SHUT DOWN WENTWORTH REHABILITATION & HEALTH CARE CENTER IMMEDIATELY

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, I rise today out of anger and frustration at a deplorable situation in my hometown of Chicago, Illinois. I was shocked to read in yesterday's Chicago Tribune about the callous disregard demonstrated for our poor and vulnerable citizens by Alden Management Services, who operate Wentworth Rehabilitation & Health Care Center in my district, and I am here today to call on Alden to shut it down.

This so-called skilled nursing facility allowed a patient to remain on fire while an employee enjoyed a beverage. To add insult to injury, many residents have to endure bug bites, bruises, and other forms of neglect. This is the epitome of negligence and should not happen. This is America.

It is not a coincidence, Mr. Speaker, that most of these residents are poor seniors and African Americans. Where were CMS and the other regulatory and oversight authorities?

Mr. Speaker, this is reprehensible. Once again, I call for this hellhole to be shut down immediately.

WEAR RED ON FRIDAYS

(Mr. ROTHFUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHFUS. Mr. Speaker, I rise today to recognize the unyielding dedication that my constituents have for our military. In particular, I would like to highlight the efforts of several folks back home who are responsible for a number of billboards dotting the highways of Beaver County that encourage people to wear red on Fridays to support our troops who are deployed overseas.

For more than a decade, Americans across the Nation have worn red on Fridays to show support for troops fighting in foreign lands. In this effort, red is not just a color, but a message. RED is an acronym for Remember Everyone Deployed. It is a message to remember our servicemembers who are away from their families, risking their lives on the front lines to defend our freedoms and values. Remembering them is especially important since we often do not see news of those deployed.

Wearing red on Fridays is another way to show our troops that we are thinking of them, that we support them, and that we appreciate their sacrifices. I thank the volunteers of Beaver County for promoting and reminding us of this wear red effort.

ISSUES OF THE DAY

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, there is one person in the United States that can stop the mean-spirited separation of children at the border of my State. The vileness of separating babies as young as 6 months, babies who are breastfeeding, is at the feet, the hands, mind, and heart of President Trump.

This is not a Democratic policy. We have never utilized this kind of deterrence, and we have never stopped an asylum possibility because of domestic violence or gang violence, as this administration is doing.

Secondarily, the IG report, which I commend to the American people to read, has nothing to do with the Mueller investigation and Mr. Mueller, with his integrity intact, must continue that investigation and do it well and answer the questions of the Russian collusion in the election of 2016.

On another note, Happy Father's Day. In the memory of my late father, Ezra C. Jackson, we miss you. But all of the fathers who have fallen, and those who live, we wish you a wonderful day.

As well, Happy Juneteenth to those who celebrate Juneteenth, who recognize that it was 2 years after the Emancipation Proclamation that African Americans in the South and, particularly, Texas knew that they were free. Freedom is precious.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

GO BENSALEM HIGH SCHOOL BASEBALL TEAM

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute.)

Mr. FITZPATRICK. Mr. Speaker, last night, we had our annual Congressional Baseball Game and some healthy competition with our colleagues. But today is the big showdown, when the Bensalem High School baseball team will play for the State championship versus Canon-McMillan at Penn State's Medlar Field at Lubrano Park.

Led by Coach Harry Daut, Bensalem beat La Salle in a come-from-behind victory in the semifinals, initially down three runs with only two at bats remaining. This come-from-behind victory was propelled by Nick Fossile's sacrifice fly to left field, sending home Dave Barnett from third base. That left it up to pitcher Nick Dean, who closed out the game and finished what starter Stephen Aldrich began.

I wish these players, the entire team, the entire coaching staff, and the entire Bensalem community the best of luck today, and I know they will make all of us proud. Go Bensalem.

OPPOSING PRESIDENT TRUMP'S ACA SABOTAGE

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, President Trump's cruel attempt to sabotage affordable healthcare access for more than 130 million Americans is inhumane and, mark my words, deadly.

If Trump has his way, anyone who has survived or lives with cancer, asthma, diabetes, mental health issues, or virtually any other medical conditions that you can think of, and many that you can't, will risk losing their health coverage. That is because the President is bent on dismantling the Affordable Care Act, which protects Americans with preexisting conditions.

Before the ACA, insurance companies refused coverage or charged people more with these commonplace maladies. They even charged women more just for being women.

I am a woman, and I also beat breast cancer. And it sickens me to think of the anxiety and pain this President is causing my sister survivors right now with this threat. It is absurd, it is discriminatory, and it is, frankly, monstrous.

Every time it appears that the reckless disregard for people's lives shown by this administration and their Republican enablers in Congress couldn't possibly get any worse, they find a new low.

Mr. Speaker, there are too many real problems facing Americans today. This President and his party need to stop creating deadly new ones.

STOP THE IMPORTATION AND TRAFFICKING OF SYNTHETIC ANALOGUES ACT OF 2017

GENERAL LEAVE

Mr. MARINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2851.

The SPEAKER pro tempore (Mr. FITZPATRICK). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 934 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2851.

The Chair appoints the gentleman from Illinois (Mr. BOST) to preside over the Committee of the Whole.

□ 0912

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2851) to

amend the Controlled Substances Act to clarify how controlled substance analogues are to be regulated, and for other purposes, with Mr. BOST in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Pennsylvania (Mr. MARINO) and the gentlewoman from Texas (Ms. JACKSON LEE) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MARINO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, all Members of the Chamber are acutely aware of the devastation caused by the opioid epidemic. The epidemic is destroying lives and families across the United States. It affects every area of our country, and grandparents, parents, and children alike.

Especially during the course of this week, we have been reminded that over 64,000 Americans died from drug overdoses in 2016. More than 20 percent of these deaths resulted from an overdose of synthetic opioids like fentanyl, which can be as much as 100 times more powerful than painkillers like morphine.

Additionally, synthetic analogues with street names like K2, spice, bath salts, or molly, are designed to mimic other drugs like marijuana, LSD, and ecstasy, and can be more potent and deadly than the real thing.

Criminal drug manufacturers, largely from China and Mexico, work continuously to stay ahead of our laws by altering the molecular structure of their drugs as soon as the government bans them.

The Controlled Substance Act, which was signed into law more than 40 years ago, was designed to protect the public from the dangers associated with drugs and drug use. However, this law was not designed to handle the magnitude and speed with which these new psychoactive substances have emerged in our communities.

It currently takes 3 years to schedule a new drug, but criminals can skirt the law by quickly changing a drug molecule and get it to the U.S. streets, often through the mail.

□ 0915

The bill we are considering today, the Stop the Importation and Trafficking of Synthetic Analogues Act, or SITSA, updates Federal law to provide swifter action to stop the unlawful importation and distribution of synthetic drugs and gives law enforcement effective tools to help keep our communities safe.

While Congress has taken action to combat the opioid epidemic through the historic Comprehensive Addiction and Recovery Act, it is clear that we need more tools to combat the ever-growing problem of synthetic drug abuse.

Instead of taking 3 years to bring a drug under control, SITSA gives the Attorney General the power to act quickly and to classify a new dangerous drug in a matter of months when it is virtually identical to a current scheduled and powerful drug. The bill also requires the Attorney General to work with the Department of Health and Human Services so that these synthetic drugs can still be studied by qualified researchers.

Supporters of H.R. 2851 include the National Association of Police Organizations, the Fraternal Order of Police, the National District Attorneys Association, and the American College of Emergency Physicians.

I fully support this legislation. I encourage my colleagues to do the same, and I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank Mr. MARINO, and I want to make it very clear that we have spent a lot of time in the Judiciary Committee, in this Congress, in the Energy and Commerce Committee, on almost every other bill in stemming the tide, the rage, the horror of opioid addiction.

Mr. Chairman, I have lived through crack cocaine addiction and heroin addiction, and now heroin has returned, itself. I have watched my constituents in these low-drug offenses wind up not getting treatment and wind up getting the devastation of mass incarceration.

Frankly, if this bill had listed the synthetic analogues on schedule A and provided the science to determine what they were, this would be a bill that the whole House could support, but that is not the case.

And so I raise concerns that I hope this House will listen to and recognize that opportunities to fix this legislation as we move to the Senate would make this the kind of response that has been consistent with the view that the incarceration of an opioid-addicted person and/or those who are limited sellers does not bring us to where we need to be.

Mr. Chair, I rise to discuss the Stop the Importation and Trafficking of Synthetic Analogues Act of 2017, which establishes a mechanism by which synthetic drugs can be temporarily and permanently controlled to curtail illicit manufacturing, importation, and distribution. H.R. 2851 would also establish new Federal crimes related to the misuse of controlled substances identified in the bill.

I am acutely concerned about the dangers presented by drugs like fentanyl and its synthetic analogues that have contributed to a disturbing number of overdose deaths, even in my home district of Houston.

This bill, while well-intended, is flawed for several reasons. First, it eliminates the use of scientific evidence by which synthetic analogues are currently analyzed.

Under current law, the Attorney General must work in collaboration with drugs experts at the Department of Health and Human Services as part of the permanent scheduling process. Absent collaboration of the scientific community, the AG, under this bill, will have sole discretion to unilaterally determine which drugs are a schedule A substance.

This is alarming because arbitrary scheduling of substances without verifiable data will undoubtedly create disproportionate incarcerations of low-level drug offenders.

Second, this bill overcriminalizes drug offenders, many of whom are in dire need of support in their battles with addiction, substance abuse, and mental illness. We recognize this is an alarming epidemic and the need for medical treatment is very important.

Third, although we know that synthetic analogues are often manufactured and mixed with heroin outside the country—namely, China—and where users and sellers here may lack knowledge, this bill heightens the penalties, nonetheless.

In June 2016, the head of the DEA, Chuck Rosenberg, testified before the Senate Judiciary Committee that: ''Illicit fentanyl, fentanyl derivatives and their immediate precursors are often produced in China.'' By the time the drugs enter the United States, where they are sold, he said, buyers and sellers are often unaware of the composition and potency of the drugs.

Fourth, this bill amends the Federal sentencing guidelines without the input of the United States Sentencing Commission, which recently underwent a robust examination of synthetic drugs and penalties.

The bill disregards the jurisdictional authority granted by Congress to the Commission back in 1984. The Commission is a nonpartisan, independent body which sets sentencing guidelines for Federal judges.

Since the introduction of this bill, the Commission approved a multipart synthetic drugs amendment in April 2018, which included extensive public comment, expert testimony, and a multiyear data analysis.

The Commission's recent amendment reflects the evolving nature of these synthetic drugs, creates a class-based approach, establishes a new drug ratio and a new guideline penalty for fentanyl analogues that will promote uniformity in Federal sentencing. We should, therefore, allow this more thorough and data-driven process to come to completion, absent interruption by the Attorney General, as provided in the bill.

And lastly, this bill imposes mandatory minimum terms of supervised release of not less than 3 years in addition to imprisonment, and not less than 6 years if there was a prior conviction.

Furthermore, the bill also appears to impose mandatory minimum sentencing. Current law requires that, if a controlled substance analogue is intended for human consumption, it shall be treated as a schedule I substance, 21

U.S.C. 813. Because the analogue would be treated as a schedule I drug, the penalty of such drugs is not less than 20 years mandatory minimum if death or serious bodily injury occurs.

Under 21 U.S.C. 802(32) a controlled substance analogue is:

A substance (i) the chemical structure of which is substantially similar to the chemical structure of a controlled substance in schedule I and II;

(ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system.

Under this bill, a schedule A drug is a substance that has a chemical structure that is substantially similar to the chemical structure of the controlled substance in schedules I, II, III, IV, and V, an actual or predicted stimulant, depressant, or hallucinogenic effect on the central nervous system.

The penalty for such drugs under this bill is not more than 10 years, no mandatory minimum, and if serious bodily injury occurs, not more than 15.

Therefore, if the composition of a schedule A drug is substantially similar to the chemical structure of a substance in schedule I or II, then we have a mandatory minimum problem, unless the bill explicitly says in its penalty provision that a schedule I penalty is not triggered by placement of a substance in schedule A.

This creates great ambiguity with respect to sentencing because the vague language leaves an endless number of individuals exposed to mandatory minimum and, of course, mass incarceration.

Given the number of new drugs out there and the constant evolving nature of these synthetic drugs, it is unknown at this point and unfair in this bill's framework the number of drugs that will trigger a mandatory minimum sentence.

If we are committed to giving treatment, if we are committed to stopping the mass incarceration and steering people away from the use of opioid drugs, that will be the preferable approach: to take note of the fact that they are on schedule A, to provide the scientific background, and to then allow the existing sentencing structure to proceed.

