

118TH CONGRESS  
1ST SESSION

# S. 1768

To impose sanctions with respect to the Taliban, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MAY 31 (legislative day, MAY 30), 2023

Mr. RISCH (for himself, Mr. CASSIDY, Mr. BOOZMAN, Mrs. CAPITO, Mr. RICKETTS, Mr. BRAUN, Mr. SCOTT of Florida, Mr. BUDD, Mr. HOEVEN, Ms. ERNST, Mr. GRAHAM, Ms. COLLINS, Mr. YOUNG, Mr. CORNYN, Mr. RUBIO, Mr. THUNE, Mr. TILLIS, Mr. LANKFORD, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

---

## A BILL

To impose sanctions with respect to the Taliban, 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 “Taliban Sanctions Act  
5 of 2023”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ADMISSION; ADMITTED; ALIEN.**—The terms  
9 “admission”, “admitted”, and “alien” have the

1 meanings given those terms in section 101 of the  
2 Immigration and Nationality Act (8 U.S.C. 1101).

3 (2) AGRICULTURAL COMMODITY.—The term  
4 “agricultural commodity” has the meaning given  
5 that term in section 102 of the Agricultural Trade  
6 Act of 1978 (7 U.S.C. 5602).

7 (3) APPROPRIATE CONGRESSIONAL COMMIT-  
8 TEES.—The term “appropriate congressional com-  
9 mittees” means—

10 (A) the Committee on Foreign Relations  
11 and the Committee on Banking, Housing, and  
12 Urban Affairs of the Senate; and

13 (B) the Committee on Foreign Affairs and  
14 the Committee on Financial Services of the  
15 House of Representatives.

16 (4) FOREIGN PERSON.—The term “foreign per-  
17 son” means a person that is not a United States  
18 person.

19 (5) MEDICAL DEVICE.—The term “medical de-  
20 vice” has the meaning given the term “device” in  
21 section 201 of the Federal Food, Drug, and Cos-  
22 metic Act (21 U.S.C. 321).

23 (6) MEDICINE.—The term “medicine” has the  
24 meaning given the term “drug” in section 201 of the

1 Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
2 321).

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

5 (A) a citizen of the United States or an  
6 alien lawfully admitted for permanent residence  
7 to the United States; or

8 (B) an entity organized under the laws of  
9 the United States or any jurisdiction within the  
10 United States, including a foreign branch of  
11 such entity.

12 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO TER-**  
13 **RORISM, HUMAN RIGHTS ABUSES, AND NAR-**  
14 **COTICS TRAFFICKING COMMITTED BY THE**  
15 **TALIBAN AND OTHERS IN AFGHANISTAN.**

16 (a) SANCTIONS RELATING TO SUPPORT FOR TER-  
17 RORISM.—In addition to authorities under Executive  
18 Order 13224 (50 U.S.C. 1701 note; relating to blocking  
19 property and prohibiting transactions with persons who  
20 commit, threaten to commit, or support terrorism) under  
21 which the President has designated the Taliban and the  
22 Haqqani Network as specially designated global terrorist  
23 groups and section 219 of the Immigration and Nation-  
24 ality Act (8 U.S.C. 1189) under which the President has  
25 designated the Haqqani Network as a foreign terrorist or-

1 ganization, the President shall impose the sanctions de-  
2 scribed in subsection (d) with respect to a foreign person,  
3 including a member of the Taliban, if the President deter-  
4 mines that the person, on or after the date that is 90 days  
5 after the date of the enactment of this Act, is knowingly  
6 responsible for, complicit in, or has directly or indirectly  
7 provided financial, material, or technological support for,  
8 or financial or other services in support of, a terrorist  
9 group operating in Afghanistan.

10 (b) SANCTIONS RELATING TO HUMAN RIGHTS  
11 ABUSES.—The President shall impose the sanctions de-  
12 scribed in subsection (d) with respect to a foreign person,  
13 including a member of the Taliban, if the President deter-  
14 mines that the person, on or after the date that is 90 days  
15 after the date of the enactment of this Act, is responsible  
16 for, complicit in, or has directly or indirectly engaged in,  
17 serious human rights abuses in Afghanistan.

