

AMENDMENT TO H.R. __
OFFERED BY MR. BERMAN OF CALIFORNIA
(Foreign Relations Authorization Act, Fiscal Year 2012)

Strike chapter 3 of subtitle B of title IX (relating to security assistance to the Government of Lebanon and related matters).

At the appropriate place in the bill, insert the following new title:

1 **TITLE __ —HEZBOLLAH ANTI-**
2 **TERRORISM ACT OF 2011**

3 **SEC. __01. SHORT TITLE.**

4 This title may be cited as the “Hezbollah Anti-Ter-
5 rorism Act of 2011”.

6 **SEC. __02. LIMITATION ON ASSISTANCE TO A HEZBOLLAH-**
7 **DEPENDENT GOVERNMENT OF LEBANON.**

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

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

12 (2) to oppose those organizations, individuals,
13 and countries that practice or support terrorism or
14 use Lebanon as a base to instigate attacks of any

1 kind against Lebanese citizens, the United States,
2 the West, and the State of Israel;

3 (3) to promote the rule of law, democracy, the
4 cessation of terrorism and incitement, and good gov-
5 ernance in Lebanon; and

6 (4) to urge members of the international com-
7 munity to avoid contact with and refrain from sup-
8 porting the terrorist organization Hezbollah until it
9 agrees to renounce violence and disarm.

10 (b) AMENDMENTS.—Chapter 1 of part III of the For-
11 eign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is
12 amended—

13 (1) by redesignating the second section 620J
14 (as added by section 651 of the Department of
15 State, Foreign Operations, and Related Programs
16 Appropriations Act, 2008 (division J of Public Law
17 110–161; 121 Stat. 2341) as section 620M; and

18 (2) by adding at the end the following new sec-
19 tion:

20 **“SEC. 620N. LIMITATION ON ASSISTANCE TO A HEZBOLLAH-**
21 **DEPENDENT GOVERNMENT OF LEBANON.**

22 **“(a) LIMITATION.—**Assistance may not be provided
23 under this Act to or for the benefit of a Hezbollah-depend-
24 ent Government of Lebanon unless a certification de-

1 scribed in subsection (c) or a recertification described in
2 subsection (d) is in effect.

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

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

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

14 “(3) ASSISTANCE TO PROMOTE DISAR-
15 MAMENT.—Assistance to promote disarmament of
16 Lebanese militia, including Hezbollah.

17 “(4) ASSISTANCE TO THE IMET PROGRAM.—As-
18 sistance to support the United States Government’s
19 International Military Education and Training
20 (IMET) program.

21 “(5) ASSISTANCE TO EDUCATIONAL INSTITU-
22 TIONS.—Assistance to the American University of
23 Beirut, the Lebanese American University, and
24 other Lebanese educational institutions.

1 “(c) CERTIFICATION.—A certification described in
2 subsection (a) is a certification transmitted by the Presi-
3 dent to Congress that contains a determination of the
4 President that—

5 “(1) Hezbollah has ceased its support for ter-
6 rorism, renounced violence, and disarmed; or

7 “(2) the Government of Lebanon has made de-
8 monstrable progress toward dismantling all
9 Hezbollah terrorist and military infrastructure with-
10 in Lebanon, arresting and bringing all wanted
11 Hezbollah terrorists to justice, ending all Hezbollah
12 imports of military and terrorism-related equipment,
13 destroying unauthorized Hezbollah arms factories,
14 thwarting and preempting terrorist attacks, and
15 fully cooperating with United Nations Interim Force
16 in Lebanon (UNIFIL) peacekeepers.

17 “(d) RECERTIFICATIONS.—Not later than 90 days
18 after the date on which the President transmits to Con-
19 gress an initial certification under subsection (c), and
20 every six months thereafter—

21 “(1) the President shall transmit to Congress a
22 recertification that the conditions described in sub-
23 section (c) are continuing to be met; or

1 “(2) if the President is unable to make such a
2 recertification, the President shall transmit to Con-
3 gress a report that contains the reasons therefor.

