

AMENDMENT TO RULES COMMITTEE PRINT 116-

36

OFFERED BY MR. DAVIDSON OF OHIO

Page 33, after line 22, insert the following:

1 **SEC. ____ . PROHIBITION ON ASSISTANCE TO GOVERNMENT**
2 **THAT FAILS TO COOPERATE ON PREVENTING**
3 **ILLEGAL TRAFFICKING OF SYNTHETIC**
4 **OPIOIDS.**

5 Section 2 of the Export-Import Bank Act of 1945
6 (12 U.S.C. 635), as amended by the preceding provisions
7 of this Act, is amended by adding at the end the following:

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

11 “(1) IN GENERAL.—The Agency may not au-
12 thorize the provision of financial assistance for a
13 lender, obligor, or end user that—

14 “(A) is a covered government; and

15 “(B) in the determination of the President
16 of the United States, does not closely cooperate
17 with the United States to prevent opioid traf-
18 ficking.

19 “(2) WAIVER AUTHORITIES.—

1 “(A) PRESIDENT OF THE AGENCY.—The
2 President of the Agency may waive paragraph
3 (1) on reporting to the Committee on Financial
4 Services of the House of Representatives and
5 the Committee on Banking, Housing, and
6 Urban Affairs of the Senate that the financial
7 assistance—

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

10 “(ii) is required for the export of hu-
11 manitarian goods or services.

12 “(B) PRESIDENT OF THE UNITED
13 STATES.—The President of the United States
14 may waive paragraph (1) for not more than 1
15 year at a time on reporting to the committees
16 specified in subparagraph (A) that the waiver is
17 essential to the national interest of the United
18 States, with a detailed explanation of the rea-
19 sons therefor.

20 “(3) CLOSE COOPERATION.—For purposes of
21 this subsection, a government shall be considered to
22 be closely cooperating with the United States to pre-
23 vent opioid trafficking if the government is doing 2
24 or more of the following:

1 “(A) Implementing substantial improve-
2 ments in regulations involving the chemical and
3 pharmaceutical production and export of illicit
4 opioids.

5 “(B) Implementing substantial improve-
6 ments in judicial regulations to combat
7 transnational criminal organizations that traffic
8 opioids.

9 “(C) Increasing efforts to prosecute for-
10 eign opioid traffickers.

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

14 “(4) DEFINITIONS.—In this subsection:

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

17 “(i) the state and the government of
18 China, the state and the government of
19 Mexico, and the state and the government
20 of any other country that, in the deter-
21 mination of the President of the United
22 States, is a significant contributor to
23 opioid trafficking, as well as any political
24 subdivision, agency, or instrumentality of
25 any of the foregoing;

1 “(ii) any entity owned or controlled,
2 directly or indirectly, by any of the fore-
3 going, including any corporation, partner-
4 ship, association, or other entity in which
5 any of the foregoing owns a 50 percent or
6 greater interest or a controlling interest,
7 and any entity which is otherwise con-
8 trolled by any of the foregoing;

9 “(iii) any person that is or has been
10 acting or purporting to act, directly or in-
11 directly, for or on behalf of any of the fore-
12 going; and

13 “(iv) any other person which the Sec-
14 retary of the Treasury determines is in-
15 cluded in any of the foregoing.

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

18 “(i) to produce, manufacture, dis-
19 tribute, sell, or knowingly finance or trans-
20 port—

21 “(I) synthetic opioids, including
22 controlled substances that are syn-
23 thetic opioids and listed chemicals
24 that are synthetic opioids; or

1 “(II) active pharmaceutical ingre-
2 dients or chemicals that are used in
3 the production of controlled sub-
4 stances that are synthetic opioids;

5 “(ii) to attempt to carry out an activ-
6 ity described in paragraph (1); or

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

10 “(5) REPORT REQUIRED.—If the Agency au-
11 thorizes financial assistance for a lender, obligor, or
12 end user that is a covered government and the au-
13 thorization is not made pursuant to waiver authori-
14 ties provide in paragraph (2), the President of the
15 United States shall certify to the Committee on Fi-
16 nancial Services of the House of Representatives and
17 the Committee on Banking, Housing, and Urban Af-
18 fairs of the Senate that the covered government is
19 closely cooperating with the United States, within
20 the meaning of paragraph (3), with a description of
21 the cooperation.”.

