

Calendar No. 114

118TH CONGRESS
1ST SESSION

S. 1271

To impose sanctions with respect to trafficking of illicit fentanyl and its precursors by transnational criminal organizations, including cartels, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 25, 2023

Mr. SCOTT of South Carolina (for himself, Mr. BROWN, Mr. WICKER, Mr. REED, Mr. VANCE, Mr. TESTER, Ms. LUMMIS, Ms. SINEMA, Mrs. BRITT, Ms. CORTEZ MASTO, Mr. KENNEDY, Mr. FETTERMAN, Mr. HAGERTY, Ms. SMITH, Mr. MENENDEZ, Mr. RISCH, Mr. VAN HOLLEN, Mr. MORAN, Mr. WARNER, Mr. DAINES, Ms. HASSAN, Mr. CRAPO, Mrs. SHAHEEN, Ms. COLLINS, Mr. HEINRICH, Mr. BRAUN, Ms. ROSEN, Ms. ERNST, Mr. CASEY, Mr. CRAMER, Ms. BALDWIN, Mr. ROUNDS, Mr. KELLY, Mrs. CAPITO, Mr. KING, Mr. SCOTT of Florida, Mr. WHITEHOUSE, Mr. BUDD, Mrs. GILLIBRAND, Mr. TILLIS, Mr. MANCHIN, Mr. CASSIDY, Mr. CORNYN, Mr. WYDEN, Mr. SCHMITT, Mr. KAINE, Mr. LANKFORD, Mr. BOOZMAN, Mr. PADILLA, Mr. BLUMENTHAL, Mr. THUNE, Mr. PETERS, Mr. RUBIO, Ms. STABENOW, Mr. SULLIVAN, Mr. SCHATZ, Mr. RICKETTS, Ms. KLOBUCHAR, Mrs. BLACKBURN, Mr. MARKEY, Mr. HICKENLOOPER, Mr. BARRASSO, and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

JUNE 22, 2023

Reported by Mr. BROWN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To impose sanctions with respect to trafficking of illicit

fentanyl and its precursors by transnational criminal organizations, including cartels, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Fentanyl Eradication and Narcotics Deterrence Off
 6 Fentanyl Act” or the “FEND Off Fentanyl Act”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
 8 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Sense of Congress.
 Sec. 3. Definitions.

TITLE I—SANCTIONS MATTERS

**Subtitle A—Sanctions in Response to National Emergency Relating to
 Fentanyl Trafficking**

Sec. 101. Finding; policy.
 Sec. 102. Use of national emergency authorities; reporting.
 Sec. 103. Codification of Executive order imposing sanctions with respect to
 foreign persons involved in global illicit drug trade.
 Sec. 104. Imposition of sanctions with respect to fentanyl trafficking by
 transnational criminal organizations.
 Sec. 105. Penalties; waivers; exceptions.
 Sec. 106. Treatment of blocked property of transnational criminal organiza-
 tions.

Subtitle B—Other Matters

Sec. 111. Eight-year statute of limitations for violations of sanctions.
 Sec. 112. Repeal of prohibition on imposition of sanctions with respect to im-
 portation of goods under Fentanyl Sanctions Act.
 Sec. 113. Classified report and briefing on staffing of Office of Foreign Assets
 Control.
 Sec. 114. Report on drug transportation routes and use of vessels with mis-
 labeled cargo.

TITLE II—ANTI-MONEY LAUNDERING MATTERS

Sec. 201. Designation of illicit fentanyl transactions of sanctioned persons as
 of primary money laundering concern.

Sec. 202. Treatment of transnational criminal organizations in suspicious transactions reports of the Financial Crimes Enforcement Network.

Sec. 203. Report on trade-based money laundering in trade with Mexico, the People's Republic of China, and Burma.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the proliferation of fentanyl is causing an
4 unprecedented surge in overdose deaths in the
5 United States, fracturing families and communities,
6 and necessitating a comprehensive policy response to
7 combat its lethal flow and to mitigate the drug's
8 devastating consequences;

9 (2) the trafficking of fentanyl into the United
10 States is a national security threat that has killed
11 hundreds of thousands of United States citizens;

12 (3) transnational criminal organizations, includ-
13 ing cartels primarily based in Mexico, are the main
14 purveyors of fentanyl into the United States and
15 must be held accountable;

16 (4) precursor chemicals sourced from the Peo-
17 ple's Republic of China are—

18 (A) shipped from the People's Republic of
19 China by legitimate and illegitimate means;

20 (B) transformed through various synthetic
21 processes to produce different forms of
22 fentanyl; and

1 (C) crucial to the production of illicit
2 fentanyl by transnational criminal organiza-
3 tions, contributing to the ongoing opioid crisis;

4 (5) the United States Government must remain
5 vigilant to address all new forms of fentanyl precur-
6 sors and drugs used in combination with fentanyl,
7 such as Xylazine, which attribute to overdose deaths
8 of people in the United States;

9 (6) to increase the cost of fentanyl trafficking,
10 the United States Government should work collabo-
11 ratively across agencies and should surge analytic
12 capability to impose sanctions and other remedies
13 with respect to transnational criminal organizations
14 (including cartels), including foreign nationals who
15 facilitate the trade in illicit fentanyl and its precur-
16 sors from the People's Republic of China and such
17 organizations; and

18 (7) the Department of the Treasury should
19 focus on fentanyl trafficking and its facilitators as
20 one of the top national security priorities for the De-
21 partment.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Banking, Housing,
5 and Urban Affairs of the Senate; and

6 (B) the Committee on Foreign Affairs and
7 the Committee on Financial Services of the
8 House of Representatives.

9 (2) FOREIGN PERSON.—The term “foreign per-
10 son”—

11 (A) means—

12 (i) any citizen or national of a foreign
13 country; or

14 (ii) any entity not organized under the
15 laws of the United States or a jurisdiction
16 within the United States; and

17 (B) does not include the government of a
18 foreign country.

19 (3) KNOWINGLY.—The term “knowingly”, with
20 respect to conduct, a circumstance, or a result,
21 means that a person has actual knowledge, or should
22 have known, of the conduct, the circumstance, or the
23 result.

24 (4) TRAFFICKING.—The term “trafficking”,
25 with respect to fentanyl, fentanyl precursors, or

1 other related opioids, has the meaning given the
2 term “opioid trafficking” in section 7203 of the
3 Fentanyl Sanctions Act (21 U.S.C. 2302).

