AMENDMENT TO RULES COMMITTEE PRINT 116-36

OFFERED BY MR. DAVIDSON OF OHIO

Page 33, after line 22, insert the following:

SEC. ___. PROHIBITION ON ASSISTANCE TO GOVERNMENT THAT FAILS TO COOPERATE ON PREVENTING ILLEGAL TRAFFICKING OF SYNTHETIC OPIOIDS.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635), as amended by the preceding provisions of this Act, is amended by adding at the end the following:

“(n) PROHIBITION ON ASSISTANCE TO GOVERNMENT THAT FAILS TO COOPERATE ON PREVENTING ILLEGAL TRAFFICKING OF SYNTHETIC OPIOIDS.—

“(1) IN GENERAL.—The Agency may not authorize the provision of financial assistance for a lender, obligor, or end user that—

“(A) is a covered government; and

“(B) in the determination of the President of the United States, does not closely cooperate with the United States to prevent opioid trafficking.

“(2) WAIVER AUTHORITIES.—
“(A) President of the Agency.—The President of the Agency may waive paragraph (1) on reporting to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that the financial assistance—

“(i) would enable exports directly by United States small business concerns; or

“(ii) is required for the export of humanitarian goods or services.

“(B) President of the United States.—The President of the United States may waive paragraph (1) for not more than 1 year at a time on reporting to the committees specified in subparagraph (A) that the waiver is essential to the national interest of the United States, with a detailed explanation of the reasons therefor.

“(3) Close cooperation.—For purposes of this subsection, a government shall be considered to be closely cooperating with the United States to prevent opioid trafficking if the government is doing 2 or more of the following:
“(A) Implementing substantial improvements in regulations involving the chemical and pharmaceutical production and export of illicit opioids.

“(B) Implementing substantial improvements in judicial regulations to combat transnational criminal organizations that traffic opioids.

“(C) Increasing efforts to prosecute foreign opioid traffickers.

“(D) Increasing intelligence sharing and law enforcement cooperation with the United States with respect to opioid trafficking.

“(4) DEFINITIONS.—In this subsection:

“(A) COVERED GOVERNMENT.—The term ‘covered government’ means—

“(i) the state and the government of China, the state and the government of Mexico, and the state and the government of any other country that, in the determination of the President of the United States, is a significant contributor to opioid trafficking, as well as any political subdivision, agency, or instrumentality of any of the foregoing;
“(ii) any entity owned or controlled, directly or indirectly, by any of the foregoing, including any corporation, partnership, association, or other entity in which any of the foregoing owns a 50 percent or greater interest or a controlling interest, and any entity which is otherwise controlled by any of the foregoing;

“(iii) any person that is or has been acting or purporting to act, directly or indirectly, for or on behalf of any of the foregoing; and

“(iv) any other person which the Secretary of the Treasury determines is included in any of the foregoing.

“(B) OPIOID TRAFFICKING.—The term ‘opioid trafficking’ means any illicit activity—

“(i) to produce, manufacture, distribute, sell, or knowingly finance or transport—

“(I) synthetic opioids, including controlled substances that are synthetic opioids and listed chemicals that are synthetic opioids; or
“(II) active pharmaceutical ingredients or chemicals that are used in the production of controlled substances that are synthetic opioids;

“(ii) to attempt to carry out an activity described in paragraph (1); or

“(iii) to assist, abet, conspire, or collude with other persons to carry out such an activity.

“(5) REPORT REQUIRED.—If the Agency authorizes financial assistance for a lender, obligor, or end user that is a covered government and the authorization is not made pursuant to waiver authorities provide in paragraph (2), the President of the United States shall certify to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that the covered government is closely cooperating with the United States, within the meaning of paragraph (3), with a description of the cooperation.”