

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 7990

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2020

Received; read twice and referred to the Committee on Foreign Relations

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## AN ACT

To prioritize efforts of the Department of State to combat international trafficking in covered synthetic drugs and 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,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. PRIORITIZATION OF EFFORTS OF THE DEPART-**  
6 **MENT OF STATE TO COMBAT INTER-**  
7 **NATIONAL TRAFFICKING IN COVERED SYN-**  
8 **THETIC DRUGS.**

9 (a) IN GENERAL.—The Secretary of State shall  
10 prioritize efforts of the Department of State to combat  
11 international trafficking in covered synthetic drugs by car-  
12 rying out programs and activities to include the following:

13 (1) Supporting increased data collection by the  
14 United States and foreign countries through in-  
15 creased drug use surveys among populations, in-  
16 creased use of wastewater testing where appropriate,  
17 and multilateral sharing of that data.

18 (2) Engaging in increased consultation and  
19 partnership with international drug agencies, includ-  
20 ing the European Monitoring Centre for Drugs and  
21 Drug Addiction, and regulatory agencies in foreign  
22 countries.

23 (3) Carrying out the program to provide assist-  
24 ance to build the capacity of foreign law enforcement  
25 agencies with respect to covered synthetic drugs, as  
26 required by section 3.

1           (4) Carrying out exchange programs for govern-  
2           mental and nongovernmental personnel in the  
3           United States and in foreign countries to provide  
4           educational and professional development on demand  
5           reduction matters relating to the illicit use of nar-  
6           cotics and other drugs, as required by section 4.

7           (b) REPORT.—

8           (1) IN GENERAL.—Not later than 1 year after  
9           the date of the enactment of this Act, the Secretary  
10          of State shall submit to the appropriate congress-  
11          sional committees a report on the implementation of  
12          this section.

13          (2) APPROPRIATE CONGRESSIONAL COMMIT-  
14          TEES DEFINED.—In this subsection, the term “ap-  
15          propriate congressional committees” means—

16                 (A) the Committee on Foreign Affairs and  
17                 the Committee on Appropriations of the House  
18                 of Representatives; and

19                 (B) the Committee on Foreign Relations  
20                 and the Committee on Appropriations of the  
21                 Senate.

1 **SEC. 3. PROGRAM TO PROVIDE ASSISTANCE TO BUILD THE**  
2 **CAPACITY OF FOREIGN LAW ENFORCEMENT**  
3 **AGENCIES WITH RESPECT TO COVERED SYN-**  
4 **THETIC DRUGS.**

5 (a) IN GENERAL.—Notwithstanding section 660 of  
6 the Foreign Assistance Act of 1961 (22 U.S.C. 2420), the  
7 Secretary of State shall establish a program to provide as-  
8 sistance to build the capacity of law enforcement agencies  
9 of the countries described in subsection (c) to help such  
10 agencies to identify, track, and improve their forensics de-  
11 tection capabilities with respect to covered synthetic drugs.

12 (b) PRIORITY.—The Secretary of State shall  
13 prioritize assistance under subsection (a) among those  
14 countries described in subsection (c) in which such assist-  
15 ance would have the most impact in reducing illicit use  
16 of covered synthetic drugs in the United States.

17 (c) COUNTRIES DESCRIBED.—The foreign countries  
18 described in this subsection are—

19 (1) countries that are producers of covered syn-  
20 thetic drugs;

21 (2) countries whose pharmaceutical and chem-  
22 ical industries are being exploited for development or  
23 procurement of precursors of covered synthetic  
24 drugs; or

25 (3) major drug-transit countries as defined by  
26 the President.

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

5 **SEC. 4. 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 foreign  
14 countries to provide educational and professional develop-  
15 ment on demand reduction matters relating to the illicit  
16 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 and 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 the fiscal  
11      years 2021 through 2025, there is authorized to be appro-  
12      priated to the Secretary to carry out this section  
13      \$1,000,000 for each such fiscal year.

