

118TH CONGRESS
2D SESSION

H. R. 10451

To establish requirements and impose civil penalties on certain entities of the People's Republic of China that do not employ appropriate safeguards to prevent fentanyl trafficking.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2024

Mr. DUNN of Florida (for himself, Mr. AUCHINCLOSS, Mr. NEWHOUSE, Mr. KHANNA, Mr. JOHNSON of South Dakota, Mrs. STEEL, Mr. KRISHNAMOORTHY, Mr. MOOLENAAR, and Mr. TORRES of New York) introduced the following bill; which was referred to the Committee on Ways and Means, 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 establish requirements and impose civil penalties on certain entities of the People's Republic of China that do not employ appropriate safeguards to prevent fentanyl trafficking.

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 “International Protec-
3 tion from PRC Fentanyl and Other Synthetic Opioids
4 Act”.

5 **SEC. 2. REQUIREMENTS AND CIVIL PENALTIES FOR PRC**
6 **VESSELS FACILITATING THE FENTANYL**
7 **TRADE.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of enactment of this Act, the Attorney General, in
10 coordination with the Administrator of the Drug Enforce-
11 ment Administration and other executive agencies as ap-
12 propriate, shall establish minimum acceptable standards
13 for PRC entities involved in the production, sale, or ship-
14 ment of fentanyl precursors, other chemicals, or materials
15 used or intended for use in the production of synthetic
16 opioids or other controlled substances.

17 (b) REQUIREMENTS.—The standards required by
18 subsection (a) shall, at a minimum, require—

19 (1) PRC ports and vessels to properly manifest
20 fentanyl precursors or other chemicals used or in-
21 tended for use in the production of synthetic opioids
22 in customs forms;

23 (2) PRC exporters of fentanyl precursors or
24 other chemicals used for the production of synthetic
25 opioids utilizing any medium of transport to follow

1 formal entry requirements regardless of the size or
2 value of shipment; and

3 (3) information gathered pursuant to para-
4 graphs (1) and (2) to be provided to the Attorney
5 General, and other executive agencies as appro-
6 priate, with respect to any shipment to the United
7 States or another jurisdiction which has not objected
8 to the sharing of such information with the Attorney
9 General.

10 (c) CIVIL PENALTIES FOR NON-COMPLIANCE.—Not
11 later than 180 days after the date on which the standards
12 required by subsection (a) have been established, the At-
13 torney General shall impose a civil penalty of .025 percent
14 of the total value of goods present on a vessel or \$250,000,
15 whichever is greater, on all vessels owned, operated, or
16 leased by a PRC entity that—

17 (1) owns, operates, or leases a vessel offloading
18 cargo at a United States port of entry; and

19 (2) is determined by the Attorney General to
20 not be in compliance with the standards required
21 under subsection (a), following not less than 90 days
22 notice to the PRC entity of the proposed determina-
23 tion and a proposed course of action to remedy such
24 noncompliance.

1 (d) ESCALATING CIVIL PENALTIES.—The Attorney
2 General shall increase the civil penalty described in sub-
3 section (c) by 0.025 percent of the total value of goods
4 present on the vessel, or \$250,000, whichever is greater,
5 for each 90-day period in which the entity remains in non-
6 compliance with the standards required under subsection
7 (a).

8 (e) INCREASED PENALTIES FOR FALSIFICATION OF
9 RECORDS.—

10 (1) IN GENERAL.—Any civil penalty imposed
11 under this section shall be doubled in cases where an
12 entity falsifies material records to demonstrate com-
13 pliance with subsection (a).

14 (2) CALCULATION.—Such increased penalties
15 shall be in addition to any other remedies available
16 under United States law.

17 (f) ALLOCATION OF PENALTIES.—All penalties col-
18 lected under this section shall be deposited into a special
19 fund to be used exclusively by the Attorney General and
20 the Administrator of the Drug Enforcement Administra-
21 tion to enforce laws related to drug trafficking, trade
22 fraud, and forced labor affiliated with the PRC.

23 (g) REPORT REQUIRED.—Not later than 180 days
24 after the date on which the standards required by sub-
25 section (a) are published, the President shall report to

1 Congress on not less than a bi-annual basis the status of
2 implementation and enforcement of this Act. The report
3 shall include—

4 (1) the number of vessels penalized under this
5 Act;

6 (2) the penalties collected under this Act; and

7 (3) the status of PRC entity compliance with
8 the standards required.

9 (h) DELAY OF IMPOSITION.—If the President deter-
10 mines it is in the national interest of the United States,
11 the President may delay the imposition of the prohibitions
12 under this Act for a period not to exceed 180 days fol-
13 lowing the date of implementation as required in sub-
14 section (a).

15 (i) WAIVER.—The Attorney General may waive civil
16 penalties under this section for any entity that voluntarily
17 discloses violations and cooperates with law enforcement
18 or demonstrates good faith efforts to comply with the
19 standards required under subsection (a).

20 (j) DEFINITIONS.—In this section:

21 (1) PRC ENTITY.—The term “PRC Entity”
22 means any foreign person that is—

23 (A) domiciled in, headquartered in, has its
24 principal place of business in, or is organized

1 under the laws of the People’s Republic of
2 China;

3 (B) an entity with respect to which foreign
4 person or combination of foreign persons de-
5 scribed in subparagraph (A) directly or indi-
6 rectly own at least 20 percent stake; or

7 (C) a person subject to the direction or
8 control of a foreign person or entity described
9 in subparagraph (A) or (B).

10 (2) FENTANYL PRECURSOR OR OTHER CHEMI-
11 CALS.—The term “fentanyl precursor or other
12 chemicals” means fentanyl precursors or other
13 chemicals used or intended for use in the production
14 of synthetic opioids.

15 **SEC. 3. AUTHORITY TO IMPOSE CIVIL PENALTIES.**

16 (a) GRANT OF AUTHORITY.—The Attorney General
17 is authorized to impose and collect civil penalties as de-
18 scribed in this Act for the purposes of enforcing compli-
19 ance with the standards established under subsection (a)
20 of section 2 and preventing the trafficking of fentanyl,
21 fentanyl precursors, and other chemicals used or intended
22 for use in the production of synthetic opioids.

23 (b) ENFORCEMENT AND APPEALS.—

1 (1) IN GENERAL.—The Attorney General shall
2 have the authority to determine non-compliance and
3 impose civil penalties pursuant to this Act.

4 (2) JUDICIAL REVIEW.—Any entity subject to a
5 civil penalty under this section may seek judicial re-
6 view of such penalty in a United States district
7 court within 60 days of receiving written notice of
8 the penalty.

9 (c) RULEMAKING.—The Attorney General may pro-
10 mulgate such rules and regulations as are necessary to im-
11 plement this section, including procedures for imposing
12 penalties and adjudicating appeals.

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