4 “(e) CONGRESSIONAL NOTIFICATION.—Assistance
5 made available under this Act to Lebanon may not be pro-
6 vided until 15 days after the date on which the President
7 has provided notice thereof to the appropriate congress-
8 sional committees in accordance with the procedures appli-
9 cable to reprogramming notifications under section
10 634A(a) of this Act.

11 “(f) NATIONAL SECURITY WAIVER.—The President
12 may waive on a case-by-case basis the requirement to
13 make a certification under subsection (c) or a recertifi-
14 cation under subsection (d) if the President—

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

19 “(2) submits to the appropriate congressional
20 committees a report describing the reasons for the
21 determination, including—

22 “(A) a description of the reason or reasons
23 the President is unable to make a certification
24 under subsection (c) or a recertification under
25 subsection (d); and

1 “(B) a description of the potential impact
2 of the waiver on United States regional inter-
3 ests.

4 “(g) DEFINITIONS.—In this section:

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

8 “(A) the Committee on Foreign Affairs
9 and the Committee on Appropriations of the
10 House of Representatives; and

11 “(B) the Committee on Foreign Relations
12 and the Committee on Appropriations of the
13 Senate.

14 “(2) FOREIGN TERRORIST ORGANIZATION.—
15 The term ‘foreign terrorist organization’ means an
16 organization designated as a foreign terrorist organi-
17 zation by the Secretary of State in accordance with
18 section 219(a) of the Immigration and Nationality
19 Act (8 U.S.C. 1189(a)).

20 “(3) HEZBOLLAH-DEPENDENT GOVERNMENT
21 OF LEBANON.—The term ‘Hezbollah-dependent Gov-
22 ernment of Lebanon’ means—

23 “(A) a Lebanese government in which
24 Hezbollah is the majority element in a gov-
25 erning coalition;

1 “(B) a Lebanese government in which
2 Hezbollah is the architect or primary forger of
3 the governing coalition; or

4 “(C) a Lebanese government which de-
5 pends on Hezbollah, even from outside that
6 government, for its parliamentary majority.”.

7 (c) PREVIOUSLY OBLIGATED FUNDS.—The provi-
8 sions of section 620N of the Foreign Assistance Act of
9 1961, as added by subsection (b) of this section, shall be
10 applicable to the unexpended balances of funds obligated
11 prior to the date of the enactment of this Act.

12 **SEC. __03. LIMITATION ON ASSISTANCE TO HEZBOLLAH-IN-**
13 **FLUENCED MINISTRIES, AGENCIES, AND IN-**
14 **STRUMENTALITIES OF A GOVERNMENT OF**
15 **LEBANON IN WHICH HEZBOLLAH IS A MINOR-**
16 **ITY ELEMENT IN A GOVERNING COALITION.**

17 (a) AMENDMENT.—Chapter 1 of part III of the For-
18 eign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as
19 amended by section __02(b)(2) of this title, is further
20 amended by adding at the end the following new section:

1 **“SEC. 6200. LIMITATION ON ASSISTANCE TO HEZBOLLAH-**
2 **INFLUENCED MINISTRIES, AGENCIES, AND**
3 **INSTRUMENTALITIES OF A GOVERNMENT OF**
4 **LEBANON IN WHICH HEZBOLLAH IS A MINOR-**
5 **ITY ELEMENT IN A GOVERNING COALITION.**

6 **“(a) LIMITATION.—**

7 **“(1) IN GENERAL.—**In the case of a Govern-
8 ment of Lebanon in which Hezbollah is a minority
9 element in a governing coalition, assistance may not
10 be provided under this Act to, or to the benefit of,
11 any ministry, agency, or instrumentality in which
12 the chief official or other senior-level officials are
13 members of Hezbollah or which is otherwise effec-
14 tively controlled by Hezbollah unless a certification
15 described in section 620N(e) or a recertification de-
16 scribed in 620N(d) is in effect.

