

118TH CONGRESS
1ST SESSION

H. R. 3203

To impose sanctions with respect to Chinese producers of synthetic opioids and opioid precursors, to hold Chinese officials accountable for the spread of illicit fentanyl, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2023

Mr. BARR (for himself, Mr. PAPPAS, Mr. LUETKEMEYER, Mr. NUNN of Iowa, Mr. MURPHY, and Mr. MCGARVEY) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Oversight and Accountability, and 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 impose sanctions with respect to Chinese producers of synthetic opioids and opioid precursors, to hold Chinese officials accountable for the spread of illicit fentanyl, 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 “Stop Chinese Fentanyl
5 Act of 2023”.

1 **SEC. 2. AMENDMENTS TO THE FENTANYL SANCTIONS ACT.**

2 (a) DEFINITIONS.—Section 7203(5) of the Fentanyl
3 Sanctions Act (21 U.S.C. 2302(5)) is amended—

4 (1) by striking “The term ‘foreign opioid traf-
5 ficker’ means any foreign person” and inserting the
6 following: “The term ‘foreign opioid trafficker’—

7 “(A) means any foreign person”;

8 (2) by striking the period at the end and insert-
9 ing “; and”; and

10 (3) by adding at the end the following:

11 “(B) includes—

12 “(i) any entity of the People’s Repub-
13 lic of China that the President deter-
14 mines—

15 “(I) produces, manufactures, dis-
16 tributes, sells, or knowingly finances
17 or transports any goods described in
18 clause (i) or (ii) of paragraph (8)(A);
19 and

20 “(II) fails to take credible steps,
21 including through implementation of
22 appropriate know-your-customer pro-
23 cedures or through cooperation with
24 United States counternarcotics ef-
25 forts, to detect or prevent opioid traf-
26 ficking; and

1 “(ii) any senior official of the Govern-
2 ment of the People’s Republic of China or
3 other Chinese political official that—

4 “(I) has significant regulatory or
5 law enforcement responsibilities with
6 respect to the activities of an entity
7 described in clause (i); or

8 “(II) otherwise fails to take cred-
9 ible steps to combat foreign opioid
10 traffickers.”.

11 (b) IDENTIFICATION OF FOREIGN OPIOID TRAF-
12 FICKERS.—Section 7211 of the Fentanyl Sanctions Act
13 (21 U.S.C. 2311) is amended—

14 (1) in subsection (a)(1)(A), by adding at the
15 end before the semicolon the following: “, including
16 whether the heads of the National Narcotics Control
17 Commission, the Ministry of Public Security, the
18 General Administration of Customs, and the Na-
19 tional Medical Products Administration of the Gov-
20 ernment of the People’s Republic of China are for-
21 eign opioid traffickers”; and

22 (2) in subsection (c), by striking “5 years” and
23 inserting “10 years”.

1 **SEC. 3. AMENDMENTS TO THE INTERNATIONAL EMER-**
2 **GENCY ECONOMIC POWERS ACT AND THE**
3 **TRADING WITH THE ENEMY ACT.**

4 (a) INTERNATIONAL EMERGENCY ECONOMIC POW-
5 ERS ACT.—

6 (1) PERIODIC EVALUATION.—Section 203 of
7 the International Emergency Economic Powers Act
8 (50 U.S.C. 1702) is amended by adding at the end
9 the following:

10 “(d) PERIODIC EVALUATION.—

11 “(1) IN GENERAL.—If the authority granted to
12 the President under this section is exercised with re-
13 spect to a covered national emergency, the President
14 shall transmit to the appropriate congressional com-
15 mittees, not less frequently than annually, a periodic
16 evaluation in writing that—

17 “(A) assesses the effectiveness of the exer-
18 cise of such authority in resolving the covered
19 national emergency;

20 “(B) considers the views of public- and pri-
21 vate-sector stakeholders; and

22 “(C) discusses any potential changes to the
23 exercise of the authority for the purpose of
24 more effectively resolving the covered national
25 emergency.

