Suspend the Rules and Pass the Bill, H. R. 3203, With an Amendment

(The amendment strikes all after the enacting clause and inserts a complete new text)

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.

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IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2023

Mr. BARR (for himself, Mr. PAPPAS, Mr. LUETKEMEYER, Mr. NUNN of Iowa, 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.

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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,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Stop Chinese Fentanyl Act of 2023”.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the Government of the People’s Republic of China should—

(1) work with the United States Government to identify a list of unregulated chemicals used to create precursor chemicals that bear increased scrutiny;

(2) require the proper labeling of chemical and equipment shipments in accordance with international rules;

(3) immediately implement “know-your-customer” procedures for chemical shipments; and

(4) direct all relevant departments and agencies, including the National Narcotics Control Commission, the Ministry of Public Security, the General Administration of Customs, and the National Medical Products Administration of the Government of the People’s Republic of China to establish new rules to crack down on precursor trafficking and enforce such rules swiftly.

SEC. 3. AMENDMENTS TO THE FENTANYL SANCTIONS ACT.

(a) DEFINITIONS.—Section 7203(5) of the Fentanyl Sanctions Act (21 U.S.C. 2302(5)) is amended—
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(1) by striking “The term ‘foreign opioid trafficker’ means any foreign person” and inserting the following: “The term ‘foreign opioid trafficker’—

“(A) means any foreign person”;

(2) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(B) includes—

“(i) any entity of the People’s Republic of China that the President determines—

“(I) produces, manufactures, distributes, sells, or knowingly finances or transports any goods described in clause (i) or (ii) of paragraph (8)(A); and

“(II) fails to take credible steps, including through implementation of appropriate know-your-customer procedures or through cooperation with United States counternarcotics efforts, to detect or prevent opioid trafficking; and
“(ii) any senior official of the Government of the People’s Republic of China or other Chinese political official that—

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

“(II) aids and abets, including through intentional inaction, opioid trafficking.”.

(b) IDENTIFICATION OF FOREIGN OPIOID TRAFFICKERS.—Section 7211 of the Fentanyl Sanctions Act (21 U.S.C. 2311) is amended—

(1) in subsection (a)(1)(A), by adding at the end before the semicolon the following: “, including whether the heads of the National Narcotics Control Commission, the Ministry of Public Security, the General Administration of Customs, and the National Medical Products Administration of the Government of the People’s Republic of China are foreign opioid traffickers”; and

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

SEC. 4. AMENDMENTS TO THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT AND THE TRADING WITH THE ENEMY ACT.

(a) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—

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

“(d) PERIODIC EVALUATION.—

“(1) IN GENERAL.—If the authority granted to the President under this section is exercised with respect to a covered national emergency, the President shall transmit to the appropriate congressional committees, not less frequently than annually, a periodic evaluation in writing that—

“(A) assesses the effectiveness of the exercise of such authority in resolving the covered national emergency;

“(B) considers the views of public- and private-sector stakeholders; and

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

“(2) DEFINITIONS.—In this subsection—
“(A) the term ‘appropriate congressional committees’ means—

“(i) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Oversight and Accountability of the House of Representatives; and

“(ii) the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

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

“(i) the President has declared, within the preceding 5-year period, with respect to any national emergency regarding international drug trafficking; and

“(ii) has not terminated.”.

(2) CONSULTATION AND REPORTS.—Section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703) is amended—

(A) by striking “the Congress” each place it appears and inserting “the appropriate congressional committees”; and
(B) by adding at the end the following:

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(e) APPROPRIATE CONGRESSIONAL COMMITTEES

DEFINED.—In this section, the term ‘appropriate congres-
sional committees’ has the meaning given that term in sec-
tion 203(d)(2).”.

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

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

(B) by adding at the end the following:

“(b) In issuing regulations under subsection (a) pur-
suant to a covered national emergency (as defined in sec-
tion 203), the President shall—

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

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

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

“(4) include in the basis and purpose incor-
porated in the regulations—
“(A) an explanation of how the regulations will resolve the applicable national emergency; and

“(B) a discussion of the costs and benefits.”.

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

“(d) STATUTE OF LIMITATIONS.—

“(1) CIVIL PENALTY.—An action, suit, or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within 10 years from the latest date of the violation upon which the civil fine, penalty, or forfeiture is based.

“(2) CRIMINAL PENALTY.—No person shall be prosecuted, tried, or punished for any offense under this section unless the indictment is found or the information is instituted within 10 years from the latest date of the violation upon which the indictment or information is based.”.

(b) TRADING WITH THE ENEMY ACT.—Section 16 of the Trading with the Enemy Act (50 U.S.C. 4315) is amended by adding at the end the following:
“(d) STATUTE OF LIMITATIONS.—

“(1) CRIMINAL PENALTY.—No person shall be prosecuted, tried, or punished for any offense under this section unless the indictment is found or the information is instituted within 10 years from the latest date of the violation upon which the indictment or information is based.

“(2) CIVIL PENALTY.—An action, suit, or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within 10 years from the latest date of the violation upon which the civil fine, penalty, or forfeiture is based.”.

SEC. 5. EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) IN GENERAL.—A requirement to block and prohibit all transactions in all property and interests in property pursuant to this Act or any amendment made by this Act shall not include the authority or a requirement to impose sanctions on the importation of goods.

(b) GOOD DEFINED.—In this section, the term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.