

Suspend the Rules and Pass the Bill, H.R. 4681, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

118TH CONGRESS
1ST SESSION

H. R. 4681

To provide for the imposition of sanctions with respect to illicit captagon trafficking.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2023

Mr. HILL (for himself and Mr. MOSKOWITZ) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, 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

A BILL

To provide for the imposition of sanctions with respect to illicit captagon trafficking.

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 “Illicit Captagon Traf-
5 ficking Suppression Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Industrial scale production of the amphet-
2 amine-type stimulant also known as captagon, and
3 the illicit production of precursor chemicals, in terri-
4 tories held by the regime of President Bashar al
5 Assad in Syria are becoming more sophisticated and
6 pose a severe challenge to regional and international
7 security.

8 (2) Elements of the Government of Syria are
9 key drivers of illicit trafficking in captagon, with
10 ministerial-level complicity in production and smug-
11 gling, using other armed groups such as Hizballah
12 for technical and logistical support in captagon pro-
13 duction and trafficking.

14 (3) As affiliates of the Government of Syria and
15 other actors seek to export captagon, they under-
16 mine regional security by empowering a broad range
17 of criminal networks, militant groups, mafia syn-
18 dicates, and autocratic governments.

19 **SEC. 3. STATEMENT OF POLICY.**

20 It is the policy of the United States to target individ-
21 uals, entities, and networks associated with the Govern-
22 ment of Syria to dismantle and degrade the transnational
23 criminal organizations, including narcotics trafficking net-
24 works, associated with the regime of President Bashar al
25 Assad in Syria and Hizballah.

1 **SEC. 4. IMPOSITION OF SANCTIONS WITH RESPECT TO IL-**
2 **LICIT CAPTAGON TRAFFICKING.**

3 (a) IN GENERAL.—The sanctions described in sub-
4 section (b) shall be imposed with respect to any foreign
5 person the President determines, on or after the date of
6 enactment of this Act—

7 (1) engages in, or attempts to engage in, activi-
8 ties or transactions that have materially contributed
9 to, or pose a significant risk of materially contrib-
10 uting to, the illicit production and international il-
11 licit proliferation of captagon; or

12 (2) knowingly receives any property or interest
13 in property that the foreign person knows—

14 (A) constitutes or is derived from proceeds
15 of activities or transactions that have materially
16 contributed to, or pose a significant risk of ma-
17 terially contributing to, the illicit production
18 and international illicit proliferation of
19 captagon; or

20 (B) was used or intended to be used to
21 commit or to facilitate activities or transactions
22 that have materially contributed to, or pose a
23 significant risk of materially contributing to,
24 the illicit production and international illicit
25 proliferation of captagon.

1 (b) SANCTIONS DESCRIBED.—The sanctions de-
2 scribed in this subsection are the following:

3 (1) BLOCKING OF PROPERTY.—The President
4 shall exercise all authorities granted under the Inter-
5 national Emergency Economic Powers Act (50
6 U.S.C. 1701 et seq.) to the extent necessary to block
7 and prohibit all transactions in property and inter-
8 ests in property of the foreign person if such prop-
9 erty and interests in property are in the United
10 States, come within the United States, or come with-
11 in the possession or control of a United States per-
12 son.

13 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR
14 PAROLE.—

15 (A) VISAS, ADMISSION, OR PAROLE.—An
16 alien described in subsection (a) shall be—

17 (i) inadmissible to the United States;

18 (ii) ineligible to receive a visa or other
19 documentation to enter the United States;
20 and

21 (iii) otherwise ineligible to be admitted
22 or paroled into the United States or to re-
23 ceive any other benefit under the Immigra-
24 tion and Nationality Act (8 U.S.C. 1101 et
25 seq.).

1 (B) CURRENT VISAS REVOKED.—

2 (i) IN GENERAL.—The visa or other
3 entry documentation of any alien described
4 in subsection (a) is subject to revocation
5 regardless of the issue date of the visa or
6 other entry documentation.