4 (5) TRANSNATIONAL CRIMINAL ORGANIZA-
5 TION.—The term “transnational criminal organiza-
6 tion” includes—

7 (A) any organization designated as a sig-
8 nificant transnational criminal organization
9 under part 590 of title 31, Code of Federal
10 Regulations;

11 (B) any of the organizations known as—

12 (i) the Sinaloa Cartel;

13 (ii) the Jalisco New Generation Car-
14 tel;

15 (iii) the Gulf Cartel;

16 (iv) the Los Zetas Cartel;

17 (v) the Juarez Cartel;

18 (vi) the Tijuana Cartel;

19 (vii) the Beltran-Leyva Cartel;

20 (viii) La Familia Michoacana, also
21 known as the Knights Templar Cartel; or

22 (ix) La Nueva Familia Michoacan;

23 (C) any other organization that the Presi-
24 dent determines is a transnational criminal or-
25 ganization; or

1 (D) any successor organization to an orga-
 2 nization described in subparagraph (B) or as
 3 otherwise determined by the President.

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

6 (A) a United States citizen or an alien law-
 7 fully admitted for permanent residence to the
 8 United States;

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

13 (C) any person in the United States.

14 **TITLE I—SANCTIONS MATTERS**
 15 **Subtitle A—Sanctions in Response**
 16 **to National Emergency Relating**
 17 **to Fentanyl Trafficking**

18 **SEC. 101. FINDING; POLICY.**

19 (a) FINDING.—Congress finds that international
 20 trafficking of fentanyl, fentanyl precursors, or other re-
 21 lated opioids constitutes an unusual and extraordinary
 22 threat to the national security, foreign policy, and econ-
 23 omy of the United States, and is a national emergency.

24 (b) POLICY.—It shall be the policy of the United
 25 States to apply economic and other financial sanctions to

1 those who engage in the international trafficking of
2 fentanyl, fentanyl precursors, or other related opioids to
3 protect the national security, foreign policy, and economy
4 of the United States.

5 **SEC. 102. USE OF NATIONAL EMERGENCY AUTHORITIES;**
6 **REPORTING.**

7 (a) **IN GENERAL.**—The President may exercise all
8 authorities provided under sections 203 and 205 of the
9 International Emergency Economic Powers Act (50
10 U.S.C. 1702 and 1704) to carry out this subtitle.

11 (b) **REPORT REQUIRED.**—

12 (1) **IN GENERAL.**—Not later than 180 days
13 after the date of the enactment of this Act, and an-
14 nually thereafter, the President shall submit to the
15 appropriate congressional committees a report on ac-
16 tions taken by the executive branch pursuant to this
17 subtitle and any national emergency declared with
18 respect to the trafficking of fentanyl, including—

19 (A) the issuance of any new or revised reg-
20 ulations, policies, or guidance;

21 (B) the imposition of sanctions;

22 (C) the collection of relevant information
23 from outside parties;

24 (D) the approval or denial of licenses by
25 the Office of Foreign Assets Control;

1 (~~E~~) the initiation of enforcement cases; or
 2 (~~F~~) the implementation of mitigation pro-
 3 cedures.

4 (2) ~~FORM OF REPORT.~~—Each report required
 5 by paragraph (1) shall be submitted in unclassified
 6 form, but may include the matters required by sub-
 7 paragraphs (~~C~~), (~~D~~), (~~E~~), and (~~F~~) of that paragraph
 8 in a classified annex.

9 **SEC. 103. CODIFICATION OF EXECUTIVE ORDER IMPOSING**
 10 **SANCTIONS WITH RESPECT TO FOREIGN PER-**
 11 **SONS INVOLVED IN GLOBAL ILLICIT DRUG**
 12 **TRADE.**

13 United States sanctions provided for in Executive
 14 Order 14059 (50 U.S.C. 1701 note; relating to imposing
 15 sanctions on foreign persons involved in the global illicit
 16 drug trade); and any amendments to or directives issued
 17 pursuant to such Executive orders before the date of the
 18 enactment of this Act, shall remain in effect.

19 **SEC. 104. IMPOSITION OF SANCTIONS WITH RESPECT TO**
 20 **FENTANYL TRAFFICKING BY**
 21 **TRANSNATIONAL CRIMINAL ORGANIZATIONS.**

22 (a) ~~IN GENERAL.~~—The President shall impose the
 23 sanctions described in subsection (b) with respect to any
 24 foreign person the President determines—

1 (1) is knowingly involved in the significant traf-
2 ficking of fentanyl, fentanyl precursors, or other re-
3 lated opioids by a transnational criminal organiza-
4 tion; or

5 (2) otherwise is knowingly involved in signifi-
6 cant activities of a transnational criminal organiza-
7 tion relating to the trafficking of fentanyl, fentanyl
8 precursors, or other related opioids.

9 (b) **SANCTIONS DESCRIBED.**—The President may,
10 pursuant to the International Emergency Economic Pow-
11 ers Act (50 U.S.C. 1701 et seq.), block and prohibit all
12 transactions in property and interests in property of a for-
13 eign person described in subsection (a) if such property
14 and interests in property are in the United States, come
15 within the United States, or are or come within the posses-
16 sion or control of a United States person.

17 (c) **REPORT REQUIRED.**—Not later than 180 days
18 after the date of the enactment of this Act, and annually
19 thereafter, the President shall submit to the appropriate
20 congressional committees a report on actions taken by the
21 executive branch with respect to the foreign persons iden-
22 tified under subsection (a).

23 **SEC. 105. PENALTIES; WAIVERS; EXCEPTIONS.**

24 (a) **PENALTIES.**—A person that violates, attempts to
25 violate, conspires to violate, or causes a violation of this

1 subtitle or any regulation, license, or order issued to carry
2 out this subtitle shall be subject to the penalties set forth
3 in subsections (b) and (c) of section 206 of the Inter-
4 national Emergency Economic Powers Act (50 U.S.C.
5 1705) to the same extent as a person that commits an
6 unlawful act described in subsection (a) of that section.

7 (b) WAIVER AUTHORITY.—

8 (1) IN GENERAL.—The President may waive
9 the imposition of sanctions under this subtitle if the
10 President determines, and reports to the appropriate
11 congressional committees, that—

12 (A) the waiver is needed for humanitarian
13 purposes; or

14 (B) the national emergency described in
15 section 101 has ended.

16 (2) NATIONAL SECURITY WAIVER.—The Presi-
17 dent may waive the application of sanctions under
18 this subtitle with respect to a foreign person if the
19 President determines that the waiver is in the na-
20 tional security interest of the United States.

