

118TH CONGRESS  
1ST SESSION

# H. R. 3203

---

IN THE SENATE OF THE UNITED STATES

JULY 26, 2023

Received; read twice and referred to the Committee on Banking, Housing, and  
Urban Affairs

---

## 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 congressional  
4 committees’ has the meaning given that term in section  
5 203(d)(2).”.

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

9 (A) by striking “The President” and inserting  
10 “(a) The President”; and

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

12 “(b) In issuing regulations under subsection (a) pursuant  
13 to a covered national emergency (as defined in section  
14 203), 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 purpose  
18 of expeditiously resolving the applicable national  
19 emergency;

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

22 “(4) include in the basis and purpose incorporated  
23 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: KEVIN F. MCCUMBER,  
*Clerk.*