

AMENDMENT TO RULES COMM. PRINT 117-54
OFFERED BY MR. C. SCOTT FRANKLIN OF
FLORIDA

At the appropriate place in title LVIII, insert the following:

1 **SEC. ____ . PREVENTING THE RECOGNITION OF TERRORIST**
2 **STATES ACT.**

3 (a) STATEMENT OF POLICY.—It is the policy of the
4 United States—

5 (1) to continue to recognize the democratically
6 elected government of the Islamic Republic of Af-
7 ghanistan as the legitimate Government of Afghani-
8 stan;

9 (2) to not recognize the Islamic Emirate of Af-
10 ghanistan, which is controlled by the Taliban, as the
11 official Government of Afghanistan under any cir-
12 cumstances;

13 (3) to view the Taliban’s takeover of Afghani-
14 stan as a coup d’état and therefore illegitimate;

15 (4) to recognize that individuals designated as
16 terrorists by the United States, such as Sirajuddin
17 Haqqani, will play a key role in the Taliban regime;
18 and

1 (5) to continue to assist the people of Afghani-
2 stan, especially people at risk as a result of their ac-
3 tivities, beliefs, religion, or political views.

4 (b) PROHIBITION ON ACTIONS RECOGNIZING THE IS-
5 LAMIC EMIRATE OF AFGHANISTAN.—

6 (1) IN GENERAL.—In furtherance of the policy
7 set forth in subsection (a), no Federal department or
8 agency may take any action or extend any assistance
9 that states or implies recognition of the Taliban’s
10 claim of sovereignty over Afghanistan.

11 (2) FUNDING LIMITATION.—Notwithstanding
12 any other provision of law, no Federal funds appro-
13 priated or otherwise made available for the Depart-
14 ment of State, the United States Agency for Inter-
15 national Development, or the Department of Defense
16 on or after the date of the enactment of this Act
17 may be obligated or expended to prepare or promul-
18 gate any policy, guidance, regulation, notice, or Ex-
19 ecutive order, or to otherwise implement, administer,
20 or enforce any policy, that extends diplomatic rec-
21 ognition to the Islamic Emirate of Afghanistan.

22 (c) DESIGNATION OF ISLAMIC EMIRATE OF AFGHAN-
23 ISTAN AS A STATE SPONSOR OF TERRORISM.—

1 (1) IN GENERAL.—The Secretary of State shall
2 designate the Islamic Emirate of Afghanistan as a
3 state sponsor of terrorism.

4 (2) STATE SPONSOR OF TERRORISM DE-
5 FINED.—In this section, the term “state sponsor of
6 terrorism” means a country the government of
7 which the Secretary of State has determined has re-
8 peatedly provided support for acts of international
9 terrorism, for purposes of—

10 (A) section 1754(c)(1)(A)(i) of the Export
11 Control Reform Act of 2018 (50 U.S.C.
12 4813(c)(1)(A)(i));

13 (B) section 620A of the Foreign Assistance
14 Act of 1961 (22 U.S.C. 2371);

15 (C) section 40(d) of the Arms Export Con-
16 trol Act (22 U.S.C. 2780(d)); or

17 (D) any other provision of law.

18 (d) DESIGNATION OF THE TALIBAN AS A FOREIGN
19 TERRORIST ORGANIZATION.—The Secretary of State shall
20 designate the Taliban as a foreign terrorist organization
21 pursuant to section 219 of the Immigration and Nation-
22 ality Act (8 U.S.C. 1189).

