

**AMENDMENT TO RULES COMM. PRINT 118-36**

**OFFERED BY MR. BANKS OF INDIANA**

At the end of subtitle C of title XVII, add the following:

1 **SEC. 17\_\_\_ . SANCTIONS ON CERTAIN ACTS CONCERNING**  
2 **CHEMICAL OR BIOLOGICAL PROGRAMS.**

3 (a) **PURPOSES.**—Section 302 of the Chemical and Bi-  
4 ological Weapons Control and Warfare Elimination Act of  
5 1991 (22 U.S.C. 5601) is amended—

6 (1) by redesignating paragraphs (2), (3), and  
7 (4) as paragraphs (3), (4), and (5), respectively;

8 (2) by striking “that use chemical” and insert-  
9 ing “that—

10 “(A) use chemical”;

11 (3) by striking “law or use” and inserting “law;

12 “(B) use”; and

13 (4) by striking “nationals, and to impose” and  
14 inserting “nationals; or

15 “(C) commit an act concerning a chemical  
16 or biological program that results in injury or  
17 damages to another country;

18 “(2) to impose”.

1 (b) PRESIDENTIAL REPORTING REQUIREMENTS.—  
2 Section 306 of the Chemical and Biological Weapons Con-  
3 trol and Warfare Elimination Act of 1991 (22 U.S.C.  
4 5604) is amended—

5 (1) in the heading, by striking the period and  
6 inserting “**OR ACTS CONCERNING A CHEMICAL**  
7 **OR BIOLOGICAL PROGRAM.**”;

8 (2) in subsection (a)—

9 (A) in paragraph (1)—

10 (i) by striking “Whenever” and insert-  
11 ing the following:

12 “(A) DETERMINATION REGARDING CHEM-  
13 ICAL OR BIOLOGICAL WEAPONS.—Whenever”;  
14 and

15 (ii) by adding at the end the fol-  
16 lowing:

17 “(B) DETERMINATION REGARDING CHEM-  
18 ICAL OR BIOLOGICAL PROGRAM.—Whenever  
19 credible information becomes available to the  
20 President indicating a substantial possibility  
21 that, on or after the date of the enactment of  
22 this subparagraph, an individual has committed  
23 a covered act, the President shall, not later  
24 than 60 days after the receipt of such informa-  
25 tion by the President, determine whether such

1 individual committed a covered act. The Presi-  
2 dent shall impose the sanctions described in  
3 section 310 with respect to an individual if the  
4 President determines that such individual has  
5 committed a covered act.”;

6 (B) in paragraph (2)—

7 (i) by striking “In making the deter-  
8 mination under paragraph (1)” and insert-  
9 ing:

10 “(A) CONSIDERATIONS REGARDING CHEM-  
11 ICAL OR BIOLOGICAL WEAPONS.—In making the  
12 determination under paragraph (1)(A)”;

13 (ii) by redesignating subparagraphs  
14 (A) through (E) as clauses (i) through (v),  
15 respectively, and by moving such redesign-  
16 ated clauses 2 ems to the right; and

17 (iii) by adding at the end the fol-  
18 lowing:

19 “(B) CONSIDERATIONS REGARDING CHEM-  
20 ICAL OR BIOLOGICAL PROGRAM.—In making a  
21 determination under paragraph (1)(B), the  
22 President shall consider the following:

23 “(i) Physical and circumstantial evi-  
24 dence available relevant to the possibility

1 that the individual in question committed a  
2 covered act.

3 “(ii) Whether evidence exists that the  
4 chemical or biological program associated  
5 with such covered act has a civilian or mili-  
6 tary purpose or application.

7 “(iii) Whether the foreign govern-  
8 mental entity of which such individual was  
9 an official, employee, or agent attempted  
10 to conceal or withhold information regard-  
11 ing a covered act from a relevant inter-  
12 national organization or a foreign country  
13 other than the foreign country most closely  
14 associated with such entity.

15 “(iv) Whether, and to what extent,  
16 the foreign country most closely associated  
17 with such entity is compliant with the obli-  
18 gations of such country under a covered  
19 treaty.

