

116TH CONGRESS
2D SESSION

S. 4514

To prioritize efforts of the Department of State to combat international trafficking in covered synthetic drugs, including new psychoactive substances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2020

Mrs. SHAHEEN (for herself and Mr. PORTMAN) introduced the following bill;
which was read twice and referred to the Committee on Foreign Relations

A BILL

To prioritize efforts of the Department of State to combat international trafficking in covered synthetic drugs, including new psychoactive substances, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fighting Emerging
5 Narcotics Through Additional Nations to Yield Lasting
6 Results Act” or the “FENTANYL Results Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) CONTROLLED SUBSTANCE.—The term
2 “controlled substance” has the meaning given the
3 term in section 102(6) of the Controlled Substances
4 Act (21 U.S.C. 802(6)).

5 (2) COVERED SYNTHETIC DRUG.—The term
6 “covered synthetic drug” means—

7 (A) a synthetic controlled substance, in-
8 cluding fentanyl or a fentanyl analogue; or

9 (B) a new psychoactive substance.

10 (3) NEW PSYCHOACTIVE SUBSTANCE.—The
11 term “new psychoactive substance” means a sub-
12 stance of abuse, or any preparation of such a sub-
13 stance, that—

14 (A) is not—

15 (i) a controlled substance; or

16 (ii) controlled under—

17 (I) the Single Convention on
18 Narcotic Drugs, 1961, done at New
19 York March 30, 1961; or

20 (II) the Convention on Psycho-
21 tropic Substances, done at Vienna
22 February 21, 1971;

23 (B) is new or has reemerged on the illicit
24 market; and

1 (C) poses a threat to the public health and
2 safety.

3 **SEC. 3. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) the President should direct the United
6 States Representative to the United Nations to use
7 the voice and vote of the United States at the
8 United Nations to advocate for more transparent as-
9 sessments of countries by the International Nar-
10 cotics Control Board; and

11 (2) bilateral, plurilateral, and multilateral inter-
12 national cooperation is essential to combating the
13 flow of covered synthetic drugs.

14 **SEC. 4. PRIORITIZATION OF EFFORTS OF THE DEPART-**
15 **MENT OF STATE TO COMBAT INTER-**
16 **NATIONAL TRAFFICKING IN COVERED SYN-**
17 **THETIC DRUGS.**

18 (a) IN GENERAL.—The Secretary of State shall
19 prioritize efforts of the Department of State to combat
20 international trafficking in covered synthetic drugs by car-
21 rying out programs and activities that—

22 (1) support—

23 (A) increased data collection by the United
24 States and foreign countries through—

1 (i) increased surveys concerning drug
2 use among populations; and

3 (ii) increased use of wastewater test-
4 ing where appropriate; and

5 (B) multilateral sharing of that data;

6 (2) engage the United States in increased con-
7 sultation and partnership with—

8 (A) international drug agencies, including
9 the European Monitoring Centre for Drugs and
10 Drug Addiction; and

11 (B) regulatory agencies in foreign coun-
12 tries;

13 (3) provide assistance to build the capacity of
14 foreign law enforcement agencies to identify and
15 track covered synthetic drugs, as required by section
16 5; and

17 (4) include exchange programs for govern-
18 mental and nongovernmental personnel in the
19 United States and in foreign countries to provide
20 educational and professional development on demand
21 reduction matters relating to the illicit use of nar-
22 cotics and other drugs, as required by section 6.

23 (b) REPORT.—

24 (1) IN GENERAL.—Not later than 1 year after
25 the date of the enactment of this Act, the Secretary

1 of State shall submit to the appropriate committees
 2 of Congress a report on the implementation of this
 3 section.

4 (2) APPROPRIATE COMMITTEES OF CONGRESS
 5 DEFINED.—In this subsection, the term “appro-
 6 priate committees of Congress” means—

7 (A) the Committee on Foreign Relations
 8 and the Committee on Appropriations of the
 9 Senate; and

10 (B) the Committee on Foreign Affairs and
 11 the Committee on Appropriations of the House
 12 of Representatives.

13 **SEC. 5. PROGRAM TO PROVIDE ASSISTANCE TO BUILD THE**
 14 **CAPACITY OF FOREIGN LAW ENFORCEMENT**
 15 **AGENCIES TO IDENTIFY AND TRACK COV-**
 16 **ERED SYNTHETIC DRUGS.**

17 (a) IN GENERAL.—The Secretary of State shall es-
 18 tablish a program to provide assistance to build the capac-
 19 ity of law enforcement agencies of the countries described
 20 in subsection (c) to identify and track covered synthetic
 21 drugs, including by improving the forensics detection ca-
 22 pabilities of such agencies.

23 (b) PRIORITY.—The Secretary of State shall
 24 prioritize assistance under subsection (a) among countries
 25 described in subsection (c) for which such assistance would

1 have the greatest effect on reducing illicit use of covered
2 synthetic drugs in the United States.

3 (c) COUNTRIES DESCRIBED.—The countries de-
4 scribed in this subsection are—

5 (1) countries that are producers of covered syn-
6 thetic drugs;

7 (2) countries in which the pharmaceutical and
8 chemical industries are being exploited for the devel-
9 opment or procurement of precursors of covered syn-
10 thetic drugs; and

11 (3) major drug-transit countries as determined
12 by the President under the most recent report sub-
13 mitted under section 706(1) of the Foreign Rela-
14 tions Authorization Act, Fiscal Year 2003 (22
15 U.S.C. 2291j–1(1)).

