

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 4863**

**OFFERED BY *Mr. Davidson* OF OHIO**

At the end of the substitute, add 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 “(o) 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.”.



