

115TH CONGRESS  
2D SESSION

# S. 3463

To gather information about the illicit production of illicit fentanyl in foreign countries and to withhold bilateral assistance from countries that do not have emergency scheduling procedures for new illicit drugs, cannot prosecute criminals for the manufacture or distribution of controlled substance analogues, or do not require the registration of tableting machines and encapsulating machines.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2018

Mr. TOOMEY (for himself and Mr. JONES) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To gather information about the illicit production of illicit fentanyl in foreign countries and to withhold bilateral assistance from countries that do not have emergency scheduling procedures for new illicit drugs, cannot prosecute criminals for the manufacture or distribution of controlled substance analogues, or do not require the registration of tableting machines and encapsulating machines.

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 “Blocking Deadly  
3 Fentanyl Imports Act”.

4 **SEC. 2. AMENDMENT TO DEFINITION OF MAJOR ILLICIT  
5 DRUG PRODUCING COUNTRY.**

6 Section 481(e)(2) of the Foreign Assistance Act of  
7 1961 (22 U.S.C. 2291(e)(2)) is amended—

8 (1) in the matter preceding subparagraph (A),  
9 by striking “in which”;

10 (2) in subparagraph (A), by inserting “in  
11 which” before “1,000”;

12 (3) in subparagraph (B)—

13 (A) by inserting “in which” before  
14 “1,000”; and

15 (B) by striking “or” at the end;

16 (4) in subparagraph (C)—

17 (A) by inserting “in which” before  
18 “5,000”; and

19 (B) by inserting “or” after the semicolon;  
20 and

21 (5) by adding at the end the following:

22 “(D) that is a significant source of illicit  
23 fentanyl, fentanyl analogues, or the precursors  
24 of fentanyl and fentanyl analogues;”.

1 **SEC. 3. INTERNATIONAL NARCOTICS CONTROL STRATEGY**  
2 **REPORT.**

3 Section 489(a) of the Foreign Assistance Act of 1961  
4 (22 U.S.C. 2291h(a)) is amended by adding at the end  
5 the following:

6 “(9) A separate section that contains the fol-  
7 lowing:

8 “(A) An identification of the countries that  
9 are the most significant exporters of illicit  
10 fentanyl, fentanyl analogues, and fentanyl pre-  
11 cursor chemicals during the preceding calendar  
12 year.

13 “(B) An identification of the countries that  
14 are the most significant sources of diversion or  
15 chemicals described in subparagraph (A) for il-  
16 licit uses.

17 “(C) A description of the extent to which  
18 each country identified pursuant to subpara-  
19 graphs (A) and (B) has cooperated with the  
20 United States to prevent the chemicals de-  
21 scribed in subparagraph (A) from being ex-  
22 ported from such country to the United  
23 States.”.

1 **SEC. 4. WITHHOLDING OF BILATERAL AND MULTILATERAL**  
2 **ASSISTANCE.**

3 (a) IN GENERAL.—Section 490(a) of the Foreign As-  
4 sistance Act of 1961 (22 U.S.C. 2291j(a)) is amended—

5 (1) in paragraph (1), by striking “clause (i) or  
6 (ii) of section 489(a)(8)(A) of this Act” and insert-  
7 ing “paragraph (8)(A) or (9) of section 489(a)”; and

8 (2) in paragraph (2), by striking “clause (i) or  
9 (ii) of section 489(a)(8)(A) of this Act” and insert-  
10 ing “paragraph (8)(A) or (9) of section 489(a)”.

11 (b) DESIGNATION OF COUNTRIES WITHOUT EMER-  
12 GENCY SCHEDULING PROCEDURES.—Section 706(2) of  
13 the Foreign Relations Authorization Act, Fiscal Year  
14 2003 (22 U.S.C. 2291j–1(2)) is amended—

15 (1) in the matter preceding subparagraph (A),  
16 by striking “also”;

17 (2) in subparagraph (A)(ii), by striking “and”  
18 at the end;

19 (3) by redesignating subparagraph (B) as sub-  
20 paragraph (E);

21 (4) by inserting after subparagraph (A) the fol-  
22 lowing:

23 “(B) designate each country, if any, identi-  
24 fied in such report that has failed to adopt and  
25 utilize emergency scheduling procedures for new  
26 illicit drugs and other synthetics that are com-

1           parable to the procedures authorized under title  
2           II of the Controlled Substances Act (21 U.S.C.  
3           811 et seq.) for adding drugs and other sub-  
4           stances to the controlled substances schedules;”;  
5           and

6           (5) in subparagraph (E), as redesignated, by  
7           striking “so designated” and inserting “designated  
8           under subparagraph (A), (B), (C), or (D)”.

9           (c) DESIGNATION OF COUNTRIES WITHOUT ABILITY  
10          TO PROSECUTE CRIMINALS FOR THE MANUFACTURE OR  
11          DISTRIBUTION OF FENTANYL ANALOGUES.—Section  
12          706(2) of the Foreign Relations Authorization Act, Fiscal  
13          Year 2003 (22 U.S.C. 2291j–1(2)), as amended by sub-  
14          section (b), is further amended by inserting after subpara-  
15          graph (B) the following:

16                   “(C) designate each country, if any, identi-  
17                   fied in such report that is incapable of pros-  
18                   ecuting criminals for the manufacture or dis-  
19                   tribution of controlled substance analogues (as  
20                   defined in section 102(32) of the Controlled  
21                   Substances Act (21 U.S.C. 802(32)) in the  
22                   same manner as criminals are prosecuted for  
23                   the manufacture or distribution of controlled  
24                   substances;”.

1 (d) DESIGNATION OF COUNTRIES THAT DO NOT RE-  
2 QUIRE THE REGISTRATION OF PILL PRESSES AND  
3 TABLETING MACHINES.—Section 706(2) of the Foreign  
4 Relations Authorization Act, Fiscal Year 2003 (22 U.S.C.  
5 2291j–1(2)), as amended by subsections (b) and (c), is  
6 further amended by inserting after subparagraph (C) the  
7 following:

8 “(D) designate each country, if any, identi-  
9 fied in such report that does not require the  
10 registration of tableting machines and encap-  
11 sulating machines in a manner comparable to  
12 the registration requirements set forth in part  
13 1310 of title 21, Code of Federal Regulations;  
14 and”.

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