17 **“(2) ADDITIONAL REQUIREMENT.—**A certifi-
18 cation described in section 620N(e)(2) may be made
19 for purposes of subsection (a) only if the President
20 determines that Hezbollah has fully cooperated with
21 the Government of Lebanon in making demonstrable
22 progress toward meeting the conditions specified in
23 section 620N(e)(2).

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

1 “(c) CONGRESSIONAL NOTIFICATION.—Assistance
2 made available under this Act to Lebanon may not be pro-
3 vided until 15 days after the date on which the President
4 has provided notice thereof to the appropriate congres-
5 sional committees in accordance with the procedures appli-
6 cable to reprogramming notifications under section
7 634A(a) of this Act.

8 “(d) NATIONAL SECURITY WAIVER.—The President
9 may waive on a case-by-case basis the requirement to
10 make a certification under section 620N(c) for purposes
11 of subsection (a) or a recertification under section
12 620N(d) for purposes of subsection (a) if the President—

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

17 “(2) submits to the appropriate congressional
18 committees a report describing the reasons for the
19 determination, including—

20 “(A) a description of the reason or reasons
21 the President is unable to make a certification
22 under section 620N(c) for purposes of sub-
23 section (a) or a recertification under section
24 620N(d) for purposes of subsection (a); and

1 “(B) a description of the potential impact
2 of the waiver on United States regional inter-
3 ests.

4 “(e) DEFINITION.—In this section, the term ‘appro-
5 priate congressional committees’ has the meaning given
6 the term in section 620N(g).”.

7 (b) PREVIOUSLY OBLIGATED FUNDS.—The provi-
8 sions of section 620O of the Foreign Assistance Act of
9 1961, as added by subsection (a) of this section, shall be
10 applicable to the unexpended balances of funds obligated
11 prior to the date of the enactment of this Act.

12 **SEC. __04. LIMITATION ON ASSISTANCE FOR NONGOVERN-
13 MENTAL ORGANIZATIONS FOR LEBANON.**

14 (a) AMENDMENT.—Chapter 1 of part III of the For-
15 eign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as
16 amended by sections __02(b)(2) and __03(a) of this title,
17 is further amended by adding at the end the following new
18 section:

19 **“SEC. 620P. LIMITATION ON ASSISTANCE FOR NONGOVERN-
20 MENTAL ORGANIZATIONS FOR LEBANON.**

21 “(a) LIMITATION.—

22 “(1) IN GENERAL.—Assistance may be provided
23 under this Act to nongovernmental organizations
24 working in Lebanon only during a period for which
25 a certification described in section 620N(c) or a re-

1 certification described in section 620N(d) is in ef-
2 fect.

3 “(2) APPLICABILITY.—The limitation on assist-
4 ance under paragraph (1) applies only during a pe-
5 riod for which a Hezbollah-dependent Government of
6 Lebanon is in power.

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

9 “(1) ASSISTANCE TO MEET BASIC HUMAN
10 NEEDS, PROMOTE DEMOCRACY, AND PROMOTE DIS-
11 ARMAMENT.—Assistance described in paragraphs
12 (1), (2), and (3) of section 620N(b).

13 “(2) ASSISTANCE FOR INDIVIDUAL MEMBERS
14 OF THE LEBANESE GOVERNMENT.—Assistance,
15 other than funding of salaries or salary supplements,
16 to individual members of the Lebanese Government
17 who the President determines are not members of
18 Hezbollah or any other foreign terrorist organiza-
19 tion, for the purposes of facilitating the attendance
20 of such members in programs for the development of
21 institutions of democratic governance, including en-
22 hancing the transparent and accountable operations
23 of such institutions.

