

118TH CONGRESS
1ST SESSION

H. R. 1171

To provide for the imposition of sanctions on the Government of the People's Republic of China, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2023

Mr. BANKS (for himself, Mrs. LUNA, Mrs. KIGGANS of Virginia, and Mr. DUNN of Florida) introduced the following bill; which was referred to the Committee on Foreign Affairs, 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 imposition of sanctions on the Government of the People's Republic of China, 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 CCP Fentanyl
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) According to the Drug Enforcement Admin-
2 istration, the People’s Republic of China remains the
3 number one source of fentanyl precursor chemicals,
4 which are then processed and manufactured into
5 synthetic opioids by Mexican drug cartels to bring
6 into the United States.

7 (2) Of the more than 100,000 drug overdose-re-
8 lated deaths in the United States in 2021, roughly
9 64,000 were from illicit fentanyl which is more than
10 double the number of such deaths since 2019.

11 (3) Almost 100 percent of fentanyl derives from
12 precursor drugs from China.

13 (4) The amount of fentanyl seized by U.S. Cus-
14 toms and Border Protection skyrocketed from 2020
15 to 2022. In the fiscal year 2022, U.S. Customs and
16 Border Protection seized a record 14,700 pounds of
17 fentanyl, compared with 11,200 pounds in 2021 and
18 4,800 pounds in 2020.

19 **SEC. 3. IMPOSITION OF SANCTIONS ON THE GOVERNMENT**
20 **OF THE PEOPLE’S REPUBLIC OF CHINA.**

21 (a) IN GENERAL.—On and after the date that is 120
22 days after the date of the enactment of this Act, the Presi-
23 dent shall impose the sanctions described in section 3 with
24 respect to—

1 (1) the President of the People’s Republic of
2 China;

3 (2) the Chairman of the Chinese Communist
4 Party;

5 (3) the State Council of the People’s Republic
6 of China; and

7 (4) the Politburo Standing Committee of the
8 People’s Republic of China.

9 (b) WAIVER.—The President may waive the applica-
10 tion of sanctions under subsection (a) if the President sub-
11 mits to the appropriate congressional committees a written
12 determination that—

13 (1) the People’s Republic of China and Chinese
14 Communist Party have taken all reasonable meas-
15 ures to prevent the flow of fentanyl produced within
16 the People’s Republic of China into the United
17 States, including through implementing and enforce-
18 ing laws controlling and restricting the export of
19 fentanyl precursors such as—

20 (A) N-Phenethyl-4-piperidone (NPP) 4-
21 Anilino-N phenethylpiperidine (ANPP) N-
22 Phenyl-4-piperidinamine (4-AP) tert-Butyl 4-
23 (phenylamino); and

24 (B) piperidine-1-carboxylate (boc-4-AP)
25 norfentanyl; and

1 (2) the intelligence community (as such term is
2 defined in the National Security Act of 1947), in
3 consultation with the Department of Homeland Se-
4 curity and the Department of Justice, has deter-
5 mined that the supply of fentanyl of Chinese origin
6 in the United States and the number of deaths of
7 United States persons due to overdoses of such
8 fentanyl have each been reduced by at least 98 per-
9 cent during the most-recent 18-month period as
10 compared to the immediately preceding 18-month
11 period.

12 (c) PENALTIES.—A person that violates, attempts to
13 violate, conspires to violate, or causes a violation of sub-
14 section (a) or any regulation, license, or order issued to
15 carry out subsection (a) shall be subject to the penalties
16 set forth in subsections (b) and (c) of section 206 of the
17 International Emergency Economic Powers Act (50
18 U.S.C. 1705) to the same extent as a person that commits
19 an unlawful act described in subsection (a) of that section.

20 **SEC. 4. SANCTIONS DESCRIBED.**

21 (a) IN GENERAL.—The sanctions described in this
22 section are the following:

23 (1) BLOCKING OF PROPERTY.—The President
24 shall exercise all of the powers granted to the Presi-
25 dent under the International Emergency Economic

1 Powers Act (50 U.S.C. 1701 et seq.) to the extent
2 necessary to block and prohibit all transactions in
3 property and interests in property of the person if
4 such property and interests in property are in the
5 United States, come within the United States, or are
6 or come within the possession or control of a United
7 States person.

