

115TH CONGRESS  
1ST SESSION

# H. R. 4090

To amend the Controlled Substances Act to establish a task force to address fentanyl and heroin trafficking.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 23, 2017

Mr. JENKINS of West Virginia (for himself and Ms. CLARK of Massachusetts) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, 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 amend the Controlled Substances Act to establish a task force to address fentanyl and heroin trafficking.

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 “Fentanyl and Heroin  
5 Task Force Act”.

6 **SEC. 2. FENTANYL AND HEROIN TASK FORCE.**

7 (a) AMENDMENT TO ESTABLISH TASK FORCE.—The  
8 Controlled Substances Act (21 U.S.C. 801 et seq.) is

1 amended by inserting after section 520 the following new  
2 section:

3 **“SEC. 521. FENTANYL AND HEROIN TASK FORCE.**

4 “(a) INTER-AGENCY TASK FORCE.—Not more than  
5 one year after the date of enactment of this section, the  
6 Attorney General shall establish a task force to be known  
7 as the ‘Fentanyl and Heroin Inter-Agency Task Force’ (in  
8 this section referred to as the ‘Task Force’).

9 “(b) DUTIES.—The Task Force shall—

10 “(1) coordinate Federal agency efforts to iden-  
11 tify, target, and dismantle organizations that traffic  
12 fentanyl or heroin;

13 “(2) identify sources of fentanyl and heroin  
14 production and distribution; and

15 “(3) provide to Federal, State, and local law en-  
16 forcement agencies—

17 “(A) a description of best practices with  
18 respect to handling and disposal of fentanyl;

19 “(B) as necessary, updated information  
20 about efforts to identify, target, and dismantle  
21 organizations that traffic fentanyl or heroin;  
22 and

23 “(C) operational and investigative support  
24 with respect to efforts to identify, target, and

1           dismantle organizations that traffic fentanyl or  
2           heroin.

3           “(c) SEMIANNUAL REPORT.—

4           “(1) TIMING.—Not later than one year after  
5           the date of the establishment of the Task Force, and  
6           semiannually thereafter, the Task Force shall sub-  
7           mit to Congress a report containing the information  
8           described in paragraph (2).

9           “(2) CONTENT.—A report under paragraph (1)  
10          shall include—

11           “(A) a description of the status of fentanyl  
12           and heroin trafficking within the United States  
13           during the previous six-month period;

14           “(B) a summary of Federal, State, and  
15           local efforts to eradicate fentanyl and heroin  
16           trafficking and an evaluation of the efficacy of  
17           those efforts; and

18           “(C) recommendations of the Task Force  
19           with respect to any authorizations by Congress  
20           that would enable the Task Force to carry out  
21           the duties under subsection (b).

22          “(d) MEMBERSHIP.—

23           “(1) COMPOSITION.—The Task Force shall in-  
24           clude a chairperson and representatives selected by  
25           the heads of the following Federal entities—

1 “(A) Customs and Border Protection;

2 “(B) the Drug Enforcement Administra-  
3 tion;

4 “(C) the Federal Bureau of Investigation;

5 “(D) Immigration and Customs Enforce-  
6 ment Homeland Security Investigations;

7 “(E) the International Trade Administra-  
8 tion;

9 “(F) the Internal Revenue Service;

10 “(G) the Office of National Drug Control  
11 Policy;

12 “(H) the United States Postal Inspection  
13 Service; and

14 “(I) not more than two additional Federal  
15 agencies selected by the Attorney General.

16 “(2) CHAIRPERSON.—The Attorney General  
17 shall appoint the chairperson of the Task Force.

18 “(3) TERM OF MEMBERSHIP.—Members of the  
19 Task Force shall serve until the head of the respec-  
20 tive entity of the member appoints a new representa-  
21 tive to the Task Force. The chairperson shall serve  
22 until the Attorney General appoints a new chair-  
23 person.

24 “(4) MEMBER PAY.—Members of the Task  
25 Force may not receive additional pay, allowances, or

1 benefits by reason of their service on the Task  
2 Force.

3 “(e) OPERATING RULES AND PROCEDURES.—

4 “(1) VOTING.—Each member of the Task  
5 Force shall have one vote.