20 “(v) Whether, and to what extent,  
21 such entity has voluntarily disclosed sub-  
22 stantive information regarding such cov-  
23 ered act to relevant international organiza-  
24 tions.”; and

25 (C) in paragraph (3)—

1 (i) by striking “Upon” and inserting  
2 the following:

3 “(A) IN GENERAL.—Upon”;

4 (ii) by striking “If the determination”  
5 and inserting the following:

6 “(B) REPORT REQUIREMENTS.—

7 “(i) REQUIREMENTS FOR CHEMICAL  
8 OR BIOLOGICAL WEAPONS DETERMINA-  
9 TION.—If the determination under para-  
10 graph (1)(A)”;

11 (iii) by adding at the end the fol-  
12 lowing:

13 “(ii) REQUIREMENTS FOR CHEMICAL  
14 OR BIOLOGICAL PROGRAM DETERMINA-  
15 TION.—If the determination under para-  
16 graph (1)(B) is that an individual has  
17 committed a covered act, the report shall  
18 specify the sanctions to be imposed pursu-  
19 ant to section 310 of this title.”;

20 (3) in subsection (b)—

21 (A) in paragraph (1)—

22 (i) by striking “whether a” and in-  
23 sserting “whether—

24 “(A) a”;

1 (ii) by striking the period after “na-  
2 tionals” and inserting “; or

3 “(B) a particular individual, on or after  
4 January 1, 2023, has committed a covered  
5 act.”; and

6 (B) in paragraph (2)—

7 (i) by striking “Not later” and insert-  
8 ing the following:

9 “(A) IN GENERAL.—Not later”;

10 (ii) by striking “whether the” and in-  
11 sserting ; “whether—

12 “(i) the”;

13 (iii) by striking “nationals. This re-  
14 port” and inserting “nationals; or

15 “(ii) the specified individual, on or  
16 after January 1, 2023, has committed a  
17 covered act.

18 “(B) REPORT CONTENTS.—Each report  
19 provided under this paragraph”; and

20 (iv) by striking “subsection (a)(2)”  
21 and inserting “subparagraphs (A) or (B)  
22 of subsection (a)(2), as applicable”.

23 (c) SANCTIONS ON USE OF CHEMICAL OR BIOLOGI-  
24 CAL WEAPONS.—Section 307(a) of the Chemical and Bio-  
25 logical Weapons Control and Warfare Elimination Act of

1 1991 (22 U.S.C. 5605) is amended by striking  
2 “306(a)(1)” and inserting “306(a)(1)(A)”.

3 (d) REQUIRED SANCTIONS ON FOREIGN COUNTRIES  
4 IN RESPONSE TO CERTAIN ACTS CONCERNING CHEMICAL  
5 OR BIOLOGICAL PROGRAM.—The Chemical and Biological  
6 Weapons Control and Warfare Elimination Act of 1991  
7 (22 U.S.C. 5601 et seq.) is amended by adding at the end  
8 the following:

9 **“SEC. 310. SANCTIONS ON FOREIGN COUNTRIES IN RE-**  
10 **SPONSE TO ACTS CONCERNING CHEMICAL**  
11 **OR BIOLOGICAL PROGRAM.**

12 “(a) INITIAL SANCTIONS.—If the President makes a  
13 determination pursuant to section 306(a)(1)(B) with re-  
14 spect to an individual, the President shall, not later than  
15 30 days of making such determination, impose the fol-  
16 lowing sanctions:

17 “(1) The United States Government shall sus-  
18 pend scientific cooperative programs and agreements  
19 with the foreign country most closely associated with  
20 the foreign governmental entity of which such indi-  
21 vidual was an official, employee, or agent.

22 “(2) The President shall prohibit the export of  
23 goods, services, and technologies classified under  
24 Category 1 or Category 2 of the Commerce Control  
25 List to such foreign country.

1           “(3) The United States Government may not  
2 procure, or enter into a contract to procure, a good  
3 or service from a person operating in the chemical  
4 or biological sectors of the economy of such foreign  
5 country.

6           “(b) INTERMEDIATE APPLICATION OF SANCTIONS.—

7           “(1) REPORT TO CONGRESS.—Not later than  
8 120 days after making a determination pursuant to  
9 section 306(a)(1)(B) with respect to an individual,  
10 the President shall submit to the Committee on For-  
11 eign Affairs of the House of Representatives and the  
12 Committee on Foreign Relations of the Senate a re-  
13 port that states whether—

14           “(A) the foreign governmental entity of  
15 which such individual was an official, employee,  
16 or agent or the foreign country most closely as-  
17 sociated with such entity has adequately ad-  
18 dressed the covered act that was the basis for  
19 such determination;

20           “(B) such entity or such country has devel-  
21 oped or is developing measures to prevent a  
22 covered act;

23           “(C) such entity or such country has vol-  
24 untarily provided substantive information re-  
25 garding such covered act to the United States



1 Government and relevant international organi-  
2 zations; and

3 “(D) such country is compliant with the  
4 obligations of such country under a covered  
5 treaty.