7 (ii) IMMEDIATE EFFECT.—A revoca-
8 tion under clause (i) shall, in accordance
9 with section 221(i) of the Immigration and
10 Nationality Act (8 U.S.C. 1201(i))—

11 (I) take effect immediately; and

12 (II) cancel any other valid visa or
13 entry documentation that is in the
14 possession of the alien.

15 (c) PENALTIES.—Any person that violates, or at-
16 tempts to violate, subsection (b) or any regulation, license,
17 or order issued pursuant to that subsection, shall be sub-
18 ject to the penalties set forth in subsections (b) and (c)
19 of section 206 of the International Emergency Economic
20 Powers Act (50 U.S.C. 1705) to the same extent as a per-
21 son that commits an unlawful act described in subsection
22 (a) of that section.

23 (d) WAIVER.—

24 (1) IN GENERAL.—The President may waive
25 the application of sanctions under this section with

1 respect to a foreign person only if, not later than 15
2 days prior to the date on which the waiver is to take
3 effect, the President submits to the appropriate con-
4 gressional committees a written determination and
5 justification that the waiver is important to the na-
6 tional security interests of the United States.

7 (2) BRIEFING.—Not later than 60 days after
8 the issuance of a waiver under paragraph (1), and
9 every 180 days thereafter while the waiver remains
10 in effect, the President shall brief the appropriate
11 congressional committees on the reasons for the
12 waiver.

13 (e) HUMANITARIAN WAIVER.—

14 (1) IN GENERAL.—The President may waive,
15 for renewable periods not to exceed 2 years, the ap-
16 plication of sanctions with respect to a nongovern-
17 mental organization providing humanitarian assist-
18 ance if the President certifies to the appropriate
19 congressional committees that such a waiver is im-
20 portant to address a humanitarian need and is con-
21 sistent with the national security interests of the
22 United States.

23 (2) BRIEFING.—Not later than 90 days after
24 the issuance of a waiver under paragraph (1), and
25 every 180 days thereafter while the waiver remains

1 in effect, the President shall brief the appropriate
2 congressional committees on the reasons for the
3 waiver.

4 (f) IMPLEMENTATION.—The President may exercise
5 all authorities provided under sections 203 and 205 of the
6 International Emergency Economic Powers Act (50
7 U.S.C. 1702 and 1704) to carry out this section.

8 (g) REGULATIONS.—

9 (1) IN GENERAL.—The President shall, not
10 later than 120 days after the date of the enactment
11 of this Act, promulgate regulations as necessary for
12 the implementation of this section.

13 (2) NOTIFICATION TO CONGRESS.—Not later
14 than 10 days before the promulgation of regulations
15 under this subsection, the President shall notify the
16 appropriate congressional committees of the pro-
17 posed regulations and the provisions of this section
18 that the regulations are implementing.

19 (h) EXCEPTIONS.—

20 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
21 TIES.—Sanctions under this section shall not apply
22 to any activity subject to the reporting requirements
23 under title V of the National Security Act of 1947
24 (50 U.S.C. 3091 et seq.) or any authorized intel-
25 ligence activities of the United States.

1 (2) EXCEPTION TO COMPLY WITH INTER-
2 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
3 MENT ACTIVITIES.—Sanctions under this section
4 shall not apply with respect to an alien if admitting
5 or paroling the alien into the United States is nec-
6 essary—

7 (A) to permit the United States to comply
8 with the Agreement regarding the Head-
9 quarters of the United Nations, signed at Lake
10 Success June 26, 1947, and entered into force
11 November 21, 1947, between the United Na-
12 tions and the United States, or other applicable
13 international obligations; or

14 (B) to carry out or assist authorized law
15 enforcement activity in the United States.

16 (i) EXCEPTION RELATING TO THE IMPORTATION OF
17 GOODS.—

18 (1) IN GENERAL.—The authorities and require-
19 ments under this section shall not include the au-
20 thority or a requirement to impose sanctions on the
21 importation of goods.

