2) CAPTAGON.—The term “captagon” means
23 any compound, mixture, or preparation which con-
24 tains any quantity of a stimulant in schedule I or II

1 of section 202 of the Controlled Substances Act (21
2 U.S.C. 812), including—

3 (A) amphetamine, methamphetamine, and
4 fenethylamine;

5 (B) any immediate precursor or controlled
6 substance analogue of such a stimulant, as de-
7 fined in section 102 of the Controlled Sub-
8 stances Act (21 U.S.C. 802); and

9 (C) any isomers, esters, ethers, salts, and
10 salts of isomers, esters, and ethers of such a
11 stimulant, whenever the existence of such iso-
12 mers, esters, ethers, and salts is possible within
13 the specific chemical designation.

14 (3) FOREIGN PERSON.—The term “foreign per-
15 son”—

16 (A) means an individual or entity that is
17 not a United States person; and

18 (B) includes a foreign state (as such term
19 is defined in section 1603 of title 28, United
20 States Code).

21 (4) ILLICIT PROLIFERATION.—The term “illicit
22 proliferation” refers to any illicit activity to produce,
23 manufacture, distribute, sell, or knowingly finance or
24 transport.

1 (5) KNOWINGLY.—The term “knowingly” has
2 the meaning given that term in section 14 of the
3 Iran Sanctions Act of 1996 (Public Law 104–172;
4 50 U.S.C. 1701 note).

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

7 (A) a United States citizen;

8 (B) a permanent resident alien of the
9 United States;

10 (C) an entity organized under the laws of
11 the United States or of any jurisdiction within
12 the United States, including a foreign branch of
13 such an entity; or

14 (D) a person in the United States.

15 **DIVISION M—END FINANCING**
16 **FOR HAMAS AND STATE**
17 **SPONSORS OF TERRORISM**
18 **ACT**

19 **SEC. 1. SHORT TITLE.**

20 This Act may be cited as the “End Financing for
21 Hamas and State Sponsors of Terrorism Act”.

22 **SEC. 2. REPORT ON FINANCING FOR HAMAS.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the Secretary of the Treasury shall sub-
25 mit to the Committee on Financial Services of the House

1 of Representatives and the Committee on Banking, Hous-
2 ing, and Urban Affairs of the Senate a report (which shall
3 be in unclassified form but may include a classified annex)
4 that includes—

5 (1) an analysis of the major sources of financ-
6 ing to Hamas;

7 (2) a description of United States and multilat-
8 eral efforts to disrupt illicit financial flows involving
9 Hamas;

10 (3) an evaluation of United States efforts to
11 undermine the ability of Hamas to finance armed
12 hostilities against Israel; and

13 (4) an implementation plan with respect to the
14 multilateral strategy described in section 3.

15 **SEC. 3. MULTILATERAL STRATEGY TO DISRUPT HAMAS FI-**
16 **NANCING.**

17 The Secretary of the Treasury, through participation
18 in the G7, and other appropriate fora, shall develop a
19 strategy in coordination with United States allies and
20 partners to ensure that Hamas is incapable of financing
21 armed hostilities against Israel.

1 **DIVISION N—HOLDING IRANIAN**
2 **LEADERS ACCOUNTABLE ACT**

3 **SEC. 1. SHORT TITLE.**

4 This Act may be cited as the “Holding Iranian Lead-
5 ers Accountable Act of 2024”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Iran is characterized by high levels of offi-
9 cial and institutional corruption, and substantial in-
10 volvement by Iran’s security forces, particularly the
11 Islamic Revolutionary Guard Corps (IRGC), in the
12 economy.

13 (2) The Department of Treasury in 2019 des-
14 igned the Islamic Republic of Iran’s financial sec-
15 tor as a jurisdiction of primary money laundering
16 concern, concluding, “Iran has developed covert
17 methods for accessing the international financial sys-
18 tem and pursuing its malign activities, including
19 misusing banks and exchange houses, operating pro-
20 curement networks that utilize front or shell compa-
21 nies, exploiting commercial shipping, and masking il-
22 licit transactions using senior officials, including
23 those at the Central Bank of Iran (CBI).”.

