

Manager's Amendment

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.**S. 1160**

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mrs. SHAHEEN

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 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”.

1 **SEC. 2. PRIORITIZATION OF EFFORTS OF THE DEPART-**
2 **MENT OF STATE TO COMBAT INTER-**
3 **NATIONAL TRAFFICKING IN COVERED SYN-**
4 **THETIC DRUGS.**

5 (a) IN GENERAL.—The Secretary of State shall
6 prioritize efforts of the Department of State to combat
7 international trafficking of covered synthetic drugs by car-
8 rying out programs and activities to include the following:

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

14 (2) Engaging in increased consultation and
15 partnership with international drug agencies, includ-
16 ing the European Monitoring Centre for Drugs and
17 Drug Addiction, regulatory agencies in foreign coun-
18 tries, and the United Nations Office on Drugs and
19 Crime.

20 (3) Carrying out programs to provide technical
21 assistance and equipment, as appropriate, to
22 strengthen the capacity of foreign law enforcement
23 agencies with respect to covered synthetic drugs, as
24 required by section 3.

25 (4) Carrying out exchange programs for govern-
26 mental and nongovernmental personnel in the

1 United States and in foreign countries to provide
2 educational and professional development on demand
3 reduction matters relating to the illicit use of cov-
4 ered synthetic drugs and other drugs, as required by
5 section 4.

6 (b) REPORT.—

7 (1) IN GENERAL.—Not later than one year
8 after the date of the enactment of this Act, the Sec-
9 retary of State shall submit to the appropriate con-
10 gressional committees a report on the implementa-
11 tion of this section.

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

15 (A) the Committee on Foreign Relations
16 and the Committee on Appropriations of the
17 Senate; and

18 (B) the Committee on Foreign Affairs and
19 the Committee on Appropriations of the House
20 of Representatives.

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 strengthen the capacity of law enforcement
9 agencies of the countries described in subsection (c) to
10 help such agencies to identify, track, and improve their
11 forensics detection capabilities with respect to covered syn-
12 thetic drugs.

13 (b) **PRIORITY.**—The Secretary of State shall
14 prioritize technical assistance, and the provision of equip-
15 ment, as appropriate, under subsection (a) among those
16 countries described in subsection (c) in which such assist-
17 ance and equipment would have the most impact in reduc-
18 ing illicit use of covered synthetic drugs in the United
19 States.

20 (c) **COUNTRIES DESCRIBED.**—The foreign countries
21 described in this subsection are—

22 (1) countries that are producers of covered syn-
23 thetic drugs;

24 (2) countries whose pharmaceutical and chem-
25 ical industries are known to be exploited for develop-

1 ment or procurement of precursors of covered syn-
2 thetic drugs; or

3 (3) major drug-transit countries for covered
4 synthetic drugs as defined by the Secretary of State.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to the Secretary of State
7 to carry out this section \$4,000,000 for each of the fiscal
8 years 2022 through 2026. Such amounts shall be in addi-
9 tion to amounts otherwise available for such purposes.

10 **SEC. 4. EXCHANGE PROGRAM ON DEMAND REDUCTION**

11 **MATTERS RELATING TO ILLICIT USE OF COV-**
12 **ERED SYNTHETIC DRUGS.**

13 (a) IN GENERAL.—The Secretary of State shall es-
14 tablish or continue and strengthen, as appropriate, an ex-
15 change program for governmental and nongovernmental
16 personnel in the United States and in foreign countries
17 to provide educational and professional development on
18 demand reduction matters relating to the illicit use of cov-
19 ered synthetic drugs and other drugs.

20 (b) PROGRAM REQUIREMENTS.—The program re-
21 quired by subsection (a)—

22 (1) shall be limited to individuals who have ex-
23 pertise and experience in matters described in sub-
24 section (a);

1 (2) in the case of inbound exchanges, may be
2 carried out as part of exchange programs and inter-
3 national visitor programs administered by the Bu-
4 reau of Educational and Cultural Affairs of the De-
5 partment of State, including the International Vis-
6 itor Leadership Program, in coordination with the
7 Bureau of International Narcotics and Law Enforce-
8 ment Affairs; and

9 (3) shall include outbound exchanges for gov-
10 ernmental or nongovernmental personnel in the
11 United States.

12 (c) **AUTHORIZATION OF APPROPRIATIONS.**—There is
13 authorized to be appropriated to the Secretary of State
14 to carry out this section \$1,000,000 for each of fiscal
15 years 2022 through 2026. Such amounts shall be in addi-
16 tion to amounts otherwise available for such purposes.