8 (2) ALIENS INELIGIBLE FOR VISAS, ADMISSION,
9 OR PAROLE.—

10 (A) VISAS, ADMISSION, OR PAROLE.—An
11 alien who the Secretary of State or the Sec-
12 retary of Homeland Security (or a designee of
13 one of such Secretaries) knows, or has reason
14 to believe, has knowingly engaged in any activ-
15 ity described in subsection (a) is—

16 (i) inadmissible to the United States;

17 (ii) ineligible to receive a visa or other
18 documentation to enter the United States;

19 and

20 (iii) otherwise ineligible to be admitted
21 or paroled into the United States or to re-
22 ceive any other benefit under the Immigra-
23 tion and Nationality Act (8 U.S.C. 1101 et
24 seq.).

25 (B) CURRENT VISAS REVOKED.—

1 (i) IN GENERAL.—The issuing con-
2 sular officer, the Secretary of State, or the
3 Secretary of Homeland Security (or a des-
4 ignee of one of such Secretaries) shall, in
5 accordance with section 221(i) of the Im-
6 migration and Nationality Act (8 U.S.C.
7 1201(i)), revoke any visa or other entry
8 documentation issued to an alien described
9 in subparagraph (A) regardless of when
10 the visa or other entry documentation is
11 issued.

12 (ii) EFFECT OF REVOCATION.—A rev-
13 ocation under clause (i) shall take effect
14 immediately and shall automatically cancel
15 any other valid visa or entry documenta-
16 tion that is in the alien's possession.

17 (b) EXCEPTIONS.—

18 (1) UNITED NATIONS HEADQUARTERS AGREE-
19 MENT.—The sanctions described under subsection
20 (a)(2) shall not apply with respect to an alien if ad-
21 mitting or paroling the alien into the United States
22 is necessary to permit the United States to comply
23 with the Agreement regarding the Headquarters of
24 the United Nations, signed at Lake Success June
25 26, 1947, and entered into force November 21,

1 1947, between the United Nations and the United
2 States, or other applicable international obligations.

3 (2) EXCEPTION FOR INTELLIGENCE, LAW EN-
4 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
5 TIES.—Sanctions under subsection (a) shall not
6 apply to any authorized intelligence, law enforce-
7 ment, or national security activities of the United
8 States.

9 (3) EXCEPTION RELATING TO IMPORTATION OF
10 GOODS.—

11 (A) IN GENERAL.—Notwithstanding any
12 other provision of this section, the authorities
13 and requirements to impose sanctions under
14 this section shall not include the authority or a
15 requirement to impose sanctions on the impor-
16 tation of goods.

17 (B) GOOD DEFINED.—In this paragraph,
18 the term “good” means any article, natural or
19 man-made substance, material, supply or manu-
20 factured product, including inspection and test
21 equipment, and excluding technical data.

22 **SEC. 5. RIGHT OF ACTION TO SEIZE PRIVATE ASSETS.**

23 (a) IN GENERAL.—Notwithstanding chapter 97 of
24 title 28, United States Code (commonly referred to as the
25 “Foreign Sovereign Immunities Act”), a national of the

1 United States or an alien lawfully admitted for permanent
2 residence in the United States who is an immediate family
3 member of a covered individual may bring an action in
4 an appropriate district court of the United States against
5 a covered Chinese official or against China for harm suf-
6 fered as a result of the covered individual's death seeking
7 money damages. Any property that is blocked pursuant
8 to section 4(a)(1) may be used to satisfy a judgment under
9 this subsection.

10 (b) DEFINITIONS.—In this section:

11 (1) The term “covered individual” means an in-
12 dividual who dies from an overdose (whether acci-
13 dental or intentional) of fentanyl, or any analogue of
14 fentanyl, that was manufactured from fentanyl pre-
15 cursors that originated in China and were imported
16 into the United States.

17 (2) The term “covered Chinese official”
18 means—

19 (A) the President of the People's Republic
20 of China;

21 (B) the Chairman of the Chinese Com-
22 munist Party; and

23 (C) the Politburo Standing Committee of
24 the People's Republic of China, or any member
25 thereof.

1 (3) The term “immediate family member”
2 means a spouse, parent, stepparent, foster parent,
3 child, stepchild, foster child, grandparent, grand-
4 child, brother, or sister.

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