

AMENDMENT TO RULES COMM. PRINT 118-36
OFFERED BY MR. BARR OF KENTUCKY

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

1 **SEC. 17_. AMENDMENTS TO THE FENTANYL SANCTIONS**

2 **ACT.**

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

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

8 “(A) means any foreign person”;

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

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

12 “(B) includes—

13 “(i) any entity of the People’s Repub-
14 lic of China that the President deter-
15 mines—

16 “(I) produces, manufactures, dis-
17 tributes, sells, or knowingly finances
18 or transports any goods described in

1 clause (i) or (ii) of paragraph (8)(A);
2 and

3 “(II) fails to take credible steps,
4 including through implementation of
5 appropriate know-your-customer pro-
6 cedures or through cooperation with
7 United States counternarcotics ef-
8 forts, to detect or prevent opioid traf-
9 ficking; and

10 “(ii) any senior official of the Govern-
11 ment of the People’s Republic of China or
12 other Chinese political official that—

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

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

19 (b) IDENTIFICATION OF FOREIGN OPIOID TRAF-
20 FICKERS.—Section 7211 of the Fentanyl Sanctions Act
21 (21 U.S.C. 2311) is amended—

22 (1) in subsection (a)(1)(A), by adding at the
23 end before the semicolon the following: “, including
24 whether the heads of the National Narcotics Control
25 Commission, the Ministry of Public Security, the

1 General Administration of Customs, and the Na-
2 tional Medical Products Administration of the Gov-
3 ernment of the People’s Republic of China are for-
4 eign opioid traffickers”; and

5 (2) in subsection (e), by striking “5 years” and
6 inserting “10 years”.

7 **SEC. 17_. AMENDMENTS TO THE INTERNATIONAL EMER-**
8 **GENCY ECONOMIC POWERS ACT AND THE**
9 **TRADING WITH THE ENEMY ACT.**

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

12 (1) PERIODIC EVALUATION.—Section 203 of
13 the International Emergency Economic Powers Act
14 (50 U.S.C. 1702) is amended by adding at the end
15 the following:

16 “(d) PERIODIC EVALUATION.—

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

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

1 “(B) considers the views of public- and pri-
2 vate-sector stakeholders; and

3 “(C) discusses any potential changes to the
4 exercise of the authority for the purpose of
5 more effectively resolving the covered national
6 emergency.

7 “(2) DEFINITIONS.—In this subsection—

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

10 “(i) the Committee on Foreign Af-
11 fairs, the Committee on Financial Services,
12 and the Committee on Oversight and Ac-
13 countability of the House of Representa-
14 tives; and

15 “(ii) the Committee on Homeland Se-
16 curity and Governmental Affairs, the Com-
17 mittee on Foreign Relations, and the Com-
18 mittee on Banking, Housing, and Urban
19 Affairs of the Senate; and

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

22 “(i) the President has declared with
23 respect to any national emergency regard-
24 ing international drug trafficking; and

25 “(ii) has not terminated.”.

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

4 (A) by striking “the Congress” each place
5 it appears and inserting “the appropriate con-
6 gressional committees”; and

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

8 “(e) APPROPRIATE CONGRESSIONAL COMMITTEES
9 DEFINED.—In this section, the term ‘appropriate congres-
10 sional committees’ has the meaning given that term in sec-
11 tion 203(d)(2).”.

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

15 (A) by striking “The President” and in-
16 serting “(a) The President”; and

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

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

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

23 “(2) evaluate the costs and benefits for the pur-
24 pose of expeditiously resolving the applicable na-
25 tional emergency;

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

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

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

8 “(B) a discussion of the costs and bene-
9 fits.”.

10 (4) STATUTE OF LIMITATIONS.—Section 206 of
11 the International Emergency Economic Powers Act
12 (50 U.S.C. 1705) is amended by adding at the end
13 the following:

14 “(d) STATUTE OF LIMITATIONS.—

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

21 “(2) CRIMINAL PENALTY.—No person shall be
22 prosecuted, tried, or punished for any offense under
23 this section unless the indictment is found or the in-
24 formation is instituted within 10 years from the lat-

1 est date of the violation upon which the indictment
2 or information is based.”.

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

6 “(d) **STATUTE OF LIMITATIONS.**—

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

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

19 **SEC. 17_. EXCEPTION RELATING TO IMPORTATION OF**
20 **GOODS.**

21 (a) **IN GENERAL.**—The authorities and requirements
22 to impose sanctions authorized under the preceding two
23 sections and the amendments made by those sections shall
24 not include the authority or requirement to impose sanc-
25 tions on the importation of goods.

1 (b) GOOD DEFINED.—In this section, the term
2 “good” means any article, natural or manmade substance,
3 material, supply or manufactured product, including in-
4 spection and test equipment, and excluding technical data.