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

1 “(A) determines that the provision of such
2 assistance is in the national security interest of
3 the United States; and

4 “(B) not less than 30 days prior to the ob-
5 ligation of amounts for the provision of such as-
6 sistance—

7 “(i) consults with the appropriate con-
8 gressional committees regarding the spe-
9 cific programs, projects, and activities to
10 be carried out using such assistance; and

11 “(ii) submits to the appropriate con-
12 gressional committees a written memo-
13 randum that contains the determination of
14 the President under subparagraph (A),
15 with an explanation as to the reasons for
16 the President’s determination.

17 “(c) CONGRESSIONAL NOTIFICATION.—Assistance
18 made available under this Act to nongovernmental organi-
19 zations for Lebanon may not be provided until 15 days
20 after the date on which the President has provided notice
21 thereof to the appropriate congressional committees in ac-
22 cordance with the procedures applicable to reprogramming
23 notifications under section 634A(a) of this Act.

24 “(d) DEFINITIONS.—In this section, the terms ‘ap-
25 propriate congressional committees’, ‘foreign terrorist or-

1 ganization', and 'Hezbollah-dependent Government of
2 Lebanon' have the meanings given such terms in section
3 620N(g).”.

4 (b) OVERSIGHT AND RELATED REQUIREMENTS.—

5 (1) OVERSIGHT.—For each of the fiscal years
6 2011 and 2012, the Secretary of State shall certify
7 to the appropriate congressional committees not
8 later than 30 days prior to the initial obligation of
9 amounts assistance to nongovernmental organiza-
10 tions for Lebanon under the Foreign Assistance Act
11 of 1961 that procedures have been established to en-
12 sure that the Comptroller General of the United
13 States will have access to appropriate United States
14 financial information in order to review the use of
15 such assistance.

16 (2) VETTING.—

17 (A) IN GENERAL.—Prior to any obligation
18 of for each of the fiscal years 2011 and 2012
19 for assistance to nongovernmental organizations
20 for Lebanon under the Foreign Assistance Act
21 of 1961, the Secretary of State shall take all
22 appropriate steps to ensure that such assistance
23 is not provided to or through any individual or
24 entity that the Secretary knows, or has reason

1 to believe, advocates, plans, sponsors, engages
2 in, or has engaged in, terrorist activity.

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

10 (C) DEFINITION.—In this paragraph, the
11 term “terrorist activity” has the meaning given
12 the term in section 212(a)(3)(B)(iii) of the Im-
13 migration and Nationality Act (8 U.S.C. 1182).

14 (3) PROHIBITION.—No amounts made available
15 for fiscal year 2011 or 2012 for assistance to non-
16 governmental organizations for Lebanon under the
17 Foreign Assistance Act of 1961 may be made avail-
18 able for the purpose of recognizing or otherwise hon-
19 oring individuals who commit, or have committed,
20 acts of terrorism.

21 **SEC. 05. REPORTING REQUIREMENT.**

22 Not later than 90 days after the date of the enact-
23 ment of this Act, and annually thereafter, the Secretary
24 of State shall submit to the appropriate congressional
25 committees a report that—

1 (1) describes the steps that have been taken by
2 the United States Government to ensure that other
3 countries and international organizations, including
4 multilateral development banks, do not provide di-
5 rect assistance to the Hezbollah-dependent Govern-
6 ment of Lebanon for any period for which a certifi-
7 cation described in section 620N(c) of the Foreign
8 Assistance Act of 1961 or a recertification described
9 in section 620N(d) of such Act (as added by section
10 __02(b)(2) of this title) is not in effect; and

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

17 **SEC. __06. DEFINITIONS.**

18 In this title:

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

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

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

4 (2) HEZBOLLAH-DEPENDENT GOVERNMENT OF
5 LEBANON.—The term “Hezbollah-dependent Gov-
6 ernment of Lebanon” has the meaning given the
7 term in section 620N(g) of the Foreign Assistance
8 Act of 1961 (as added by section __02(b)(2) of this
9 title).

