

115TH CONGRESS
2D SESSION

H. R. 5459

To amend the Controlled Substances Act and the Controlled Substances Import and Export Act to modify the offenses relating to fentanyl, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2018

Mr. HILL introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and Oversight and Government Reform, 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

A BILL

To amend the Controlled Substances Act and the Controlled Substances Import and Export Act to modify the offenses relating to fentanyl, 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 “Ending the Fentanyl
5 Crisis Act of 2018”.

6 **SEC. 2. CONTROLLED SUBSTANCES ACT AMENDMENTS.**

7 Section 401(b)(1) of the Controlled Substances Act
8 (21 U.S.C. 841(b)(1)) is amended—

1 (1) in subparagraph (A)(vi)—

2 (A) by striking “400” and inserting “20”;

3 and

4 (B) by striking “100” and inserting “5”;

5 and

6 (2) in subparagraph (B)(vi)—

7 (A) by striking “40” and inserting “2”;

8 and

9 (B) by striking “10” and inserting “0.5”.

10 **SEC. 3. CONTROLLED SUBSTANCES IMPORT AND EXPORT**

11 **ACT AMENDMENTS.**

12 Section 1010(b) of the Controlled Substances Import

13 and Export Act (21 U.S.C. 960(b))—

14 (1) in paragraph (1)(F)—

15 (A) by striking “400” and inserting “20”;

16 and

17 (B) by striking “100” and inserting “5”;

18 and

19 (2) in paragraph (2)(F)—

20 (A) by striking “40” and inserting “2”;

21 and

22 (B) by striking “10” and inserting “0.5”.

1 **SEC. 4. DIRECTIVE TO THE SENTENCING COMMISSION.**

2 (a) DEFINITION.—In this section, the term the
3 “Commission” means the United States Sentencing Com-
4 mission.

5 (b) DIRECTIVE TO THE UNITED STATES SEN-
6 TENCING COMMISSION.—Pursuant to the authority of the
7 Commission under section 994(p) of title 28, United
8 States Code, and in accordance with this section, the Com-
9 mission shall review and amend, if appropriate, the guide-
10 lines and policy statements of the Commission applicable
11 to a person convicted of an offense under section 401 of
12 the Controlled Substances Act (21 U.S.C. 841) or section
13 1010 of the Controlled Substances Import and Export Act
14 (21 U.S.C. 960) to ensure that the guidelines and policy
15 statements are consistent with the amendments made by
16 sections 2 and 3 of this Act.

17 (c) EMERGENCY AUTHORITY.—The Commission
18 shall—

19 (1) promulgate the guidelines, policy state-
20 ments, or amendments provided for in this Act as
21 soon as practicable, and in any event not later than
22 120 days after the date of enactment of this Act, in
23 accordance with the procedure set forth in section
24 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994
25 note), as though the authority under that Act had
26 not expired; and

1 (2) pursuant to the emergency authority pro-
2 vided under paragraph (1), make such conforming
3 amendments to the Federal sentencing guidelines as
4 the Commission determines necessary to achieve
5 consistency with other guideline provisions and ap-
6 plicable law.

7 **SEC. 5. INTERDICTION OF FENTANYL, OTHER SYNTHETIC**
8 **OPIOIDS, AND OTHER NARCOTICS AND**
9 **PSYCHOACTIVE SUBSTANCES.**

10 (a) DEFINITIONS.—In this section—

11 (1) the term “chemical screening device” means
12 an immunoassay, narcotics field test kit, infrared
13 spectrophotometer, mass spectrometer, nuclear mag-
14 netic resonance spectrometer, Raman spectrophoto-
15 meter, or other scientific instrumentation able to col-
16 lect data that can be interpreted to determine the
17 presence of fentanyl, other synthetic opioids, and
18 other narcotics and psychoactive substances;

19 (2) the term “express consignment operator or
20 carrier” has the meaning given the term in section
21 128.1 of title 19, Code of Federal Regulations (or
22 any successor regulation); and

23 (3) the term “Postmaster General” means the
24 Postmaster General of the United States Postal
25 Service.

1 (b) INTERDICTION OF FENTANYL, OTHER SYN-
2 THETIC OPIOIDS, AND OTHER NARCOTICS AND
3 PSYCHOACTIVE SUBSTANCES.—

4 (1) CHEMICAL SCREENING DEVICES.—The
5 Postmaster General shall—

6 (A) increase the number of chemical
7 screening devices that are available to the
8 United States Postal Service; and

9 (B) make additional chemical screening de-
10 vices available to the United States Postal Serv-
11 ice as the Postmaster General determines are
12 necessary to interdict fentanyl, other synthetic
13 opioids, and other narcotics and psychoactive
14 substances that are illegally imported into the
15 United States, including such substances that
16 are imported through the mail or by an express
17 consignment operator or carrier.

18 (2) PERSONNEL TO INTERPRET DATA.—The
19 Postmaster General shall dedicate the appropriate
20 number of personnel of the United States Postal
21 Service, including scientists, so that those personnel
22 are available during all operational hours to inter-
23 pret data collected by chemical screening devices.

24 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to the Postmaster General

1 \$9,000,000 to ensure that the United States Postal Serv-
2 ice has resources, including chemical screening devices,
3 personnel, and scientists, available during all operational
4 hours to prevent, detect, and interdict the unlawful impor-
5 tation of fentanyl, other synthetic opioids, and other nar-
6 cotics and psychoactive substances.

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