

118TH CONGRESS
1ST SESSION

H. R. 3203

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. SENSE OF CONGRESS.**

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

7 (1) work with the United States Government to
8 identify a list of unregulated chemicals used to cre-
9 ate precursor chemicals that bear increased scrutiny;

10 (2) require the proper labeling of chemical and
11 equipment shipments in accordance with inter-
12 national rules;

13 (3) immediately implement “know-your-cus-
14 tomer” procedures for chemical shipments; and

15 (4) direct all relevant departments and agen-
16 cies, including the National Narcotics Control Com-
17 mission, the Ministry of Public Security, the General
18 Administration of Customs, and the National Med-
19 ical Products Administration of the Government of
20 the People’s Republic of China to establish new rules
21 to crack down on precursor trafficking and enforce
22 such rules swiftly.

23 **SEC. 3. AMENDMENTS TO THE FENTANYL SANCTIONS ACT.**

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

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

4 “(A) means any foreign person”;

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

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

8 “(B) includes—

9 “(i) any entity of the People’s Repub-
10 lic of China that the President deter-
11 mines—

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

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

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

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. 4. 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 Af-
4 fairs, the Committee on Financial Services,
5 and the Committee on Oversight and Ac-
6 countability of the House of Representa-
7 tives; and

8 “(ii) the Committee on Homeland Se-
9 curity and Governmental Affairs, the Com-
10 mittee on Foreign Relations, and the Com-
11 mittee on Banking, Housing, and Urban
12 Affairs of the Senate; and

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

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

19 “(ii) has not terminated.”.

20 (2) CONSULTATION AND REPORTS.—Section
21 204 of the International Emergency Economic Pow-
22 ers Act (50 U.S.C. 1703) is amended—

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

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

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

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

9 (A) by striking “The President” and in-
10 sserting “(a) The President”; and

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

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

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

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

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

22 “(4) include in the basis and purpose incor-
23 porated in the regulations—

1 “(A) an explanation of how the regulations
2 will resolve the applicable national emergency;
3 and

4 “(B) a discussion of the costs and bene-
5 fits.”.

6 (4) STATUTE OF LIMITATIONS.—Section 206 of
7 the International Emergency Economic Powers Act
8 (50 U.S.C. 1705) is amended by adding at the end
9 the following:

10 “(d) STATUTE OF LIMITATIONS.—

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

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

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

1 “(d) STATUTE OF LIMITATIONS.—

2 “(1) CRIMINAL PENALTY.—No person shall be
3 prosecuted, tried, or punished for any offense under
4 this section unless the indictment is found or the in-
5 formation is instituted within 10 years from the lat-
6 est date of the violation upon which the indictment
7 or information is based.

8 “(2) 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 **SEC. 5. EXCEPTION RELATING TO IMPORTATION OF**
15 **GOODS.**

16 (a) IN GENERAL.—A requirement to block and pro-
17 hibit all transactions in all property and interests in prop-
18 erty pursuant to this Act or any amendment made by this
19 Act shall not include the authority or a requirement to
20 impose sanctions on the importation of goods.

21 (b) GOOD DEFINED.—In this section, the term
22 “good” means any article, natural or manmade substance,

- 1 material, supply or manufactured product, including in-
- 2 spection and test equipment, and excluding technical data.

Passed the House of Representatives July 25, 2023.

Attest:

Clerk.

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