14      **SEC. 5. AMENDMENTS 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) **SYNTHETIC OPIOIDS AND NEW**  
21                      **PSYCHOACTIVE SUBSTANCES.**—

22                                      “(A) **SYNTHETIC OPIOIDS.**—Information  
23                      that contains an assessment of the countries  
24                      significantly involved in the manufacture, pro-  
25                      duction, or transshipment of synthetic opioids,

1 including fentanyl and fentanyl analogues, to  
2 include the following:

3 “(i) The scale of legal domestic pro-  
4 duction and any available information on  
5 the number of manufacturers and pro-  
6 ducers of such opioids in such countries.

7 “(ii) Information on any law enforce-  
8 ment assessments of the scale of illegal  
9 production, including a description of the  
10 capacity of illegal laboratories to produce  
11 such opioids.

12 “(iii) The types of inputs used and a  
13 description of the primary methods of syn-  
14 thesis employed by illegal producers of  
15 such opioids.

16 “(iv) An assessment of the policies of  
17 such countries to regulate licit manufac-  
18 ture and interdict illicit manufacture, di-  
19 version, distribution, and shipment of such  
20 opioids and an assessment of the effective-  
21 ness of the policies’ implementation.

22 “(B) NEW PSYCHOACTIVE SUBSTANCES.—  
23 Information on the policies of responding to  
24 new psychoactive substances (as such term is

1 defined in section 7 of the FENTANYL Results  
2 Act), to include the following:

3 “(i) Which governments have articu-  
4 lated policies on scheduling of such sub-  
5 stances.

6 “(ii) Any data on impacts of such  
7 policies and other responses to such sub-  
8 stances.

9 “(iii) An assessment of what policies  
10 the United States may want to consider  
11 articulating.”.

12 (b) DEFINITION OF MAJOR ILLICIT DRUG PRO-  
13 DUCING COUNTRY.—Section 481(e) of the Foreign Assist-  
14 ance Act of 1961 (22 U.S.C. 2291(e)) is amended—

15 (1) in paragraph (2)—

16 (A) by striking “means a country in  
17 which—” and inserting “means—

18 “(A) a country in which—”;

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

21 “(i) 1,000”;

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

24 “(ii) 1,000”;



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

3 “(iii) 5,000”;

4 (E) in subparagraph (A)(iii), as redesignated by this subsection, by adding “or” at the  
5 end; and  
6

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

8 “(B) a country which is a significant direct  
9 source of illicit narcotic or psychotropic drugs  
10 or other controlled substances significantly affecting the United States.”; and  
11

12 (2) in paragraph (5) to read as follows:

13 “(5) the term ‘major drug-transit country’  
14 means a country through which illicit narcotic or  
15 psychotropic drugs or other controlled substances  
16 significantly affecting the United States are transported.”.  
17

18 **SEC. 6. SENSE OF CONGRESS.**

19 It is the sense of Congress that—

20 (1) the President should direct the United  
21 States Representative to the United Nations to use  
22 the voice and vote of the United States at the  
23 United Nations to advocate for more transparent assessments of countries by the International Narcotics Control Board; and  
24  
25

1           (2) bilateral, plurilateral, and multilateral inter-  
2           national cooperation is essential to combating the  
3           trafficking of covered synthetic drugs.

4 **SEC. 7. DEFINITION.**

5           In this Act:

6           (1) The term “covered synthetic drug” means—

7                   (A) a synthetic controlled substance (as de-  
8                   fined in section 102(6) of the Controlled Sub-  
9                   stances Act (21 U.S.C. 802(6))), including  
10                  fentanyl or a fentanyl analogue; or

11                  (B) a new psychoactive substance.

12           (2) The term “new psychoactive substance”  
13           means a substance of abuse, or any preparation  
14           thereof, that—

15                  (A) is not—

16                          (i) included in any schedule as a con-  
17                          trolled substance under the Controlled  
18                          Substances Act (21 U.S.C. 801 et seq.); or

19                          (ii) controlled by the Single Conven-  
20                          tion on Narcotic Drugs signed at New  
21                          York, New York, on March 30, 1961, or  
22                          the Convention on Psychotropic Substances  
23                          signed at Vienna, Austria, on February 21,  
24                          1971;

1                   (B) is new or has reemerged on the illicit  
2                   market; and  
3                   (C) poses a threat to the public health and  
4                   safety.

Passed the House of Representatives November 18,  
2020.

Attest:                   CHERYL L. JOHNSON,  
*Clerk.*