24 (3) In June 2019, the Financial Action Task
25 Force (FATF) urged all jurisdictions to require in-

1 creased supervisory examination for branches and
2 subsidiaries of financial institutions based in Iran.
3 The FATF later called upon its members to intro-
4 duce enhanced relevant reporting mechanisms or
5 systematic reporting of financial transactions, and
6 require increased external audit requirements, for fi-
7 nancial groups with respect to any of their branches
8 and subsidiaries located in Iran.

9 (4) According to the State Department’s
10 “Country Reports on Terrorism” in 2021, “Iran
11 continued to be the leading state sponsor of ter-
12 rorism, facilitating a wide range of terrorist and
13 other illicit activities around the world. Regionally,
14 Iran supported acts of terrorism in Bahrain, Iraq,
15 Lebanon, Syria, and Yemen through proxies and
16 partner groups such as Hizballah and Hamas.”.

17 **SEC. 3. REPORT ON FINANCIAL INSTITUTIONS AND ASSETS**

18 **CONNECTED TO CERTAIN IRANIAN OFFI-**

19 **CIALS.**

20 (a) **FINANCIAL INSTITUTIONS AND ASSETS RE-**
21 **PORT.—**

22 (1) **IN GENERAL.—**Not later than 180 days
23 after the date of the enactment of this Act, and
24 every 2 years thereafter, the President shall submit

1 a report to the appropriate Members of Congress
2 containing—

3 (A) the estimated total funds or assets
4 that are under direct or indirect control by each
5 of the natural persons described under sub-
6 section (b), and a description of such funds or
7 assets, except that the President may limit cov-
8 erage of the report to not fewer than 5 of such
9 natural persons in order to meet the submission
10 deadline described under this paragraph;

11 (B) a description of how such funds or as-
12 sets were acquired, and how they have been
13 used or employed;

14 (C) a list of any non-Iranian financial in-
15 stitutions that—

16 (i) maintain an account in connection
17 with funds or assets described in subpara-
18 graph (A); or

19 (ii) knowingly provide significant fi-
20 nancial services to a natural person cov-
21 ered by the report; and

22 (D) a description of any illicit or corrupt
23 means employed to acquire or use such funds or
24 assets.

1 (2) EXEMPTIONS.—The requirements described
2 under paragraph (1) may not be applied with re-
3 spect to a natural person or a financial institution,
4 as the case may be, if the President determines:

5 (A) The funds or assets described under
6 subparagraph (A) of paragraph (1) were ac-
7 quired through legal or noncorrupt means.

8 (B) The natural person has agreed to pro-
9 vide significant cooperation to the United
10 States for an important national security or law
11 enforcement purpose with respect to Iran.

12 (C) A financial institution that would oth-
13 erwise be listed in the report required by para-
14 graph (1) has agreed to—

15 (i) no longer maintain an account de-
16 scribed under subparagraph (C)(i) of para-
17 graph (1);

18 (ii) no longer provide significant fi-
19 nancial services to a natural person cov-
20 ered by the report; or

21 (iii) provide significant cooperation to
22 the United States for an important na-
23 tional security or law enforcement purpose
24 with respect to Iran.

1 (3) WAIVER.—The President may waive for up
2 to 1 year at a time any requirement under para-
3 graph (1) with respect to a natural person or a fi-
4 nancial institution after reporting in writing to the
5 appropriate Members of Congress that the waiver is
6 in the national interest of the United States, with a
7 detailed explanation of the reasons therefor.

8 (b) PERSONS DESCRIBED.—The natural persons de-
9 scribed in this subsection are the following:

10 (1) The Supreme Leader of Iran.

11 (2) The President of Iran.

12 (3) The members of the Council of Guardians.