6 “(2) SANCTIONS REQUIRED.—If the report de-  
7 scribed in paragraph (1) states that an action de-  
8 scribed in any of subparagraphs (A) through (D) of  
9 paragraph (1) has not been taken, the President  
10 shall impose sanctions on the foreign country most  
11 closely associated with the foreign governmental en-  
12 tity of which such individual was an official, em-  
13 ployee, or agent not fewer than 2 of the following:

14 “(A) Termination of assistance provided to  
15 such country pursuant to the Foreign Assist-  
16 ance Act of 1961 (22 U.S.C. 2151 et seq.), ex-  
17 cept for urgent humanitarian assistance, food,  
18 or other agricultural commodities or products.

19 “(B) No sale of defense articles, defense  
20 services, or design and construction services  
21 under the Export Controls Act of 2018 (50  
22 U.S.C. 4811 et seq.) may be made to such  
23 country.

24 “(C) No license for export of an item listed  
25 in the United States Munitions List (estab-

1           lished pursuant to section 38 of the Arms Ex-  
2           port Control Act (22 U.S.C. 2778)) may be  
3           granted if such license includes such country as  
4           a party.

5           “(D) No export of a good or technology  
6           controlled because of the national security inter-  
7           ests of the United States under the Export Ad-  
8           ministration Regulations may be made to such  
9           country, except that such prohibition shall not  
10          apply to a transaction subject to the reporting  
11          requirements of title V of the National Security  
12          Act of 1947 (50 U.S.C. 413 et seq.).

13          “(3) ADDITIONAL SANCTIONS PERMITTED.—  
14          The President may order the United States Govern-  
15          ment not to issue a license nor grant a specific per-  
16          mission or authority to export a good or technology  
17          to a foreign country sanctioned under paragraph (2)  
18          under—

19                 “(A) the Export Controls Act of 2018 (50  
20                 U.S.C. 4811 et seq.);

21                 “(B) the Anti-Boycott Act of 2018 (50  
22                 U.S.C. 4841 et seq.);

23                 “(C) the Arms Export Control Act (22  
24                 U.S.C. 2751 et seq.);

1           “(D) the Atomic Energy Act of 1954 (42  
2           U.S.C. 2011 et seq.); or

3           “(E) any other statute that requires the  
4           prior review and approval of the United States  
5           Government as a condition for the export or re-  
6           export of goods or services.

7           “(c) FINAL APPLICATION OF SANCTIONS.—

8           “(1) PRESIDENTIAL DETERMINATION.—Not  
9           later than 210 days after making a determination  
10          pursuant to section 306(a)(1)(B) with respect to an  
11          individual, the President shall submit to the Com-  
12          mittee on Foreign Affairs of the House of Rep-  
13          resentatives and the Committee on Foreign Rela-  
14          tions of the Senate a report that states whether—

15               “(A) the foreign governmental entity of  
16               which such individual was an official, employee,  
17               or agent or the foreign country most closely as-  
18               sociated with such entity has adequately ad-  
19               dressed the covered act that was the basis for  
20               such determination;

21               “(B) such entity or such country has devel-  
22               oped or is developing measures to prevent a  
23               covered act;

24               “(C) such entity or such country has vol-  
25               untarily provided substantive information re-

1           garding such covered act to the United States  
2           Government and relevant international organi-  
3           zations; and

4                   “(D) such country is compliant with the  
5           obligations of such country under a covered  
6           treaty.

7           “(2) EFFECT OF DETERMINATION.—If the re-  
8           port described in paragraph (1) states that an action  
9           described in subparagraphs (A) through (D) of para-  
10          graph (1) has not been taken by a foreign govern-  
11          mental entity or a foreign country, as applicable, the  
12          President shall prohibit any transaction that—

13                   “(A) is—

14                           “(i) in foreign commerce; or

15                           “(ii) a transfer of credit or payment  
16                   by, through, or to a financial institution;

17                   “(B) is subject to the jurisdiction of the  
18           United States; and

19                   “(C) involves a financial interest of such  
20           country.

