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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

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

Mr. DUNN of Florida introduced the following bill; which was referred to the Committee on _____

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Protec-
5 tion from PRC Fentanyl and Other Synthetic Opioids
6 Act”.

1 **SEC. 2. REQUIREMENTS AND CIVIL PENALTIES FOR PRC**
2 **VESSELS FACILITATING THE FENTANYL**
3 **TRADE.**

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

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

15 (1) PRC ports and vessels to properly manifest
16 fentanyl precursors or other chemicals used or in-
17 tended for use in the production of synthetic opioids
18 in customs forms;

19 (2) PRC exporters of fentanyl precursors or
20 other chemicals used for the production of synthetic
21 opioids utilizing any medium of transport to follow
22 formal entry requirements regardless of the size or
23 value of shipment; and

24 (3) information gathered pursuant to para-
25 graphs (1) and (2) to be provided to the Attorney
26 General, and other executive agencies as appro-

1 piate, with respect to any shipment to the United
2 States or another jurisdiction which has not objected
3 to the sharing of such information with the Attorney
4 General.

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

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

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

20 (d) ESCALATING CIVIL PENALTIES.—The Attorney
21 General shall increase the civil penalty described in sub-
22 section (c) by 0.025 percent of the total value of goods
23 present on the vessel, or \$250,000, whichever is greater,
24 for each 90-day period in which the entity remains in non-

1 compliance with the standards required under subsection
2 (a).

3 (e) INCREASED PENALTIES FOR FALSIFICATION OF
4 RECORDS.—

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

9 (2) CALCULATION.—Such increased penalties
10 shall be in addition to any other remedies available
11 under United States law.

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

18 (g) REPORT REQUIRED.—Not later than 180 days
19 after the date on which the standards required by sub-
20 section (a) are published, the President shall report to
21 Congress on not less than a bi-annual basis the status of
22 implementation and enforcement of this Act. The report
23 shall include—

24 (1) the number of vessels penalized under this
25 Act;

1 (2) the penalties collected under this Act; and
2 (3) the status of PRC entity compliance with
3 the standards required.

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

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

15 (j) DEFINITIONS.—In this section:

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

18 (A) domiciled in, headquartered in, has its
19 principal place of business in, or is organized
20 under the laws of the People’s Republic of
21 China;

22 (B) an entity with respect to which foreign
23 person or combination of foreign persons de-
24 scribed in subparagraph (A) directly or indi-
25 rectly own at least 20 percent stake; or

1 (C) a person subject to the direction or
2 control of a foreign person or entity described
3 in subparagraph (A) or (B).

4 (2) FENTANYL PRECURSOR OR OTHER CHEMI-
5 CALS.—The term “fentanyl precursor or other
6 chemicals” means fentanyl precursors or other
7 chemicals used or intended for use in the production
8 of synthetic opioids.

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

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

17 (b) ENFORCEMENT AND APPEALS.—

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

21 (2) JUDICIAL REVIEW.—Any entity subject to a
22 civil penalty under this section may seek judicial re-
23 view of such penalty in a United States district
24 court within 60 days of receiving written notice of
25 the penalty.

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