13 (4) The members of the Expediency Council.

14 (5) The Minister of Intelligence and Security.

15 (6) The Commander and the Deputy Com-
16 mander of the IRGC.

17 (7) The Commander and the Deputy Com-
18 mander of the IRGC Ground Forces.

19 (8) The Commander and the Deputy Com-
20 mander of the IRGC Aerospace Force.

21 (9) The Commander and the Deputy Com-
22 mander of the IRGC Navy.

23 (10) The Commander of the Basij-e
24 Mostaz'afin.

25 (11) The Commander of the Qods Force.

1 (12) The Commander in Chief of the Police
2 Force.

3 (13) The head of the IRGC Joint Staff.

4 (14) The Commander of the IRGC Intelligence.

5 (15) The head of the IRGC Imam Hussein Uni-
6 versity.

7 (16) The Supreme Leader's Representative at
8 the IRGC.

9 (17) The Chief Executive Officer and the
10 Chairman of the IRGC Cooperative Foundation.

11 (18) The Commander of the Khatam-al-Anbia
12 Construction Head Quarter.

13 (19) The Chief Executive Officer of the Basij
14 Cooperative Foundation.

15 (20) The head of the Political Bureau of the
16 IRGC.

17 (21) The senior leadership as determined by the
18 President of the following groups:

19 (A) Hizballah.

20 (B) Hamas.

21 (C) Palestinian Islamic Jihad.

22 (D) Kata'ib Hizballah.

23 (c) FORM OF REPORT; PUBLIC AVAILABILITY.—

24 (1) FORM.—The report required under sub-
25 section (a) and any waiver under subsection (a)(3)

1 shall be submitted in unclassified form but may con-
2 tain a classified annex.

3 (2) PUBLIC AVAILABILITY.—The Secretary
4 shall make the unclassified portion of such report
5 public if the Secretary notifies the appropriate Mem-
6 bers of Congress that the publication is in the na-
7 tional interest of the United States and would sub-
8 stantially promote—

9 (A) deterring or sanctioning official cor-
10 ruption in Iran;

11 (B) holding natural persons or financial in-
12 stitutions listed in the report accountable to the
13 people of Iran;

14 (C) combating money laundering or the fi-
15 nancing of terrorism; or

16 (D) achieving any other strategic objective
17 with respect to the Government of Iran.

18 (3) FORMAT OF PUBLICLY AVAILABLE RE-
19 PORTS.—If the Secretary makes the unclassified
20 portion of a report public pursuant to paragraph
21 (2), the Secretary shall make it available to the pub-
22 lic on the website of the Department of the Treas-
23 ury—

24 (A) in English, Farsi, Arabic, and Azeri;
25 and

1 (B) in precompressed, easily downloadable
2 versions that are made available in all appro-
3 priate formats.

4 **SEC. 4. RESTRICTIONS ON CERTAIN FINANCIAL INSTITU-**
5 **TIONS.**

6 (a) IN GENERAL.—Not later than the date that is
7 90 days after submitting a report described under section
8 3(a)(1), the Secretary shall undertake the following with
9 respect to a financial institution that is described under
10 section 3(a)(1)(C) and listed in the report:

11 (1) If the financial institution is a United
12 States financial institution, require the closure of
13 any account described in section 3(a)(1)(C)(i), and
14 prohibit the provision of significant financial serv-
15 ices, directly or indirectly, to a natural person cov-
16 ered by the report.

17 (2) If the financial institution is a foreign fi-
18 nancial institution, actively seek the closure of any
19 account described in section 3(a)(1)(C)(i), and the
20 cessation of significant financial services to a natural
21 person covered by the report, using any existing au-
22 thorities of the Secretary, as appropriate.

23 (b) SUSPENSION.—The Secretary may suspend the
24 application of subsection (a) with respect to a financial
25 institution upon reporting to the appropriate Members of

1 Congress that the suspension is in the national interest
2 of the United States, with a detailed explanation of the
3 reasons therefor.

