

AMENDMENT TO H.R. 8038

OFFERED BY MR. SCHWEIKERT OF ARIZONA

At the end of the bill, add the following:

1 **DIVISION _____—FORTIFY ISRAEL**
2 **ACT**

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

4 This Act may be cited as the “Fortify Israel Act”.

5 **SEC. 2. PROHIBITION ON RELEASE OF BLOCKED IRANIAN**
6 **ASSETS.**

7 (a) IN GENERAL.—No Iranian asset that is blocked
8 or immobilized by the Department of the Treasury before
9 the date of the enactment of this Act may be released or
10 mobilized until the President certifies to the appropriate
11 congressional committees that—

12 (1) hostilities between Hamas and other Ira-
13 nian-backed groups and Israel have ceased; and

14 (2)(A) full compensation has been made to
15 Israel for harms resulting from the invasion of Israel
16 by Hamas and other Iranian-backed groups; or

17 (B) Iran is participating in a bona fide
18 international mechanism that, by agreement,
19 will discharge the obligations of Iran to com-

1 pensate Israel for all amounts determined to be
2 owed to Israel.

3 (b) NOTIFICATION.—Not later than 30 days before
4 the release or mobilization of an Iranian asset that pre-
5 viously had been blocked or immobilized by the Depart-
6 ment of the Treasury, the President shall submit to the
7 appropriate congressional committees—

8 (1) a notification of the decision to release or
9 mobilize the asset; and

10 (2) a justification in writing for such release or
11 mobilization.

12 (c) JOINT RESOLUTION OF DISAPPROVAL.—

13 (1) IN GENERAL.—No Iranian asset that pre-
14 viously had been blocked or immobilized by the De-
15 partment of the Treasury may be released or mobi-
16 lized if, within 30 days of receipt of the notification
17 and justification required under subsection (b), a
18 joint resolution is enacted prohibiting the proposed
19 release or mobilization.

20 (2) EXPEDITED PROCEDURES.—Any joint reso-
21 lution described in paragraph (1) introduced in ei-
22 ther House of Congress shall be considered in ac-
23 cordance with the provisions of section 601(b) of the
24 International Security Assistance and Arms Export
25 Control Act of 1976 (Public Law 94–329; 90 Stat.

1 765), except that any such resolution shall be
2 amendable. If such a joint resolution should be ve-
3 toed by the President, the time for debate in consid-
4 eration of the veto message on such measure shall
5 be limited to 20 hours in the Senate and in the
6 House of Representatives shall be determined in ac-
7 cordance with the Rules of the House.

8 (d) COOPERATION ON PROHIBITION OF RELEASE OF
9 CERTAIN IRANIAN ASSETS.—The President may take
10 such action as may be necessary to seek to obtain an
11 agreement or arrangement between the United States,
12 Israel, and other countries that have blocked or immo-
13 bilized Iranian assets to prohibit such assets from being
14 released or mobilized until an agreement has been reached
15 that discharges Iran from further obligations to com-
16 pensate Israel.

17 **SEC. 3. AUTHORITY TO ENSURE COMPENSATION TO ISRAEL**
18 **USING CONFISCATED IRANIAN ASSETS.**

19 (a) CONFISCATION.—

20 (1) IN GENERAL.—The President may con-
21 fiscate any Iranian assets subject to the jurisdiction
22 of the United States, including assets that are with-
23 in the scope of the Iranian assets authorized to be
24 transferred from South Korea to the oversight of
25 Qatar on September 11, 2023.

1 (2) LIQUIDATION AND DEPOSIT.—The Presi-
2 dent shall—

3 (A) deposit any funds confiscated under
4 paragraph (1) into the Fund established under
5 subsection (b);

6 (B) liquidate or sell any other property
7 confiscated under paragraph (1) and deposit
8 the funds resulting from such liquidation or
9 sale into the Fund established under subsection
10 (b); and

11 (C) make all such funds available for the
12 purposes described in subsection (b)(2).

13 (3) VESTING.—All right, title, and interest in
14 Iranian assets confiscated under paragraph (1) shall
15 vest, if necessary, in the Government of the United
16 States while being held in the Fund established
17 under subsection (b).

18 (b) ESTABLISHMENT OF A FUND TO PROVIDE AS-
19 SISTANCE TO ISRAEL.—

20 (1) IN GENERAL.—The President shall establish
21 a non-interest-bearing account to consist of the
22 funds deposited into the account under subsection
23 (a).

24 (2) USE OF FUNDS.—Amounts in the account
25 established under paragraph (1) are authorized to be

1 made available for the procurement of defense arti-
2 cles and services for Israel.

3 (c) JUDICIAL REVIEW.—

4 (1) IN GENERAL.—The confiscation of Iranian
5 assets under subsection (a)(1) shall not be subject to
6 judicial review.

7 (2) RULE OF CONSTRUCTION.—Nothing in this
8 subsection shall be construed to limit any private in-
9 dividual or entity from asserting due process claims
10 in United States courts.

11 (d) EXCEPTION FOR UNITED STATES OBLIGATIONS
12 UNDER VIENNA CONVENTIONS.—The authorities pro-
13 vided by this section may not be exercised in a manner
14 inconsistent with the obligations of the United States
15 under—

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

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

22 (3) the Agreement Regarding the Headquarters
23 of the United Nations, signed at Lake Success June
24 26, 1947, and entered into force November 21, 1947
25 (TIAS 1676); or

1 (4) any other international agreement governing
2 the use of force and establishing rights under inter-
3 national humanitarian law.