6 “(2) RULES AND PROCEDURES.—Any member  
7 of the Task Force may propose to create or alter ex-  
8 isting operating rules and procedures consistent with  
9 the functions of the Task Force. Any change to the  
10 operating rules and procedures shall be adopted only  
11 upon a majority vote of the Task Force.

12 “(3) RECOMMENDATIONS.—The Task Force  
13 shall adopt recommendations under subsection  
14 (e)(2)(C) only upon a majority vote of the board.

15 “(4) QUORUM.—Six members of the Task  
16 Force shall constitute a quorum but a lesser number  
17 may hold meetings.

18 “(f) DIRECTOR AND STAFF.—

19 “(1) DIRECTOR.—The Task Force may appoint  
20 and set the pay of a director.

21 “(2) STAFF.—The director may appoint not  
22 more than 10 staff personnel as the director con-  
23 siders appropriate.

24 “(3) APPLICABILITY OF CERTAIN CIVIL SERV-  
25 ICE LAWS.—The staff of the Task Force shall be ap-

1 pointed subject to the provisions of title 5, United  
2 States Code, governing appointments in the competi-  
3 tive service, and shall be paid in accordance with the  
4 provisions of chapter 51 and subchapter III of chap-  
5 ter 53 of that title relating to classification and Gen-  
6 eral Schedule pay rates.

7 “(4) EXPERTS AND CONSULTANTS.—The Task  
8 Force and the director, acting with the approval of  
9 the Task Force, may procure temporary and inter-  
10 mittent services under section 3109(b) of title 5,  
11 United States Code.

12 “(5) STAFF OF FEDERAL AGENCIES.—Upon the  
13 request of the director, the head of any Federal de-  
14 partment or agency may detail, on a reimbursable  
15 basis, any of the personnel of that department or  
16 agency to the Task Force to assist it in carrying out  
17 its duties under this section.

18 “(g) POWERS OF THE TASK FORCE.—

19 “(1) HEARINGS AND SESSIONS.—The Task  
20 Force may, for the purpose of carrying out this sec-  
21 tion, hold hearings, sit and act at times and places,  
22 take testimony, and receive evidence as the Task  
23 Force considers appropriate.

24 “(2) POWERS OF MEMBERS AND AGENTS.—Any  
25 member or agent of the Task Force may, if author-

1        ized by the Task Force, take any action which the  
2        Task Force is authorized to take by this section.

3            “(3) OBTAINING OFFICIAL DATA.—Subject to  
4        applicable privacy laws and regulations, the Task  
5        Force may secure directly from any department or  
6        agency of the United States information necessary  
7        to enable it to carry out this section. Upon request  
8        of the chairperson of the Task Force, the head of  
9        that department or agency shall furnish that infor-  
10       mation to the Task Force.

11           “(4) MAILS.—The Task Force may use the  
12        United States mails in the same manner and under  
13        the same conditions as other departments and agen-  
14        cies of the United States.

15           “(5) ADMINISTRATIVE SUPPORT SERVICES.—  
16        Upon the request of the Task Force, the Adminis-  
17        trator of General Services shall provide to the Task  
18        Force, on a reimbursable basis, the administrative  
19        support services necessary for the Task Force to  
20        carry out its duties under this section.

21           “(6) CONTRACT AUTHORITY.—To the extent or  
22        in the amounts provided in advance in appropriation  
23        Acts, the Task Force may contract with and com-  
24        pensate government and private agencies or persons

1 for services necessary to carry out its duties under  
2 this section.

3 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
4 is authorized to be appropriated \$5,000,000 for the period  
5 of fiscal years 2019 through 2024 to carry out this sec-  
6 tion.

7 “(i) DEFINITIONS.—For the purposes of this section:

8 “(1) FENTANYL.—The term ‘fentanyl’ includes  
9 any controlled substance analogue of fentanyl.

10 “(2) HEROIN.—The term ‘heroin’ includes any  
11 controlled substance analogue of heroin.”.

12 (b) AMENDMENT TO TABLE OF CONTENTS.—The  
13 table of contents for the Controlled Substances Act (21  
14 U.S.C. 801 et seq.) is amended by adding after the item  
15 relating to section 520 the following:

“Sec. 521. Fentanyl and Heroin Task Force.”.

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