

Calendar No. 403

117TH CONGRESS
2D SESSION**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.

IN THE SENATE OF THE UNITED STATES

APRIL 15, 2021

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

JUNE 14, 2022

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

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,*

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 “~~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 in covered synthetic drugs by ear-
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, and regulatory agencies in foreign
18 countries.

19 (3) Carrying out the program to provide assist-
20 ance to build the capacity of foreign law enforcement
21 agencies with respect to covered synthetic drugs, as
22 required by section 3.

23 (4) Carrying out exchange programs for govern-
24 mental and nongovernmental personnel in the
25 United States and in foreign countries to provide
26 educational and professional development on demand

1 reduction matters relating to the illicit use of nar-
 2 cotics and other drugs, as required by section 4.

3 ~~(b) REPORT.—~~

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

9 ~~(2) APPROPRIATE CONGRESSIONAL COMMIT-~~
 10 ~~TEES DEFINED.—~~In this subsection, the term “ap-
 11 propriate congressional committees” means—

12 ~~(A) the Committee on Foreign Relations~~
 13 ~~and the Committee on Appropriations of the~~
 14 ~~Senate.~~

15 ~~(B) the Committee on Foreign Affairs and~~
 16 ~~the Committee on Appropriations of the House~~
 17 ~~of Representatives; and~~

18 **SEC. 3. PROGRAM TO PROVIDE ASSISTANCE TO BUILD THE**
 19 **CAPACITY OF FOREIGN LAW ENFORCEMENT**
 20 **AGENCIES WITH RESPECT TO COVERED SYN-**
 21 **THETIC DRUGS.**

22 ~~(a) IN GENERAL.—~~Notwithstanding section 660 of
 23 the Foreign Assistance Act of 1961 (22 U.S.C. 2420), the
 24 Secretary of State shall establish a program to provide as-
 25 sistance to build the capacity of law enforcement agencies

1 of the countries described in subsection (c) to help such
2 agencies to identify, track, and improve their forensics de-
3 tection capabilities with respect to covered synthetic drugs.

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

9 (c) COUNTRIES DESCRIBED.—The foreign countries
10 described in this subsection are—

11 (1) countries that are producers of covered syn-
12 thetic drugs;

13 (2) countries whose pharmaceutical and chem-
14 ical industries are known to be exploited for develop-
15 ment or procurement of precursors of covered syn-
16 thetic drugs; or

17 (3) major drug-transit countries as defined by
18 the President.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Secretary to carry
21 out this section \$4,000,000 for each of the fiscal years
22 2022 through 2026. Such amounts shall be in addition
23 to amounts otherwise available for such purposes.

1 **SEC. 4. EXCHANGE PROGRAM FOR GOVERNMENTAL AND**
2 **NONGOVERNMENTAL PERSONNEL TO PRO-**
3 **VIDE EDUCATIONAL AND PROFESSIONAL DE-**
4 **VELOPMENT ON DEMAND REDUCTION MAT-**
5 **TERS RELATING TO ILLICIT USE OF NAR-**
6 **COTICS AND OTHER DRUGS.**

7 (a) IN GENERAL.—The Secretary of State shall es-
8 tablish or continue and strengthen, as appropriate, an ex-
9 change program for governmental and nongovernmental
10 personnel in the United States and in foreign countries
11 to provide educational and professional development on
12 demand reduction matters relating to the illicit use of nar-
13 cotics and other drugs.

14 (b) PROGRAM REQUIREMENTS.—The program re-
15 quired by subsection (a)—

16 (1) shall be limited to individuals who have ex-
17 pertise and experience in matters described in sub-
18 section (a);

19 (2) in the case of inbound exchanges, may be
20 carried out as part of exchange programs and inter-
21 national visitor programs administered by the Bu-
22 reau of Educational and Cultural Affairs of the De-
23 partment of State, including the International Vis-
24 itor Leadership Program, in consultation or coordi-
25 nation with the Bureau of International Narcotics
26 and Law Enforcement Affairs; and

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

4 (c) AUTHORIZATION OF ADDITIONAL APPROPRIA-
 5 TIONS.—There is authorized to be appropriated to the
 6 Secretary to carry out this section \$1,000,000 for each
 7 of fiscal years 2022 through 2026. Such amounts shall
 8 be in addition to amounts otherwise available for such pur-
 9 poses.