21 (c) EXCEPTIONS.—

22 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
23 TIES.—This subtitle shall not apply with respect to
24 activities subject to the reporting requirements
25 under title V of the National Security Act of 1947

1 (50 U.S.C. 3091 et seq.) or any authorized intel-
2 ligence activities of the United States.

3 ~~(2) EXCEPTION FOR COMPLIANCE WITH INTER-~~
4 ~~NATIONAL OBLIGATIONS AND LAW ENFORCEMENT~~
5 ~~ACTIVITIES.—~~Sanctions under section 102(e) shall
6 not apply with respect to an alien if admitting or pa-
7 roling the alien into the United States is nec-
8 essary—

9 (A) to permit the United States to comply
10 with the Agreement regarding the Head-
11 quarters of the United Nations, signed at Lake
12 Success on June 26, 1947, and entered into
13 force November 21, 1947, between the United
14 Nations and the United States, or other appli-
15 cable international obligations of the United
16 States; or

17 (B) to carry out or assist law enforcement
18 activity of the United States.

19 ~~(3) EXCEPTION TO COMPLY WITH USMCA.—~~
20 Sanctions under this subtitle shall not apply in a
21 case in which such sanctions would conflict with pro-
22 visions of the USMCA (as defined in section 3 of the
23 United States-Mexico-Canada Agreement Implemen-
24 tation Act (19 U.S.C. 4502)).

1 (4) HUMANITARIAN EXEMPTION.—The Presi-
2 dent may not impose sanctions under this subtitle
3 with respect to any person for conducting or facili-
4 tating a transaction for the sale of agricultural com-
5 modities, food, medicine, or medical devices or for
6 the provision of humanitarian assistance.

7 **SEC. 106. TREATMENT OF BLOCKED PROPERTY OF**
8 **TRANSNATIONAL CRIMINAL ORGANIZATIONS.**

9 (a) TRANSFER OF BLOCKED PROPERTY TO FOR-
10 FEITURE FUNDS.—

11 (1) IN GENERAL.—The President may transfer
12 the proceeds of any covered forfeited property to the
13 Department of the Treasury Forfeiture Fund estab-
14 lished under section 9705 of title 31, United States
15 Code, or the Department of Justice Assets For-
16 feiture Fund established under section 524(c) of title
17 28, United States Code.

18 (2) REPORT REQUIRED.—Not later than 180
19 days after the date of the enactment of this Act, and
20 every 180 days thereafter, the President shall sub-
21 mit to the appropriate congressional committees a
22 report on any transfers made under paragraph (1)
23 during the 180-day period preceding submission of
24 the report.

1 ~~(3) COVERED FORFEITED PROPERTY DE-~~
 2 ~~FINED.—In this subsection, the term “covered for-~~
 3 ~~feited property” means property—~~

4 ~~(A) seized by the Department of Justice~~
 5 ~~under chapter 46 or section 1963 of title 18,~~
 6 ~~United States Code; and~~

7 ~~(B) that belonged to or was possessed by~~
 8 ~~a transnational criminal organization subject to~~
 9 ~~sanctions under—~~

10 ~~(i) this subtitle;~~

11 ~~(ii) the Fentanyl Sanctions Act (21~~
 12 ~~U.S.C. 2301 et seq.); or~~

13 ~~(iii) Executive Order 14059 (50~~
 14 ~~U.S.C. 1701 note; relating to imposing~~
 15 ~~sanctions on foreign persons involved in~~
 16 ~~the global illicit drug trade).~~

17 ~~(b) BLOCKED ASSETS UNDER TERRORISM RISK IN-~~
 18 ~~SURANCE ACT OF 2002.—Nothing in this subtitle affects~~
 19 ~~the treatment of blocked assets of a terrorist party de-~~
 20 ~~scribed in subsection (a) of section 201 of the Terrorism~~
 21 ~~Risk Insurance Act of 2002 (28 U.S.C. 1610 note).~~

1 **Subtitle B—Other Matters**

2 **SEC. 111. EIGHT-YEAR STATUTE OF LIMITATIONS FOR VIO-** 3 **LATIONS OF SANCTIONS.**

4 (a) **INTERNATIONAL EMERGENCY ECONOMIC POW-**
 5 **ERS ACT.**—Section 206 of the International Emergency
 6 Economic Powers Act (50 U.S.C. 1705) is amended by
 7 adding at the end the following:

8 “(d) **STATUTE OF LIMITATIONS.**—

9 “(1) **TIME FOR COMMENCING PROCEEDINGS.**—

10 “(A) **IN GENERAL.**—An action, suit, or
 11 proceeding for the enforcement of any civil fine,
 12 penalty, or forfeiture, pecuniary or otherwise,
 13 under this section shall not be entertained un-
 14 less commenced within eight years after the lat-
 15 est date of the violation upon which the civil
 16 fine, penalty, or forfeiture is based.

17 “(B) **COMMENCEMENT.**—For purposes of
 18 this paragraph, the commencement of an ac-
 19 tion, suit, or proceeding includes the issuance of
 20 a pre-penalty notice or finding of violation.

21 “(2) **TIME FOR INDICTMENT.**—No person shall
 22 be prosecuted, tried, or punished for any offense
 23 under subsection (c) unless the indictment is found
 24 or the information is instituted within eight years

1 after the latest date of the violation upon which the
2 indictment or information is based.”.

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

6 “(d) ~~STATUTE OF LIMITATIONS.~~—

7 “(1) ~~TIME FOR COMMENCING PROCEEDINGS.~~—

8 “(A) ~~IN GENERAL.~~—An action, suit, or
9 proceeding for the enforcement of any civil fine,
10 penalty, or forfeiture, pecuniary or otherwise,
11 under this section shall not be entertained un-
12 less commenced within eight years after the lat-
13 est date of the violation upon which the civil
14 fine, penalty, or forfeiture is based.

15 “(B) ~~COMMENCEMENT.~~—For purposes of
16 this paragraph, the commencement of an ac-
17 tion, suit, or proceeding includes the issuance of
18 a pre-penalty notice or finding of violation.

19 “(2) ~~TIME FOR INDICTMENT.~~—No person shall
20 be prosecuted, tried, or punished for any offense
21 under subsection (a) unless the indictment is found
22 or the information is instituted within eight years
23 after the latest date of the violation upon which the
24 indictment or information is based.”.