Mandatory minimum sentencing for drug offenses gave birth to an explosion in our prison population. It is responsible for many of our criminal justice deficiencies. It is really the reason why we are fighting for sentencing reduction.

Congress acknowledged this as a devastating policy approach and, as a result, passed the Fair Sentencing Act. Inclusion of new mandatory minimum sentencing is particularly egregious because these inflexible one-size sentencing laws undermine justice by preventing judges from fitting the punishment to the individual and the circumstances of their offenses, like the 19-year-old seller who, as the DEA Administrator said, may not have even known that it was laced.

Mandatory sentencing laws have caused Federal prison populations to soar, destroying families and communities, and led to overcrowding and exorbitant costs to taxpayers.

And so I ask my colleagues, let us work together to work on the bill before us and focus it on ways that get to the dastardliness of synthetic analogues but, as well, responds mercifully to the increasing incarceration of persons through mandatory minimums and the lack of using the United States Sentencing Commission's guidelines.

Mr. Chair. H.R. 2851, "Stop the Importation and Trafficking of Synthetic Analogues Act of 2017," establishes a mechanism by which synthetic drugs can be temporarily and permanently controlled to curtail illicit manufacturing, importation and distribution.

H.R. 2851 would also establish new federal crimes related to the misuse of controlled substances identified in the bill.

I am acutely concerned about the dangers presented by drugs like fentanyl and its synthetic analogues that have contributed to a disturbing number of overdose deaths, even in my home district of Houston.

This bill while well-intended, is flawed for several reasons: First, it eliminates the use of scientific evidence by which synthetic analogues are currently analyzed.

Under current law, the Attorney General must work in collaboration with drug experts at the Department of Health and Human Services (HHS) as part of the permanent scheduling process.

Absent collaboration of the scientific community, the AG, under this bill, would have sole discretion, to unilaterally determine which drugs are Schedule A substance.

This is alarming because arbitrary scheduling of substances without verifiable data, will undoubtedly create disproportionate incarceration of low-level drug offenders.

Second, this bill over criminalizes drug offenders, many of whom are in dire need of support in their battles with addiction, substance abuse and mental illness.

We recognize this as an alarming epidemic, and the need for medical treatment, which is why we appropriated an exuberant amount of money towards the opioid crisis in our recent omnibus bill which passed in the House.

Third, although we know that synthetic analogues are often manufactured and mixed with heroin outside the country, namely China, and where users and sellers here may lack knowledge, this bill heightens the penalties nonetheless.

In June 2016, the head of the DEA Chuck Rosenberg testified before the Senate Judiciary Committee that, "Illicit fentanyl, fentanyl derivatives, and their immediate precursors are often produced in China."

By the time the drugs enter the United States, where they are sold, he said, buyers and sellers are often unaware of the composition and potency of the drugs.

Fourth, this bill amends the federal sentencing guidelines without the input of the U.S. Sentencing Commission (Commission), which recently underwent a robust examination of synthetic drugs and penalties.

The bill disregards the jurisdictional authority granted by Congress to the Commission back in 1984.

The Commission is a non-partisan, independent body, which sets sentencing guidelines for federal judges.

Since the introduction of this bill, the Commission approved a multi-part synthetic drugs amendment in April 2018, which included extensive public comment, expert testimony and a multi-year, data analysis.

The Commission's recent amendment reflects the evolving nature of these new synthetic drugs, creates a class-based approach, establishes new drug ratios and a new guideline penalty for fentanyl analogues that will promote uniformity in federal sentencing.

We should therefore, allow this more thorough and data-driven process to come to completion, absent interruption by the Attorney General as provided in this bill.

And lastly, this bill imposes mandatory minimum terms of supervised release of not less than 3 years in addition to imprisonment, and not less than 6 years if there was a prior conviction.

Furthermore, the bill also appears to impose mandatory minimum sentencing.

Current law requires that if a controlled substance analogue is intended for human consumption, it shall be treated as a schedule I substance. (21 USC 813).

Because the analogue would be treated as a schedule I drug, the penalty for such drugs is not less than 20 years (mandatory minimum) if death or serious bodily injury occurs.

Under 21 USC 802(32), a "controlled substance analogue" is: A substance (i) the chemical structure of which is substantially similar to the chemical structure of a controlled substance in schedule I or II; (ii) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system. . . .

Under this bill, a Schedule A drug is a substance that has a Chemical structure that is substantially similar to the chemical structure of a controlled substance in schedule I, II, III, IV or V; and

An actual or predicted stimulant, depressant, or hallucinogenic effect on the central nervous system. . . .

The penalty for such drugs under this bill is not more than 10 years (no mandatory minimum), and if serious bodily injury occur, not more than 15 years.

Therefore, if the composition of a schedule A drug is substantially similar to the chemical structure of a substance in schedule I or II, then we have a mandatory minimum problem, unless the bill explicitly says in its penalty provision, that a schedule I penalty is not triggered by placement of a substance on schedule A.

This creates great ambiguity with respect to sentencing, because the vague language leaves endless number of individuals exposed to mandatory minimum sentencing.

Given the number of new drugs out there, and the constant evolving nature of these synthetic drugs, it is unknown at this point and under this bill's framework, the number of drugs that will trigger a mandatory minimum sentence.

Mandatory minimum sentencing for drug offenses gave birth to the explosion in our prison population, and is responsible for many of our criminal justice system's deficiencies. Thus, we cannot return there again.

Congress acknowledged this as a devastating policy approach, and as a result, passed of the Fair Sentencing Act.

Inclusion of a new mandatory minimum sentence, is particularly egregious because these inflexible, one-size sentencing laws undermine

justice by preventing judges from fitting the punishment to the individual and the circumstances of their offenses.

Mandatory sentencing laws have caused federal prison populations to soar, destroyed families and communities, and led to overcrowding and exorbitant costs to taxpayers.

I reserve the balance of my time.

Mr. MARINO. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. KATKO).

Mr. KATKO. Mr. Chairman, I thank the gentleman for yielding time to speak in favor of legislation I authored, H.R. 2851, the Stop the Importation and Trafficking of Synthetic Analogues Act of 2017.

Synthetic drug abuse has crippled my community and the communities of many other Members in this Chamber. Last year, Syracuse area hospitals saw a record number of overdoses due to synthetic drug abuse. In May of last year, over 15 individuals had overdosed on synthetic drugs and were taken to the ER in a span of 24 hours. All of these synthetic drugs were purchased at bodegas in Syracuse, purchased over the counter, and stamped ''not for human consumption.'' Clearly, that was the intent.

Unfortunately, stories like this have become the new normal. First responders and emergency room physicians across the Nation have seen incredible increases in calls due to synthetic overdoses, which is why I wholeheartedly support this legislation, as do they.

Toxic synthetic drugs are designed to mimic street drugs like marijuana, LSD, cocaine, ecstasy, fentanyl, and other hard drugs. They can be more potent than the real thing and oftentimes are more deadly.

Unfortunately, when law enforcement encounters and begins to combat a specific synthetic drug compound, which they must do under the law, manufacturers of these substances are able to slightly alter the chemical structure of the drug, and this puts law enforcement at a serious disadvantage because that chemical alteration makes that drug technically not legal until it gets on the analogue statute. This leaves them constantly one step behind.

As a former Federal prosecutor for more than 20 years but, more importantly, as a father, getting these drugs off the streets and out of the hands of our loved ones remains a top priority for me.

Right before I introduced this bill, I met with a constituent in my district, Teresa Woolson, whose son was tragically killed by a synthetic drug identified as XLR–11. He went into a store and bought it. It was called K2/spice. He thought that since it was sold over the counter it was okay to use. He used the drug, smoked it—it was synthetic marijuana—had a seizure, and drowned in Lake Ontario.

Unfortunately for Teresa, the drug that killed her son managed to remain legal and on the streets and sold over the counter in stores for 4 years after his death until it was finally added to the controlled substances list. This is unacceptable. These families deserve more than that and they deserve justice.

The potency and dangers of synthetic drugs do not only threaten users. We are now seeing local law enforcement and first responders put in harm's way simply by coming in contact with these highly potent and often lethal substances, oftentimes being mixed with heroin, which is killing people at a record pace in this country.

Numerous cases across the country have resulted in emergency personnel becoming gravely ill and even dying while responding to these synthetic overdoses.

The threat synthetic drugs pose to our communities and law enforcement must be stopped. H.R. 2851 takes a big step toward eradicating these harmful substances and protecting our communities. The bipartisan SITSA Act will give local, State, and Federal law enforcement the necessary tools to target synthetic substances and the criminals who traffic them.

Specifically, this legislation will create a new schedule to the Controlled Substances Act and establish a mechanism by which analogues can be temporarily or permanently added to that schedule in as little as 30 days after the chemical composition is determined by the Attorney General.

With amendments adopted by the Judiciary Committee and on the House floor today, we have struck the right balance between providing law enforcement with the tools they need and facilitating research on these chemical compounds.

I would like to thank Chairman GOODLATTE and Chairman WALDEN and their staffs, specifically Tony Angeli and Adam Buckalew, for their tireless work on this bill. I would also like to thank my legislative director, John Drzewicki, who has done a tremendous job on this bill.

The stories of synthetic drug use are in no way limited to my area of the country. This is a nationwide epidemic. I respectfully ask my colleagues to vote in favor of SITSA because every moment we fail to act, another person is affected by synthetic drugs.

Since I have more time, I want to address a specific issue spoken about by my colleague from Texas. Under this bill, a substance placed in schedule A would be a schedule A controlled substance as defined in 21 U.S.C. 802(6). In a controlled substance analogue case, the criteria of that 21 U.S.C. 802(32) and 813 must be met for each defendant, case by case, in addition to the elements of the underlying crime. It cannot be simply asserted a schedule A controlled substance is substantially similar pursuant to those provisions and the court arrive at a 21 U.S.C. 841(b)(1)(c) penalty.

The CHAIR. The time of the gentleman has expired.

Mr. MARINO. Mr. Chair, I yield an additional 1 minute to the gentleman from New York.

Mr. KATKO. Mr. Chair, just so I am clear about the gentlewoman's position, the gentlewoman is concerned that a drug trafficker may face a penalty of a harsh sentence when they have caused someone's death, as an example.

□ 0930

Let me give you an example. Deanna Axe was 5 months pregnant. She had been off heroin for 8 months. A drug trafficker pushed her and cajoled her over the course of about 12 hours through texts that we saw trying to get her to try this specific type of heroin. She took one dose. Her mother found her. The heroin that he gave her killed her and her 5-month-old baby in her womb.

That is the reality of what we are facing. He is facing 15 years in prison. He pled guilty to that. She is gone. Her baby is gone. That is the reality.

So we are trying to find a positive balance here. No one is suggesting that mandatory minimums under 841(b)(1)(A) or 841(b)(1)(B) can be applicable. They are not. It is the (b)(1)(C) category for this, except when a death is caused. So please let us try and find a proper balance here.

Ms. JACKSON LEE. Mr. Chairman, I yield 3½ minutes to the gentleman from Virginia (Mr. SCOTT), who is the ranking member of the Education and the Workforce Committee.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentlewoman from Texas for yielding the time, and I thank her for her leadership in opposing this bill.

I, too, oppose the bill. This bill is yet another in a long line of so-called tough-on-crime bills that Congress has enacted since President Nixon declared a war on drugs nearly 50 years ago. These laws have, without question, failed to win the so-called war. But they have succeeded in placing the United States as number one in incarceration rates in the world to the extent it is so bad that some studies have actually shown that our incarceration rate is so bad that it actually adds to crime because so many children are being raised by parents who are incarcerated.

So much of the Department of Justice budget has been on prisons that aren't doing any good when that money should be spent on things that could do some good. Too many people have felony records and can't find jobs who are actually adding to crime by this so-called war on drugs.

Mr. Chairman, there are three main reasons why I oppose this bill. First, the bill abandons evidence and expertise in exchange for expediency. By giving the Attorney General the power to permanently designate analogue substances to a new drug schedule, he will be free to ignore the experts at the Department of Health and Human

Services and the Federal Drug Administration. This is the Attorney General whose judgment has led him to rip children from their parents at the border.

The bill also codifies drug equivalency laws which are used at sentencing absent any input from the United States Sentencing Commission, which is already conducting an in-depth study of analogue drugs. In addition to research and expertise, the Sentencing Commission also possesses the flexibility to adjust sentencing guidelines as necessary if its knowledge of analogue substances changes.

Second, the bill will add to the problem of mass incarceration. By enacting higher sentences without a mens rea requirement, people could serve longer sentences even if they did not know that a drug contained an analogue substance.