16 (d) EXCEPTION TO POLICE TRAINING PROHIBI-
17 TION.—Section 660(b) of the Foreign Assistance Act of
18 1961 (22 U.S.C. 2420(b)) is amended—

19 (1) in paragraph (4), by striking “or” at the
20 end;

21 (2) in paragraph (7), by striking the period at
22 the end and inserting “; or”; and

23 (3) by adding after paragraph (7) the following:

24 “(8) with respect to assistance provided under
25 section 5 of the FENTANYL Results Act.”.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
 2 authorized to be appropriated to the Secretary of State
 3 to carry out this section \$4,000,000 for each of fiscal
 4 years 2021 through 2025.

5 **SEC. 6. EXCHANGE PROGRAM FOR GOVERNMENTAL AND**
 6 **NONGOVERNMENTAL PERSONNEL TO PRO-**
 7 **VIDE EDUCATIONAL AND PROFESSIONAL DE-**
 8 **VELOPMENT ON DEMAND REDUCTION MAT-**
 9 **TERS RELATING TO ILLICIT USE OF NAR-**
 10 **COTICS AND OTHER DRUGS.**

11 (a) IN GENERAL.—The Secretary of State shall carry
 12 out an exchange program for governmental and non-
 13 governmental personnel in the United States and in for-
 14 eign countries to provide educational and professional de-
 15 velopment on demand reduction matters relating to the
 16 illicit use of narcotics and other drugs.

17 (b) PROGRAM REQUIREMENTS.—The program re-
 18 quired by subsection (a)—

19 (1) shall be limited to individuals who have ex-
 20 pertise and experience in matters described in sub-
 21 section (a);

22 (2) in the case of inbound exchanges, may be
 23 carried out as part of exchange programs and inter-
 24 national visitor programs administered by the Bu-
 25 reau of Educational and Cultural Affairs of the De-

1 partment of State, including the International Vis-
 2 itor Leadership Program; and

3 (3) shall include outbound exchanges for gov-
 4 ernmental or nongovernmental personnel in the
 5 United States.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—Of the
 7 amounts authorized to be appropriated to carry out ex-
 8 change programs and international visitor programs ad-
 9 ministered by the Bureau of Educational and Cultural Af-
 10 fairs of the Department of State for each of fiscal years
 11 2021 through 2025, there is authorized to be appropriated
 12 to the Secretary of State to carry out this section
 13 \$1,000,000 for each such fiscal year.

14 **SEC. 7. MODIFICATIONS TO INTERNATIONAL NARCOTICS**
 15 **CONTROL PROGRAM.**

16 (a) INTERNATIONAL NARCOTICS CONTROL STRAT-
 17 EGY REPORT.—Section 489(a) of the Foreign Assistance
 18 Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding
 19 at the end the following:

20 “(10)(A) A separate section that contains—

21 “(i) an assessment of the countries likely
 22 involved in the manufacture, production, or
 23 transshipment of synthetic opioids, including
 24 fentanyl and fentanyl analogues, that in-
 25 cludes—

1 “(I) the scale of legal domestic pro-
2 duction and any available information on
3 the number of manufacturers and pro-
4 ducers of such opioids in such countries;

5 “(II) information on any assessments
6 by law enforcement agencies of the scale of
7 illegal production in such countries, includ-
8 ing a description of the capacity of illegal
9 laboratories to produce such opioids; and

10 “(III) the types of inputs used and a
11 description of the primary methods of syn-
12 thesis employed by illegal producers of
13 such opioids in such countries; and

14 “(ii) an assessment of—

15 “(I) the policies of such countries re-
16 lating to the regulation of licit manufac-
17 ture and interdiction of illicit manufacture,
18 diversion, distribution, and shipment of
19 such opioids; and

20 “(II) the effectiveness of the imple-
21 mentation of such policies.

22 “(B) A separate section on policies for respond-
23 ing to new psychoactive substances (as defined in
24 section 2 of the FENTANYL Results Act), includ-
25 ing—

1 “(i) which foreign governments have articulated policies on scheduling of such substances;
2
3

4 “(ii) any data on the effects of such policies and other responses to such substances;
5
6 and

7 “(iii) an assessment of which policies the United States Government may consider articulating.”.
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10 (b) DEFINITION OF MAJOR ILLICIT DRUG PRODUCING COUNTRY.—Section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)) is amended—
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12

13 (1) in paragraph (2)—

14 (A) by striking “means a country in which—” and inserting “means—
15

16 “(A) a country in which—”;

17 (B) by striking “(A) 1,000” and inserting
18 the following:

19 “(i) 1,000”;

20 (C) by striking “(B) 1,000” and inserting
21 the following:

22 “(ii) 1,000”;

23 (D) by striking “(C) 5,000” and inserting
24 the following:

25 “(iii) 5,000”;

1 (E) in subparagraph (A)(iii), as redesignig-
2 nated by this subsection, by adding “or” at the
3 end; and

4 (F) by adding at the end the following:

5 “(B) a country which is a significant direct
6 source of illicit narcotic or psychotropic drugs
7 or other controlled substances significantly af-
8 fecting the United States;” and

9 (2) by amending paragraph (5) to read as fol-
10 lows:

11 “(5) the term ‘major drug-transit country’
12 means a country through which are transported il-
13 licit narcotic or psychotropic drugs or other con-
14 trolled substances significantly affecting the United
15 States;”.

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