1 **SEC. 112. REPEAL OF PROHIBITION ON IMPOSITION OF**
2 **SANCTIONS WITH RESPECT TO IMPORTATION**
3 **OF GOODS UNDER FENTANYL SANCTIONS**
4 **ACT.**

5 Section 7235 of the Fentanyl Sanctions Act (21
6 U.S.C. 2335) is repealed.

7 **SEC. 113. CLASSIFIED REPORT AND BRIEFING ON STAFF-**
8 **ING OF OFFICE OF FOREIGN ASSETS CON-**
9 **TROL.**

10 Not later than 180 days after the date of the enact-
11 ment of this Act, the Director of the Office of Foreign
12 Assets Control shall provide to the appropriate congress-
13 sional committees a classified report and briefing on the
14 staffing of the Office of Foreign Assets Control,
15 disaggregated by staffing dedicated to each sanctions pro-
16 gram and each country or issue.

17 **SEC. 114. REPORT ON DRUG TRANSPORTATION ROUTES**
18 **AND USE OF VESSELS WITH MISLABELED**
19 **CARGO.**

20 Not later than 180 days after the date of the enact-
21 ment of this Act, the Secretary of the Treasury, in con-
22 junction with the heads of other relevant Federal agencies,
23 shall provide to the appropriate congressional committees
24 a classified report and briefing on efforts to target drug
25 transportation routes and modalities, including an assess-
26 ment of the prevalence of false cargo labeling and ship-

1 ment of precursor chemicals without accurate tracking of
 2 the customers purchasing the chemicals.

3 **TITLE II—ANTI-MONEY**
 4 **LAUNDERING MATTERS**

5 **SEC. 201. DESIGNATION OF ILLICIT FENTANYL TRANS-**
 6 **ACTIONS OF SANCTIONED PERSONS AS OF**
 7 **PRIMARY MONEY LAUNDERING CONCERN.**

8 Subtitle A of the Fentanyl Sanctions Act (21 U.S.C.
 9 ~~2311~~ et seq.) is amended by inserting after section ~~7213~~
 10 the following:

11 **“SEC. 7213A. DESIGNATION OF TRANSACTIONS OF SANC-**
 12 **TIONED PERSONS AS OF PRIMARY MONEY**
 13 **LAUNDERING CONCERN.**

14 **“(a) IN GENERAL.—**If the Secretary of the Treasury
 15 determines that reasonable grounds exist for concluding
 16 that one or more classes of transactions within, or involv-
 17 ing, a jurisdiction outside of the United States is of pri-
 18 mary money laundering concern in connection with illicit
 19 opioid trafficking, the Secretary of the Treasury may, by
 20 order, regulation, or otherwise as permitted by law—

21 **“(1)** require domestic financial institutions and
 22 domestic financial agencies to take ~~1~~ or more of the
 23 special measures provided for in section ~~9714(a)(1)~~
 24 of the National Defense Authorization Act for Fiscal

1 Year 2021 (Public Law 116-283; 31 U.S.C. 5318A
2 note); and

3 “(2) prohibit, or impose conditions upon, cer-
4 tain transmittals of funds (to be defined by the Sec-
5 retary) by any domestic financial institution or do-
6 mestic financial agency, if such transmittal of funds
7 involves any such class of transactions.

8 “(b) CLASSIFIED INFORMATION.—In any judicial re-
9 view of a finding of the existence of a primary money laun-
10 dering concern, or of the requirement for 1 or more special
11 measures with respect to a primary money laundering con-
12 cern made under this section, if the designation or imposi-
13 tion, or both, were based on classified information (as de-
14 fined in section 1(a) of the Classified Information Proce-
15 dures Act (18 U.S.C. App.)), such information may be
16 submitted by the Secretary to the reviewing court ex parte
17 and in camera. This subsection does not confer or imply
18 any right to judicial review of any finding made or any
19 requirement imposed under this section.

20 “(c) AVAILABILITY OF INFORMATION.—The exemp-
21 tions from, and prohibitions on, search and disclosure re-
22 ferred to in section 9714(c) of the National Defense Au-
23 thorization Act for Fiscal Year 2021 (Public Law 116-
24 283; 31 U.S.C. 5318A note) shall apply to any report or
25 record of report filed pursuant to a requirement imposed

1 under subsection (a). For purposes of section 552 of title
2 5, United States Code, this section shall be considered a
3 statute described in subsection (b)(3)(B) of that section.

4 “(d) PENALTIES.—The penalties referred to in sec-
5 tion 9714(d) of the National Defense Authorization Act
6 for Fiscal Year 2021 (Public Law 116–283; 31 U.S.C.
7 5318A note) shall apply to violations of any order, regula-
8 tion, special measure, or other requirement imposed under
9 subsection (a), in the same manner and to the same extent
10 as described in such section 9714(d).

11 “(e) INJUNCTIONS.—The Secretary of the Treasury
12 may bring a civil action to enjoin a violation of any order,
13 regulation, special measure, or other requirement imposed
14 under subsection (a) in the same manner and to the same
15 extent as described in section 9714(e) of the National De-
16 fense Authorization Act for Fiscal Year 2021 (Public Law
17 116–283; 31 U.S.C. 5318A note).

18 “(f) DEFINITIONS.—In this section, the terms ‘do-
19 mestic financial agency’, ‘domestic financial institution’,
20 ‘financial agency’, and ‘financial institution’ have the
21 meanings given those terms as used in section 9714 of
22 the National Defense Authorization Act for Fiscal Year
23 2021 (Public Law 116–283; 31 U.S.C. 5318A note).”.

1 **SEC. 202. TREATMENT OF TRANSNATIONAL CRIMINAL OR-**
2 **GANIZATIONS IN SUSPICIOUS TRANSACTIONS**
3 **REPORTS OF THE FINANCIAL CRIMES EN-**
4 **FORCEMENT NETWORK.**

5 (a) **FILING INSTRUCTIONS.**—Not later than 180 days
6 after the date of the enactment of this Act, the Director
7 of the Financial Crimes Enforcement Network shall issue
8 guidance or instructions to United States financial institu-
9 tions for filing reports on suspicious transactions required
10 by section 1010.320 of title 31, Code of Federal Regula-
11 tions, related to suspected fentanyl trafficking by
12 transnational criminal organizations.

13 (b) **PRIORITIZATION OF REPORTS RELATING TO**
14 **FENTANYL TRAFFICKING OR TRANSNATIONAL CRIMINAL**
15 **ORGANIZATIONS.**—The Director shall prioritize research
16 into reports described in subsection (a) that indicate a
17 connection to trafficking of fentanyl or related synthetic
18 opioids or financing of suspected transnational criminal
19 organizations.