Third, we simply do not need the bill. The Department of Justice already prosecutes cases involving drug analogues under existing law. The then-Acting Administrator of the DEA said as much in her testimony before the Judiciary Committee on December 12 of last year when she described the current legal process as workable but resource intensive.

Mr. Chairman, let's not enact yet another law that sends more people to prison while ignoring the root cause of the current crisis; that is, substance abuse, which is a public health problem and should be treated as such.

Other opioid bills we have been considering take this public health—not criminal justice—approach. That is the approach we should take, and we should pursue that strategy by rejecting this bill.

Mr. MARINO. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN), who chairs the Energy and Commerce Committee.

Mr. WALDEN. Mr. Chairman, I appreciate all those who have put so much work into this, especially Mr. KATKO of New York who has been relentless in his battle to stop illegal fentanyls from coming in and killing.

I rise today in support of H.R. 2851, the Stop the Importation and Trafficking of Synthetic Analogues, also known as the SITSA Act of 2017. Now, this legislation will give law enforcement officials additional tools to get and keep synthetic drugs such as fentanyl off our streets in America.

On February 28, during our first of four legislative hearings on the opioid crisis, we focused on finding ways to protect our communities and the people who live in them and equip law enforcement with the necessary tools to fight this deadly opioid epidemic that kills more people than traffic accidents in America. During that hearing, the chief of police from Syracuse, New York, Frank Fowler, talked about how synthetic drugs tore apart his community. His call for this legislation rings as true now as it did then.

After that hearing, we held a roundtable to hear from families who had been directly impacted by this deadly crisis. Seated across that table from me was Michael Gray. He bravely shared his family's story, hoping that their loss would help spur Congress to modernize Federal laws. He gave me a picture of his daughter, Amanda, and he gave me a new one yesterday when I met with him and Amanda's brother.

This is Amanda Gray. She suffered from some mental illness and self-medicated with something you and I would know as heroin. She wasn't a regular user. She was an intermittent user. The person who sold her heroin knew that. Just this past January, Amanda bought some heroin. What she didn't know was that it was not heroin. It has now been determined not only was it—normally they cut fentanyl into heroin. This had no heroin. It was all fentanyl.

Let me explain why that is so deadly. It is so potent that if you took a saltshaker and sprinkled three or four or five or half a dozen grains of salt on this podium and touched them, you would likely have that fentanyl go through your skin, and you would fall on the floor here in this Chamber. Unless one of our folks here in the Chamber or one of the medics nearby had Narcan, naloxone, to resuscitate you, you would die. Tragically, that is what happened to Amanda. She took what she thought was heroin, and she died from 100 percent fentanyl.

That same night, her father recalls news reports saying additional people in their city died. It is a fatal but common trend with illicit fentanyl.

The CHAIR. The time of the gentleman has expired.

Mr. MARINO. Mr. Chairman, I yield the gentleman from Oregon an additional 1 minute.

Mr. WALDEN. This illegal fentanyl that comes into our country from foreign countries, generally through our mail facilities, has been one of the deadliest waves of the opioid crisis to hit our Nation.

Representative KATKO's bill will modernize the Controlled Substances Act to create a new schedule of drugs that specifically concentrates on the rapidly changing synthetic analogues of opioids such as fentanyl.

In doing this, we must make sure to keep particular attention on not compromising important public health protections. A thoughtful amendment was offered by our committee member in the Energy and Commerce Committee, MORGAN GRIFFITH of Virginia, which ensures that research and innovation will not be impeded by SITSA. Among other issues, if an applicant is registered to conduct research with a schedule I or II substance, they can continue to do that research that they may be pursuing with a schedule A substance while their application is being processed.

The bill we will vote on today is the result of bipartisan feedback from two House committees as well as the collaboration of multiple agencies within the Trump administration.

The CHAIR. The time of the gentleman has again expired.

Mr. MARINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Mr. Chairman, this is a thoroughly thought-out bill. I encourage my colleagues to support it to help stop the spread of deadly synthetic opioid analogues.

Let us remember why we are here. It is children like Amanda and the parents who survive them, the parents who got the worst call any parent could ever get, and that is notifying them of the death of their child. We are going to stop this from happening in America with the package of bills we have going through the House and the Senate. Mr. KATKO's work on this is extraordinary as is the other members of the committee.

Mr. Chairman, I call for Members to support this legislation.

Ms. JACKSON LEE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. SCHNEIDER). Congressman BRADLEY SCOTT SCHNEIDER is a member of the House Judiciary Committee.

Mr. SCHNEIDER. Mr. Chairman, I thank the gentlewoman for yielding the time.

Mr. Chairman, synthetic opioids are a dangerous new frontline in our efforts to end the opioid epidemic ravaging our communities.

A recent analysis found that synthetic opioids, particularly illicit fentanyl, caused more overdose deaths in the United States in 2016 than prescription opioids. Synthetics are many times more potent and fatal than heroin, sometimes requiring two, four, six, or even more doses of antidotes like Naloxone to revive an overdose victim.

The Federal Controlled Substances Act was signed into law more than 40 years ago, and it is not equipped to handle this dangerous new development. Put simply, illegal manufacturers, especially those operating overseas, are creating deadly new synthetic opioid analogues faster than our laws or research can keep up.

That is why I rise today in support of the Stop the Importation and Trafficking of Synthetic Analogues Act of 2017 to equip our law enforcement officials with the tools they need to keep our communities safe.

This bill creates a schedule A in addition to the five existing schedules in the Controlled Substances Act. This is a mechanism to temporarily schedule and set regulations around new synthetic drugs while our scientific and research communities develop a better understanding of the associated risks. This bill also adds 13 existing synthetic fentanyls to this new schedule.

Importantly, this crackdown is targeted at the manufacturers, importers, and distributors of these deadly substances, not the individual users. Simple possession is expressly omitted from the scope of this bill. Individuals suffering from addiction need medical help, not prison time. To start to turn

the tide on the opioid epidemic, we must address synthetic opioids.

Mr. Chairman, I urge my colleagues to join me and my fellow members of the bipartisan Problem Solvers Caucus in support of this needed legislation.

Ms. JACKSON LEE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE), who is the ranking member of the Energy and Commerce Committee.

Mr. PALLONE. Mr. Chairman, I want to thank my colleague from Texas for yielding.

Mr. Chairman, I rise in opposition to H.R. 2851, legislation that would give Attorney General Jeff Sessions through the Drug Enforcement Administration sweeping new authority to combat the synthetic drug crisis facing our country.

In 2016, nearly 64,000 Americans died because of a drug overdose, and the overdose rate from the synthetic opioids, such as fentanyl and fentanyl analogues, nearly doubled. We know that illicit fentanyl and fentanyl analogues are extremely deadly and increasingly are being shipped into our country through China.

I know all Members would agree that synthetic drugs are a very real threat that we have to combat. However, it is unclear to me that the appropriate response to this crisis is the creation of a new schedule—schedule A—that would impose new burdens on researchers and manufacturers. It would also dramatically limit the scientific and medical role HHS and the FDA play in our scheduling process today.

In fact, the DEA already has the authority today to temporarily add these synthetic substances to the Controlled Substances Act if they determine that they pose an imminent hazard to public safety. The agency has used this authority over 80 times, including most recently to put all fentanyl-related substances into schedule I. DEA also has authority under the Analogue Act to treat synthetics that are substantially similar to a controlled substance the same way they treat the controlled substance, and this is authority the DEA has and continues to use to combat this crisis.

Instead of proposing to improve the DEA's existing statutory authority, this bill creates a new schedule for synthetic substances, and it gives almost sole discretion as to when a substance can be temporarily scheduled in the new schedule A and expands temporary scheduling for up to 5 years.

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Another reason I oppose this bill is because it also eliminates the critical scientific and medical analysis by HHS and FDA. It only requires the DEA to consider recommendations from HHS, eliminating the binding nature of such analysis under the permanent scheduling process today.

A letter in opposition from a coalition including the ACLU, Drug Policy Alliance, Human Rights Watch, and the NAACP, among others, has also raised concerns about SITSA circumventing the role of HHS in the scheduling process. The letter notes: ''SITSA would enable the Attorney General, an unelected individual, to single-handedly determine which substances are acceptable for private citizens to consume.''

As a public health agency, HHS, acting through FDA, is best positioned to be making decisions regarding scheduling drugs or substances based on their scientific and medical analysis. We should not hand this authority over to a law enforcement agency, and that is yet another reason why I oppose this bill.

I also continue to be concerned about the potential for H.R. 2851 to undermine or stifle research and development of synthetic substances. We know that many synthetic drugs have the same chemical properties as drugs with known therapeutic uses. By subjecting schedule A substances to the same requirements as schedule I, we may be unintentionally creating hurdles for the research community to evaluate whether these substances may be possible alternatives for treatment of pain and addiction.

These are all discussions I wish I could have raised during consideration of the legislation in the Energy and Commerce Committee. Despite receiving primary referral, the chairman chose to cede to the Judiciary Committee, denying our members the opportunity to have a full debate on this legislation.

For all these reasons, I join my colleague, Congressman NADLER, the ranking member of the Judiciary Committee, in opposing this flawed legislation, and I urge all of my colleagues to do the same.

Mr. MARINO. Mr. Chairman, how much time is remaining on my side?

The CHAIR. The gentleman from Pennsylvania has 16 minutes remaining.

Mr. MARINO. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. KATKO).

Mr. KATKO. Mr. Chairman, I would like to briefly respond to some of the comments that were made by my colleagues on the other side of the aisle.

First of all, when my colleague refers to sweeping new authority—I believe that was a quote—that the Attorney General has under this law, it must be made clear that it gives the Attorney General authority to list these substances temporarily on a controlled substance analogue list under schedule A. It also gives Congress 180 days to overrule the Attorney General at any time.

That is a very potent and powerful check. This does not shift significant power to the Attorney General. I think that is important to note.

My colleagues also noted several times that it would limit the research ability of individuals under this statute to research synthetic drugs. The Griffith amendment addresses this issue in a powerful and potent manner. It ensures and protects that individuals doing research can continue to do the research and will not be sanctioned or in trouble for doing that research.

We have worked closely with the industry to get their input. More importantly, we worked very, very closely with Health and Human Services and the Drug Enforcement Administration to provide substantial input. Based on that input, we have made the adjustments that are now memorialized in the Griffith amendment.

While we are talking here, let's keep something in perspective. Every hour in this country, at least five people die from heroin- and opioid-related overdoses. That is five an hour. By the time we are done, five more people will have died. Of those individuals dying, the vast majority are dying because of the synthetic drug components that are being found in all the heroin overdoses, such as synthetic fentanyl.

Synthetic fentanyl and other synthetic drugs are generally made outside this country. The bad guys know that when we find a chemical compound and get it listed on the drug analogue statute, they simply tweak the compound, and then it takes another 3 or 4 years for that drug to get back on the statute and to again make the compound illegal. It is a cat-and-mouse game that they are winning and we are losing, because we are losing our children.

In closing, I would look to just note this and ask people to consider this. Let's put a face on this stuff.

John Socci had a daughter. She was murdered in front of her 18-month-old child by her boyfriend, who was addicted to opioids. Two years later, they lost their son to a heroin overdose.

Breanna Axe, as I mentioned earlier, died 5 months pregnant when a drug dealer repeatedly pushed her to try heroin, even though she hadn't been using for 7 or 8 months. One dose and she was gone. That dose had synthetic drugs in it as well.

There are so many other stories out there. Law enforcement is in trouble because of these synthetic drugs. They are afraid to even touch them because simple contact is going to kill them.

While we are complaining about jurisdiction and who was able to review this bill or whether researchers are properly protected, which I submit they are, people are dying in this country at a rapid rate. We must do something.

Victor Woolsen, who I talked about earlier who bought a synthetic drug over the counter, had a seizure, and died, that synthetic drug was on the streets for 4 years after he died. It took us 4 years to get that drug off the shelves and off the streets of our country.

I don't think it is a tall stretch to ask the Attorney General to have authority, when I believe this is not just an epidemic, it is a pandemic in this

country, to get these drugs off the streets quickly, 30 days. If the Attorney General messes up, we will be right back here to fix it within 180 days. That is the backstop. We also have backstops for the researchers as well.

Ms. JACKSON LEE. Mr. Chairman, I reserve the balance of my time.

Mr. MARINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Judiciary Committee.

Mr. GOODLATTE. Mr. Chairman, Kristen Holman adored her little brother, Garrett. She cherished his warm heart and his bigger than life personality. She loved her brother unconditionally, as did her mother and father, Bobbie and Don.