18 (c) SANCTIONS RELATING TO DRUG TRAFFICKING.—  
19 The President shall impose the sanctions described in sub-  
20 section (d) with respect to a foreign person, including a  
21 member of the Taliban, if the President determines that  
22 the person, on or after the date that is 90 days after the  
23 date of the enactment of this Act, knowingly—

24 (1) plays a significant role in international nar-  
25 cotics trafficking in Afghanistan; or

1           (2) provides significant financial, material, or  
2           technological support for, or significant financial or  
3           other services to or in support of, any person de-  
4           scribed in paragraph (1).

5           (d) SANCTIONS DESCRIBED.—The sanctions de-  
6           scribed in this subsection are the following:

7           (1) PROPERTY BLOCKING.—The exercise of all  
8           of the powers granted to the President under the  
9           International Emergency Economic Powers Act (50  
10          U.S.C. 1701 et seq.) to the extent necessary to block  
11          and prohibit all transactions in property and inter-  
12          ests in property of a foreign person described in sub-  
13          section (a), (b), or (c) if such property and interests  
14          in property are in the United States, come within  
15          the United States, or come within the possession or  
16          control of a United States person.

17          (2) INELIGIBILITY FOR VISAS, ADMISSION, OR  
18          PAROLE.—

19                 (A) VISAS, ADMISSION, OR PAROLE.—An  
20                 alien described in subsection (a), (b), or (c)  
21                 shall be—

22                         (i) inadmissible to the United States;  
23                         (ii) ineligible to receive a visa or other  
24                         documentation to enter the United States;  
25                         and

1 (iii) otherwise ineligible to be admitted  
2 or paroled into the United States or to re-  
3 ceive any other benefit under the Immigra-  
4 tion and Nationality Act (8 U.S.C. 1101 et  
5 seq.).

6 (B) CURRENT VISAS REVOKED.—

7 (i) IN GENERAL.—The visa or other  
8 entry documentation of any alien described  
9 in subsection (a), (b), or (c) is subject to  
10 revocation regardless of the issue date of  
11 the visa or other entry documentation.

12 (ii) IMMEDIATE EFFECT.—A revoca-  
13 tion under clause (i) shall—

14 (I) take effect immediately; and

15 (II) cancel any other valid visa or  
16 entry documentation that is in the  
17 possession of the alien.

18 **SEC. 4. SUPPORT FOR MULTILATERAL SANCTIONS WITH**  
19 **RESPECT TO THE TALIBAN.**

20 (a) VOICE AND VOTE AT UNITED NATIONS.—The  
21 Secretary of State shall use the voice and vote of the  
22 United States at the United Nations to maintain the sanc-  
23 tions with respect to the Taliban described in and imposed  
24 pursuant to United Nations Security Council Resolution

1 1988 (2011) and United Nations Security Council Resolu-  
2 tion 2255 (2015).

3 (b) **ENGAGEMENT WITH ALLIES AND PARTNERS.**—  
4 The Secretary of State shall, acting through the Office  
5 of Sanctions Coordination established under section 1(h)  
6 of the State Department Basic Authorities Act of 1956  
7 (22 U.S.C. 2651a(h)), engage with the governments of al-  
8 lies and partners of the United States to promote their  
9 use of sanctions with respect to the Taliban, particularly  
10 for any support for terrorism, serious human rights  
11 abuses, or international narcotics trafficking.

12 **SEC. 5. IMPLEMENTATION; PENALTIES.**

13 (a) **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 Act.

17 (b) **PENALTIES.**—A person that violates, attempts to  
18 violate, conspires to violate, or causes a violation of this  
19 Act or any regulation, license, or order issued to carry out  
20 this Act shall be subject to the penalties set forth in sub-  
21 sections (b) and (c) of section 206 of the International  
22 Emergency Economic Powers Act (50 U.S.C. 1705) to the  
23 same extent as a person that commits an unlawful act de-  
24 scribed in subsection (a) of that section.

1 (c) BRIEFING ON IMPLEMENTATION OF SANC-  
2 TIONS.—

3 (1) IN GENERAL.—Not later than 90 days after  
4 the date of the enactment of this Act, and every 90  
5 days thereafter through December 31, 2026, the  
6 Secretary of State and the Secretary of the Treasury  
7 shall jointly brief the appropriate congressional com-  
8 mittees on the implementation of sanctions under  
9 this Act.

10 (2) ELEMENTS.—Each briefing required under  
11 paragraph (1) shall include the following:

12 (A) A description of the number and iden-  
13 tity of foreign persons with respect to which  
14 sanctions were imposed under section 3 during  
15 the 90-day period preceding submission of the  
16 report and a brief justification for the imposi-  
17 tion of those sanctions with respect to each  
18 such person.