20 **SEC. 203. REPORT ON TRADE-BASED MONEY LAUNDERING**
21 **IN TRADE WITH MEXICO, THE PEOPLE'S RE-**
22 **PUBLIC OF CHINA, AND BURMA.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the Secretary of the Treasury shall sub-
25 mit to the appropriate congressional committees a report

1 on trade-based money laundering originating in Mexico or
 2 the People’s Republic of China and involving Burma.

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—This Act may be cited as the
 5 “Fentanyl Eradication and Narcotics Deterrence Off
 6 Fentanyl Act” or the “FEND Off Fentanyl Act”.

7 (b) *TABLE OF CONTENTS.*—The table of contents for
 8 this Act is as follows:

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*Sec. 113. Report on drug transportation routes and use of vessels with mislabeled
 cargo.*

*Sec. 114. Report on actions of People’s Republic of China with respect to persons
 involved in fentanyl supply chain.*

TITLE II—ANTI-MONEY LAUNDERING MATTERS

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 ple’s Republic of China, and Burma.*

1 **SEC. 2. SENSE OF CONGRESS.**

2 *It is the sense of Congress that—*

3 *(1) the proliferation of fentanyl is causing an*
4 *unprecedented surge in overdose deaths in the United*
5 *States, fracturing families and communities, and ne-*
6 *cessitating a comprehensive policy response to combat*
7 *its lethal flow and to mitigate the drug’s devastating*
8 *consequences;*

9 *(2) the trafficking of fentanyl into the United*
10 *States is a national security threat that has killed*
11 *hundreds of thousands of United States citizens;*

12 *(3) transnational criminal organizations, in-*
13 *cluding cartels primarily based in Mexico, are the*
14 *main purveyors of fentanyl into the United States*
15 *and must be held accountable;*

16 *(4) precursor chemicals sourced from the People’s*
17 *Republic of China are—*

18 *(A) shipped from the People’s Republic of*
19 *China by legitimate and illegitimate means;*

20 *(B) transformed through various synthetic*
21 *processes to produce different forms of fentanyl;*
22 *and*

23 *(C) crucial to the production of illicit*
24 *fentanyl by transnational criminal organiza-*
25 *tions, contributing to the ongoing opioid crisis;*

1 (5) *the United States Government must remain*
2 *vigilant to address all new forms of fentanyl precursors*
3 *and drugs used in combination with fentanyl,*
4 *such as Xylazine, which attribute to overdose deaths*
5 *of people in the United States;*

6 (6) *to increase the cost of fentanyl trafficking,*
7 *the United States Government should work collaboratively*
8 *across agencies and should surge analytic capability*
9 *to impose sanctions and other remedies with*
10 *respect to transnational criminal organizations (including*
11 *cartels), including foreign nationals who facilitate*
12 *the trade in illicit fentanyl and its precursors*
13 *from the People’s Republic of China; and*

14 (7) *the Department of the Treasury should focus*
15 *on fentanyl trafficking and its facilitators as one of*
16 *the top national security priorities for the Department.*
17

18 **SEC. 3. DEFINITIONS.**

19 *In this Act:*

20 (1) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—*The term “appropriate congressional committees” means—*

23 (A) *the Committee on Banking, Housing,*
24 *and Urban Affairs of the Senate; and*

1 (B) *the Committee on Foreign Affairs and*
2 *the Committee on Financial Services of the*
3 *House of Representatives.*

4 (2) *FOREIGN PERSON.*—*The term “foreign per-*
5 *son”*—

6 (A) *means*—

7 (i) *any citizen or national of a foreign*
8 *country; or*

9 (ii) *any entity not organized under the*
10 *laws of the United States or a jurisdiction*
11 *within the United States; and*

12 (B) *does not include the government of a*
13 *foreign country.*

14 (3) *KNOWINGLY.*—*The term “knowingly”, with*
15 *respect to conduct, a circumstance, or a result, means*
16 *that a person has actual knowledge, or should have*
17 *known, of the conduct, the circumstance, or the result.*

18 (4) *TRAFFICKING.*—*The term “trafficking”, with*
19 *respect to fentanyl, fentanyl precursors, or other re-*
20 *lated opioids, has the meaning given the term “opioid*
21 *trafficking” in section 7203 of the Fentanyl Sanctions*
22 *Act (21 U.S.C. 2302).*

23 (5) *TRANSNATIONAL CRIMINAL ORGANIZATION.*—
24 *The term “transnational criminal organization” in-*
25 *cludes*—

1 (A) any organization designated as a sig-
2 nificant transnational criminal organization
3 under part 590 of title 31, Code of Federal Regu-
4 lations;

5 (B) any of the organizations known as—

6 (i) the Sinaloa Cartel;

7 (ii) the Jalisco New Generation Cartel;

8 (iii) the Gulf Cartel;

9 (iv) the Los Zetas Cartel;

10 (v) the Juarez Cartel;

11 (vi) the Tijuana Cartel;

12 (vii) the Beltran-Leyva Cartel; or

13 (viii) La Familia Michoacana; or

14 (C) any other organization that the Presi-
15 dent determines is a transnational criminal or-
16 ganization; or

17 (D) any successor organization to an orga-
18 nization described in subparagraph (B) or as
19 otherwise determined by the President.

20 (6) UNITED STATES PERSON.—The term “United
21 States person” means—

22 (A) a United States citizen or an alien law-
23 fully admitted for permanent residence to the
24 United States;

1 (B) an entity organized under the laws of
2 the United States or of any jurisdiction within
3 the United States, including a foreign branch of
4 such an entity; or

5 (C) any person in the United States.

6 **TITLE I—SANCTIONS MATTERS**
7 **Subtitle A—Sanctions in Response**
8 **to National Emergency Relating**
9 **to Fentanyl Trafficking**

10 **SEC. 101. FINDING; POLICY.**

11 (a) *FINDING.*—Congress finds that international traf-
12 ficking of fentanyl, fentanyl precursors, or other related
13 opioids constitutes an unusual and extraordinary threat to
14 the national security, foreign policy, and economy of the
15 United States, and is a national emergency.

16 (b) *POLICY.*—It shall be the policy of the United States
17 to apply economic and other financial sanctions to those
18 who engage in the international trafficking of fentanyl,
19 fentanyl precursors, or other related opioids to protect the
20 national security, foreign policy, and economy of the United
21 States.