22 (2) GOOD DEFINED.—In this section, the term
23 “good” means any article, natural or manmade sub-
24 stance, material, supply, or manufactured product,

1 including inspection and test equipment, and exclud-
2 ing technical data.

3 **SEC. 5. DETERMINATIONS WITH RESPECT TO THE GOVERN-**
4 **MENT OF SYRIA, HIZBALLAH, AND NETWORKS**
5 **AFFILIATED WITH THE GOVERNMENT OF**
6 **SYRIA OR HIZBALLAH.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the President shall—

9 (1) determine whether each foreign person de-
10 scribed in subsection (b) meets the criteria for sanc-
11 tions under this Act; and

12 (2) submit to the appropriate congressional
13 committees a report containing—

14 (A) a list of all foreign persons described
15 in subsection (b) that meet the criteria for im-
16 position of sanctions under this Act;

17 (B) for each foreign person identified pur-
18 suant to subparagraph (A), a statement of
19 whether sanctions have been imposed or will be
20 imposed within 30 days of the submission of the
21 report; and

22 (C) with respect to any person identified
23 pursuant to subparagraph (A) for whom sanc-
24 tions have not been imposed and will not be im-
25 posed within 30 days of the submission of the

1 report, the specific authority under which other-
2 wise applicable sanctions are being waived, have
3 otherwise been determined not to apply, or are
4 not being imposed and a complete justification
5 of the decision to waive or otherwise not apply
6 such sanctions.

7 (b) FOREIGN PERSONS DESCRIBED.—The foreign
8 persons described in this subsection are the following:

- 9 (1) Maher Al Assad.
- 10 (2) Imad Abu Zureiq.
- 11 (3) Amer Taysir Khiti.
- 12 (4) Taher al-Kayyali.
- 13 (5) Raji Falhout.
- 14 (6) Mohammed Asif Issa Shalish.
- 15 (7) Abdellatif Hamid.
- 16 (8) Mustafa Al Masalmeh.

17 **SEC. 6. DEFINITIONS.**

18 In this Act:

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 the Judiciary of the House of
24 Representatives; and

1 (B) the Committee on Foreign Relations,
2 the Committee on Banking, Housing, and
3 Urban Affairs, and the Committee on the Judi-
4 ciary of the Senate.

5 (2) CAPTAGON.—The term “captagon” means
6 any compound, mixture, or preparation which con-
7 tains any quantity of a stimulant in schedule I or II
8 of section 202 of the Controlled Substances Act (21
9 U.S.C. 812), including—

10 (A) amphetamine, methamphetamine, and
11 fenethylline;

12 (B) any immediate precursor or controlled
13 substance analogue of such a stimulant, as de-
14 fined in section 102 of the Controlled Sub-
15 stances Act (21 U.S.C. 802); and

16 (C) any isomers, esters, ethers, salts, and
17 salts of isomers, esters, and ethers of such a
18 stimulant, whenever the existence of such iso-
19 mers, esters, ethers, and salts is possible within
20 the specific chemical designation.

21 (3) FOREIGN PERSON.—The term “foreign per-
22 son”—

23 (A) means an individual or entity that is
24 not a United States person; and

1 (B) includes a foreign state (as such term
2 is defined in section 1603 of title 28, United
3 States Code).

4 (4) ILLICIT PROLIFERATION.—The term “illicit
5 proliferation” refers to any illicit activity to produce,
6 manufacture, distribute, sell, or knowingly finance or
7 transport.

8 (5) KNOWINGLY.—The term “knowingly” has
9 the meaning given that term in section 14 of the
10 Iran Sanctions Act of 1996 (Public Law 104–172;
11 50 U.S.C. 1701 note).

12 (6) UNITED STATES PERSON.—The term
13 “United States person” means—

14 (A) a United States citizen;

15 (B) a permanent resident alien of the
16 United States;

17 (C) an entity organized under the laws of
18 the United States or of any jurisdiction within
19 the United States, including a foreign branch of
20 such an entity; or

21 (D) a person in the United States.