

118TH CONGRESS
1ST SESSION

S. 3081

To authorize additional assistance to Israel using assets confiscated from Iran, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 18, 2023

Mr. DAINES introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To authorize additional assistance to Israel using assets confiscated from 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 “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

1 mobilized until the President certifies to the appropriate
2 congressional committees that—

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

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

8 (B) Iran is participating in a bona fide inter-
9 national mechanism that, by agreement, will dis-
10 charge the obligations of Iran to compensate Israel
11 for all amounts determined to be owed to Israel.

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

17 (1) a notification of the decision to release or
18 mobilize the asset; and

19 (2) a justification in writing for such release or
20 mobilization.

21 (c) JOINT RESOLUTION OF DISAPPROVAL.—

22 (1) IN GENERAL.—No Iranian asset that pre-
23 viously had been blocked or immobilized by the De-
24 partment of the Treasury may be released or mobi-
25 lized if, not later than 30 days after the receipt of

1 the notification and justification required under sub-
2 section (b), a joint resolution is enacted prohibiting
3 the proposed release or mobilization.

4 (2) EXPEDITED PROCEDURES.—Any joint reso-
5 lution described in paragraph (1) introduced in ei-
6 ther House of Congress shall be considered in ac-
7 cordance with the provisions of section 601(b) of the
8 International Security Assistance and Arms Export
9 Control Act of 1976 (Public Law 94–329; 90 Stat.
10 765), except that any such resolution shall be
11 amendable. If such a joint resolution should be ve-
12 toed by the President, the time for debate in consid-
13 eration of the veto message on such measure shall
14 be limited to 20 hours in the Senate and in the
15 House of Representatives shall be determined in ac-
16 cordance with the Rules of the House.

17 (d) COOPERATION ON PROHIBITION OF RELEASE OF
18 CERTAIN IRANIAN ASSETS.—The President may take
19 such action as may be necessary to seek to obtain an
20 agreement or arrangement between the United States,
21 Israel, and other countries that have blocked or immo-
22 bilized Iranian assets to prohibit such assets from being
23 released or mobilized until an agreement has been reached
24 that discharges Iran from further obligations to com-
25 pensate Israel.

1 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
 2 FINED.—In this section, the term “appropriate congres-
 3 sional committees” means—

4 (1) the Committee on Foreign Relations and
 5 the Committee on Banking, Housing, and Urban Af-
 6 fairs of the Senate; and

7 (2) the Committee on Foreign Affairs, the
 8 Committee on Financial Services, and the Com-
 9 mittee on Ways and Means of the House of Rep-
 10 resentatives.

11 **SEC. 3. AUTHORITY TO ENSURE COMPENSATION TO ISRAEL**
 12 **USING CONFISCATED IRANIAN ASSETS.**

13 (a) CONFISCATION.—

14 (1) IN GENERAL.—The President shall con-
 15 fiscate any Iranian assets subject to the jurisdiction
 16 of the United States, including assets that are with-
 17 in the scope of the Iranian assets authorized to be
 18 transferred from South Korea to the oversight of
 19 Qatar on September 11, 2023.

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

22 (A) deposit any funds confiscated under
 23 paragraph (1) into the Fund established under
 24 subsection (b);

1 (B) liquidate or sell any other property
2 confiscated under paragraph (1) and deposit
3 the funds resulting from such liquidation or
4 sale into the Fund established under subsection
5 (b); and

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

8 (3) VESTING.—All right, title, and interest in
9 Iranian assets confiscated under paragraph (1) shall
10 vest, if necessary, in the Government of the United
11 States while being held in the Fund established
12 under subsection (b).

13 (b) ESTABLISHMENT OF A FUND TO PROVIDE AS-
14 SISTANCE TO ISRAEL.—

15 (1) IN GENERAL.—The President shall establish
16 a non-interest-bearing account (referred to in this
17 Act as the “Fund”) to consist of the funds deposited
18 into the account under subsection (a)(2) .

19 (2) USE OF FUNDS.—The funds in the account
20 established under paragraph (1) are authorized to be
21 made available for the procurement of defense arti-
22 cles and services for Israel.

23 (c) JUDICIAL REVIEW.—

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

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

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

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

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

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

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