22 **SEC. 102. USE OF NATIONAL EMERGENCY AUTHORITIES; RE-**
23 **PORTING.**

24 (a) *IN GENERAL.*—The President may exercise all au-
25 thorities provided under sections 203 and 205 of the Inter-

1 *national Emergency Economic Powers Act (50 U.S.C. 1702*
2 *and 1704) to carry out this subtitle.*

3 *(b) REPORT REQUIRED.—*

4 *(1) IN GENERAL.—Not later than 180 days after*
5 *the date of the enactment of this Act, and annually*
6 *thereafter, the President shall submit to the appro-*
7 *priate congressional committees a report on actions*
8 *taken by the executive branch pursuant to this subtitle*
9 *and any national emergency declared with respect to*
10 *the trafficking of fentanyl and trade in other illicit*
11 *drugs, including—*

12 *(A) the issuance of any new or revised regu-*
13 *lations, policies, or guidance;*

14 *(B) the imposition of sanctions;*

15 *(C) the collection of relevant information*
16 *from outside parties;*

17 *(D) the issuance or closure of general li-*
18 *censes, specific licenses, and statements of licens-*
19 *ing policy by the Office of Foreign Assets Con-*
20 *trol;*

21 *(E) a description of any pending enforce-*
22 *ment cases; or*

23 *(F) the implementation of mitigation proce-*
24 *dures.*

1 (2) *FORM OF REPORT.*—*Each report required by*
 2 *paragraph (1) shall be submitted in unclassified form,*
 3 *but may include the matters required by subpara-*
 4 *graphs (C), (D), (E), and (F) of that paragraph in*
 5 *a classified annex.*

6 **SEC. 103. CODIFICATION OF EXECUTIVE ORDER IMPOSING**
 7 **SANCTIONS WITH RESPECT TO FOREIGN PER-**
 8 **SONS INVOLVED IN GLOBAL ILLICIT DRUG**
 9 **TRADE.**

10 *United States sanctions provided for in Executive*
 11 *Order 14059 (50 U.S.C. 1701 note; relating to imposing*
 12 *sanctions on foreign persons involved in the global illicit*
 13 *drug trade), and any amendments to or directives issued*
 14 *pursuant to such Executive order before the date of the en-*
 15 *actment of this Act, shall remain in effect.*

16 **SEC. 104. IMPOSITION OF SANCTIONS WITH RESPECT TO**
 17 **FENTANYL TRAFFICKING BY TRANSNATIONAL**
 18 **CRIMINAL ORGANIZATIONS.**

19 (a) *IN GENERAL.*—*The President shall impose the*
 20 *sanctions described in subsection (b) with respect to any*
 21 *foreign person the President determines—*

22 (1) *is knowingly involved in the significant traf-*
 23 *ficking of fentanyl, fentanyl precursors, or other re-*
 24 *lated opioids, including such trafficking by a*
 25 *transnational criminal organization; or*

1 (2) *otherwise is knowingly involved in signifi-*
2 *cant activities of a transnational criminal organiza-*
3 *tion relating to the trafficking of fentanyl, fentanyl*
4 *precursors, or other related opioids.*

5 (b) *SANCTIONS DESCRIBED.*—*The President may, pur-*
6 *suant to the International Emergency Economic Powers Act*
7 *(50 U.S.C. 1701 et seq.), block and prohibit all transactions*
8 *in property and interests in property of a foreign person*
9 *described in subsection (a) if such property and interests*
10 *in property are in the United States, come within the*
11 *United States, or are or come within the possession or con-*
12 *trol of a United States person.*

13 (c) *REPORT REQUIRED.*—*Not later than 180 days*
14 *after the date of the enactment of this Act, and annually*
15 *thereafter, the President shall submit to the appropriate*
16 *congressional committees a report on actions taken by the*
17 *executive branch with respect to the foreign persons identi-*
18 *fied under subsection (a).*

19 **SEC. 105. PENALTIES; WAIVERS; EXCEPTIONS.**

20 (a) *PENALTIES.*—*A person that violates, attempts to*
21 *violate, conspires to violate, or causes a violation of this*
22 *subtitle or any regulation, license, or order issued to carry*
23 *out this subtitle shall be subject to the penalties set forth*
24 *in subsections (b) and (c) of section 206 of the International*
25 *Emergency Economic Powers Act (50 U.S.C. 1705) to the*

1 *same extent as a person that commits an unlawful act de-*
2 *scribed in subsection (a) of that section.*

3 (b) *NATIONAL SECURITY WAIVER.*—*The President*
4 *may waive the application of sanctions under this subtitle*
5 *with respect to a foreign person if the President determines*
6 *that the waiver is in the national security interest of the*
7 *United States.*

8 (c) *EXCEPTIONS.*—

9 (1) *EXCEPTION FOR INTELLIGENCE ACTIVI-*
10 *TIES.*—*This subtitle shall not apply with respect to*
11 *activities subject to the reporting requirements under*
12 *title V of the National Security Act of 1947 (50*
13 *U.S.C. 3091 et seq.) or any authorized intelligence ac-*
14 *tivities of the United States.*

15 (2) *EXCEPTION FOR COMPLIANCE WITH INTER-*
16 *NATIONAL OBLIGATIONS AND LAW ENFORCEMENT AC-*
17 *TIVITIES.*—*Sanctions under this subtitle shall not*
18 *apply with respect to an alien if admitting or parol-*
19 *ing the alien into the United States is necessary—*

20 (A) *to permit the United States to comply*
21 *with the Agreement regarding the Headquarters*
22 *of the United Nations, signed at Lake Success on*
23 *June 26, 1947, and entered into force November*
24 *21, 1947, between the United Nations and the*

1 *United States, or other applicable international*
 2 *obligations of the United States; or*

3 *(B) to carry out or assist law enforcement*
 4 *activity of the United States.*

5 *(3) HUMANITARIAN EXEMPTION.—The President*
 6 *may not impose sanctions under this subtitle with re-*
 7 *spect to any person for conducting or facilitating a*
 8 *transaction for the sale of agricultural commodities,*
 9 *food, medicine, or medical devices or for the provision*
 10 *of humanitarian assistance.*

11 **SEC. 106. TREATMENT OF FORFEITED PROPERTY OF**
 12 **TRANSNATIONAL CRIMINAL ORGANIZATIONS.**

13 *(a) TRANSFER OF FORFEITED PROPERTY TO FOR-*
 14 *FEITURE FUNDS.—*

15 *(1) IN GENERAL.—Any covered forfeited property*
 16 *shall be deposited into the Department of the Treas-*
 17 *ury Forfeiture Fund established under section 9705 of*
 18 *title 31, United States Code, or the Department of*
 19 *Justice Assets Forfeiture Fund established under sec-*
 20 *tion 524(c) of title 28, United States Code.*

