AMENDMENT TO RULES COMM. PRINT 118–10
OFFERED BY MR. BARR OF KENTUCKY

At the end of subtitle C of title XVIII, add the following:

1 SEC. ___. AMENDMENTS TO THE FENTANYL SANCTIONS ACT.
2
3 (a) DEFINITIONS.—Section 7203(5) of the Fentanyl Sanctions Act (21 U.S.C. 2302(5)) is amended—
4
5 (1) by striking “The term ‘foreign opioid trafficker’ means any foreign person” and inserting the following: “The term ‘foreign opioid trafficker’—
6
7 “(A) means any foreign person”;
8
9 (2) by striking the period at the end and inserting “; and”;
10
11 (3) by adding at the end the following:
12
13 “(B) includes—
14
15 “(i) any entity of the People’s Republic of China that the President determines—
16
17 “(I) produces, manufactures, distributes, sells, or knowingly finances
18 or transports any goods described in clause (i) or (ii) of paragraph (8)(A);
19 and
“(II) fails to take credible steps, including through implementation of appropriate know-your-customer procedures or through cooperation with United States counternarcotics efforts, to detect or prevent opioid trafficking; and

“(ii) any senior official of the Government of the People’s Republic of China or other Chinese political official that—

“(I) has significant regulatory or law enforcement responsibilities with respect to the activities of an entity described in clause (i); and

“(II) fails to take credible steps to combat foreign opioid traffickers.”.

(b) IDENTIFICATION OF FOREIGN OPIOID TRAFFICKERS.—Section 7211 of the Fentanyl Sanctions Act (21 U.S.C. 2311) is amended—

(1) in subsection (a)(1)(A), by adding at the end before the semicolon the following: “, including whether the heads of the National Narcotics Control Commission, the Ministry of Public Security, the General Administration of Customs, and the National Medical Products Administration of the Gov-
ernment of the People’s Republic of China are for-

eign opioid traffickers”; and

(2) in subsection (c), by striking “5 years” and

inserting “10 years”.

SEC. _. AMENDMENTS TO THE INTERNATIONAL EMER-
GENCY ECONOMIC POWERS ACT AND THE
TRADING WITH THE ENEMY ACT.

(a) INTERNATIONAL EMERGENCY ECONOMIC POW-
ERS ACT.—

(1) PERIODIC EVALUATION.—Section 203 of
the International Emergency Economic Powers Act
(50 U.S.C. 1702) is amended by adding at the end
the following:

“(d) PERIODIC EVALUATION.—

“(1) IN GENERAL.—If the authority granted to
the President under this section is exercised with re-
spect to a covered national emergency, the President
shall transmit to the appropriate congressional com-
mittees, not less frequently than annually, a periodic
evaluation in writing that—

“(A) assesses the effectiveness of the exer-
cise of such authority in resolving the covered
national emergency;

“(B) considers the views of public- and pri-
ivate-sector stakeholders; and
“(C) discusses any potential changes to the exercise of the authority for the purpose of more effectively resolving the covered national emergency.

“(2) DEFINITIONS.—In this subsection—

“(A) the term ‘appropriate congressional committees’ means—

“(i) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Oversight and Accountability of the House of Representatives; and

“(ii) the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

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

“(i) the President has declared with respect to any national emergency regarding international drug trafficking; and

“(ii) has not terminated.”.
(2) Consultation and reports.—Section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703) is amended—

(A) by striking “the Congress” each place it appears and inserting “the appropriate congressional committees”; and

(B) by adding at the end the following:

“(e) Appropriate congressional committees defined.—In this section, the term ‘appropriate congressional committees’ has the meaning given that term in section 203(d)(2).”.

(3) Authority to issue regulations.—Section 205 of the International Emergency Economic Powers Act (50 U.S.C. 1704) is amended—

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

(B) by adding at the end the following:

“(b) In issuing regulations under subsection (a) pursuant to a covered national emergency (as defined in section 203), the President shall—

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

“(2) evaluate the costs and benefits for the purpose of expeditiously resolving the applicable national emergency;
“(3) establish criteria for the eventual termination of the applicable national emergency; and

“(4) include in the basis and purpose incorporated in the regulations—

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

“(B) a discussion of the costs and benefits.”.

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

“(d) STATUTE OF LIMITATIONS.—

“(1) CIVIL PENALTY.—An action, suit, or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within 10 years from the latest date of the violation upon which the civil fine, penalty, or forfeiture is based.

“(2) CRIMINAL PENALTY.—No person shall be prosecuted, tried, or punished for any offense under this section unless the indictment is found or the information is instituted within 10 years from the lat-
(b) **Trading with the Enemy Act.**—Section 16 of the Trading with the Enemy Act (50 U.S.C. 4315) is amended by adding at the end the following:

“(d) **Statute of Limitations.**—

“(1) **Criminal Penalty.**—No person shall be prosecuted, tried, or punished for any offense under this section unless the indictment is found or the information is instituted within 10 years from the latest date of the violation upon which the indictment or information is based.

“(2) **Civil Penalty.**—An action, suit, or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within 10 years from the latest date of the violation upon which the civil fine, penalty, or forfeiture is based.”.

**SEC. __. Exception relating to importation of goods.**

(a) **In General.**—The authorities and requirements to impose sanctions authorized under the preceding two sections and the amendments made by those sections shall not include the authority or requirement to impose sanctions on the importation of goods.
(b) GOOD DEFINED.—In this section, the term "good" means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.