10 **SEC. 5. AMENDMENTS TO INTERNATIONAL NARCOTICS**
 11 **CONTROL PROGRAM.**

12 (a) INTERNATIONAL NARCOTICS CONTROL STRAT-
 13 EGY REPORT.—Section 489(a) of the Foreign Assistance
 14 Act of 1961 (22 U.S.C. 2291h(a)) is amended by inserting
 15 after paragraph (9) the following new paragraph:

16 “(10) SYNTHETIC OPIOIDS AND NEW
 17 PSYCHOACTIVE SUBSTANCES.—

18 “(A) SYNTHETIC OPIOIDS.—Information
 19 that contains an assessment of the countries
 20 significantly involved in the manufacture, pro-
 21 duction, or transshipment of synthetic opioids,
 22 including fentanyl and fentanyl analogues, to
 23 include the following:

24 “(i) The scale of legal domestic pro-
 25 duction and any available information on

1 the number of manufacturers and pro-
2 ducers of such opioids in such countries.

3 “(ii) Information on any law enforce-
4 ment assessments of the scale of illegal
5 production, including a description of the
6 capacity of illegal laboratories to produce
7 such opioids.

8 “(iii) The types of inputs used and a
9 description of the primary methods of syn-
10 thesis employed by illegal producers of
11 such opioids.

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

18 “(B) NEW PSYCHOACTIVE SUBSTANCES.—

19 Information on, to the extent practicable, any
20 policies of responding to new psychoactive sub-
21 stances (as such term is defined in section 7 of
22 the FENTANYL Results Act), to include the
23 following:

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

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

7 “(iii) An assessment of any policies
8 the United States could adopt to improve
9 its response to new psychoactive sub-
10 stances.”.

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

14 (1) in paragraph (2)—

15 (A) by striking “means a country in
16 which—” and inserting the following: “means—
17 “(A) a country in which—”;

18 (B) by redesignating subparagraphs (A),
19 (B), and (C) as clauses (i), (ii), and (iii), re-
20 spectively, and moving such clauses, as so re-
21 designated, two ems to the right;

22 (C) in subparagraph (A)(iii), as redesign-
23 ated by this paragraph, by striking the semi-
24 colon at the end and inserting “; or”; and

1 (D) by adding at the end the following new
2 subparagraph:

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

7 (2) by amending paragraph (5) to read as fol-
8 lows:

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

14 **SEC. 6. SENSE OF CONGRESS.**

15 It is the sense of Congress that—

16 (1) the President should direct the United
17 States Representative to the United Nations to use
18 the voice and vote of the United States at the
19 United Nations to advocate for more transparent as-
20 sessments of countries by the International Nar-
21 cotics Control Board; and

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

1 **SEC. 7. DEFINITIONS.**

2 In this Act:

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

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

8 (B) a new psychoactive substance.

9 (2) The term “new psychoactive substance”
10 means a substance of abuse, or any preparation
11 thereof, that—

12 (A) is not—

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

16 (ii) controlled by the Single Conven-
17 tion on Narcotic Drugs, done at New York
18 March 30, 1961, or the Convention on
19 Psychotropic Substances, done at Vienna
20 February 21, 1971;

21 (B) is new or has reemerged on the illicit
22 market; and

23 (C) poses a threat to the public health and
24 safety.