21          “(d) REMOVAL OF SANCTIONS.—The President shall  
22          remove each sanction imposed on a foreign country pursu-  
23          ant to this section if, on or after the date that is 12  
24          months after the first date on which a sanction was im-

1 posed on such country pursuant to this section, the Presi-  
2 dent certifies to Congress that—

3 “(1) such country or the foreign governmental  
4 entity of which the individual who committed the  
5 covered act that was the basis for the imposition of  
6 such sanctions was an official, employee, or agent  
7 has adequately addressed such act;

8 “(2) such country or such entity has developed  
9 or is developing measures to prevent a covered act;

10 “(3) such country or such entity has voluntarily  
11 provided substantive information regarding such cov-  
12 ered act to the United States Government and rel-  
13 evant international organizations;

14 “(4) such country is compliant with the obliga-  
15 tions of such country under a covered treaty; and

16 “(5) such country or such entity has made or  
17 is making restitution to persons harmed by the cov-  
18 ered act that was the basis of such sanctions, includ-  
19 ing United States nationals.

20 “(e) WAIVER.—

21 “(1) IN GENERAL.—The President may, for pe-  
22 riods of not more than 180 days, waive the imposi-  
23 tion of sanctions required under this section if the  
24 President certifies to the Committee on Foreign Af-  
25 fairs of the House of Representatives and the Com-

1       mittee on Foreign Relations of the Senate that such  
2       waiver is vital to the national security interests of  
3       the United States.

4               “(2) SUNSET.—The President may not exercise  
5       the authority described in paragraph (1) on or after  
6       the date that is 5 years after the date of the enact-  
7       ment of this section.

8       **“SEC. 311. DEFINITIONS.**

9       “In this title:

10               “(1) CHEMICAL OR BIOLOGICAL PROGRAM.—  
11       The term ‘chemical or biological program’ means a  
12       program to produce, develop or distribute—

13                       “(A) a chemical or biological weapon;

14                       “(B) benzylfentanyl;

15                       “(C) 4-anilinopiperidine; or

16                       “(D) norfentanyl precursors.

17               “(2) COMMERCE CONTROL LIST.—The term  
18       ‘Commerce Control List’ means the list maintained  
19       by the Bureau of Industry and Security of the De-  
20       partment of Commerce and set forth in Supplement  
21       No. 1 to part 774 of the Export Administration  
22       Regulations.

23               “(3) COVERED ACT.—The term ‘covered act’  
24       means an act by an individual who is an official, em-

1 ployee, or agent of a foreign governmental entity,  
2 if—

3 “(A) such individual knew or should have  
4 known that such act would result in injury or  
5 damages to another foreign country; and

6 “(B) such act concerns a chemical or bio-  
7 logical program that is owned, controlled, or di-  
8 rected by, or subject to the jurisdiction of such  
9 foreign governmental entity.

10 “(4) COVERED TREATY.—The term ‘covered  
11 treaty’ means—

12 “(A) the Convention on the Prohibition of  
13 the Development, Production and Stockpiling of  
14 Bacteriological and Toxin Weapons and on  
15 their Destruction, done at Washington, London,  
16 and Moscow, April 10, 1972 (commonly re-  
17 ferred to as the ‘Biological Weapons Conven-  
18 tion’); and

19 “(B) the Convention on the Prohibition of  
20 the Development, Production, Stockpiling and  
21 Use of Chemical Weapons and on their De-  
22 struction, done at Paris January 13, 1993, and  
23 entered into force April 29, 1997 (commonly re-  
24 ferred to as the ‘Chemical Weapons Conven-  
25 tion’).

1           “(5) EXPORT ADMINISTRATION REGULA-  
2           TIONS.—The term ‘Export Administration Regula-  
3           tions’ means the regulations set forth in subchapter  
4           C of chapter VII of title 15, Code of Federal Regu-  
5           lations.

6           “(6) FOREIGN GOVERNMENTAL ENTITY.—The  
7           term ‘foreign governmental entity’ means—

8                   “(A) a foreign country;

9                   “(B) a political subdivision of a foreign  
10           country;

11                   “(C) an ‘agency or instrumentality of a  
12           foreign state’ as such term is defined in section  
13           1603(b) of title 28, United States Code;

14                   “(D) an entity that is directly or indirectly  
15           controlled or beneficially owned by a foreign  
16           country;

17                   “(E) an entity that acts on behalf of or as  
18           an agent of a foreign country; and

19                   “(F) an entity that—

20                           “(i) receives significant material sup-  
21           port from a foreign country; and

22                           “(ii) is engaged in—

23                                   “(I) the provision of commercial  
24           services;

25                                   “(II) shipping;



1 “(III) manufacturing;

2 “(IV) producing; or

3 “(V) exporting.”.

