

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. 842

To counter efforts by Hezbollah to conduct terrorist activities
in Latin America, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. CURTIS

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “No Hezbollah In Our
5 Hemisphere Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Iran and Hezbollah, an Iranian proxy, have
9 been allowed to build their Latin American regional
10 networks with impunity.

1 (2) Hezbollah is not considered a terrorist orga-
2 nization in most countries south of the Rio Grande
3 River.

4 (3) In Latin America, the only countries that
5 have designated Hezbollah as a terrorist organiza-
6 tion are Argentina, Colombia, Guatemala, Honduras,
7 and Paraguay.

8 (4) The ability of local authorities to monitor or
9 prosecute Hezbollah and its local operatives is lim-
10 ited without such a designation.

11 (5) Hezbollah has support from local authori-
12 tarian regimes aligned with the Islamic Republic of
13 Iran, such as the Nicolás Maduro regime in Ven-
14 ezuela, which has essentially become Iran's forward
15 operating base in Latin America.

16 (6) Hezbollah's infrastructure in the Western
17 Hemisphere continues to grow.

18 (7) In recent years, Hezbollah's focus in Latin
19 America has been on infiltrating criminal networks,
20 money laundering, and sophisticated smuggling op-
21 erations.

22 **SEC. 3. SENSE OF CONGRESS.**

23 It is the sense of Congress that the Secretary of State
24 should pursue aggressive efforts against Iranian proxy
25 networks in the Western Hemisphere, including by—

1 (1) demanding that governments put an end to
2 the impunity enjoyed by designated individuals and
3 entities or face the consequences described in this
4 Act for their inaction;

5 (2) working with allies, potentially through
6 international forums, such as the Financial Action
7 Task Force, to greylist government entities that co-
8 operate with Hezbollah;

9 (3) engaging governments in Latin America to
10 ensure they have adequate legislative tools to inves-
11 tigate terrorist activities and combat the financing of
12 terrorism; and

13 (4) persuading allies in the Latin America to
14 designate Hezbollah as a terrorist organization,
15 using Argentina’s model for designation as a blue-
16 print.

17 **SEC. 4. DEFINED TERM.**

18 In this Act, the term “appropriate congressional com-
19 mittees” means—

20 (1) the Committee on the Judiciary of the Sen-
21 ate;

22 (2) the Committee on Banking, Housing, and
23 Urban Affairs of the Senate;

24 (3) the Committee on Foreign Relations of the
25 Senate;

1 (4) the Committee on the Judiciary of the
2 House of Representatives;

3 (5) the Committee on Financial Services of the
4 House of Representatives; and

5 (6) the Committee on Foreign Affairs of the
6 House of Representatives.

7 **SEC. 5. DETERMINATION WITH RESPECT TO TERRORIST**
8 **SANCTUARIES.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, the Secretary of State,
11 in coordination with the Director of National Intelligence,
12 the Secretary of the Treasury, the Secretary of Homeland
13 Security, the Attorney General, and the heads of other rel-
14 evant Federal agencies, shall—

15 (1) conduct an assessment to determine wheth-
16 er any country, region, or jurisdiction in Latin
17 America meets the definition of “terrorist sanc-
18 tuary” under section 140(d)(4) of the Foreign Rela-
19 tions Authorization Act, Fiscal Years 1988 and
20 1989 (22 U.S.C. 2656f(d)(4)); and

21 (2) submit the results of such assessment to the
22 appropriate congressional committees.

23 (b) CONSIDERATIONS.—In making a determination
24 pursuant to subsection (a), the Secretary of State shall
25 consider—

1 (1) the extent to which Hezbollah or any other
2 foreign terrorist organization (as designated pursu-
3 ant to section 219(a) of the Immigration and Na-
4 tionality Act (8 U.S.C. 1189(a))) operates freely,
5 raises or transfers funds, recruits, or obtains safe
6 haven within a given country, region, or jurisdiction;

7 (2) whether the host government has knowingly
8 tolerated, or has failed to take action to address, ter-
9 rorist activities after learning of their existence; and

10 (3) any other factors relevant to the definition
11 of “terrorist sanctuary” under section 140(d)(4) of
12 the Foreign Relations Authorization Act, Fiscal
13 Years 1988 and 1989 (22 U.S.C. 2656f(d)(4)).

14 **SEC. 6. REVOCATION OF VISAS.**

15 (a) IN GENERAL.—The President may impose the
16 sanctions described in subsection (b) with respect to any
17 foreign individual the President determines is a govern-
18 ment official of any foreign state, subdivision, or munici-
19 pality designated as a terrorist sanctuary under section
20 5 unless such official has taken significant, verifiable steps
21 to stop such activity or the relevant jurisdiction no longer
22 meets the definition of terrorist sanctuary under section
23 140(d)(4) of the Foreign Relations Authorization Act, Fis-
24 cal Years 1988 and 1989 (22 U.S.C. 2656f(d)(4)).