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. PRIORITIZATION OF EFFORTS OF THE DEPARTMENT**
6 **OF STATE TO COMBAT INTERNATIONAL TRAF-**
7 **FICKING IN COVERED SYNTHETIC DRUGS.**

8 (a) *IN GENERAL.*—*The Secretary of State shall*
9 *prioritize efforts of the Department of State to combat inter-*
10 *national trafficking of covered synthetic drugs by carrying*
11 *out programs and activities to include the following:*

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

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

23 (3) *Carrying out programs to provide technical*
24 *assistance and equipment, as appropriate, to*
25 *strengthen the capacity of foreign law enforcement*

1 *agencies with respect to covered synthetic drugs, as re-*
 2 *quired by section 3.*

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

9 (b) *REPORT.—*

10 (1) *IN GENERAL.—Not later than one year after*
 11 *the date of the enactment of this Act, the Secretary of*
 12 *State shall submit to the appropriate congressional*
 13 *committees a report on the implementation of this*
 14 *section.*

15 (2) *APPROPRIATE CONGRESSIONAL COMMITTEES*
 16 *DEFINED.—In this subsection, the term “appropriate*
 17 *congressional committees” means—*

18 (A) *the Committee on Foreign Relations*
 19 *and the Committee on Appropriations of the*
 20 *Senate; and*

21 (B) *the Committee on Foreign Affairs and*
 22 *the Committee on Appropriations of the House of*
 23 *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 the
 6 *Foreign Assistance Act of 1961* (22 U.S.C. 2420), the Sec-
 7 *retary of State shall establish a program to provide assist-*
 8 *ance to strengthen 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 prioritize
 13 *technical assistance, and the provision of equipment, as ap-*
 14 *propriate, under subsection (a) among those countries de-*
 15 *scribed in subsection (c) in which such assistance and*
 16 *equipment would have the most impact in reducing illicit*
 17 *use of covered synthetic drugs in the United States.*

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

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

22 (2) *countries whose pharmaceutical and chemical*
 23 *industries are known to be exploited for development*
 24 *or procurement of precursors of covered synthetic*
 25 *drugs; or*

1 (3) *major drug-transit countries for covered syn-*
 2 *thetic drugs as defined by the Secretary of State.*

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

8 **SEC. 4. EXCHANGE PROGRAM ON DEMAND REDUCTION**
 9 **MATTERS RELATING TO ILLICIT USE OF COV-**
 10 **ERED SYNTHETIC DRUGS.**

11 (a) *IN GENERAL.—The Secretary of State shall estab-*
 12 *lish or continue and strengthen, as appropriate, an ex-*
 13 *change program for governmental and nongovernmental*
 14 *personnel in the United States and in foreign countries to*
 15 *provide educational and professional development on de-*
 16 *mand reduction matters relating to the illicit use of covered*
 17 *synthetic drugs and other drugs.*

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

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

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

1 *reau of Educational and Cultural Affairs of the De-*
 2 *partment of State, including the International Visitor*
 3 *Leadership Program, in coordination with the Bu-*
 4 *reau of International Narcotics and Law Enforcement*
 5 *Affairs; and*

6 *(3) shall include outbound exchanges for govern-*
 7 *mental or nongovernmental personnel in the United*
 8 *States.*

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

14 **SEC. 5. AMENDMENTS TO INTERNATIONAL NARCOTICS**
 15 **CONTROL PROGRAM.**

16 *(a) INTERNATIONAL NARCOTICS CONTROL STRATEGY*
 17 *REPORT.—Section 489(a) of the Foreign Assistance Act of*
 18 *1961 (22 U.S.C. 2291h(a)) is amended—*

19 *(1) by redesignating the second paragraph (10)*
 20 *as paragraph (11); and*

21 *(2) by adding at the end the following:*

22 *“(12) COVERED SYNTHETIC DRUGS AND NEW*
 23 *PSYCHOACTIVE SUBSTANCES.—*

24 *“(A) COVERED SYNTHETIC DRUGS.—Infor-*
 25 *mation that contains an assessment of the coun-*

1 tries significantly involved in the manufacture,
2 production, transshipment, or trafficking of cov-
3 ered synthetic drugs, to include the following:

4 “(i) The scale of legal domestic produc-
5 tion and any available information on the
6 number of manufacturers and producers of
7 such drugs in such countries.

