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H. R. 2215

To ensure that United States taxpayer dollars are not used to fund terrorist entities in Lebanon, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2011

Mr. BERMAN (for himself, Mr. ISSA, Mr. BOUSTANY, and Mr. RAHALL) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To ensure that United States taxpayer dollars are not used to fund terrorist entities in Lebanon, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hezbollah Anti-Terrorism Act of 2011''.

SEC. 2. LIMITATION ON ASSISTANCE TO A HEZBOLLAH-DEPENDENT GOVERNMENT OF LEBANON.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States—

(1) to promote the sovereignty, independence, and territorial integrity of Lebanon;

(2) to oppose those organizations, individuals, and countries that practice or support terrorism or use Lebanon as a base to instigate attacks of any kind against Lebanese citizens, the United States, the West, and the State of Israel;

(3) to promote the rule of law, democracy, the cessation of terrorism and incitement, and good governance in Lebanon; and

(4) to urge members of the international community to avoid contact with and refrain from supporting the terrorist organization Hezbollah until it agrees to renounce violence and disarm.

(b) AMENDMENTS.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended—

(1) by redesignating the second section 620J (as added by section 651 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161; 121 Stat. 2341) as section 620M; and

(2) by adding at the end the following new section:

"SEC. 620N. LIMITATION ON ASSISTANCE TO A HEZBOLLAH-DEPENDENT GOVERNMENT OF LEBANON.

"(a) LIMITATION.—Assistance may not be provided under this Act to or for the benefit of a Hezbollah-dependent Government of Lebanon unless a certification described in subsection (c) or a recertification described in subsection (d) is in effect.

"(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to the following:

"(1) ASSISTANCE TO MEET BASIC HUMAN NEEDS.—Assistance to meet food, water, medicine, health, or sanitation needs, or other assistance to meet basic human needs.

"(2) ASSISTANCE TO PROMOTE DEMOCRACY.—Assistance to promote democracy, human rights, rule-of-law, and freedom of the press, provided that such assistance does not directly benefit Hezbollah or any other foreign terrorist organization.

"(3) ASSISTANCE TO PROMOTE DISARMAMENT.—Assistance to promote disarmament of Lebanese militia, including Hezbollah.

"(4) ASSISTANCE TO THE IMET PROGRAM.—Assistance to support the United States Government's

International Military Education and Training (IMET) program.

"(5) ASSISTANCE TO EDUCATIONAL INSTITUTIONS.—Assistance to the American University of Beirut, the Lebanese American University, and other Lebanese educational institutions.

"(c) CERTIFICATION.—A certification described in subsection (a) is a certification transmitted by the President to Congress that contains a determination of the President that—

"(1) Hezbollah has ceased its support for terrorism, renounced violence, and disarmed; or

"(2) the Government of Lebanon has made demonstrable progress toward dismantling all Hezbollah terrorist and military infrastructure within Lebanon, arresting and bringing all wanted Hezbollah terrorists to justice, ending all Hezbollah imports of military and terrorism-related equipment, destroying unauthorized Hezbollah arms factories, thwarting and preempting terrorist attacks, and fully cooperating with United Nations Interim Force in Lebanon (UNIFIL) peacekeepers.

"(d) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to Con-

gress an initial certification under subsection (c), and every six months thereafter—

"(1) the President shall transmit to Congress a recertification that the conditions described in subsection (c) are continuing to be met; or

"(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

"(e) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to Lebanon may not be provided until 15 days after the date on which the President has provided notice thereof to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

"(f) NATIONAL SECURITY WAIVER.—The President may waive on a case-by-case basis the requirement to make a certification under subsection (c) or a recertification under subsection (d) if the President—

"(1) determines and certifies in writing to the appropriate congressional committees that it is vital to the national security interests of the United States to do so; and

"(2) submits to the appropriate congressional committees a report describing the reasons for the determination, including—

"(A) a description of the reason or reasons the President is unable to make a certification under subsection (c) or a recertification under subsection (d); and

"(B) a description of the potential impact of the waiver on United States regional interests.