19 (B) A description of the efforts of the  
20 United States Government to maintain sanc-  
21 tions with respect to the Taliban at the United  
22 Nations pursuant to section 4(a) during that  
23 period.

24 (C) A description of the impact of sanc-  
25 tions imposed under section 3 on the behavior



1 of the Taliban, other groups, and other foreign  
2 governments during that period.

3 (D) A description of—

4 (i) the impact of sanctions imposed  
5 under section 3 on Afghan civilians, par-  
6 ticularly women and girls; and

7 (ii) the extent to which those sanc-  
8 tions affect the delivery of humanitarian,  
9 peacebuilding, education, and other devel-  
10 opment assistance to the Afghan people.

11 **SEC. 6. WAIVERS; EXCEPTIONS; SUSPENSION.**

12 (a) WAIVER.—

13 (1) IN GENERAL.—The President may waive  
14 the application of sanctions under this Act with re-  
15 spect to a foreign person if the President, not later  
16 than 10 days before the waiver is to take effect, de-  
17 termines and certifies to the appropriate congres-  
18 sional committees that such waiver is in the national  
19 security interest of the United States.

20 (2) DETAILED JUSTIFICATION.—The President  
21 shall submit with each certification in connection  
22 with a waiver under paragraph (1) a detailed jus-  
23 tification in writing explaining the reasons for the  
24 waiver.

25 (b) EXCEPTIONS.—

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

7           (2) EXCEPTION TO COMPLY WITH INTER-  
8 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-  
9 MENT ACTIVITIES.—Sanctions under section 3(d)(2)  
10 shall not apply with respect to an alien if admitting  
11 or paroling the alien into the United States is nec-  
12 essary—

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

20                   (B) to carry out or assist law enforcement  
21 activity in the United States.

22           (3) EXCEPTION RELATING TO IMPORTATION OF  
23 GOODS.—

24                   (A) IN GENERAL.—The authorities and re-  
25 quirements to impose sanctions under this Act

1 shall not include the authority or a requirement  
2 to impose sanctions on the importation of  
3 goods.

4 (B) GOOD DEFINED.—In this paragraph,  
5 the term “good” means any article, natural or  
6 man-made substance, material, supply, or man-  
7 ufactured product, including inspection and test  
8 equipment, and excluding technical data.

9 (c) SUSPENSION OF SANCTIONS.—

10 (1) SUSPENSION.—The Secretary of State, in  
11 consultation with the Director of National Intel-  
12 ligence and the Secretary of the Treasury, may sus-  
13 pend the imposition of sanctions under this Act if  
14 the Secretary of State certifies in writing to the ap-  
15 propriate congressional committees that the Taliban  
16 has—

17 (A) publicly and privately broken all ties  
18 with other terrorist groups, including al Qaeda;

19 (B) taken verifiable measures to prevent  
20 the use of Afghanistan as a platform for ter-  
21 rorist attacks against the United States or  
22 partners or allies of the United States, includ-  
23 ing by denying sanctuary space, transit of Af-  
24 ghan territory, and use of Afghanistan for ter-  
25 rorist training, planning, or equipping;

1 (C) provided humanitarian actors with full,  
2 unimpeded access to vulnerable populations  
3 throughout Afghanistan without interference or  
4 diversion;

5 (D) respected freedom of movement, in-  
6 cluding by facilitating the departure of foreign  
7 nationals, applicants for the special immigrant  
8 visa program, and other at-risk Afghans by air  
9 or land routes, and the safe, voluntary, and dig-  
10 nified return of displaced persons; and

11 (E) supported the establishment of an in-  
12 clusive government of Afghanistan that respects  
13 the rule of law, press freedom, and internation-  
14 ally recognized human rights, including the  
15 rights of women and girls.

16 (2) REPORT REQUIRED.—

17 (A) IN GENERAL.—The Secretary of State  
18 shall submit to the appropriate congressional  
19 committees with any certification under para-  
20 graph (1) a report addressing in detail each of  
21 the criteria for the suspension of sanctions  
22 under paragraph (1).

1                   (B) FORM OF REPORT.—Each report sub-  
2                   mitted under subparagraph (A) shall be sub-  
3                   mitted in unclassified form.

○