21 *(2) REPORT REQUIRED.—Not later than 180*
 22 *days after the date of the enactment of this Act, and*
 23 *every 180 days thereafter, the President shall submit*
 24 *to the appropriate congressional committees a report*
 25 *on any deposits made under paragraph (1) during*

1 *the 180-day period preceding submission of the re-*
2 *port.*

3 (3) *COVERED FORFEITED PROPERTY DEFINED.—*

4 *In this subsection, the term “covered forfeited prop-*
5 *erty” means property—*

6 (A) *forfeited to the United States under*
7 *chapter 46 or section 1963 of title 18, United*
8 *States Code; and*

9 (B) *that belonged to or was possessed by an*
10 *individual affiliated with or connected to a*
11 *transnational criminal organization subject to*
12 *sanctions under—*

13 (i) *this subtitle;*

14 (ii) *the Fentanyl Sanctions Act (21*
15 *U.S.C. 2301 et seq.); or*

16 (iii) *Executive Order 14059 (50 U.S.C.*
17 *1701 note; relating to imposing sanctions*
18 *on foreign persons involved in the global il-*
19 *licit drug trade).*

20 (b) *BLOCKED ASSETS UNDER TERRORISM RISK IN-*
21 *SURANCE ACT OF 2002.—Nothing in this subtitle affects the*
22 *treatment of blocked assets of a terrorist party described in*
23 *subsection (a) of section 201 of the Terrorism Risk Insur-*
24 *ance Act of 2002 (28 U.S.C. 1610 note).*

1 ***Subtitle B—Other Matters***

2 ***SEC. 111. TEN-YEAR STATUTE OF LIMITATIONS FOR VIOLA-***
 3 ***TIONS OF SANCTIONS.***

4 (a) *INTERNATIONAL EMERGENCY ECONOMIC POWERS*
 5 *ACT.*—*Section 206 of the International Emergency Eco-*
 6 *nomic Powers Act (50 U.S.C. 1705) is amended by adding*
 7 *at the end the following:*

8 “(d) *STATUTE OF LIMITATIONS.*—

9 “(1) *TIME FOR COMMENCING PROCEEDINGS.*—

10 “(A) *IN GENERAL.*—*An action, suit, or pro-*
 11 *ceeding for the enforcement of any civil fine,*
 12 *penalty, or forfeiture, pecuniary or otherwise,*
 13 *under this section shall not be entertained unless*
 14 *commenced within ten years after the latest date*
 15 *of the violation upon which the civil fine, pen-*
 16 *alty, or forfeiture is based.*

17 “(B) *COMMENCEMENT.*—*For purposes of*
 18 *this paragraph, the commencement of an action,*
 19 *suit, or proceeding includes the issuance of a*
 20 *pre-penalty notice or finding of violation.*

21 “(2) *TIME FOR INDICTMENT.*—*No person shall be*
 22 *prosecuted, tried, or punished for any offense under*
 23 *subsection (c) unless the indictment is found or the*
 24 *information is instituted within ten years after the*

1 *latest date of the violation upon which the indictment*
2 *or information is based.”.*

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

6 **“(d) STATUTE OF LIMITATIONS.**—

7 **“(1) TIME FOR COMMENCING PROCEEDINGS.**—

8 **“(A) IN GENERAL.**—*An action, suit, or pro-*
9 *ceeding for the enforcement of any civil fine,*
10 *penalty, or forfeiture, pecuniary or otherwise,*
11 *under this section shall not be entertained unless*
12 *commenced within ten years after the latest date*
13 *of the violation upon which the civil fine, pen-*
14 *alty, or forfeiture is based.*

15 **“(B) COMMENCEMENT.**—*For purposes of*
16 *this paragraph, the commencement of an action,*
17 *suit, or proceeding includes the issuance of a*
18 *pre-penalty notice or finding of violation.*

19 **“(2) TIME FOR INDICTMENT.**—*No person shall be*
20 *prosecuted, tried, or punished for any offense under*
21 *subsection (a) unless the indictment is found or the*
22 *information is instituted within ten years after the*
23 *latest date of the violation upon which the indictment*
24 *or information is based.”.*

1 **SEC. 112. CLASSIFIED REPORT AND BRIEFING ON STAFFING**
2 **OF OFFICE OF FOREIGN ASSETS CONTROL.**

3 *Not later than 180 days after the date of the enactment*
4 *of this Act, the Director of the Office of Foreign Assets Con-*
5 *trol shall provide to the appropriate congressional commit-*
6 *tees a classified report and briefing on the staffing of the*
7 *Office of Foreign Assets Control, disaggregated by staffing*
8 *dedicated to each sanctions program and each country or*
9 *issue.*

10 **SEC. 113. REPORT ON DRUG TRANSPORTATION ROUTES**
11 **AND USE OF VESSELS WITH MISLABELED**
12 **CARGO.**

13 *Not later than 180 days after the date of the enactment*
14 *of this Act, the Secretary of the Treasury, in conjunction*
15 *with the heads of other relevant Federal agencies, shall pro-*
16 *vide to the appropriate congressional committees a classi-*
17 *fied report and briefing on efforts to target drug transpor-*
18 *tation routes and modalities, including an assessment of the*
19 *prevalence of false cargo labeling and shipment of precursor*
20 *chemicals without accurate tracking of the customers pur-*
21 *chasing the chemicals.*

22 **SEC. 114. REPORT ON ACTIONS OF PEOPLE'S REPUBLIC OF**
23 **CHINA WITH RESPECT TO PERSONS IN-**
24 **INVOLVED IN FENTANYL SUPPLY CHAIN.**

25 *Not later than 180 days after the date of the enactment*
26 *of this Act, the Secretary of the Treasury, in conjunction*

1 *with the heads of other relevant Federal agencies, shall pro-*
 2 *vide to the appropriate congressional committees a classi-*
 3 *fied report and briefing on actions taken by the Government*
 4 *of the People’s Republic of China with respect to persons*
 5 *involved in the shipment of fentanyl, fentanyl analogues,*
 6 *fentanyl precursors, precursors for fentanyl analogues, and*
 7 *equipment for the manufacturing of fentanyl and fentanyl-*
 8 *laced counterfeit pills.*