4 **SEC. 5. EXCEPTIONS FOR NATIONAL SECURITY; IMPLEMEN-**
5 **TATION AUTHORITY.**

6 The following activities shall be exempt from require-
7 ments under sections 3 and 4:

8 (1) Any activity subject to the reporting re-
9 quirements under title V of the National Security
10 Act of 1947 (50 U.S.C. 3091 et seq.), or to any au-
11 thorized intelligence activities of the United States.

12 (2) The admission of an alien to the United
13 States if such admission is necessary to comply with
14 United States obligations under the Agreement be-
15 tween the United Nations and the United States of
16 America regarding the Headquarters of the United
17 Nations, signed at Lake Success June 26, 1947, and
18 entered into force November 21, 1947, or under the
19 Convention on Consular Relations, done at Vienna
20 April 24, 1963, and entered into force March 19,
21 1967, or other applicable international obligations of
22 the United States.

23 (3) The conduct or facilitation of a transaction
24 for the sale of agricultural commodities, food, medi-
25 cine, or medical devices to Iran or for the provision

1 of humanitarian assistance to the people of Iran, in-
2 cluding engaging in a financial transaction relating
3 to humanitarian assistance or for humanitarian pur-
4 poses or transporting goods or services that are nec-
5 essary to carry out operations relating to humani-
6 tarian assistance or humanitarian purposes.

7 **SEC. 6. SUNSET.**

8 The provisions of this Act shall have no force or effect
9 on the earlier of—

10 (1) the date that is 5 years after the date of en-
11 actment of this Act; or

12 (2) 30 days after the Secretary reports in writ-
13 ing to the appropriate Members of Congress that—

14 (A) Iran is not a jurisdiction of primary
15 money laundering concern; or

16 (B) the Government of Iran is providing
17 significant cooperation to the United States for
18 the purpose of preventing acts of international
19 terrorism, or for the promotion of any other
20 strategic objective that is important to the na-
21 tional interest of the United States, as specified
22 in the report by the Secretary.

23 **SEC. 7. DEFINITIONS.**

24 For purposes of this Act:

1 (1) APPROPRIATE MEMBERS OF CONGRESS.—

2 The term “appropriate Members of Congress”
3 means the Speaker and Minority Leader of the
4 House of Representatives, the Majority Leader and
5 Minority Leader of the Senate, the Chairman and
6 Ranking Member of the Committee on Financial
7 Services of the House of Representatives, and the
8 Chairman and Ranking Member of the Committee
9 on Banking, Housing, and Urban Affairs of the Sen-
10 ate.

11 (2) FINANCIAL INSTITUTION.—The term “fi-
12 nancial institution” means a United States financial
13 institution or a foreign financial institution.

14 (3) FOREIGN FINANCIAL INSTITUTION.—The
15 term “foreign financial institution” has the meaning
16 given that term in section 561.308 of title 31, Code
17 of Federal Regulations.

18 (4) FUNDS.—The term “funds” means—

19 (A) cash;

20 (B) equity;

21 (C) any other asset whose value is derived
22 from a contractual claim, including bank depos-
23 its, bonds, stocks, a security as defined in sec-
24 tion 2(a) of the Securities Act of 1933 (15
25 U.S.C. 77b(a)), or a security or an equity secu-

1 rity as defined in section 3(a) of the Securities
2 Exchange Act of 1934 (15 U.S.C. 78c(a)); and

3 (D) anything else that the Secretary deter-
4 mines appropriate.

5 (5) KNOWINGLY.—The term “knowingly” with
6 respect to conduct, a circumstance, or a result,
7 means that a person has actual knowledge, or should
8 have known, of the conduct, the circumstance, or the
9 result.

10 (6) SECRETARY.—The term “Secretary” means
11 the Secretary of the Treasury.