Unfortunately, on February 9, 2017, at the age of 20, Garrett lost his life to a synthetic opioid that was mailed straight to him from China. My district lost a promising young man, Don and Bobby lost their son, and Kristen lost her little brother and only sibling.

Sadly, tens of thousands of families across the Nation have lost their loved ones to the opioid crisis. According to the Centers for Disease Control, drug overdoses killed over 64,000 Americans in 2016, a staggering increase of over 21 percent from 2015.

Of those souls lost, over 20,000 deaths were caused by synthetic opioids, the same type of drug that took Garrett's life.

Regrettably, the suffering shows no signs of slowing, as deaths from synthetic opioids have more than doubled from last year.

Synthetic drugs can be more potent and deadly than the real thing. However, when law enforcement encounters a certain synthetic drug compound and takes steps under current Federal law to bring the drug under lawful control, the manufacturers of these synthetics slightly alter the chemical structure of the drug to once again evade law enforcement. As a result, law enforcement is constantly one step behind the manufacturers.

Left undeterred, manufacturers and distributors continue to flood the U.S. with deadly synthetic drugs. Seizures of illicit fentanyl by Customs and Border Protection increased 64,000 percent between 2013 and 2017. We must stop this flood of poison that is fueling an epidemic that has taken far too many lives.

The Stop the Importation and Trafficking of Synthetic Analogues Act, or SITSA, ensures that manufacturers and distributors of deadly synthetic drugs cannot continue to evade law enforcement. SITSA modernizes the Controlled Substances Act by clarifying the regulation of synthetic analogues.

First, SITSA modernizes the Controlled Substances Act to establish schedule A, a new category for controlled substance analogues.

Second, the act establishes a streamlined mechanism by which synthetic analogues can be temporarily and/or permanently added to schedule A, but only after a thorough analysis by the Attorney General and the Secretary of Health and Human Services.

Altogether, SITSA will combat the flow of synthetic drugs that have taken both Garrett's life and lives of 20,000 Americans over the last year.

This bill was carefully crafted over the past 2 years with extensive coordination between law enforcement agencies from the Department of Justice and scientists and researchers at the Department of Health and Human Services.

Together, this bill strikes a balance between giving law enforcement the ability to stop the flow of deadly synthetic drugs while allowing the research community to study these dangerous drugs, identify the root causes of addiction, and advance the latest cures for serious illnesses.

Mr. Chairman, we cannot stand idle as criminal manufacturers and distributors of synthetic drugs continue to flood our country and destroy the lives of countless Americans. Not one more family should feel the pain that the Holmans feel after a synthetic drug shipped from China took Garrett's life.

SITSA is a bipartisan bill, and I commend Mr. KATKO and Miss RICE, both of New York, for their efforts in moving this legislation forward. I urge my colleagues to support SITSA and bring an end to the era where manufacturers and distributors can freely profit from selling these dangerous drugs and destroy so many lives.

Ms. JACKSON LEE. Mr. Chairman, does the gentleman have further speakers?

Mr. MARINO. Mr. Chairman, I have no further speakers, and I am prepared to close.

Ms. JACKSON LEE. Mr. Chairman, I yield myself the balance of my time.

We all want to do good, and all of us have had our tragedies as it relates to the use of drugs by the innocent. As I listened to my colleagues, they are right: The heinous persons are those who are the major exporters and the hardened drug dealers.

We want to save lives. I think we found over the last couple of months and past years that enhancing the research and providing treatment for those very individuals who have succumbed will provide us with that pathway.

In the instance of the underlying bill, I would hope that we would have the opportunity to get the bad guys. But in the instance of the way it is constructed, SITSA will worsen the mass incarceration of drug offenders; it will expand the use of harsh maximum sentences for drug offenses; and the bill creates new penalties for thousands of synthetic drugs, calling for maximum sentences of 10, 20, 30 years, or life imprisonment.

The carve-out for possession does not define quantities that would constitute possession and will not prevent many people who possess small quantities or sell drugs to support their own addiction from getting slammed by draconian new penalties in SITSA.

So we have addicted persons who sell on the streets of our neighborhoods. They need treatment. That is what we should be focusing on. SITSA will punish people who lack criminal culpability. This bill will disproportionately increase low-level drug offenders who did not import or package the drug and often are unaware of the chemical composition of the drugs, as the DEA Administrator indicated in his testimony before the Senate that most of the sellers would not know that there had been traces of other drugs in that particular drug they were selling.

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SITSA is unnecessary because the Attorney General can already ban synthetic drugs. This was demonstrated earlier this year when the Attorney General used powers already granted by the Congress to place illicit fentanyl analogues not already regulated by the Controlled Substances Act into schedule I for 3 years, allowing time to pursue permanent scheduling.

Through rulemaking, at a congressional hearing last month, Acting Administrator Patterson indicated: This mass scheduling action addressed concern that prosecutors can't convict people for trafficking synthetic drugs.

Finally, SITSA has devastating impacts on scientific research. Many synthetic drugs share chemical properties with drugs that have been known to have therapeutic uses, such as opioids. Under SITSA, once a drug has been added to schedule A, many of the same hurdles that apply to conducting research with schedule I drugs will apply to substances added to proposed schedule A.

These burdens will be costly and time consuming. Some of them are research dealing with how do you stop this addiction, how do you stop people's proclivity for addiction. So this burden is costly and time consuming to the research and host institutions and will have a chilling effect on promising research towards the development of opioid addiction therapies and safer medications to treat pain that are desperately needed to help end the ongoing opioid overdose crisis.

While SITSA provides some relief for researchers who already have a schedule I or II, there are many difficulties that we are facing.

Mr. Chair, how much time is remaining on both sides.

The Acting CHAIR (Mr. FRANCIS ROONEY of Florida). The gentlewoman from Texas has 8 minutes remaining. The gentleman from Pennsylvania has 8 minutes remaining.

Ms. JACKSON LEE. Mr. Chair, while SITSA provides some relief for researchers who already have a schedule I or II registration to proceed with schedule A research, SITSA does not provide accommodations necessary to ensure researchers can obtain drug

samples for research. Commercial manufacturers are not likely to produce schedule A drugs.

Provisions in SITSA intended to ease registration requirements will help little when researchers access the drug material they need to study the therapeutic potential.

Here is the main point. The main point is that researchers are researching how to cease the addiction that is killing so many. Low-level sellers are caught up under this bill; and, as indicated by the DEA, they, too, are victims. It is well known that the idea of mass incarceration does not solve the problem of addiction or cause the ending of the tragic loss of life.

I hurt for those suffering from addiction, and it is important to be able to utilize our government knowledge to help that end, and the Sentencing Commission has done that.

The difficulty we have is whether or not this bill, even though from Judiciary, really bears down on saving lives. What we want to do is raise the treatment, deal with those already structured to handle the listing of analogues, and work with communities to ensure that the laws we have are enforced and that we don't create a whole new population of those who will be victims of mass incarceration and, at the same time, do nothing to treat those who desperately need our help, our support, and our resources to move them away from addiction, to save their lives, and to allow them to live fruitful and productive lives.

That is what I hope that we will be able to do as we move forward on the right approach to dealing with drug addiction and the new surge of synthetic drugs.

Mr. Chair, may I inquire if the gentleman from Pennsylvania has any further speakers.

Mr. MARINO. Mr. Chair, I have no further speakers, and I am prepared to close.

Ms. JACKSON LEE. Mr. Chair, I yield such time as he may consume to the gentleman from New York (Mr. NADLER), the distinguished ranking member of the Judiciary Committee.

Mr. NADLER. Mr. Chair, I rise in opposition to H.R. 2851, the Stop the Importation and Trafficking of Synthetic Analogues Act.

This bill is well intentioned but fatally flawed. I agree with the goal of preventing dangerous synthetic drugs from evading regulation, but this bill circumvents existing procedures for placing synthetic analogues on the existing schedule of the Controlled Substances Act, which reasonably incorporate medical and scientific analysis in favor of a law enforcement-focused approach that would worsen the mass incarceration crisis and could undermine scientific research.

There are already statutory mechanisms in place to provide for the scheduling and regulation of new drugs that may be dangerous if misused. Those mechanisms require an appropriate degree of collaboration at the outset among the Justice Department, the Drug Enforcement Agency, the Department of Health and Human Services, and the Food and Drug Administration in scheduling synthetic analogues. This is because each of these agencies is equally important to the scheduling process.

By marginalizing the roles of HHS and the FDA in this bill, we would establish a mechanism that does not adequately consider scientific and medical evidence about the substance in question. Such input is critical to a process that may result in the imposition of significant criminal penalties related to these analogue drugs.

Under this bill, not only would the Attorney General hold the sole authority by himself to schedule these substances, but he or she would also have the power to set sentence levels for newly scheduled analogue drugs by establishing equivalencies between each newly scheduled analogue and drugs that are already controlled.

As a result, this legislation would expand penalties for drug offenses, concentrate an overwhelming amount of unchecked power within the Justice Department, overcriminalize certain conduct, and punish individuals without adequate proof of intent.

While the bill was slightly improved during our committee markup by eliminating the new mandatory minimum sentences included in the bill as introduced, the bill, nevertheless, would impose potentially lengthy maximum sentences for offenses involving these analogues.

I am mostly concerned that substances designated as analogues under the procedures instituted by this bill could trigger the imposition of mandatory minimum sentences under other provisions of the Controlled Substances Act. Although we have been told by the majority that this is not the intent of the bill, this ambiguity is another reason to oppose the legislation.

At the very least, the bill would explicitly impose mandatory minimum terms of supervised release, which, as the Judicial Conference of the United States observes, undermines the discretion of judges who are in the best position to make such determinations based on the facts and circumstances of each case.

We can do more to address concerns about emerging and potentially dangerous analogue drugs, but ditching scientific evidence and imposing new mandatory minimums is not the answer.

Mr. Chair, I urge my colleagues to oppose this bill.

Ms. JACKSON LEE. Mr. Chair, we hope that we will be able to work together to save lives and to fix the issues that we are addressing here today.

Mr. Chair, we all want to solve the escalating problems of synthetic drugs, which permeate throughout our districts.

Therefore, our initial reaction would be to naturally support this endeavor.

However, while well-intended, this bill highlights many problems and does not fulfill the overall goal of stemming the tide of drugs on our streets.

We must exercise prudence, as to not further exacerbate the crisis of mass incarceration and punish those that need help with substance abuse and whom this bill purports to help.

Because this bill would concentrate an overwhelming amount of unchecked power within DOJ, eliminate scientific and medical analysis and interagency collaboration from the process of scheduling synthetic analogues, and expand penalties for drug offenses, I have serious concerns about H.R. 2851.

The bill is strongly opposed by a broad spectrum of stakeholders, including Freedom Works, Drug Policy Alliance, Families Against Mandatory Minimum, ACLU, The Leadership Conference on Civil and Human Rights, National Council of Churches, Human Rights Watch, The Sentencing Project and many others.

Mr. Chair, I yield back the balance of my time.

Mr. MARINO. Mr. Chair, may I inquire how much time I have remaining.

The Acting CHAIR. The gentleman from Pennsylvania has 8 minutes remaining.

Mr. MARINO. Mr. Chair, I yield myself such time as I may consume.

Mr. Chairman, I am puzzled by those who oppose this legislation.

Among the obligations we owe our constituents, one is to keep deadly substances like synthetic opioids out of our country and out of the hands of drug traffickers. Drug traffickers have no regard for the devastation they inflict on our citizens, as their sole motive is greed and profit. Sadly, their greed resulted in over 64,000 drug overdose deaths in 2016, destroying countless families.

If a terrorist organization killed 175 Americans each and every day, we would all be certain that our response would be swift, laser-focused, and decisive.

There is no question and no greater responsibility Congress has than to protect the health and safety of all Americans. Voting against this crucial legislation is a clear signal to all drug traffickers that Congress is giving them a green light to continue spreading their carnage.

While we may differ as to the priorities to solve the opioid epidemic, make no mistake: a responsible and truly effective solution must include treatment, prevention, and enforcement. Over the course of this week, this Chamber has approved legislation in all three of those areas.

This bill before us now gives law enforcement and the protecters of our borders the tools to keep these deadly poisons out of our communities. It also assures that these potent chemicals can remain in the hands of qualified researchers. Altogether, this bill strikes the perfect balance to respond to this ongoing epidemic.

Mr. Chair, I want to state that I take a backseat to no one when it comes to

treatment. There is no question that drug addiction is addiction. It is not only a biological addiction; it is a mental addiction as well.

As a prosecutor for 18 years, an assistant district attorney, district attorney, and a U.S. attorney, I have seen my share of the devastation of drugs, put a lot of dealers away, helped a lot of people get into treatment; and, unfortunately, I have seen my share of people, particularly young people, on slabs in morgues.

