

118TH CONGRESS  
1ST SESSION

# H. R. 3666

To direct the Secretary of Homeland Security to designate illicit fentanyl as a weapon of mass destruction, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2023

Mr. WENSTRUP (for himself, Mr. GARBARINO, Mr. TONY GONZALES of Texas, Ms. STEFANIK, Mr. HARRIS, Mr. JOYCE of Pennsylvania, Mrs. WAGNER, and Mr. JACKSON of Texas) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To direct the Secretary of Homeland Security to designate illicit fentanyl as a weapon of mass destruction, 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 “Stop Our Scourge Act  
5 of 2023” or the “SOS Act of 2023”.

1 **SEC. 2. DESIGNATION OF FENTANYL AS A WEAPON OF**  
2 **MASS DESTRUCTION.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-  
4 rity shall designate illicit fentanyl as a weapon of mass  
5 destruction for purposes of title XIX of the Homeland Se-  
6 curity Act of 2002 (6 U.S.C. 590 et seq.).

7 (b) DEFINITION.—In this section, the term “illicit  
8 fentanyl” means fentanyl and any analogue thereof that  
9 is manufactured, distributed, or dispensed, or possessed  
10 with intent to manufacture, distribute, or dispense, in vio-  
11 lation of section 401, 406, or 416 of the Controlled Sub-  
12 stances Act (21 U.S.C. 841, 846, 856).

13 **SEC. 3. ASSESSMENT REGARDING ILLICIT FENTANYL.**

14 (a) IN GENERAL.—The head of the Office of National  
15 Drug Control Policy, in consultation with the heads of  
16 such other Federal agencies as the head of the Office of  
17 National Drug Control Policy deems appropriate, shall  
18 conduct an assessment of the following:

19 (1) Foreign manufacturing of illicit fentanyl.

20 (2) The tools and capabilities across Federal  
21 agencies to address trafficking of illicit fentanyl.

22 (3) How coordination of Federal efforts to ad-  
23 dress such trafficking can be improved, including  
24 identification of duplicative Federal efforts.

1           (4) The capacities of the Mexican military to  
2           conduct counterdrug missions with respect to illicit  
3           fentanyl.

4           (5) The capacities and willingness of the Peo-  
5           ple’s Republic of China to curtail the flow of illicit  
6           fentanyl, conduct inspections and investigations with  
7           respect to illicit fentanyl, screen for illicit fentanyl at  
8           ports of exit, implement “know-your-customer”  
9           standards, and hold traffickers of illicit fentanyl ac-  
10          countable.

11          (6) Illicit fentanyl being trafficked into the  
12          United States from Mexico, including the purity, for-  
13          mulation, and weight of the illicit fentanyl.

14          (b) TIMING; REPORT.—Not later than 180 days after  
15          the date of enactment of this Act, the head of the Office  
16          of National Drug Control Policy shall—

17                 (1) complete the assessment required by sub-  
18                 section (a); and

19                 (2) submit a report to the Congress on the re-  
20                 sults of such assessment.

21          (c) DEFINITION.—In this section, the term “illicit  
22          fentanyl” means fentanyl and any analogue or precursor  
23          thereof that is manufactured, distributed, or dispensed, or  
24          possessed with intent to manufacture, distribute, or dis-

1 pense, in violation of section 401, 406, or 416 of the Con-  
2 trolled Substances Act (21 U.S.C. 841, 846, 856).

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