"(g) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(2) FOREIGN TERRORIST ORGANIZATION.—The term 'foreign terrorist organization' means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with

section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

"(3) HEZBOLLAH-DEPENDENT GOVERNMENT OF LEBANON.—The term 'Hezbollah-dependent Government of Lebanon' means—

"(A) a Lebanese government in which Hezbollah is the majority element in a governing coalition;

"(B) a Lebanese government in which Hezbollah is the architect or primary forger of the governing coalition; or

"(C) a Lebanese government which depends on Hezbollah, even from outside that government, for its parliamentary majority.".

(c) PREVIOUSLY OBLIGATED FUNDS.—The provisions of section 620N of the Foreign Assistance Act of 1961, as added by subsection (b) of this section, shall be applicable to the unexpended balances of funds obligated prior to the date of the enactment of this Act.

SEC. 3. LIMITATION ON ASSISTANCE TO HEZBOLLAH-INFLUENCED MINISTRIES, AGENCIES, AND INSTRUMENTALITIES OF A GOVERNMENT OF LEBANON IN WHICH HEZBOLLAH IS A MINORITY ELEMENT IN A GOVERNING COALITION.

(a) AMENDMENT.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by section 2(b)(2) of this Act, is further amended by adding at the end the following new section:

"SEC. 620O. LIMITATION ON ASSISTANCE TO HEZBOLLAH-INFLUENCED MINISTRIES, AGENCIES, AND INSTRUMENTALITIES OF A GOVERNMENT OF LEBANON IN WHICH HEZBOLLAH IS A MINORITY ELEMENT IN A GOVERNING COALITION.

"(a) LIMITATION.—

"(1) IN GENERAL.—In the case of a Government of Lebanon in which Hezbollah is a minority element in a governing coalition, assistance may not be provided under this Act to, or to the benefit of, any ministry, agency, or instrumentality in which the chief official or other senior-level officials are members of Hezbollah or which is otherwise effectively controlled by Hezbollah unless a certification described in section 620N(c) or a recertification described in 620N(d) is in effect.

"(2) ADDITIONAL REQUIREMENT.—A certification described in section 620N(c)(2) may be made for purposes of subsection (a) only if the President determines that Hezbollah has fully cooperated with the Government of Lebanon in making demonstrable progress toward meeting the conditions specified in section 620N(c)(2).

"(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to assistance described in paragraphs (1) through (4) of section 620N(b).

"(c) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to Lebanon may not be provided until 15 days after the date on which the President has provided notice thereof to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

"(d) NATIONAL SECURITY WAIVER.—The President may waive on a case-by-case basis the requirement to make a certification under section 620N(c) for purposes of subsection (a) or a recertification under section 620N(d) for purposes of subsection (a) if the President—

"(1) determines and certifies in writing to the appropriate congressional committees that it is vital

to the national security interests of the United States to do so; and

"(2) submits to the appropriate congressional committees a report describing the reasons for the determination, including—

"(A) a description of the reason or reasons the President is unable to make a certification under section 620N(c) for purposes of subsection (a) or a recertification under section 620N(d) for purposes of subsection (a); and

"(B) a description of the potential impact of the waiver on United States regional interests.

"(e) DEFINITION.—In this section, the term 'appropriate congressional committees' has the meaning given the term in section 620N(g).".

(b) PREVIOUSLY OBLIGATED FUNDS.—The provisions of section 620O of the Foreign Assistance Act of 1961, as added by subsection (a) of this section, shall be applicable to the unexpended balances of funds obligated prior to the date of the enactment of this Act.

SEC. 4. LIMITATION ON ASSISTANCE FOR NONGOVERNMENTAL ORGANIZATIONS FOR LEBANON.

(a) AMENDMENT.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as

amended by sections 2(b)(2) and 3(a) of this Act, is further amended by adding at the end the following new section:

"SEC. 620P. LIMITATION ON ASSISTANCE FOR NONGOVERNMENTAL ORGANIZATIONS FOR LEBANON.

"(a) LIMITATION.—

"(1) IN GENERAL.—Assistance may be provided under this Act to nongovernmental organizations working in Lebanon only during a period for which a certification described in section 620N(c) or a recertification described in section 620N(d) is in effect.

"(2) APPLICABILITY.—The limitation on assistance under paragraph (1) applies only during a period for which a Hezbollah-dependent Government of Lebanon is in power.