12 (7) UNITED STATES FINANCIAL INSTITUTION.—
13 The term “United States financial institution” has
14 the meaning given the term “U.S. financial institu-
15 tion” under section 561.309 of title 31, Code of
16 Federal Regulations.

17 **DIVISION O—IRAN-CHINA EN-**
18 **ERGY SANCTIONS ACT OF 2023**

19 **SEC. 1. SHORT TITLE.**

20 This Act may be cited as the “Iran-China Energy
21 Sanctions Act of 2023”.

1 **SEC. 2. SANCTIONS ON FOREIGN FINANCIAL INSTITUTIONS**
2 **WITH RESPECT TO THE PURCHASE OF PE-**
3 **TROLEUM PRODUCTS AND UNMANNED AER-**
4 **IAL VEHICLES FROM IRAN.**

5 Section 1245(d) of the National Defense Authoriza-
6 tion Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)) is
7 amended—

8 (1) by redesignating paragraph (5) as para-
9 graph (6); and

10 (2) by inserting after paragraph (4) the fol-
11 lowing new paragraph:

12 “(5) APPLICABILITY OF SANCTIONS WITH RE-
13 SPECT TO CHINESE FINANCIAL INSTITUTIONS.—

14 “(A) IN GENERAL.—For the purpose of
15 paragraph (1)(A), a ‘significant financial trans-
16 action’ includes any transaction—

17 “(i) by a Chinese financial institution
18 (without regard to the size, number, fre-
19 quency, or nature of the transaction) in-
20 volving the purchase of petroleum or petro-
21 leum products from Iran; and

22 “(ii) by a foreign financial institution
23 (without regard to the size, number, fre-
24 quency, or nature of the transaction) in-
25 volving the purchase of Iranian unmanned

1 aerial vehicles (UAVs), UAV parts, or re-
2 lated systems.

3 “(B) DETERMINATION REQUIRED.—Not
4 later than 180 days after the date of the enact-
5 ment of this paragraph and every year there-
6 after for 5 years, the President shall—

7 “(i) determine whether any—

8 “(I) Chinese financial institution
9 has engaged in a significant financial
10 transaction as described in paragraph
11 (1)(A)(i); and

12 “(II) financial institution has en-
13 gaged in a significant financial trans-
14 action as described in paragraph
15 (1)(A)(ii); and

16 “(ii) transmit the determination under
17 clause (i) to the Committee on Financial
18 Services of the House of Representatives
19 and the Committee on Banking, Housing,
20 and Urban Affairs of the Senate.”.

21 **DIVISION P—BUDGETARY**

22 **EFFECTS**

23 **SEC. 1. BUDGETARY EFFECTS.**

24 (a) STATUTORY PAYGO SCORECARDS.—The budg-
25 etary effects of division A and each subsequent division

1 of this Act shall not be entered on either PAYGO score-
2 card maintained pursuant to section 4(d) of the Statutory
3 Pay-As-You-Go Act of 2010.

4 (b) SENATE PAYGO SCORECARDS.—The budgetary
5 effects of division A and each subsequent division of this
6 Act shall not be entered on any PAYGO scorecard main-
7 tained for purposes of section 4106 of H. Con. Res. 71
8 (115th Congress).

9 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
10 Notwithstanding Rule 3 of the Budget Scorekeeping
11 Guidelines set forth in the joint explanatory statement of
12 the committee of conference accompanying Conference Re-
13 port 105–217 and section 250(c)(8) of the Balanced
14 Budget and Emergency Deficit Control Act of 1985, the
15 budgetary effects of division A and each subsequent divi-
16 sion of this Act shall not be estimated—

17 (1) for purposes of section 251 of such Act;

18 (2) for purposes of an allocation to the Com-
19 mittee on Appropriations pursuant to section 302(a)
20 of the Congressional Budget Act of 1974; and

21 (3) for purposes of paragraph (4)(C) of section
22 3 of the Statutory Pay-As-You-Go Act of 2010 as
23 being included in an appropriation Act.

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