9 **TITLE II—ANTI-MONEY**
 10 **LAUNDERING MATTERS**

11 **SEC. 201. DESIGNATION OF ILLICIT FENTANYL TRANS-**
 12 **ACTIONS OF SANCTIONED PERSONS AS OF**
 13 **PRIMARY MONEY LAUNDERING CONCERN.**

14 *Subtitle A of the Fentanyl Sanctions Act (21 U.S.C.*
 15 *2311 et seq.) is amended by inserting after section 7213*
 16 *the following:*

17 **“SEC. 7213A. DESIGNATION OF TRANSACTIONS OF SANC-**
 18 **TIONED PERSONS AS OF PRIMARY MONEY**
 19 **LAUNDERING CONCERN.**

20 *“(a) IN GENERAL.—If the Secretary of the Treasury*
 21 *determines that reasonable grounds exist for concluding that*
 22 *one or more financial institutions operating outside of the*
 23 *United States, 1 or more classes of transactions within, or*
 24 *involving, a jurisdiction outside of the United States, or*
 25 *1 or more types of accounts within, or involving, a jurisdic-*

1 *tion outside of the United States, is of primary money laun-*
2 *dering concern in connection with illicit opioid trafficking,*
3 *the Secretary of the Treasury may, by order, regulation,*
4 *or otherwise as permitted by law—*

5 “(1) *require domestic financial institutions and*
6 *domestic financial agencies to take 1 or more of the*
7 *special measures provided for in section 9714(a)(1) of*
8 *the National Defense Authorization Act for Fiscal*
9 *Year 2021 (Public Law 116–283; 31 U.S.C. 5318A*
10 *note); or*

11 “(2) *prohibit, or impose conditions upon, certain*
12 *transmittals of funds (to be defined by the Secretary)*
13 *by any domestic financial institution or domestic fi-*
14 *nancial agency, if such transmittal of funds involves*
15 *any such institution, class of transaction, or type of*
16 *accounts.*

17 “(b) *CLASSIFIED INFORMATION.—In any judicial re-*
18 *view of a finding of the existence of a primary money laun-*
19 *dering concern, or of the requirement for 1 or more special*
20 *measures with respect to a primary money laundering con-*
21 *cern made under this section, if the designation or imposi-*
22 *tion, or both, were based on classified information (as de-*
23 *finied in section 1(a) of the Classified Information Proce-*
24 *dures Act (18 U.S.C. App.)), such information may be sub-*
25 *mitted by the Secretary to the reviewing court ex parte and*

1 *in camera*. This subsection does not confer or imply any
2 right to judicial review of any finding made or any require-
3 ment imposed under this section.

4 “(c) *AVAILABILITY OF INFORMATION*.—The exemptions
5 from, and prohibitions on, search and disclosure referred
6 to in section 9714(c) of the National Defense Authorization
7 Act for Fiscal Year 2021 (Public Law 116–283; 31 U.S.C.
8 5318A note) shall apply to any report or record of report
9 filed pursuant to a requirement imposed under subsection
10 (a). For purposes of section 552 of title 5, United States
11 Code, this subsection shall be considered a statute described
12 in subsection (b)(3)(B) of that section.

13 “(d) *PENALTIES*.—The penalties referred to in section
14 9714(d) of the National Defense Authorization Act for Fis-
15 cal Year 2021 (Public Law 116–283; 31 U.S.C. 5318A note)
16 shall apply to violations of any order, regulation, special
17 measure, or other requirement imposed under subsection
18 (a), in the same manner and to the same extent as described
19 in such section 9714(d).

20 “(e) *INJUNCTIONS*.—The Secretary of the Treasury
21 may bring a civil action to enjoin a violation of any order,
22 regulation, special measure, or other requirement imposed
23 under subsection (a) in the same manner and to the same
24 extent as described in section 9714(e) of the National De-

1 *fense Authorization Act for Fiscal Year 2021 (Public Law*
2 *116–283; 31 U.S.C. 5318A note).”.*

3 **SEC. 202. TREATMENT OF TRANSNATIONAL CRIMINAL OR-**
4 **GANIZATIONS IN SUSPICIOUS TRANSACTIONS**
5 **REPORTS OF THE FINANCIAL CRIMES EN-**
6 **FORCEMENT NETWORK.**

7 (a) *FILING INSTRUCTIONS.*—*Not later than 180 days*
8 *after the date of the enactment of this Act, the Director of*
9 *the Financial Crimes Enforcement Network shall issue*
10 *guidance or instructions to United States financial institu-*
11 *tions for filing reports on suspicious transactions required*
12 *by section 1010.320 of title 31, Code of Federal Regulations,*
13 *related to suspected fentanyl trafficking by transnational*
14 *criminal organizations.*

15 (b) *PRIORITIZATION OF REPORTS RELATING TO*
16 *FENTANYL TRAFFICKING OR TRANSNATIONAL CRIMINAL*
17 *ORGANIZATIONS.*—*The Director shall prioritize research*
18 *into reports described in subsection (a) that indicate a con-*
19 *nection to trafficking of fentanyl or related synthetic*
20 *opioids or financing of suspected transnational criminal or-*
21 *ganizations.*

1 **SEC. 203. REPORT ON TRADE-BASED MONEY LAUNDERING**
2 **IN TRADE WITH MEXICO, THE PEOPLE'S RE-**
3 **PUBLIC OF CHINA, AND BURMA.**

4 (a) *IN GENERAL.*—*In the first update to the national*
5 *strategy for combating the financing of terrorism and re-*
6 *lated forms of illicit finance submitted to Congress after the*
7 *date of the enactment of this Act, the Secretary of the Treas-*
8 *ury shall include a report on trade-based money laundering*
9 *originating in Mexico or the People's Republic of China and*
10 *involving Burma.*

11 (b) *DEFINITION.*—*In this section, the term “national*
12 *strategy for combating the financing of terrorism and re-*
13 *lated forms of illicit finance” means the national strategy*
14 *for combating the financing of terrorism and related forms*
15 *of illicit finance required by section 261 of the Countering*
16 *America's Adversaries Through Sanctions Act (Public Law*
17 *115–44; 131 Stat. 934), as amended by section 6506 of the*
18 *National Defense Authorization Act for Fiscal Year 2022*
19 *(Public Law 117–81; 135 Stat. 2428).*

Calendar No. 114

118TH CONGRESS
1ST Session

S. 1271

A BILL

To impose sanctions with respect to trafficking of illicit fentanyl and its precursors by transnational criminal organizations, including cartels, and for other purposes.

JUNE 22, 2023

Reported with an amendment