AMENDMENT TO
RULES COMMITTEE PRINT 116–57
OFFERED BY MR. SENSENBRENNER OF
WISCONSIN

At the end of subtitle G of title XII, add the following:

SEC. __. BLOCKING DEADLY FENTANYL IMPORTS.

(a) SHORT TITLE.—This section may be cited as the “Blocking Deadly Fentanyl Imports Act”.

(b) DEFINITIONS.—Section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “in which”;

(B) in subparagraph (A), by inserting “in which” before “1,000”;

(C) in subparagraph (B)—

(i) by inserting “in which” before “1,000”; and

(ii) by striking “or” at the end;

(D) in subparagraph (C)—

(i) by inserting “in which” before “5,000”; and
(ii) by inserting “or” after the semi-
colon; and

(E) by adding at the end the following:

“(D) that is a significant source of illicit
synthetic opioids significantly affecting the
United States;”; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking
“and” at the end;

(B) in subparagraph (D), by adding “and”
at the end; and

(C) by adding at the end the following:

“(E) assistance that furthers the objectives
set forth in paragraphs (1) through (4) of sec-
tion 664(b) of the Foreign Relations Authoriza-
tion Act, Fiscal Year 2003 (22 U.S.C. 2151n–
2(b));

“(F) assistance to combat trafficking au-
thorized under the Victims of Trafficking and
Violence Protection Act of 2000 (22 U.S.C.
7101 et seq.)); and

“(G) global health assistance authorized
under sections 104 through 104C of the For-
eign Assistance Act of 1961 (22 U.S.C. 2151b
through 22 U.S.C. 2151b–4).”.
(c) INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding at the end the following:

“(9) A separate section that contains the following:

“(A) An identification of the countries, to the extent feasible, that are the most significant sources of illicit fentanyl and fentanyl analogues significantly affecting the United States during the preceding calendar year.

“(B) A description of the extent to which each country identified pursuant to subparagraph (A) has cooperated with the United States to prevent the articles or chemicals described in subparagraph (A) from being exported from such country to the United States.

“(C) A description of whether each country identified pursuant to subparagraph (A) has adopted and utilizes scheduling or other procedures for illicit drugs that are similar in effect to the procedures authorized under title II of the Controlled Substances Act (21 U.S.C. 811 et seq.) for adding drugs and other substances to the controlled substances schedules;
“(D) A description of whether each country identified pursuant to subparagraph (A) is following steps to prosecute individuals involved in the illicit manufacture or distribution of controlled substance analogues (as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)); and

“(E) A description of whether each country identified pursuant to subparagraph (A) requires the registration of tableting machines and encapsulating machines or other measures similar in effect to the registration requirements set forth in part 1310 of title 21, Code of Federal Regulations, and has not made good faith efforts, in the opinion of the Secretary, to improve regulation of tableting machines and encapsulating machines.”.

(d) WITHHOLDING OF BILATERAL AND MULTILATERAL ASSISTANCE.—

(1) IN GENERAL.—Section 490(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j(a)) is amended—

(A) in paragraph (1), by striking “or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act” and inserting
“country identified pursuant to section 489(a)(8)(A), or country twice identified during a 5-year period pursuant to section 489(a)(9)(A)”; and

(B) in paragraph (2), by striking “or major drug-transit country (as determined under subsection (h)) or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act” and inserting “, major drug-transit country, country identified pursuant to section 489(a)(8)(A), or country twice identified during a 5-year period pursuant to section 489(a)(9)(A)”.

(2) DESIGNATION OF ILLICIT FENTANYL COUNTRIES WITHOUT SCHEDULING PROCEDURES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking “also”;

(B) in subparagraph (A)(ii), by striking “and” at the end;

(C) by redesignating subparagraph (B) as subparagraph (E);
(D) by inserting after subparagraph (A)
the following:

“(B) designate each country, if any, identified under section 489(a)(9) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(9)) that has failed to adopt and utilize scheduling procedures for illicit drugs that are comparable to the procedures authorized under title II of the Controlled Substances Act (21 U.S.C. 811 et seq.) for adding drugs and other substances to the controlled substances schedules;”; and

(E) in subparagraph (E), as redesignated, by striking “so designated” and inserting “designated under subparagraph (A), (B), (C), or (D)”.

(3) DESIGNATION OF ILICIT FENTANYL COUNTRIES WITHOUT ABILITY TO PROSECUTE CRIMINALS FOR THE MANUFACTURE OR DISTRIBUTION OF FENTANYL ANALOGUES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)), as amended by paragraph (2), is further amended by inserting after subparagraph (B) the following:

“(C) designate each country, if any, identified under section 489(a)(9) of the Foreign As-
sistance Act of 1961 (22 U.S.C. 2291h(a)(9))
that has not taken significant steps to prose-
ceute individuals involved in the illicit manufac-
ture or distribution of controlled substance ana-
logues (as defined in section 102(32) of the
Controlled Substances Act (21 U.S.C.
802(32)));”.

(4) DESIGNATION OF ILLICIT FENTANYL COUN-
TRIES THAT DO NOT REQUIRE THE REGISTRATION
OF PILL PRESSES AND TABLETING MACHINES.—Sec-
tion 706(2) of the Foreign Relations Authorization
Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)), as
amended by paragraphs (2) and (3), is further
amended by inserting after subparagraph (C) the
following:

“(D) designate each country, if any, identi-
fied under section 489(a)(9) of the Foreign As-
sistance Act of 1961 (22 U.S.C. 2291h(a)(9))
that—

“(i) does not require the registration
of tableting machines and encapsulating
machines in a manner comparable to the
registration requirements set forth in part
1310 of title 21, Code of Federal Regu-
lations; and
“(ii) has not made good faith efforts
(in the opinion of the Secretary) to im-
prove the regulation of tableting machines
and encapsulating machines; and”.

(5) LIMITATION ON ASSISTANCE FOR DES-
IGNATED COUNTRIES.—Section 706(3) of the For-
Oign Relations Authorization Act, Fiscal Year 2003
(22 U.S.C. 2291j–1(3)) is amended by striking “also
designated under paragraph (2) in the report” and
inserting “designated in the report under paragraph
(2)(A) or twice designated during a 5-year period in
the report under subparagraph (B), (C), or (D) of
paragraph (2)”.

(6) EXCEPTION TO THE LIMITATION ON ASSIST-
ANCE.—Section 706(5) of the Foreign Relations Au-
thorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–
1(5)) is amended—

(A) by redesignating subparagraph (C) as
subparagraph (F);

(B) by inserting after subparagraph (B)
the following:

“(C) Notwithstanding paragraph (3), as-
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sistance to promote democracy (as described in
section 481(e)(4)(E) of the Foreign Assistance
Act of 1961 (22 U.S.C. 2291(e)(4)(E))) shall
be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B), (C), or (D) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph.

“(D) Notwithstanding paragraph (3), assistance to combat trafficking (as described in section 481(e)(4)(F) of such Act) shall be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B), (C), or (D) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph.

“(E) Notwithstanding paragraph (3), global health assistance (as described in section 481(e)(4)(G) of such Act) shall be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B), (C), or (D) of paragraph (2), to the extent such
countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph”; and

(C) in subparagraph (F), as redesignated, by striking “section clause (i) or (ii) of” and inserting “clause (i) or (ii) of section”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.