

106TH CONGRESS
1ST SESSION

H. R. 2105

To provide for the treatment of the actions of certain foreign narcotics traffickers as an unusual and extraordinary threat to the United States for purposes of the International Emergency Economic Powers Act.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 1999

Mr. McCOLLUM (for himself, Mr. RANGEL, Mr. GOSS, Mr. GILMAN, and Mr. MICA) introduced the following bill; which was referred to the Committee on International Relations, 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 treatment of the actions of certain foreign narcotics traffickers as an unusual and extraordinary threat to the United States for purposes of the International Emergency Economic Powers Act.

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 “Drug Kingpins Bank-
5 ruptcy Act of 1999”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) It should be the policy of the United States
4 to impose economic and financial sanctions on for-
5 eign international narcotics traffickers and their or-
6 ganizations.

7 (2) Presidential Decision Directive 42, issued
8 on October 21, 1995, ordered agencies of the execu-
9 tive branch of the United States Government to,
10 inter alia, increase the priority and resources de-
11 voted to the direct and immediate threat inter-
12 national crime presents to national security, work
13 more closely with other governments to develop a
14 global response to this threat, and use aggressively
15 and creatively all legal means available to combat
16 international crime.

17 (3) Executive Order No. 12978 of October 21,
18 1995, exercised the authorities of the International
19 Emergency Economic Powers Act (IEEPA) to effec-
20 tively target and sanction four “Specifically Des-
21 ignated Narcotics Traffickers” and their organiza-
22 tions which operate from Colombia.

23 (4) Similar sanctions should be applied to addi-
24 tional international foreign narcotics traffickers op-
25 erating worldwide.

1 **SEC. 3. PURPOSE.**

2 The purpose of this Act is to provide for the use of
3 authorities in the International Emergency Economic
4 Powers Act to sanction additional specially designated
5 narcotics traffickers operating worldwide.

6 **SEC. 4. DESIGNATION OF CERTAIN FOREIGN INTER-**
7 **NATIONAL NARCOTICS TRAFFICKERS.**

8 (a) PREPARATION OF LIST OF NAMES.—Not later
9 than January 1, 2000, and not later than January 1 of
10 each year thereafter, the Secretary of the Treasury, in
11 consultation with the Attorney General, Director of Cen-
12 tral Intelligence, Secretary of Defense, and Secretary of
13 State, shall submit to the Director of National Drug Con-
14 trol Policy a list of those individuals who play a significant
15 role in international narcotics trafficking as of the date
16 the list is submitted.

17 (b) REVIEW BY DIRECTOR OF NATIONAL DRUG CON-
18 TROL POLICY.—Not later than February 1, 2000, and not
19 later than February 1 of each year thereafter, the Director
20 of National Drug Control Policy shall transmit to the
21 President the list submitted that year to the Director
22 under subsection (a) to the President, together with his
23 recommendations for the inclusion in, or exclusion from,
24 the list of specific individuals.

25 (c) EXCLUSION OF CERTAIN PERSONS FROM LIST.—
26 Notwithstanding any other provision of this section, nei-

1 ther the list described in subsections (a) and (b) nor the
2 accompanying recommendations of the Director of Na-
3 tional Drug Control Policy under subsection (b) shall in-
4 clude the name of any individual if the Director of Central
5 Intelligence determines that the disclosure of that person's
6 role in international narcotics trafficking could com-
7 promise United States intelligence sources or methods.
8 The Director of Central Intelligence shall advise the Presi-
9 dent when a determination is made to withhold an individ-
10 ual's identity under this subsection.

11 (d) DESIGNATION OF INDIVIDUALS AS THREATS TO
12 THE UNITED STATES.—The President shall determine not
13 later than March 1 of each year whether or not to des-
14 ignate persons on the list transmitted to the President
15 that year as persons constituting an unusual and extraor-
16 dinary threat to the national security, foreign policy, and
17 economy of the United States. The President shall notify
18 the Secretary of the Treasury of any person designated
19 under this subsection. If the President determines not to
20 designate any person on such list as such a threat, the
21 President shall submit a report to Congress setting forth
22 the reasons therefor.