23 (e) DETERMINATIONS WITH RESPECT TO NARCOTICS
24 TRAFFICKING AND MONEY LAUNDERING BY THE
25 TALIBAN.—Not later than 120 days after the date of the

1 enactment of this Act, the Secretary of State shall submit
2 to Congress a report that includes—

3 (1) a determination of whether the Taliban
4 should be designated as—

5 (A) a significant foreign narcotics traf-
6 ficker (as defined in section 808 of the Foreign
7 Narcotics Kingpin Designation Act (21 U.S.C.
8 1907)); or

9 (B) a significant transnational criminal or-
10 ganization under Executive Order 13581 (50
11 U.S.C. 1701 note; relating to blocking property
12 of transnational criminal organizations); and

13 (2) a determination of whether Afghanistan,
14 while under the control of the Taliban, should be
15 designated as a high-risk jurisdiction subject to a
16 call for action (commonly referred to as the “black
17 list”) under the criteria established for such designa-
18 tion by the Financial Action Task Force.

19 (f) ASSESSMENT OF WHETHER RARE EARTH MET-
20 ALS EXPORTED FROM AFGHANISTAN VIOLATE PROHIBI-
21 TION ON IMPORTATION OF GOODS MADE WITH FORCED
22 LABOR.—The Commissioner of U.S. Customs and Border
23 Protection shall—

24 (1) assess whether the importation of rare earth
25 metals extracted in Afghanistan and goods produced

1 from such metals violates the prohibition on impor-
2 tation of goods made with forced labor under section
3 307 of the Tariff Act of 1930 (19 U.S.C. 1307); and

4 (2) consider issuing a withhold release order
5 with respect to such metals and goods to prevent
6 such metals and goods from entering the United
7 States.

8 (g) REPORT ON DIPLOMATIC RELATIONS OF THE
9 TALIBAN AND SUPPORTERS OF THE TALIBAN.—Not later
10 than 120 days after the date of the enactment of this Act,
11 and annually thereafter, the Secretary of State shall sub-
12 mit to Congress a report that—

13 (1) describes the Taliban’s relations with Iran,
14 the Russian Federation, Pakistan, Saudi Arabia, the
15 United Arab Emirates, Tajikistan, Uzbekistan, and
16 the People’s Republic of China;

17 (2) identifies each foreign person that know-
18 ingly assists, provides significant support or services
19 to, or is involved in a significant transaction with, a
20 senior member of the Taliban or a supporter of the
21 Taliban; and

22 (3) assesses—

23 (A) the likelihood that the countries re-
24 ferred to in paragraph (1) will seek to invest in
25 Afghanistan’s key natural resources; and

1 (B) the impact of such investments on the
2 national security of the United States.

3 (h) REPORT ON SAFE HARBOR PROVIDED TO TER-
4 RORIST ORGANIZATIONS BY PAKISTAN.—Not later than
5 120 days after the date of the enactment of this Act, and
6 annually thereafter, the Secretary of State shall submit
7 to Congress and make available to the public a report that
8 describes the actions taken by the Government of Pakistan
9 to provide safe harbor to organizations—

10 (1) designated by the Secretary of State as for-
11 eign terrorist organizations under section 219 of the
12 Immigration and Nationality Act (8 U.S.C. 1189);
13 and

14 (2) designated as a specially designated global
15 terrorist organizations under Executive Order 13224
16 (50 U.S.C. 1701 note; relating to blocking property
17 and prohibiting transactions with persons who com-
18 mit, threaten to commit, or support terrorism).

19 (i) IMPOSITION OF SANCTIONS WITH RESPECT TO
20 SUPPORTERS OF THE TALIBAN.—

21 (1) IN GENERAL.—The President shall impose
22 2 or more of the sanctions described in paragraph
23 (2) with respect to each foreign person identified
24 under paragraph (2) of subsection (g) in the most
25 recent report submitted under that subsection.

1 (2) SANCTIONS DESCRIBED.—The sanctions
2 that may be imposed with respect to a foreign per-
3 son under paragraph (1) are the following:

4 (A) EXPORT-IMPORT BANK ASSISTANCE
5 FOR EXPORTS TO SANCTIONED PERSONS.—The
6 President may direct the Export-Import Bank
7 of the United States not to give approval to the
8 issuance of any guarantee, insurance, extension
9 of credit, or participation in the extension of
10 credit in connection with the export of any
11 goods or services to the foreign person.