17 **SEC. 5. AMENDMENTS TO INTERNATIONAL NARCOTICS**
18 **CONTROL PROGRAM.**

19 (a) **INTERNATIONAL NARCOTICS CONTROL STRAT-**
20 **EGY REPORT.**—Section 489(a) of the Foreign Assistance
21 Act of 1961 (22 U.S.C. 2291h(a)) is amended—

22 (1) by redesignating the second paragraph (10)
23 as paragraph (11); and

24 (2) by adding at the end the following:

1 “(12) COVERED SYNTHETIC DRUGS AND NEW
2 PSYCHOACTIVE SUBSTANCES.—

3 “(A) COVERED SYNTHETIC DRUGS.—Infor-
4 mation that contains an assessment of the
5 countries significantly involved in the manufac-
6 ture, production, transshipment, or trafficking
7 of covered synthetic drugs, to include the fol-
8 lowing:

9 “(i) The scale of legal domestic pro-
10 duction and any available information on
11 the number of manufacturers and pro-
12 ducers of such drugs in such countries.

13 “(ii) Information on any law enforce-
14 ment assessments of the scale of illegal
15 production of such drugs, including a de-
16 scription of the capacity of illegal labora-
17 tories to produce such drugs.

18 “(iii) The types of inputs used and a
19 description of the primary methods of syn-
20 thesis employed by illegal producers of
21 such drugs.

22 “(iv) An assessment of the policies of
23 such countries to regulate licit manufac-
24 ture and interdict illicit manufacture, di-
25 version, distribution, shipment, and traf-

1 ficking of such drugs and an assessment of
2 the effectiveness of the policies’ implemen-
3 tation.

4 “(B) NEW PSYCHOACTIVE SUBSTANCES.—
5 Information on, to the extent practicable, any
6 policies of responding to new psychoactive sub-
7 stances, to include the following:

8 “(i) Which governments have articu-
9 lated policies on scheduling of such sub-
10 stances.

11 “(ii) Any data on impacts of such
12 policies and other responses to such sub-
13 stances.

14 “(iii) An assessment of any policies
15 the United States could adopt to improve
16 its response to new psychoactive sub-
17 stances.

18 “(C) DEFINITIONS.—In this paragraph,
19 the terms ‘covered synthetic drug’ and ‘new
20 psychoactive substance’ have the meaning given
21 those terms in section 7 of the FENTANYL
22 Results Act.”.

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

1 (1) in paragraph (2)—

2 (A) in subparagraph (C), by striking “; or”
3 and inserting a semicolon;

4 (B) in subparagraph (D), by striking the
5 semicolon at the end and inserting “; or”; and

6 (C) by adding at the end the following:

7 “(E) that is a significant direct source of
8 covered synthetic drugs or psychotropic drugs
9 or other controlled substances, including pre-
10 cursor chemicals when those chemicals are used
11 in the production of such drugs and substances,
12 significantly affecting the United States;”;

13 (2) by amending paragraph (5) to read as fol-
14 lows:

15 “(5) the term ‘major drug-transit country’
16 means a country through which are transported cov-
17 ered synthetic drugs or psychotropic drugs or other
18 controlled substances significantly affecting the
19 United States;”;

20 (3) in paragraph (7), by striking “; and” and
21 inserting a semicolon;

22 (4) in paragraph (8), by striking the period at
23 the end and inserting “; and”; and

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

1 “(9) the term ‘covered synthetic drug’ has the
2 meaning given that term in section 7 of the
3 FENTANYL Results Act.”.

4 **SEC. 6. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

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

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

15 **SEC. 7. DEFINITIONS.**

16 In this Act:

17 (1) COVERED SYNTHETIC DRUG.—The term
18 “covered synthetic drug” means—

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

23 (B) a new psychoactive substance.

1 (2) NEW PSYCHOACTIVE SUBSTANCE.—The
2 term “new psychoactive substance” means a sub-
3 stance of abuse, or any preparation thereof, that—
4 (A) is not—
5 (i) included in any schedule as a con-
6 trolled substance under the Controlled
7 Substances Act (21 U.S.C. 801 et seq.); or
8 (ii) controlled by the Single Conven-
9 tion on Narcotic Drugs, done at New York
10 March 30, 1961, or the Convention on
11 Psychotropic Substances, done at Vienna
12 February 21, 1971;
13 (B) is new or has reemerged on the illicit
14 market; and
15 (C) poses a threat to the public health and
16 safety.