

117TH CONGRESS  
1ST SESSION

# H. R. 2538

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2021

Mr. TRONE (for himself and Mr. McCAUL) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## 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 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 in 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, 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 Affairs and  
13 the Committee on Appropriations of the House  
14 of Representatives; and

15 (B) the Committee on Foreign Relations  
16 and the Committee on Appropriations of the  
17 Senate.

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 ADDITIONAL APPROPRIA-  
20 TIONS.—There is authorized to be appropriated to the  
21 Secretary to carry out this section \$4,000,000 for each  
22 of the fiscal years 2022 through 2026 and such amounts  
23 shall be in addition to amounts authorized for such pur-  
24 poses.

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 the fiscal years 2022 through 2026 and such amounts  
8           shall be in addition to amounts authorized 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 adding  
15           at the end the following:

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(e) of the Foreign Assist-  
 13 ance Act of 1961 (22 U.S.C. 2291(e)) is amended—

14 (1) in paragraph (2)—

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

17 “(A) a country in which—”;

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

20 “(i) 1,000”;

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

23 “(ii) 1,000”;

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



1 “(iii) 5,000”;

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

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

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

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

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.”.

16 **SEC. 6. SENSE OF CONGRESS.**

17 It is the sense of Congress that—

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

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.

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