23 (e) CHANGES IN DESIGNATIONS OF INDIVIDUALS.—

24 (1) ADDITIONAL INDIVIDUALS DESIGNATED.—

25 If at any time after March 1 of a year, but prior to

1 January 1 of the following year, the President deter-
2 mines that a person is playing a significant role in
3 international narcotics trafficking and has not been
4 designated under subsection (d) as a person consti-
5 tuting an unusual and extraordinary threat to the
6 national security, foreign policy, and economy of the
7 United States, the President may so designate the
8 person. The President shall notify the Secretary of
9 the Treasury of any person designated under this
10 paragraph.

11 (2) REMOVAL OF DESIGNATIONS OF INDIVID-
12 UALS.—Whenever the President determines that a
13 person designated under subsection (d) or paragraph
14 (1) of this subsection no longer poses an unusual
15 and extraordinary threat to the national security,
16 foreign policy, and economy of the United States,
17 the person shall no longer be considered as des-
18 ignated under that subsection.

19 (f) REFERENCES.—Any person designated under
20 subsection (d) or (e) may be referred to in this Act as
21 a “specially designated narcotics trafficker”.

22 **SEC. 5. BLOCKING ASSETS.**

23 (a) FINDING.—Congress finds that a national emer-
24 gency exists with respect to any individual who is a spe-
25 cially designated narcotics trafficker.

1 (b) BLOCKING OF ASSETS.—Except to the extent
2 provided in section 203(b) of the International Emergency
3 Economic Powers Act (50 U.S.C. 1702(b)) and in regula-
4 tions, orders, directives, or licenses that may be issued
5 pursuant to this Act, and notwithstanding any contract
6 entered into or any license or permit granted prior to the
7 date of designation of a person as a specially designated
8 narcotics trafficker, there are hereby blocked all property
9 and interests in property that are, or after that date, come
10 within the United States, or that are, or after that date
11 come, within the possession or control of any United
12 States person, of—

13 (1) any specially designated narcotics trafficker;

14 (2) any person who materially assists in, pro-
15 vides financial or technological support for, or pro-
16 vides goods or services in support of, the narcotics
17 trafficking activities of a specially designated nar-
18 cotics trafficker; and

19 (3) any person determined by the Secretary of
20 the Treasury, in consultation with the Attorney Gen-
21 eral, Director of Central Intelligence, Secretary of
22 Defense, and Secretary of State, to be owned or con-
23 trolled by, or to act for or on behalf of, a specially
24 designated narcotics trafficker.

1 (c) PROHIBITED ACTS.—Except to the extent pro-
2 vided in section 203(b) of the International Emergency
3 Economic Powers Act or in any regulation, order, direc-
4 tive, or license that may be issued pursuant to this Act,
5 and notwithstanding any contract entered into or any li-
6 cense or permit granted prior to the date of designation
7 of a person as a specially designated narcotics trafficker,
8 the following acts are prohibited:

9 (1) Any transaction or dealing by a United
10 States person, or within the United States, in prop-
11 erty or interests in property of any specially des-
12 ignated narcotics trafficker.

13 (2) Any transaction or dealing by a United
14 States person, or within the United States, that
15 evades or avoids, has the purpose of evading or
16 avoiding, or attempts to violate, subsection (b).

17 (d) LAW ENFORCEMENT AND INTELLIGENCE ACTIVI-
18 TIES NOT AFFECTED.—Nothing in this section is intended
19 to prohibit or otherwise limit the authorized law enforce-
20 ment or intelligence activities of the United States, or the
21 law enforcement activities of any State or subdivision
22 thereof.

23 (e) IMPLEMENTATION.—The Secretary of the Treas-
24 ury, in consultation with the Attorney General, Director
25 of Central Intelligence, Secretary of Defense, and Sec-

1 retary of State, is authorized to take such actions, includ-
2 ing the promulgation of rules and regulations, and to em-
3 ploy all powers granted to the President by the Inter-
4 national Emergency Economic Powers Act as may be nec-
5 essary to carry out this section. The Secretary of the
6 Treasury may redelegate any of these functions to any
7 other officer or agency of the United States Government.
8 Each agency of the United States shall take all appro-
9 priate measures within its authority to carry out this sec-
10 tion.

11 (f) ENFORCEMENT.—Violations of licenses, orders, or
12 regulations under this Act shall be subject to the same
13 civil or criminal penalties as are provided by section 206
14 of the International Emergency Economic Powers Act (50
15 U.S.C. 1705) for violations of licenses, orders, and regula-
16 tions under that Act.

