

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:

8 (1) Industrial scale production of the amphet-
9 amine-type stimulant also known as captagon, and

1 the illicit production of precursor chemicals, in terri-
2 tories held by the regime of President Bashar al
3 Assad in Syria are becoming more sophisticated and
4 pose a severe challenge to regional and international
5 security.

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

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

17 **SEC. 3. STATEMENT OF POLICY.**

18 It is the policy of the United States to target individ-
19 uals, entities, and networks associated with the Govern-
20 ment of Syria to dismantle and degrade the transnational
21 criminal organizations, including narcotics trafficking net-
22 works, associated with the regime of President Bashar al
23 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 in the vital national
6 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) IMPLEMENTATION.—The President may exercise
14 all authorities provided under sections 203 and 205 of the
15 International Emergency Economic Powers Act (50
16 U.S.C. 1702 and 1704) to carry out this section.

17 (f) REGULATIONS.—

18 (1) IN GENERAL.—The President shall, not
19 later than 120 days after the date of the enactment
20 of this Act, promulgate regulations as necessary for
21 the implementation of this section.

22 (2) NOTIFICATION TO CONGRESS.—Not later
23 than 10 days before the promulgation of regulations
24 under this subsection, the President shall notify the
25 appropriate congressional committees of the pro-

1 posed regulations and the provisions of this section
2 that the regulations are implementing.

3 (g) EXCEPTIONS.—

4 (1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this section shall not apply
5 to any activity subject to the reporting requirements
6 under title V of the National Security Act of 1947
7 (50 U.S.C. 3091 et seq.) or any authorized intel-
8 ligence activities of the United States.

10 (2) EXCEPTION TO COMPLY WITH INTER-
11 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
12 MENT ACTIVITIES.—Sanctions under this section
13 shall not apply with respect to an alien if admitting
14 or paroling the alien into the United States is nec-
15 essary—

16 (A) to permit the United States to comply
17 with the Agreement regarding the Head-
18 quarters of the United Nations, signed at Lake
19 Success June 26, 1947, and entered into force
20 November 21, 1947, between the United Na-
21 tions and the United States, or other applicable
22 international obligations; or

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

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

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

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

10 (2) submit to the appropriate congressional
11 committees a report containing—

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

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

20 (C) with respect to any person identified
21 pursuant to subparagraph (A) for whom sanc-
22 tions have not been imposed and will not be im-
23 posed within 30 days of the submission of the
24 report, the specific authority under which other-
25 wise applicable sanctions are being waived, have
26 otherwise been determined not to apply, or are

1 not being imposed and a complete justification
2 of the decision to waive or otherwise not apply
3 such sanctions.

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

6 (1) Maher Al Assad.

7 (2) Imad Abu Zureiq.

8 (3) Amer Taysir Khiti.

9 (4) Taher al-Kayyali.

10 (5) Raji Falhout.

11 (6) Mohammed Asif Issa Shalish.

12 (7) Abdellatif Hamid, a Syrian national.

13 (8) Mustafa Al Masalmeh.

14 **SEC. 6. DEFINITIONS.**

15 In this Act:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means—

19 (A) the Committee on Foreign Affairs and
20 the Committee on the Judiciary of the House of
21 Representatives; and

22 (B) the Committee on Foreign Relations,
23 the Committee on Banking, Housing, and
24 Urban Affairs, and the Committee on the Judi-
25 ciary of the Senate.

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

6 (A) amphetamine, methamphetamine, and
7 fenethylline;

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

12 (C) any isomers, esters, ethers, salts, and
13 salts of isomers, esters, and ethers of such a
14 stimulant, whenever the existence of such iso-
15 mers, esters, ethers, and salts is possible within
16 the specific chemical designation.

17 (3) FOREIGN PERSON.—The term “foreign per-
18 son”—

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

21 (B) includes a foreign state (as such term
22 is defined in section 1603 of title 28, United
23 States Code).

24 (4) ILLICIT PROLIFERATION.—The term “illicit
25 proliferation” refers to any illicit activity to produce,

1 manufacture, distribute, sell, or knowingly finance or
2 transport.

3 (5) KNOWINGLY.—The term “knowingly” has
4 the meaning given that term in section 14 of the
5 Iran Sanctions Act of 1996 (Public Law 104–172;
6 50 U.S.C. 1701 note).

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

9 (A) a United States citizen;

10 (B) a permanent resident alien of the
11 United States;

12 (C) an entity organized under the laws of
13 the United States or of any jurisdiction within
14 the United States, including a foreign branch of
15 such an entity; or

16 (D) a person in the United States.

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