"(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to the following:

"(1) ASSISTANCE TO MEET BASIC HUMAN NEEDS, PROMOTE DEMOCRACY, AND PROMOTE DISARMAMENT.—Assistance described in paragraphs (1), (2), and (3) of section 620N(b).

"(2) ASSISTANCE FOR INDIVIDUAL MEMBERS OF THE LEBANESE GOVERNMENT.—Assistance, other than funding of salaries or salary supplements,

to individual members of the Lebanese Government who the President determines are not members of Hezbollah or any other foreign terrorist organization, for the purposes of facilitating the attendance of such members in programs for the development of institutions of democratic governance, including enhancing the transparent and accountable operations of such institutions.

"(3) OTHER TYPES OF ASSISTANCE.—Any other type of assistance if the President—

"(A) determines that the provision of such assistance is in the national security interest of the United States; and

"(B) not less than 30 days prior to the obligation of amounts for the provision of such assistance—

"(i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and

"(ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A),

with an explanation as to the reasons for the President's determination.

"(c) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to nongovernmental organizations for Lebanon may not be provided until 15 days after the date on which the President has provided notice thereof to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

"(d) DEFINITIONS.—In this section, the terms 'appropriate congressional committees', 'foreign terrorist organization', and 'Hezbollah-dependent Government of Lebanon' have the meanings given such terms in section 620N(g).".

(b) OVERSIGHT AND RELATED REQUIREMENTS.—

(1) OVERSIGHT.—For each of the fiscal years 2011 and 2012, the Secretary of State shall certify to the appropriate congressional committees not later than 30 days prior to the initial obligation of amounts assistance to nongovernmental organizations for Lebanon under the Foreign Assistance Act of 1961 that procedures have been established to ensure that the Comptroller General of the United States will have access to appropriate United States

financial information in order to review the use of such assistance.

(2) VETTING.—

(A) IN GENERAL.—Prior to any obligation of for each of the fiscal years 2011 and 2012 for assistance to nongovernmental organizations for Lebanon under the Foreign Assistance Act of 1961, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

(B) PROCEDURES.—The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this paragraph and shall terminate assistance to any individual or entity that the Secretary has determined advocates, plans, sponsors, or engages in terrorist activity.

(C) DEFINITION.—In this paragraph, the term ''terrorist activity'' has the meaning given the term in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182).

(3) PROHIBITION.—No amounts made available for fiscal year 2011 or 2012 for assistance to non-governmental organizations for Lebanon under the Foreign Assistance Act of 1961 may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

SEC. 5. INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) REQUIREMENT.—The President should direct the United States Executive Director at each international financial institution to use the voice, vote, and influence of the United States to prohibit assistance to the Hezbollah-dependent Government of Lebanon (other than assistance described under subsection (b)) during any period for which a certification described in section 620N(c) of the Foreign Assistance Act of 1961 or a recertification described in section 620N(d) of such Act (as added by section 2(b)(2) of this Act) is not in effect with respect to the Hezbollah-dependent Government of Lebanon.

(b) EXCEPTIONS.—The prohibition on assistance described in subsection (a) should not apply with respect to the following types of assistance:

(1) Assistance to meet food, water, medicine, or sanitation needs, or other assistance to meet basic human needs.

(2) Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful coexistence, provided that such assistance does not directly benefit Hezbollah or other foreign terrorist organizations.

(c) DEFINITION.—In this section, the term ''international financial institution'' has the meaning given the term in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)).

SEC. 6. REPORTING REQUIREMENT.

Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that—

(1) describes the steps that have been taken by the United States Government to ensure that other countries and international organizations, including multilateral development banks, do not provide direct assistance to the Hezbollah-dependent Government of Lebanon for any period for which a certification described in section 620N(c) of the Foreign Assistance Act of 1961 or a recertification described in section 620N(d) of such Act (as added by section 2(b)(2) of this Act) is not in effect; and

(2) identifies any countries and international organizations, including multilateral development banks, that are providing direct assistance to the Hezbollah-dependent Government of Lebanon during such a period, and describes the nature and amount of such assistance.

SEC. 7. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

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

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) HEZBOLLAH-DEPENDENT GOVERNMENT OF LEBANON.—The term ''Hezbollah-dependent Government of Lebanon'' has the meaning given the term in section 620N(g) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act).

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