Anyone dealing today with opioids—regardless if they read the newspaper, regardless if they watch TV, regardless if they are aware of this legislation—knows, because of publicity, because of the deaths that are caused by opioids and fentanyl, of the probability of fentanyl or something like it being in the drug that they are selling. So I do not accept the argument that they don't know that it is there. Everyone knows that it is there.

Mandatory sentencing, I used when I was a prosecutor in my community, and it worked. It put the worst of the worst away. We also, as prosecutors, had discretion.

My constituents demand that we aggressively—aggressively—act now on this problem. Not only am I hearing that from the great Commonwealth of Pennsylvania but across the country.

I want to explain one thing on the chemical makeup. I had enough chemistry in college to make me dangerous. Picture, if you will, a chain of molecules and picture a single molecule. The scientists in China have devised a way to take an atom from that molecule or add to it to slightly change the composition, which technically removes it from being an illegal drug or an illegal opioid. This is why this legislation is needed.

The Chinese are there every day trying to figure out a way—and they are figuring out ways—to alter, how to get around the law. We have to be a step ahead of them. This legislation is what is needed. It is good, bipartisan legislation.

Mr. Chair, I want to thank Mr. KATKO and Miss RICE, both of New York, for this very important legislation. I urge my colleagues to support H.R. 2851.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115–74. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stop the Importation and Trafficking of Synthetic Analogues Act of 2017'' or the ''SITSA Act''.

SEC. 2. ESTABLISHMENT OF SCHEDULE A.

Section 202 of the Controlled Substances Act (21 U.S.C. 812) is amended—

(1) in subsection (a), by striking ''five schedules of controlled substances, to be known as schedules I, II, III, IV, and V'' and inserting ''six schedules of controlled substances, to be known as schedules I, II, III, IV, V, and A'';

(2) in subsection (b), by adding at the end the following:

''(6) SCHEDULE A.—

''(A) IN GENERAL.—The drug or substance—

''(i) has—

''(I) a chemical structure that is substantially similar to the chemical structure of a controlled substance in schedule I, II, III, IV, or V; and

''(II) an actual or predicted stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I, II, III, IV, or V; and

''(ii) is not—

''(I) listed or otherwise included in any other schedule in this section or by regulation of the Attorney General; and

''(II) with respect to a particular person, subject to an exemption that is in effect for investigational use, for that person, under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) to the extent conduct with respect to such substance is pursuant to such exemption.

''(B) PREDICTED STIMULANT, DEPRESSANT, OR HALLUCINOGENIC EFFECT.—For purpose of this paragraph, a predicted stimulant, depressant, or hallucinogenic effect on the central nervous system may be based on—

''(i) the chemical structure, structure activity relationships, binding receptor assays, or other relevant scientific information about the substance;

''(ii)(I) the current or relative potential for abuse of the substance; and

''(II) the clandestine importation, manufacture, or distribution, or diversion from legitimate channels, of the substance; or

''(iii) the capacity of the substance to cause a state of dependence, including physical or psychological dependence that is similar to or greater than that of a controlled substance in schedule I, II, III, IV, or V.''; and

(3) in subsection (c)—

(A) in the matter preceding schedule I, by striking ''IV, and V'' and inserting ''IV, V, and A''; and

(B) by adding at the end the following:

''SCHEDULE A

''(a) Unless specifically excepted or unless listed in another schedule, any of the following substances, as scheduled in accordance with section 201(k)(5):

''(1) 4-fluoroisobutyryl fentanyl.
''(2) Valeryl fentanyl.
''(3) 4-methoxybutyryl fentanyl.
''(4) 4-methylphenethyl acetyl fentanyl.
''(5) 3-furanyl fentanyl.
''(6) Ortho-fluorofentanyl.
''(7) Tetrahydrofuranyl fentanyl.
''(8) Ocfentanil.
''(9) 4-fluorobutyryl fentanyl.
''(10) Methoxyacetyl fentanyl.
''(11) Meta-fluorofentanyl.
''(12) Isobutyryl fentanyl.
''(13) Acryl fentanyl.''.

SEC. 3. TEMPORARY AND PERMANENT SCHEDULING OF SCHEDULE A SUBSTANCES.

Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by adding at the end the following:

''(k) TEMPORARY AND PERMANENT SCHEDULING OF SCHEDULE A SUBSTANCES.—

''(1) The Attorney General may issue a temporary order adding a drug or substance to schedule A if the Attorney General finds that—

''(A) the drug or other substance satisfies the criteria for being considered a schedule A substance; and

''(B) adding such drug or substance to schedule A will assist in preventing abuse or misuse of the drug or other substance.

''(2) A temporary scheduling order issued under paragraph (1) shall not take effect until 30 days after the date of the publication by the Attorney General of a notice in the Federal Register of the intention to issue such order and the grounds upon which such order is to be issued. The temporary scheduling order shall expire not later than 5 years after the date it becomes effective, except that the Attorney General may, during the pendency of proceedings under paragraph (5), extend the temporary scheduling order for up to 180 days.

''(3) A temporary scheduling order issued under paragraph (1) shall be vacated upon the issuance of a permanent order issued under paragraph (5) with regard to the same substance, or upon the subsequent issuance of any scheduling order under this section.

''(4) A temporary scheduling order issued under paragraph (1) shall not be subject to judicial review.

''(5) The Attorney General may, by rule, issue a permanent order adding a drug or other substance to schedule A if such drug or substance satisfies the criteria for being considered a schedule A substance. Such rulemaking may be commenced simultaneously with the issuance of the temporary scheduling order issued under paragraph (1) with regard to the same substance.

''(6) Before initiating proceedings under paragraph (1) or (5), the Attorney General shall transmit notice of an order proposed to be issued to the Secretary of Health and Human Services. In issuing an order under paragraph (1) or (5), the Attorney General shall take into consideration any comments submitted by the Secretary of Health and Human Services in response to a notice transmitted pursuant to this paragraph.

''(7) On the date of the publication of a notice in the Federal Register pursuant to paragraph (2), the Attorney General shall transmit the same notice to Congress. The temporary scheduling order shall take effect according to paragraph (2), except that the temporary scheduling order may be disapproved by Act of Congress within 180 days from the date of publication of the notice in the Federal Register.''.

SEC. 4. PENALTIES.

(a) CONTROLLED SUBSTANCES ACT.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(1) in section 401(b)(1) (21 U.S.C. 841(b)(1)), by adding at the end the following:

''(F)(i) In the case of any controlled substance in schedule A, such person shall be sentenced to a term of imprisonment of not more than 10 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 15 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $500,000 if the defendant is an individual or $2,500,000 if the defendant is other than an individual, or both.

''(ii) If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 30 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or

$1,000,000 if the defendant is an individual or $5,000,000 if the defendant is other than an individual, or both.

''(iii) Any sentence imposing a term of imprisonment under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of not less than 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of not less than 4 years in addition to such term of imprisonment.'';

(2) in section 403(a) (21 U.S.C. 843(a))—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) to export a substance in violation of the controlled substance laws of the country to which the substance is exported.''; and

(3) in section 404 (21 U.S.C. 844), by inserting after subsection (a) the following:

''(b) A person shall not be subject to a criminal or civil penalty under this title or under any other Federal law solely for possession of a schedule A controlled substance.''.

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended by adding at the end the following:

''(8) In the case of a violation under subsection (a) involving a controlled substance in schedule A, the person committing such violation shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $1,000,000 if the defendant is an individual or $5,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 30 years and if death or serious bodily injury results from the use of such substance shall be sentenced to not more than life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or $2,000,000 if the defendant is an individual or $10,000,000 if the defendant is other than an individual, or both. Notwithstanding section 3583 of title 18, United States Code, any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of not less than 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of not less than 6 years in addition to such term of imprisonment. Notwithstanding the prior sentence, and notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the provisions of this paragraph which provide for a mandatory term of imprisonment if death or serious bodily injury results.''.

SEC. 5. FALSE LABELING OF SCHEDULE A CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Section 305 of the Controlled Substances Act (21 U.S.C. 825) is amended by adding at the end the following:

''(f) FALSE LABELING OF SCHEDULE A CONTROLLED SUBSTANCES.—

''(1) It shall be unlawful to import, export, manufacture, distribute, dispense, or possess with intent to manufacture, distribute, or dispense, a schedule A substance or product containing a schedule A substance, unless the substance or product bears a label clearly identifying a schedule A substance or product containing a schedule A substance by the nomenclature used by the International Union of Pure and Applied Chemistry (IUPAC).

''(2)(A) A product described in subparagraph (B) is exempt from the International Union of Pure and Applied Chemistry nomenclature requirement of this subsection if such product is labeled in the manner required under the Federal Food, Drug, and Cosmetic Act.

''(B) A product is described in this subparagraph if the product—

''(i) is the subject of an approved application as described in section 505(b) or (j) of the Federal Food, Drug, and Cosmetic Act; or

''(ii) is exempt from the provisions of section 505 of such Act relating to new drugs because—

''(I) it is intended solely for investigational use as described in section 505(i) of such Act; and

''(II) such product is being used exclusively for purposes of a clinical trial that is the subject of an effective investigational new drug application.''.

(b) PENALTIES.—Section 402 of the Controlled Substances Act (21 U.S.C. 842) is amended—

(1) in subsection (a)(16), by inserting ''or subsection (f)'' after ''subsection (e)''; and

(2) in subsection (c)(1)(D), by inserting ''or a schedule A substance'' after ''anabolic steroid''.

SEC. 6. REGISTRATION REQUIREMENTS FOR HANDLERS OF SCHEDULE A SUBSTANCES.

(a) CONTROLLED SUBSTANCES ACT.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

''(k)(1) The Attorney General shall register an applicant to manufacture schedule A substances if—

''(A) the applicant demonstrates that the schedule A substances will be used for research, analytical, or industrial purposes approved by the Attorney General; and

''(B) the Attorney General determines that such registration is consistent with the public interest and with the United States obligations under international treaties, conventions, or protocols in effect on the date of enactment of this subsection.

''(2) In determining the public interest under paragraph (1)(B), the Attorney General shall consider—

''(A) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule A compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

''(B) compliance with applicable State and local law;

''(C) promotion of technical advances in the art of manufacturing substances described in subparagraph (A) and the development of new substances;

''(D) prior conviction record of applicant under Federal and State laws relating to the manufacture, distribution, or dispensing of substances described in paragraph (A);

''(E) past experience in the manufacture of controlled substances, and the existence in the establishment of effective control against diversion; and

''(F) such other factors as may be relevant to and consistent with the public health and safety.

''(3) If an applicant is registered to manufacture controlled substances in schedule I or II under subsection (a), the applicant shall not be required to apply for a separate registration under this subsection.

''(l)(1) The Attorney General shall register an applicant to distribute schedule A substances—

''(A) if the applicant demonstrates that the schedule A substances will be used for research, analytical, or industrial purposes approved by the Attorney General; and

''(B) unless the Attorney General determines that the issuance of such registration is inconsistent with the public interest.

''(2) In determining the public interest under paragraph (1)(B), the Attorney General shall consider—

''(A) maintenance of effective control against diversion of particular controlled substances into other than legitimate medical, scientific, and industrial channels;

''(B) compliance with applicable State and local law;

''(C) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of substances described in subparagraph (A);

''(D) past experience in the distribution of controlled substances; and

''(E) such other factors as may be relevant to and consistent with the public health and safety.

''(3) If an applicant is registered to distribute a controlled substance in schedule I or II under subsection (b), the applicant shall not be required to apply for a separate registration under this subsection.

''(m)(1) Not later than 90 days after the date on which a substance is placed in schedule A, any practitioner who was engaged in research on the substance before the placement of the substance in schedule A and any manufacturer or distributor who was handling the substance before the placement of the substance in schedule A shall register with the Attorney General.

''(2)(A) Not later than 60 days after the date on which the Attorney General receives an application for registration to conduct research on a schedule A substance, the Attorney General shall—

''(i) grant, or initiate proceedings under section 304(c) to deny, the application; or

''(ii) request supplemental information from the applicant.

''(B) Not later than 30 days after the date on which the Attorney General receives supplemental information requested under subparagraph (A)(ii) in connection with an application described in subparagraph (A), the Attorney General shall grant or deny the application.

''(n)(1) The Attorney General shall register a scientific investigator or a qualified research institution to conduct research with controlled substances in schedule A in accordance with this subsection. In evaluating applications for such registration, the Attorney General shall apply the criteria set forth in subsection (f) of this section that apply to practitioners seeking a registration to conduct research with a schedule I controlled substance, except that the applicant shall not be required to submit a research protocol.