25 (b) SANCTIONS DESCRIBED.—

1 (1) INELIGIBILITY FOR VISAS AND ADMISSIONS
2 TO THE UNITED STATES.—A foreign individual de-
3 scribed in subsection (a) shall be—

4 (A) inadmissible to the United States;

5 (B) ineligible to receive a visa or other doc-
6 umentation to enter the United States; and

7 (C) otherwise ineligible to be admitted or
8 paroled into the United States or to receive any
9 other benefit under the Immigration and Na-
10 tionality Act (8 U.S.C. 1101 et seq.).

11 (2) CURRENT VISAS REVOKED.—

12 (A) IN GENERAL.—The issuing consular
13 officer or the Secretary of State (or a designee
14 of the Secretary), in accordance with section
15 221(i) of the Immigration and Nationality Act
16 (8 U.S.C. 1201(i)), shall revoke any visa or
17 other entry documentation issued to a foreign
18 individual described in subsection (a) regardless
19 of when the visa or other entry documentation
20 was issued.

21 (B) EFFECT OF REVOCATION.—A revoca-
22 tion under subparagraph (A) shall—

23 (i) take effect immediately; and

1 (ii) automatically cancel any other
2 valid visa or entry documentation that is in
3 the foreign individual's possession.

4 (C) RULEMAKING.—Not later than 180
5 days after the date of the enactment of this
6 Act, the Secretary of State shall prescribe such
7 regulations as may be necessary to carry out
8 this subsection.

9 (c) EXCEPTION TO COMPLY WITH LAW ENFORCE-
10 MENT OBJECTIVES AND AGREEMENT REGARDING THE
11 HEADQUARTERS OF THE UNITED NATIONS.—Sanctions
12 under subsection (b) shall not apply to a foreign person
13 if admitting the person into the United States—

14 (1) would further important law enforcement
15 objectives; or

16 (2) is necessary to permit the United States to
17 comply with the Agreement regarding the Head-
18 quarters of the United Nations, signed at Lake Suc-
19 cess June 26, 1947, and entered into force Novem-
20 ber 21, 1947, between the United Nations and the
21 United States, or other applicable international obli-
22 gations of the United States.

23 (d) WAIVER.—

1 (1) IN GENERAL.—The President may waive
2 the application of sanctions under subsection (b)
3 with respect to—

4 (A) an individual, on a case-by-case basis
5 for periods not to exceed 180 days, if the Presi-
6 dent determines that such individual’s entry or
7 continued presence in the United States is vital
8 to the national security interests of the United
9 States;

10 (B) a jurisdiction, including a foreign
11 country, or any subdivision of such country,
12 that is designated as a terrorist sanctuary pur-
13 suant to section 5, for periods not to exceed 1
14 year, if the President determines that waiving
15 the application of sanctions with respect to offi-
16 cials or other residents of such jurisdiction is in
17 the national interest of the United States.

18 (2) REPORT.—Not later than 15 days before
19 granting or renewing a waiver under paragraph (1),
20 the President shall submit a report to the appro-
21 priate congressional committees that includes—

22 (A) the name of the individual or the spe-
23 cific jurisdiction subject to the waiver;

24 (B) a detailed justification explaining how
25 the waiver serves—

1 (i) the national security interests of
2 the United States (for individuals); or

3 (ii) the national interest of the United
4 States (for jurisdictions); and

5 (C) with respect to renewals—

6 (i) an assessment of the individual's
7 or jurisdiction's activities during the most
8 recent waiver period; and

9 (ii) any conditions imposed to ensure
10 compliance with United States interests.

11 (e) TERMINATION OF SANCTIONS.—The President
12 may terminate the application of sanctions under this sec-
13 tion with respect to a foreign individual if the President
14 determines and reports to the appropriate congressional
15 committees not later than 15 days before the termination
16 of such sanctions that—

17 (1) the foreign individual is no longer engaged
18 in the activity that was the basis for such sanctions
19 or has taken significant verifiable steps toward stop-
20 ping such activity;

21 (2) the President has received reliable assur-
22 ances that such individual will not knowingly engage
23 in any activity subject to sanctions under this sec-
24 tion in the future; or

1 (3) the termination of such sanctions is in the
2 national security interests of the United States.

3 (f) RULEMAKING.—The President shall issue such
4 regulations, licenses, and orders as may be necessary to
5 carry out this section.

6 **SEC. 7. SUNSET.**

7 Any sanctions imposed pursuant to this Act shall ter-
8 minate 5 years after the date of the enactment of this
9 Act.