12 (B) EXPORT SANCTION.—The President
13 may order the United States Government not to
14 issue any specific license and not to grant any
15 other specific permission or authority to export
16 any goods or technology to the foreign person
17 under—

18 (i) the Export Control Reform Act of
19 2018 (50 U.S.C. 4801 et seq.);

20 (ii) the Arms Export Control Act (22
21 U.S.C. 2751 et seq.);

22 (iii) the Atomic Energy Act of 1954
23 (42 U.S.C. 2011 et seq.); or

24 (iv) any other statute that requires
25 the prior review and approval of the

1 United States Government as a condition
2 for the export or reexport of goods or serv-
3 ices.

4 (C) LOANS FROM UNITED STATES FINAN-
5 CIAL INSTITUTIONS.—The President may pro-
6 hibit any United States financial institution
7 from making loans or providing credits to the
8 foreign person totaling more than \$10,000,000
9 in any 12-month period.

10 (D) BLOCKING OF PROPERTY OF IDENTI-
11 FIED PERSONS.—The President may exercise
12 all powers granted to the President by the
13 International Emergency Economic Powers Act
14 (50 U.S.C. 1701 et seq.) to the extent nec-
15 essary to block and prohibit all transactions in
16 all property and interests in property of the for-
17 eign person if such property and interests in
18 property are in the United States, come within
19 the United States, or are or come within the
20 possession or control of a United States person.

21 (3) IMPLEMENTATION; PENALTIES.—

22 (A) IMPLEMENTATION.—The President
23 may exercise the authorities provided to the
24 President under sections 203 and 205 of the
25 International Emergency Economic Powers Act

1 (50 U.S.C. 1702 and 1704) to the extent nec-
2 essary to carry out this subsection.

3 (B) PENALTIES.—A person that violates,
4 attempts to violate, conspires to violate, or
5 causes a violation of this subsection or any reg-
6 ulation, license, or order issued to carry out this
7 section shall be subject to the penalties set
8 forth in subsections (b) and (c) of section 206
9 of the International Emergency Economic Pow-
10 ers Act (50 U.S.C. 1705) to the same extent as
11 a person that commits an unlawful act de-
12 scribed in subsection (a) of that section.

13 (4) EXCEPTIONS.—

14 (A) EXCEPTION FOR INTELLIGENCE AC-
15 TIVITIES.—Sanctions under this subsection
16 shall not apply to any activity subject to the re-
17 porting requirements under title V of the Na-
18 tional Security Act of 1947 (50 U.S.C. 3091 et
19 seq.) or any authorized intelligence activities of
20 the United States.

21 (B) EXCEPTION RELATING TO IMPORTA-
22 TION OF GOODS.—

23 (i) IN GENERAL.—The authorities and
24 requirements to impose sanctions author-
25 ized under this section shall not include

1 the authority or a requirement to impose
2 sanctions on the importation of goods.

3 (ii) GOOD DEFINED.—In this para-
4 graph, the term “good” means any article,
5 natural or manmade substance, material,
6 supply, or manufactured product, including
7 inspection and test equipment, and exclud-
8 ing technical data.

9 (5) DEFINITIONS.—In this subsection:

10 (A) The term “foreign person” means a
11 person that is not a United States person.

12 (B) The term “United States person”
13 means—

14 (i) an individual who is a United
15 States citizen or an alien lawfully admitted
16 for permanent residence to the United
17 States;

18 (ii) an entity organized under the laws
19 of the United States or any jurisdiction
20 within the United States, including a for-
21 eign branch of such an entity; or

22 (iii) any person in the United States.

23 (j) REPEAL OF EXCEPTION TO SANCTIONS WITH RE-
24 SPECT TO ENERGY, SHIPPING, AND SHIPBUILDING SEC-
25 TORS OF IRAN RELATING TO AFGHANISTAN RECON-

1 STRUCTURE.—Subsection (f) of section 1244 of the Iran
2 Freedom and Counter-Proliferation Act of 2012 (22
3 U.S.C. 8803) is repealed.