''(2) If the applicant is not currently registered under subsection (f) to conduct research with a schedule I controlled substance, the Attorney General shall refer the application to the Secretary, who shall determine whether the applicant will be engaged in bona fide research and is qualified to conduct such research.

''(3) If the applicant is currently registered under subsection (f) to conduct research with a schedule I controlled substance, the applicant will be considered qualified to conduct research with controlled substances in schedule A and the Attorney General shall modify the applicant's registration to include schedule A controlled substances in accordance with this paragraph. The applicant shall notify the Attorney General of his intent to conduct research with a controlled substance in schedule A. Upon receiving such notification, the Attorney General shall modify the practitioner's existing registration to authorize research with schedule A controlled substances, unless the Attorney General determines that the registration modification

would be inconsistent with the public interest based on the criteria of subsection (f).

''(4) Registrations issued under this subsection to a qualified research institution will apply to all agents and employees of that institution acting within the scope of their professional practice.

''(5) At least thirty days prior to conducting any research with a controlled substance in schedule A, the registrant shall provide the Attorney General with written notification of the following:

''(A) The name of and drug code for each substance.

''(B) The name of each individual with access to each substance.

''(C) The amount of each substance.

''(D) Other similar information the Attorney General may require.

''(6) The quantity of a schedule A controlled substance possessed by a person registered under this subsection shall be appropriate for the research being conducted, subject to the additional limitations set forth in this paragraph. To reduce the risk of diversion, the Attorney General may establish limitations on the quantity of schedule A controlled substances that may be manufactured or possessed for purposes of research under this subsection and shall publish such limitations on the website of the Drug Enforcement Administration. A person registered under this subsection may, based on legitimate research needs, apply to the Attorney General to manufacture or possess an amount greater than that so specified by the Attorney General. The Attorney General shall specify the manner in which such applications shall be submitted. The Attorney General shall act on an application filed under this subparagraph within 30 days of receipt of such application. If the Attorney General fails to act within 30 days, the registrant shall be allowed to manufacture and possess up to the amount requested. The Attorney General shall have the authority to reverse the increase for cause.

''(7) The Attorney General shall by regulation specify the manner in which applications for registration under this subsection shall be submitted.

''(8) Registrants authorized under this subsection may manufacture and possess schedule A controlled substances up to the approved amounts only for use in their own research setting or institution. Manufacturing for use in any other setting or institution shall require a manufacturer's registration under section 303(a).''.

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) is amended by adding at the end the following:

''(j)(1) The Attorney General shall register an applicant to import or export a schedule A substance if—

''(A) the applicant demonstrates that the schedule A substances will be used for research, analytical, or industrial purposes approved by the Attorney General; and

''(B) the Attorney General determines that such registration is consistent with the public interest and with the United States obligations under international treaties, conventions, or protocols in effect on the date of enactment of this subsection.

''(2) In determining the public interest under paragraph (1)(B), the Attorney General shall consider the factors described in subparagraphs (A) through (F) of section 303(k)(2).

''(3) If an applicant is registered to import or export a controlled substance in schedule I or II under subsection (a), the applicant shall not be required to apply for a separate registration under this subsection.''.

SEC. 7. ADDITIONAL CONFORMING AMENDMENTS.

(a) CONTROLLED SUBSTANCES ACT.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(1) in section 303(c) (21 U.S.C. 823(c))—

(A) by striking ''subsections (a) and (b)'' and inserting ''subsection (a), (b), (k), or (l)''; and

(B) by striking ''schedule I or II'' and inserting ''schedule I, II, or A'';

(2) in section 306 (21 U.S.C. 826)—

(A) in subsection (a), in the first sentence, by striking ''schedules I and II'' and inserting ''schedules I, II, and A'';

(B) in subsection (b), in the second sentence, by striking ''schedule I or II'' and inserting ''schedule I, II, or A'';

(C) in subsection (c), in the first sentence, by striking ''schedules I and II'' and inserting ''schedules I, II, and A'';

(D) in subsection (d), in the first sentence, by striking ''schedule I or II'' and inserting ''schedule I, II, or A'';

(E) in subsection (e), in the first sentence, by striking ''schedule I or II'' and inserting ''schedule I, II, or A''; and

(F) in subsection (f), in the first sentence, by striking ''schedules I and II'' and inserting ''schedules I, II, and A'';

(3) in section 308(a) (21 U.S.C. 828(a)), by striking ''schedule I or II'' and inserting ''schedule I, II, or A'';

(4) in section 402(b) (21 U.S.C. 842(b)), in the matter preceding paragraph (1), by striking ''schedule I or II'' and inserting ''schedule I, II, or A'';

(5) in section 403(a)(1) (21 U.S.C. 843(a)(1)), by striking ''schedule I or II'' and inserting ''schedule I, II, or A''; and

(6) in section 511(f) (21 U.S.C. 881(f)), by striking ''schedule I or II'' each place it appears and inserting ''schedule I, II, or A''.

(b) CONTROLLED SUBSTANCES IMPORT EXPORT ACT.—The Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) is amended—

(1) in section 1002(a) (21 U.S.C. 952(a))—

(A) in the matter preceding paragraph (1), by striking ''schedule I or II'' and inserting ''schedule I, II, or A''; and

(B) in paragraph (2), by striking ''schedule I or II'' and inserting ''schedule I, II, or A'';

(2) in section 1003 (21 U.S.C. 953)—

(A) in subsection (c), in the matter preceding paragraph (1), by striking ''schedule I or II'' and inserting ''schedule I, II, or A''; and

(B) in subsection (d), by striking ''schedule I or II'' and inserting ''schedule I, II, or A'';

(3) in section 1004(1) (21 U.S.C. 954(1)), by striking ''schedule I'' and inserting ''schedule I or A'';

(4) in section 1005 (21 U.S.C. 955), by striking ''schedule I or II'' and inserting ''schedule I, II, or A''; and

(5) in section 1009(a) (21 U.S.C. 959(a)), by striking ''schedule I or II'' and inserting ''schedule I, II, or A''.

SEC. 8. CONTROLLED SUBSTANCE ANALOGUES.

Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (6), by striking ''or V'' and inserting ''V, or A'';

(2) in paragraph (14)—

(A) by striking ''schedule I(c) and'' and inserting ''schedule I(c), schedule A, and''; and

(B) by striking ''schedule I(c),'' and inserting ''schedule I(c) and schedule A,''; and

(3) in paragraph (32)(A), by striking ''(32)(A)'' and all that follows through clause (iii) and inserting the following:

''(32)(A) Except as provided in subparagraph (C), the term 'controlled substance analogue' means a substance whose chemical structure is substantially similar to the chemical structure of a controlled substance in schedule I or II—

''(i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or

''(ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.''.

SEC. 9. AMENDMENT TO THE SENTENCING GUIDELINES.

Section 2D1.1 of the Federal Sentencing Guidelines is amended, in Application Note 6 (Analogues and Controlled Substances Not Referenced in this Guideline) of the Commentary, by striking ''In determining the most closely related controlled substance, the court shall, to the extent practicable, consider the following:'' and inserting the following: ''In determining the most closely related controlled substance and the applicable guideline or drug equivalence, the court shall—

''(A) if Attorney General has provided guidance on the appropriate sentencing equivalency or ratio to a controlled substance that is referenced in the guidelines through publication in the Federal Register (whether such guidance is included in or separate from any notice of proposed temporary or permanent scheduling of such substance under section 201 of the Controlled Substances Act (21 U.S.C. 811)), apply any such sentencing equivalency or ratio; and

''(B) in the absence of guidance with respect to a substance or group of substances as described in paragraph (A), use equivalencies for the following structural classes of substances as if they were included on the Drug Equivalency Tables:

''Drug Class	*Marihuana Equivalency of 1 gm of subject substance*
Synthetic Opioids	*1 gm = 10 kg*
Synthetic Cannabinoids	*1 gm = 167 gm*
Synthetic Cathinones	*1 gm = 380 gm*
Tryptamine	*1 gm = 80 gm*
Phenethylamines	*1 gm = 2.5 kg*
Piperazines	*1 gm = 2 kg*
Benzofurans	*1 gm = 500 gm*
Arylcyclohexylamines (PCP-like substances)	*1 gm = 1 kg*
Methylphenidate analogs	*1 gm = 100 gm*
Benzodiazepines	*1 'unit' (as defined in Note (F) to the Drug Quantity Table in 2D1.1) = 0.0625 gm*

In the case of a substance for which paragraphs (A) and (B) above are not applicable, the court shall determine an equivalency or ratio by considering the following factors, to the extent practicable:''.

SEC. 10. RULES OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, may be construed to limit—

(1) the prosecution of offenses involving controlled substance analogues under the Controlled Substances Act (21 U.S.C. 801 et seq.); or

(2) the authority of the Attorney General to temporarily or permanently schedule, reschedule, or decontrol controlled substances under provisions of section 201 of the Controlled Substances Act (21 U.S.C. 811) that are in effect on the day before the date of enactment of this Act.

SEC. 11. STUDY BY COMPTROLLER GENERAL.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate regarding the costs associated with the amendments made by section 4, including—

(1) the annual amounts expended by Federal agencies in carrying out the amendments;

(2) The costs associated with arrests, trials, convictions, imprisonment, or imposition of other sanctions in accordance with the amendments; and

(3) the impact (including the fiscal impact) of the amendments on existing correctional facilities and the likelihood that those amendments will create a need for additional capacity for housing prisoners.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of House Report 115–751. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1015

AMENDMENT NO. 1 OFFERED BY MR. GRIFFITH

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 115–751.

Mr. GRIFFITH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, strike lines 3 through 6, and insert the following:

''(i) the chemical structure and—

''(I) the structure activity relationships; or

''(II) binding receptor assays and other relevant scientific information about the substance;''.

Page 3, line 17, strike ''subsection (c)—'' and insert ''subsection (c), in the matter preceding schedule I, by striking 'IV, and V' and inserting 'IV, V, and A' ''.

Beginning on page 3, strike line 18 and all that follows through page 4, line 12.

Page 5, beginning on line 2, strike ''or misuse''.

Page 5, strike line 23 and all that follows through page 6, line 5, and insert the following:

''(5)(A) Beginning no earlier than 3 years after issuing an order temporarily scheduling a drug or other substance under this subsection, the Attorney General may, by rule, issue a permanent order adding a drug or other substance to schedule A if such drug or substance satisfies the criteria for being considered a controlled substance in schedule A under this subsection, except as provided in subparagraph (B).

''(B) If the Secretary has determined, based on relevant scientific studies and necessary data requested by the Secretary and gathered by the Attorney General, that a drug or other substance that has been temporarily placed in schedule A does not have sufficient potential for abuse to warrant control in any schedule, and so advises the Attorney General in writing, the Attorney General may not issue a permanent scheduling order under subparagraph (A) and shall, within 30 days of receiving the Secretary's advice issue an order immediately terminating the temporary scheduling order.''.

Page 6, line 7, strike ''or (5)''.

Page 6, line 8, strike ''an order'' and insert ''a temporary order''.

Page 6, line 10, strike ''or (5)''.

Page 15, line 9, strike ''Not later'' and insert ''(A) Not later''.

Page 15, after line 15 insert the following:

''(B)(i) If an applicant described in subparagraph (A) is registered pursuant to subsection (f) to conduct research with a controlled substance in schedule I or II on the date on which another substance is placed in schedule A, the applicant may, subject to clause (iii), conduct research with that other controlled substance in schedule A while the application for registration pursuant to subparagraph (A) is pending.

''(ii) If an applicant described in subparagraph (A) is registered pursuant to subsection (f) as described in clause (i) to conduct research with a controlled substance in schedule III, IV, or V on the date on which another substance is placed in schedule A, the applicant may, subject to clause (iii), conduct research with that other controlled substance in schedule A while the application for registration pursuant to subparagraph (A) is pending, provided the substance for which the applicant is registered to conduct research is in the same schedule as, or a less-restricted schedule than, the controlled substance whose similarity in chemical structure and actual or predicted effect to the controlled substance in schedule A formed the basis for placement of the substance in schedule A, as set forth in the order published in the Federal Register placing the substance in schedule A.

''(iii) The permission to conduct research pursuant to clause (i) or clause (ii) is conditional on the applicant's complying with the registration and other requirements for controlled substances in schedule A.

''(iv) This subparagraph does not apply to applicants registered pursuant to subsection (f) whose authorization to conduct research with any controlled substances is limited to doing so as a coincident activity pursuant to applicable regulations of the Attorney General.''.