17 (g) DEFINITIONS.—In this section:

18 (1) ENTITY.—The term “entity” means a part-
19 nership, association, corporation, or other organiza-
20 tion, group, or subgroup.

21 (2) NARCOTICS TRAFFICKING.—The term “nar-
22 cotics trafficking” means any activity undertaken il-
23 licitly to cultivate, produce, manufacture, distribute,
24 sell, finance, or transport, or otherwise assist, abet,
25 conspire, or collude with others in illicit activities re-

1 lating to, narcotic drugs, including, but not limited
2 to, heroin, methamphetamine and cocaine.

3 (3) PERSON.—The term “person” means an in-
4 dividual or entity.

5 (4) UNITED STATES PERSON.—The term
6 “United States person” means any United States
7 citizen or national, permanent resident alien, entity
8 organized under the laws of the United States (in-
9 cluding foreign branches), or any person in the
10 United States.

11 **SEC. 6. INITIAL LISTING OF SPECIALLY DESIGNATED NAR-**
12 **COTICS TRAFFICKERS.**

13 (a) INITIAL DESIGNATION.—For the purposes of this
14 Act, and without regard to sections 4 and 5, the President
15 shall, not later than 30 days after the date of the enact-
16 ment of this Act, designate as specially designated nar-
17 cotics traffickers for purposes of this Act those persons
18 listed in subsection (b) who have been indicted in the
19 United States on narcotics trafficking charges, and whose
20 extradition has been requested by, or for whom a provi-
21 sional arrest warrant has been issued by, United States
22 Government officials.

23 (b) LIST.—The persons referred to in subsection (a)
24 are the following:

1 (1) Wei Hsueh-Kang, also known as Prasit
2 Chiwinitparya, and Charchai Chiwinnitipanya, born
3 on June 29, 1952, a resident of Myanmar.

4 (2) Khun Sa, also known as Chang Chi-Fu,
5 born on February 17, 1933, a resident of Myanmar.

6 (3) Jose de Jesus Amezcua-Contreras, a citizen
7 of Mexico, born on July 31, 1963.

8 (4) Luis Ignacio Amezcua-Contreras, a citizen
9 of Mexico, born on February 22, 1964.

10 (5) Ramon Arellano-Felix, a citizen of Mexico,
11 born on August 31, 1964.

12 (6) Rafael Caro-Quintero, a citizen of Mexico,
13 born on October 24, 1952.

14 (7) Vicente Carrillo-Fuentes, a citizen of Mex-
15 ico, born on October 16, 1962.

16 (8) Oscar Malherbe De Leon, a citizen of Mex-
17 ico, born on January 10, 1964.

18 (9) Arturo Paez-Martinez, a citizen of Mexico,
19 born on August 31, 1967.

20 (10) Charles Miller, also known as Eustace
21 O'Connor, a citizen of St. Kitts, born on March 29,
22 1960.

23 (11) Lorquet Saint-Hilaire, a citizen of Haiti,
24 born on March 23, 1969.

1 (12) Jhon Raul Castro, a citizen of Colombia,
2 born on September 5, 1963.

3 **SEC. 7. DENIAL OF VISAS TO AND INADMISSIBILITY OF SPE-**
4 **CIALLY DESIGNATED NARCOTICS TRAF-**
5 **FICKERS.**

6 (a) PROHIBITION.—The Secretary of State shall deny
7 a visa to, and the Attorney General may not admit to the
8 United States—

9 (1) any specially designated narcotics trafficker;
10 or

11 (2) any alien who the consular officer or the At-
12 torney General knows or has reason to believe—

13 (A) is a spouse or minor child of a spe-
14 cially designated narcotics trafficker; or

15 (B) is a person described in paragraph (2)
16 or (3) of section 5(b).

17 (b) EXCEPTIONS.—Subsection (a) shall not apply—

18 (1) where the Secretary of State finds, on a
19 case-by-case basis, that the entry into the United
20 States of the person is necessary for medical rea-
21 sons;

22 (2) upon the request of the Attorney General,
23 Director of Central Intelligence, Secretary of the
24 Treasury, or the Secretary of Defense; or

- 1 (3) for purposes of the prosecution of a spe-
- 2 cially designated narcotics trafficker.

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