26 “(2) DEFINITIONS.—In this subsection—

1 “(A) the term ‘appropriate congressional
2 committees’ means—

3 “(i) the Committee on Foreign Affairs
4 and the Committee on Financial Services
5 of the House of Representatives; and

6 “(ii) the Committee on Foreign Rela-
7 tions and the Committee on Banking,
8 Housing, and Urban Affairs of the Senate;
9 and

10 “(B) the term ‘covered national emergency’
11 means a national emergency that—

12 “(i) the President declared two or
13 more years prior to the exercise of any au-
14 thority granted to the President under this
15 section with respect to such national emer-
16 gency; and

17 “(ii) has not terminated.”.

18 (2) CONSULTATION AND REPORTS.—Section
19 204 of the International Emergency Economic Pow-
20 ers Act (50 U.S.C. 1703) is amended—

21 (A) by striking “the Congress” each place
22 it appears and inserting “the appropriate con-
23 gressional committees”; and

24 (B) by adding at the end the following:

1 “(e) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term ‘appropriate congress-
3 sional committees’ has the meaning given that term in sec-
4 tion 203(d)(2).”.

5 (3) AUTHORITY TO ISSUE REGULATIONS.—Sec-
6 tion 205 of the International Emergency Economic
7 Powers Act (50 U.S.C. 1704) is amended—

8 (A) by striking “The President” and in-
9 serting “(a) The President”; and

10 (B) by adding at the end the following:

11 “(b) In issuing regulations under subsection (a), the
12 President shall—

13 “(1) consider the costs and benefits of available
14 statutory and regulatory alternatives;

15 “(2) evaluate the costs and benefits for the pur-
16 pose of expeditiously resolving the applicable na-
17 tional emergency;

18 “(3) establish criteria for the eventual termi-
19 nation of the applicable national emergency; and

20 “(4) include in the basis and purpose incor-
21 porated in the regulations—

22 “(A) an explanation of how the regulations
23 will resolve the applicable national emergency;
24 and

1 “(B) a discussion of the costs and bene-
2 fits.”.

3 (4) STATUTE OF LIMITATIONS.—Section 206 of
4 the International Emergency Economic Powers Act
5 (50 U.S.C. 1705) is amended by adding at the end
6 the following:

7 “(d) STATUTE OF LIMITATIONS.—

8 “(1) CIVIL PENALTY.—An action, suit, or pro-
9 ceeding for the enforcement of any civil fine, pen-
10 alty, or forfeiture, pecuniary or otherwise, shall not
11 be entertained unless commenced within 10 years
12 from the latest date of the violation upon which the
13 civil fine, penalty, or forfeiture is based.

14 “(2) CRIMINAL PENALTY.—No person shall be
15 prosecuted, tried, or punished for any offense under
16 this section unless the indictment is found or the in-
17 formation is instituted within 10 years from the lat-
18 est date of the violation upon which the indictment
19 or information is based.”.

20 (b) TRADING WITH THE ENEMY ACT.—Section 16
21 of the Trading with the Enemy Act (50 U.S.C. 4315) is
22 amended by adding at the end the following:

23 “(d) STATUTE OF LIMITATIONS.—

24 “(1) CRIMINAL PENALTY.—No person shall be
25 prosecuted, tried, or punished for any offense under

1 this section unless the indictment is found or the in-
2 formation is instituted within 10 years from the lat-
3 est date of the violation upon which the indictment
4 or information is based.

5 “(2) CIVIL PENALTY.—An action, suit, or pro-
6 ceeding for the enforcement of any civil fine, pen-
7 alty, or forfeiture, pecuniary or otherwise, shall not
8 be entertained unless commenced within 10 years
9 from the latest date of the violation upon which the
10 civil fine, penalty, or forfeiture is based.”.

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