Page 16, line 19, insert after the period the following: ''The 60-day period under subsection (m)(2)(A) shall be tolled during the period beginning on the date on which the Attorney General refers an application to the Secretary under this paragraph, and ending on the date on which the Secretary submits a determination related to such referal to the Attorney General.''.

Page 16, beginning on line 20, strike ''If the applicant'' through ''this paragraph.'' on page 17, line 1, and insert the following: ''An applicant who meets the criteria under subsection (m)(1)(B) with respect to a particular schedule A controlled substance shall be considered qualified to conduct research with that substance. The Attorney General shall modify such applicant's registration to include such schedule A controlled substance in accordance with this paragraph.''.

The Acting CHAIR. Pursuant to House Resolution 934, the gentleman from Virginia (Mr. GRIFFITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GRIFFITH. Mr. Chairman, this is a bipartisan amendment that incorporates an interagency agreement transmitted to Congress by the Office of National Drug Control Policy, the United States Department of Health and Human Services, and the United States Department of Justice.

It clarifies several issues: when the Attorney General can temporarily and permanently schedule a drug or substance to the newly created schedule A, and it prevents the Attorney General from permanently scheduling a drug or substance if the Secretary of HHS determines that there is not sufficient potential for abuse.

It also clarifies when research can be conducted with a schedule A substance while a registration application is pending. If an applicant is registered to conduct research with a schedule I or II substance, they can continue to do research they may be pursuing with a schedule A substance while their application is being processed.

Likewise, if an applicant is registered to conduct research with a schedule III, IV, or V substance, they can continue to conduct research with a schedule A substance while their application is pending, so long as the component that gave rise to the schedule A determination is in the same or a less restricted schedule.

This amendment is important to research. This amendment will help ensure that research is not impeded or stunted because of a change in the schedule of a substance. While we all want to get dangerous substances off the street, history has taught us that when a substance is scheduled, many research options are taken off the table or made prohibitively complicated.

Sometimes derivatives of dangerous substances can provide cures and treatments for deadly diseases or chronic conditions, and we don't want to hamstring our researchers who are equipped to discover potential positive uses.

Though it may still need to be a scheduled substance, an analogue, in theory, could be a less addictive term of an opioid pain relief, and if researchers are looking at it as a possible less addictive form, I believe we would all want to keep that research going and not impede that research as it moves forward.

So I believe this is an important amendment, and I hope everybody will join me in supporting it. I thank Mr. RASKIN and Ms. JACKSON LEE for their assistance and support of this amendment as well.

Mr. Chairman, I reserve the balance of my time.

Mr. RASKIN. Mr. Chairman, I claim the time in opposition to the amendment, even though I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Maryland is recognized for 5 minutes.

There was no objection.

Mr. RASKIN. Mr. Chairman, I thank Mr. GRIFFITH for his succinct and excellent summary of the amendment.

Mr. Chairman, I rise in support of the Griffith-Raskin-Jackson Lee amendment. I want to thank Chairman GOODLATTE for his excellent work on this with his professional staff. It is an important consensus amendment, and I also want to specifically mention the hard work of DEA detailee Tony Angeli. I also want to salute our partners at the National Institute on Drug Addiction and the National Institutes of Health, which is headquartered in my district.

This amendment will do a lot to aid NIH scientists and allied researchers across the country who are presently working on the science of addiction and advancing medical efforts to treat and to prevent it.

This amendment constitutes a significant improvement in the text of the bill. With the amendment, researchers will not have to immediately cease their work while they wait to clear licensing hurdles if a substance is placed on schedule A.

The amendment creates a two-tiered system for researchers: one section for those who have a schedule I or schedule II license and one for those who have a schedule III through V license.

Researchers with schedule I or II licenses can continue working with any substance placed on schedule A without cessation of that work while an application for schedule A licensure is pending. This includes work with synthetic cannabinoids and opioids, which is obviously essential to our making progress in the field.

Researchers with schedules III, IV, and V licenses can continue working with substances that are temporarily placed on schedule A while an application for licensure is pending. However, the researchers will only be able to work with substances placed on schedule A whose similarity and chemical structure and actual or predicted effect is derivative of a substance presently on schedule III through V.

Schedule III licensees can work with analogues of schedules III through V. Schedule IV licensees can work with analogues of schedules IV and V and so on.

Lastly, as a safeguard, the research exemptions provided for in this amendment do not apply to licensed practitioners such as physicians, pharmacists, and hospitals whose involvement with research is only as a coincidental activity to their primary work.

This amendment refines and strengthens the research component of the underlying legislation and is not opposed by stakeholders in the research field. I urge my colleagues to support the amendment.

Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chairman, let me just very quickly thank the gentleman from Maryland (Mr. RASKIN) and Mr. GRIFFITH. I am delighted to join them, and I will simply say it is equally essential that science has a role in this very complex process to ensure the appropriate penalties are being applied based on compositions of the synthetic drugs involved.

I congratulate both of them for the excellent work that has been done, and I am delighted to be a cosponsor of the amendment.

Mr. Chair, I rise in support of the Griffith/Raskin/Jackson Lee Amendment. The amendment will reflect the current process under existing law.

Under current law, the Attorney General must work collaboratively with the Department of Health and Human Services (HHS) and its experts in the scientific community, in order to determine best practices for the permanent scheduling process.

Given the variation in toxicity levels in many of these synthetic drugs, it is imperative that the research community be involved in the process to ensure accuracy of defining the chemical structure of these drugs or substances.

It is equally essential that science have a role in this very complex process to ensure the appropriate penalties are being applied based on compositions of the synthetic drugs involved.

At markup I made it clear that we should not proceed with this bill absent involvement from the scientific community.

Today, I am pleased to be a co-sponsor of this amendment with my colleagues Griffith and Raskin.

In addition to restoring collaboration with the research community, this amendment also provides that permanent scheduling cannot occur earlier than 3 years after the Attorney General issues a temporary scheduling order.

This allows the scientific community time to address any pending issues that pertain to the drugs temporarily scheduled and prior to placing them on schedule A permanently.

If the research finds that these temporarily scheduled drugs lack sufficient potential for abuse that would qualify such drugs under schedule A, then this amendment provides that the Attorney General has 30 days in which he must terminate the temporary scheduling order for that drug or substance.

This is a sensible amendment that will provide oversight of the scheduling process. And for these reasons, I support this amendment and urge my colleagues to support this amendment.

Mr. RASKIN. Mr. Chairman, I thank Ms. JACKSON LEE, and I yield back the balance of my time.

Mr. GRIFFITH. Mr. Chairman, I yield as much time as he might consume to the gentleman from Pennsylvania (Mr. MARINO).

Mr. MARINO. Mr. Chairman, may I ask how much time does the gentleman from Virginia have left?

The Acting CHAIR. The gentleman from Virginia has 3½ minutes remaining.

Mr. MARINO. Mr. Chairman, this amendment makes three impactful changes to SITSA. First, it changes and sets strict definitions of what constitutes a controlled substance analogue suitable for inclusion in schedule A. A substance proposed for inclusion in schedule A must have a close chemical and scientific relationship to a substance already controlled in one of the other five schedules.

Second, it checks the power of the Attorney General in the permanent scheduling process. Under this bill, the Attorney General will be able to act swiftly to bring certain synthetic drugs under temporary import and distribution controls. However, this part of the amendment ensures that the Secretary of Health and Human Services, or HHS, possesses a veto power in the permanent scheduling process.

If, after more extensive analysis, HHS concludes the drug lacks psychological properties, then the Attorney General must remove the drug from the schedule A list and decontrol it.

Third, it ensures that researchers with current Federal licenses in any of the five existing schedules of controlled substances can continue their research. Government and private sector chemists and scientists are researching and developing new drugs and substances every day. These researchers already possess a Federal license, called a registration, to conduct their research.

This part of the amendment safeguards the ability of qualified researchers to continue their research while unsafe and untested synthetic drugs are controlled in schedule A. This amendment makes a great piece of legislation even better. I applaud Mr. GRIFFITH's and Mr. RASKIN's efforts in doing do. I support this amendment and encourage all Members to do the same.

Mr. GRIFFITH. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. GRIFFITH).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 115–751.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 9 (and redesignate provisions accordingly).

The Acting CHAIR. Pursuant to House Resolution 934, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, my amendment is simple. It restores the commission's jurisdiction over the

Federal sentencing guidelines as originally granted by Congress in 1984.

The United States Sentencing Commission has been working to address the seriousness and complexity of synthetic drugs for several years. If I might refer my colleagues to the April 12 meeting of the Sentencing Commission where the chairman began his remarks and indicated that the commission was going to move forward on a multipart amendment regarding synthetic drugs, which will include but be not limited to K2 or spice, fentanyl and fentanyl analogues.

This amendment draws upon public comment, expert testimony, and data analysis gathered during a multiyear study of synthetic drugs. That is what the Sentencing Commission does, and my amendment asks to remove the section in this underlying legislation that directs this responsibility to the Attorney General.

The process that was created by the Sentencing Commission created a new guideline definition of the term fentanyl analogue. The change effectively raises the guideline penalties for fentanyl analogues to a level more consistent with the current statutory penalty structure to address the severe dangerousness of fentanyl.

The amendment also creates a four-level sentencing enhancement for knowingly misrepresenting or knowingly marketing fentanyl or fentanyl analogues as another substance which equates to an approximate 50 percent increase in sentence length.

What I am saying to my colleagues is that we have a structure. The report was issued on April 2018. The Sentencing Commission has done its job, and I think that we would do well to embrace the work that has been done here. The commission's recent amendment creates a class-based approach for synthetic drugs, establishes new drug ratios, and a new guideline for fentanyl analogues, so it is unnecessary to have section 9 in the present legislation.

Mr. Chairman, I would ask my colleagues to support the Jackson Lee amendment, and I reserve the balance of my time.

Mr. MARINO. Mr. Chairman, I claim the time in opposition to the amendment, even though I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. MARINO. Mr. Chair, section 9 of the bill would provide guidance in sentencing during the current problematic time for courts, prosecutors, and defendants. Courts are having difficulties similar to those of law enforcement because of the constantly evolving nature of synthetic drugs and their chemical makeup.

Recently, the U.S. Sentencing Commission unanimously approved a slate of new amendments to the sentencing guidelines. Among them are guidelines for the three most potent classes of synthetic analogues being imported from China and distributed in the United States. I view this as a tremendous step forward in providing guidance to courts, which are performing very labor-intensive examinations during sentencing proceedings

This amendment would strike section 9 of the bill. Chairman GOODLATTE has spoken to and received correspondence from Judge William Pryor, acting chairman of the Sentencing Commission. Both he and his staff have assured Chairman GOODLATTE that synthetic drug guidelines will remain a priority for the commission.

I am agreeable to striking section 9 of this bill, and I encourage the Sentencing Commission to continue its important work and to provide guidance to the courts in these often complex cases.

I support the Jackson Lee amendment and encourage all Members to do likewise.

Mr. Chairman, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, I thank the gentleman from Pennsylvania, and, as well, the chairman of the Judiciary Committee and the ranking member of the Judiciary Committee. We worked on this, and I am glad that our staff was able to communicate.

I think it is important to emphasize that, going forward, the Sentencing Commission will continue its multiyear study to ensure that the Federal sentencing guidelines are updated to reflect any new challenges resulting from these serious drugs and that they be addressed in the Federal sentencing guidelines.

Consistent with its mission established by Congress in the Sentencing Reform Act of 1984, the commission will also work to update guidelines on an annual basis to reflect any new needs that we may have with respect to these new and growing synthetic analogues and other drugs that are continually coming, tragically, into the marketplace.

□ 1030

Mr. Chairman, I have here a public data presentation for synthetic drugs, dated January 2018; also the April 2018 report; and, as well, the opening statement of the chairman of the Sentencing Commission dated April 12, 2018.

Mr. Chair, I rise in support of the Jackson Lee amendment, which restores the Commission's jurisdiction over the federal sentencing guidelines, as originally granted by Congress.

The United States Sentencing Commission has been working to address the seriousness and complexity of synthetic drugs for several years.

Since this legislation was introduced, the Sentencing Commission approved a multi-part synthetic drugs amendment in April 2018.

The Commission conducted extensive research of past cases and current data, held multiple hearings and engaged in extensive collaboration with DOJ, DEA and experts to determine the best manner to address these drugs within the context of the federal sentencing guidelines.

The Commission's recent amendment creates a class-based approach for synthetic drugs, establishes new drug ratios and a new guideline penalty for fentanyl analogues.

Consistent with the established process, the recent amendment reflected a deliberative, data-driven process which included extensive public comment, expert testimony and data analysis gathered during a multi-year study of synthetic drugs.