8 “(ii) Information on any law enforce-
9 ment assessments of the scale of illegal pro-
10 duction of such drugs, including a descrip-
11 tion of the capacity of illegal laboratories to
12 produce such drugs.

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

17 “(iv) An assessment of the policies of
18 such countries to regulate licit manufacture
19 and interdict illicit manufacture, diversion,
20 distribution, shipment, and trafficking of
21 such drugs and an assessment of the effec-
22 tiveness of the policies’ implementation.

23 “(B) NEW PSYCHOACTIVE SUBSTANCES.—
24 Information on, to the extent practicable, any

1 *policies of responding to new psychoactive sub-*
 2 *stances, 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 any policies the
 10 *United States could adopt to improve its re-*
 11 *sponse to new psychoactive substances.*

12 “(C) DEFINITIONS.—In this paragraph, the
 13 *terms ‘covered synthetic drug’ and ‘new*
 14 *psychoactive substance’ have the meaning given*
 15 *those terms in section 7 of the FENTANYL Re-*
 16 *sults Act.”.*

17 (b) DEFINITION OF MAJOR ILLICIT DRUG PRODUCING
 18 COUNTRY.—Section 481(e) of the Foreign Assistance Act of
 19 1961 (22 U.S.C. 2291(e)) is amended—

20 (1) in paragraph (2)—

21 (A) in subparagraph (C), by striking “; or”
 22 *and inserting a semicolon;*

23 (B) in subparagraph (D), by striking the
 24 *semicolon at the end and inserting “; or”; and*

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

1 “(E) that is a significant direct source of
 2 covered synthetic drugs or psychotropic drugs or
 3 other controlled substances, including precursor
 4 chemicals when those chemicals are used in the
 5 production of such drugs and substances, signifi-
 6 cantly affecting the United States;”;

7 (2) by amending paragraph (5) to read as fol-
 8 lows:

9 “(5) the term ‘major drug-transit country’ means
 10 a country through which are transported covered syn-
 11 thetic drugs or psychotropic drugs or other controlled
 12 substances significantly affecting the United States;”;

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

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

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

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

21 **SEC. 6. SENSE OF CONGRESS.**

22 *It is the sense of Congress that—*

23 (1) the President should direct the United States
 24 Representative to the United Nations to use the voice,
 25 vote, and influence of the United States at the United

1 *Nations to advocate for more transparent assessments*
 2 *of countries by the International Narcotics Control*
 3 *Board; and*

4 *(2) bilateral, plurilateral, and multilateral inter-*
 5 *national cooperation is essential to combating the*
 6 *trafficking of covered synthetic drugs.*

7 **SEC. 7. DEFINITIONS.**

8 *In this Act:*

9 *(1) COVERED SYNTHETIC DRUG.—The term “cov-*
 10 *ered synthetic drug” means—*

11 *(A) a synthetic controlled substance (as de-*
 12 *finied in section 102(6) of the Controlled Sub-*
 13 *stances Act (21 U.S.C. 802(6))), including*
 14 *fentanyl or a fentanyl analogue; or*

15 *(B) a new psychoactive substance.*

16 *(2) NEW PSYCHOACTIVE SUBSTANCE.—The term*
 17 *“new psychoactive substance” means a substance of*
 18 *abuse, or any preparation thereof, that—*

19 *(A) is not—*

20 *(i) included in any schedule as a con-*
 21 *trolled substance under the Controlled Sub-*
 22 *stances Act (21 U.S.C. 801 et seq.); or*

23 *(ii) controlled by the Single Conven-*
 24 *tion on Narcotic Drugs, done at New York*
 25 *March 30, 1961, or the Convention on Psy-*

1 *chotropic Substances, done at Vienna Feb-*
2 *ruary 21, 1971;*
3 *(B) is new or has reemerged on the illicit*
4 *market; and*
5 *(C) poses a threat to the public health and*
6 *safety.*

Calendar No. 403

117TH CONGRESS
2^D Session

S. 1160

A BILL

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

JUNE 14, 2022

Reported with an amendment