4 (k) LIMITATION ON HUMANITARIAN ASSISTANCE
5 THAT COULD BENEFIT FOREIGN TERRORIST ORGANIZA-
6 TIONS.—

7 (1) IN GENERAL.—Before obligating funds de-
8 scribed in paragraph (2) for assistance in or for Af-
9 ghanistan and Pakistan or any other country in
10 which organizations designated by the Secretary of
11 State as foreign terrorist organizations under section
12 219 of the Immigration and Nationality Act (8
13 U.S.C. 1189) hold territory or wield substantial eco-
14 nomic or political power, the Administrator of the
15 United States Agency for International Development
16 shall take all appropriate steps to ensure that such
17 assistance is not provided to or through—

18 (A) any individual, private or government
19 entity, or educational institution that the Sec-
20 retary knows, or has reason to believe, advo-
21 cates, plans, sponsors, engages in, or has en-
22 gaged in, terrorist activity; or

23 (B) any private entity or educational insti-
24 tution that has, as a principal officer or mem-
25 ber of the governing board or governing board

1 of trustees of the entity or institution, any indi-
2 vidual who has been determined to be—

3 (i) involved in or advocating terrorist
4 activity; or

5 (ii) a member of a foreign terrorist or-
6 ganization.

7 (2) FUNDS DESCRIBED.—Funds described in
8 this paragraph are funds appropriated under the
9 heading “Economic Support Fund”, “Development
10 Assistance”, “Global Health”, “Transition Initia-
11 tives”, or “International Humanitarian Assistance”
12 in an Act making appropriations for the Department
13 of State, foreign operations, and related programs or
14 making supplemental appropriations.

15 (3) IMPLEMENTATION.—

16 (A) IN GENERAL.—The Administrator of
17 the United States Agency for International De-
18 velopment shall, as appropriate—

19 (i) establish procedures to specify the
20 steps to be taken in carrying out para-
21 graph (1); and

22 (ii) terminate assistance—

23 (I) to any individual, entity, or
24 educational institution that the Sec-

1 retary has determined to be involved
2 in or advocating terrorist activity; or
3 (II) that could benefit such an
4 individual, entity, or educational insti-
5 tution.

6 (B) INCLUSION OF CERTAIN ENTITIES.—In
7 establishing procedures under subparagraph
8 (A)(i) with respect to steps to be taken to en-
9 sure that assistance is not provided to individ-
10 uals, entities, or institutions described in sub-
11 section (a), the Administrator shall ensure that
12 the recipients and subrecipients of assistance
13 from the United States Agency for Inter-
14 national Development and their contractors and
15 subcontractors are included.

16 (l) RESTRICTION ON FOREIGN ASSISTANCE TO
17 COUNTRIES IN WHICH COUPS D'ÉTAT HAVE OC-
18 CURRED.—

19 (1) IN GENERAL.—None of the funds appro-
20 priated or otherwise made available pursuant to an
21 Act making appropriations for the Department of
22 State, foreign operations, and related programs or
23 making supplemental appropriations may be obli-
24 gated or expended to finance directly any assistance
25 to the government of any country whose duly elected

1 head of government is deposed by military coup
2 d“état or decree or, after the date of the enactment
3 of this Act, a coup d”état or decree in which the
4 military plays a decisive role.

5 (2) RESUMPTION OF ASSISTANCE.—Assistance
6 described in paragraph (1) may be resumed to a
7 government described in that subsection if the Sec-
8 retary of State certifies and reports to Congress
9 that, subsequent to the termination of such assist-
10 ance, a democratically elected government has taken
11 office.

12 (3) EXCEPTION.—The prohibition under para-
13 graph (1) shall not apply to assistance to promote
14 democratic elections or public participation in demo-
15 cratic processes.

16 (4) NOTIFICATION PROCEDURES.—Funds made
17 available pursuant to paragraphs (2) or (3) shall be
18 subject to the regular notification procedures of the
19 Committees on Appropriations of the Senate and the
20 House of Representatives.