Section 9 of H.R. 2851 should be struck from the pending legislation because: It is unnecessary, overly broad and duplicative of the Commission's existing action. Section 9 will result in greater litigation and delays for the federal courts. This section would also undermine the certainty in federal sentencing for synthetic drugs that would otherwise be avoided based on the Commission's new amendment. Congress delegated the authority to amend the federal sentencing guidelines two decades ago in order to ensure fair, data-driven outcomes in federal sentencing. This provision is an unprecedented and unnecessary departure from the process that has worked well since established by Congress in 1984.

Going forward, the Commission will continue its multi-year study to ensure that the federal sentencing guidelines are updated to reflect any new challenges resulting from these serious drugs are addressed in the federal sentencing guidelines.

Consistent with its mission established by Congress in the Sentencing Reform Act of 1984, the Commission will also work to update the guidelines on an annual basis to reflect any new laws enacted by Congress.

For all these reasons, I support this amendment and ask my colleagues to do the same.

Mr. Chairman, I ask my colleagues to support the Jackson Lee amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. SEAN PATRICK MALONEY OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 115–751.

Mr. SEAN PATRICK MALONEY of New York. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the committee print, add the following new section:

SEC. 12. REPORT ON CONTROLLED SUBSTANCE ANALOGUES SOLD BY MEANS OF THE INTERNET.

Not later than one year after the date of the enactment of this Act, and annually thereafter, the Administrator of the Drug Enforcement Administration shall make publicly available on the website of the Drug Enforcement Administration a report on, for the previous year, the lawful and unlawful sale of controlled substance analogues (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) by means of the Internet, including the following information:

(1) The types of controlled substance analogues that were sold, and the number of sales for each such substance.

(2) The name of each person, entity, or Internet site, whether in the United States or abroad, that knowingly or intentionally delivers, distributes, or dispenses, or offers or attempts to deliver, distribute, or dispense, a controlled substance analogue by means of the Internet, whether lawfully or unlawfully.

(3) An estimate of the total revenue for all of the vendors described in paragraph (2) for all of the sales described in paragraph (1).

The Acting CHAIR. Pursuant to House Resolution 934, the gentleman from New York (Mr. SEAN PATRICK MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. SEAN PATRICK MALONEY of New York. Mr. Chairman, I offer this amendment in honor of a young man called Daniel Keegan.

Daniel served in the Army's 82nd Airborne as an intelligence analyst for 8 years. He was deployed to Afghanistan twice. In 2009, Daniel was named Soldier of the Year of the 7th Special Forces Group at Fort Bragg. He was a remarkable young man.

Like many of our heroes, he came home with PTSD. It took too long to get him hooked up at the VA. There were a bunch of dropped balls. So he began to self-medicate. He did that with drugs that he found online. He could order the drugs right from his own couch.

Daniel lost his life in January of 2016. His mother, Stephanie, came to my office not long after. Stephanie Keegan has now dedicated her life to improving services at the VA and fighting the heroin and opioid epidemic, particularly as it relates to our men and women in uniform.

Just a couple of months ago, Stephanie joined me in Hudson Valley to announce the Stop Online Opioid Sales Act, and that is what is in this amendment.

We started looking at this issue, and we found out that we are losing the information battle in the fight to stop online drug sales. In fact, we don't even know exactly how much is coming into our country, or where it is coming from.

Earlier this year, the Senate released a report suggesting that $800 million of opioids were coming just from China alone and being sold online. I am told that 50,000 doses of fentanyl can be fit inside a business size envelope.

We need to get on top of this problem. These statistics are alarming. The trend is alarming. We don't know what is happening. We need the DEA to get in the game on this, and we need to know how much of an issue this really is.

It is really hard to keep up with the constantly evolving tech landscape when it comes to drug sales. But the first step in stopping the problem is understanding the scope.

What we know is that drug addicts, right now, can conduct their online habit without leaving their home. The drugs come in the UPS truck, or the FedEx truck, or the U.S. mail, and they can sell drugs to people who come to that location.

I have spoken to recovering addicts who never left their house, who conducted, for years, an online drug business out of their own house and fed their own habit with it.

We need to get on top of this problem. That is what is in this amendment and what it would allow us to do. We would simply require the DEA to compile a comprehensive report on the sale of drugs online within a year, and then be required to continue to issue annual reports containing this information.

Under the amendment, the reports would include the types and amounts of controlled substances and analogues sold online, the name of each entity and person selling them, and an estimate of the revenue being generated through these illegal channels.

This opioid crisis has impacted folks from every State, every party, and every walk of life, and it certainly doesn't care what party you belong to.

Mr. Chairman, I ask all of my colleagues, on both sides of the aisle, to join me in support of this amendment so that we can fight back against this scourge and stop burying young American heroes like Daniel Keegan.

Mr. Chairman, I reserve the balance of my time.

Mr. MARINO. Mr. Chairman, I claim the time in opposition to the amendment, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. MARINO. Mr. Chairman, this amendment requires the Drug Enforcement Administration to compile a report on both the lawful and illicit sale of synthetic drug analogues over the internet. Unfortunately, the internet and the dark web have become sizable marketplaces for many illegal drugs, especially synthetic analogues.

As Chairman GOODLATTE stated earlier, Garrett Holman lost his life from synthetic drugs he ordered over the internet and received in the mail from China. The report requested by this amendment will help Congress and law enforcement have a better picture of the magnitude of the synthetic drug problem.

Mr. Chairman, I support the Maloney amendment, I urge my colleagues to do the same, and I yield back the balance of my time.

Mr. SEAN PATRICK MALONEY of New York. Mr. Chairman, I thank the gentleman for his support.

Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chairman, I thank the gentleman from New York for capturing the scourge of the epidemic of online drug sales that reach into the living rooms of so many innocent persons, and my sympathy for the loss of one of our heroes who wore the uniform.

Mr. Chairman, I rise to support this amendment as contributing to the important information knowledge chain that is so necessary to families to help stop this scourge of going after innocent persons in their homes.

Mr. SEAN PATRICK MALONEY of New York. I thank the gentlewoman for those comments.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. SEAN PATRICK MALONEY).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. THORNBERRY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 115–751.

Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the committee print, add the following new section:

SEC. 12. CONTROLLED SUBSTANCE ANALOGUES.

Section 203 of the Controlled Substances Act (21 U.S.C. 813) is amended—

(1) by striking ''A controlled'' and inserting ''(a) IN GENERAL.—A controlled''; and

(2) by adding at the end the following:

''(b) DETERMINATION.—In determining whether a controlled substance analogue was intended for human consumption under subsection (a), the following factors may be considered, along with any other relevant factors:

''(1) The marketing, advertising, and labeling of the substance.

''(2) The known efficacy or usefulness of the substance for the marketed, advertised or labeled purpose.

''(3) The difference between the price at which the substance is sold and the price at which the substance it is purported to be or advertised as is normally sold.

''(4) The diversion of the substance from legitimate channels and the clandestine importation, manufacture, or distribution of the substance.

''(5) Whether the defendant knew or should have known the substance was intended to be consumed by injection, inhalation, ingestion, or any other immediate means.

''(6) Any controlled substance analogue that is manufactured, formulated, sold, distributed, or marketed with the intent to avoid the provisions of existing drug laws.

''(c) LIMITATION.—For purposes of this section, evidence that a substance was not marketed, advertised, or labeled for human consumption, by itself, shall not be sufficient to establish that the substance was not intended for human consumption.''.

The Acting CHAIR. Pursuant to House Resolution 934, the gentleman from Texas (Mr. THORNBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. THORNBERRY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, first, let me commend the manager of the bill, Mr. MARINO, and the author of the legislation, Mr. KATKO. Synthetic drugs are a plague on this country, and part of the reason is

that our laws have not kept up with the evolving threat. Mr. KATKO's legislation helps the law catch up somewhat, and that is important for the safety of our people.

My amendment deals with a related area where the law has not caught up. Many of the purveyors of these poisons will seek to evade responsibility by printing on the label ''not intended for human consumption.'' The reason they do that is 21 U.S.C. 813 says: ''A controlled substance analogue shall, to the extent intended for human consumption, be treated, for the purposes of any Federal law as a controlled substance in schedule I.''

Now, the loophole there is, ''to the extent intended for human consumption.'' So what these people do is they just print the label, ''not intended for human consumption,'' and that makes it more difficult to arrest and prosecute and to keep these drugs off of the street.

My amendment simply replaces part of that sentence with six factors, which should be considered, to see whether it is really intended for human consumption, whether it is really a situation where people know full well that kids are buying this stuff, that they are smoking it, or that they are otherwise ingesting it and dying as a result.

As I said, this is consistent with the idea that we need to have our laws catch up with what the purveyors of these poisons are doing, and this is another attempt to add to the very valuable work that Mr. KATKO has begun.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON LEE. Mr. Chairman, I rise in opposition to amendment No. 4 proposed by the gentleman from Texas.

The amendment adds a list of factors that may be considered when proving whether a particular substance was intended for human consumption.

I oppose this amendment for two reasons.

First, because criminal liability could result from one of the factors being proven merely under a negligent standard. Only whether the defendant should have known the substance was intended to be consumed by injection, inhaling, ingestion, or any other immediate means, it is not an appropriate standard to which we should attach criminal liability, particularly severe consequences such as mandatory minimums.

Now, I have indicated that we have an action by the U.S. Sentencing Commission that took place on April 2018. We have a detailed analysis of the range of analogues, synthetic analogues, including K2, spice, and other fentanyl analogues, but not limited to. Therefore, we have a marker. We have a standard to save lives. And what we should be emphasizing, again, is treatment.

Second, this amendment actually makes it easier to trigger mandatory minimums. For instance, a defendant could be subjected to a 20-year mandatory minimum in instances where serious bodily harm injury results. I am opposed to amendment 4 because defendants could be subjected to such mandatory minimums relying, in part, on proof that they should have known a substance was intended for human consumption.

Now, let me be very clear. Some of these individuals who are defendants are, themselves, addicted, and, therefore, they are acting as an addicted person. It is not an excuse, but it emphasizes that we should steer ourselves more toward a maximizing of treatment and education to stop the scourge of the utilization of these drugs.

That is clearly, as well, taken care of under the U.S. Sentencing Commission, meaning that these concerns of the gentleman, which I respect his concerns, are taken care of by a long list of responses and sentencing for the different drugs that are noted as synthetic analogues. Again, we do have a basis going forward. The gentleman's concerns can be taken care of in already established law and policies by the U.S. Sentencing Commission.

I have long opposed any laws that will trigger mandatory minimums because we have seen the results of that. We have also heard over time from the U.S. judicial commission, if you will, because this takes away a judge's discretion and interferes with their sound judgment in sentencing the individual defendants that appear before them. Therefore, I oppose amendment No. 4.

Mr. Chairman, I thank the Rules Committee for allowing my amendment to be placed in order. I also believe that, at this point, we would do well to follow regular order to save lives and to continue to allow the Sentencing Commission to move forward as they made their commitment in the chairman's letter. The chairman of the commission said that they will not stop working on synthetic analogues and that they will continue to structure the right kind of criminal justice that works as it relates to sentencing to ensure that the concerns of my colleague are taken.

Mr. Chairman, I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. MARINO).

Mr. MARINO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this amendment would improve the Federal Analogue Act, a provision in the Controlled Substance Act, which, during a prosecution, allows a chemical that is determined to be substantially similar to a controlled substance listed in schedule I or II to be treated as if it were also listed in those schedules, but only if the substance is intended for human consumption.

Drug traffickers, particularly those who traffic synthetic drugs, repeatedly attempt to evade Federal law by labeling their synthetic drugs with a phrase, ''not made for human consumption.'' They do this routinely in a preemptive attempt to rebut an assertion during their prosecution that they never meant the drug be intended for human consumption.

□ 1045

The Thornberry amendment sets forth six factors which a court may consider when determining whether a controlled substance analogue was intended for human consumption. It also states a label on the product is not sufficient proof, standing alone, that the defendant did not intend it for human consumption. This amendment is quite similar to S. 207, the SALTS Act, which the Senate Judiciary Committee reported favorably 3 weeks ago.

Mr. Chair, I think this is a useful amendment to the legislation before us, and I urge my colleagues to join me in support of it.

Ms. JACKSON LEE. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman has 1½ minutes remaining.

Ms. JACKSON LEE. Mr. Chair, again, let me indicate that I appreciate the gentleman's concern. I am concerned that simply a negligence standard would be the standard for judging a defendant under this particular amendment: should have known the substance was intended to be consumed by injection, inhaling, injection, or any other immediate means. That is not an appropriate standard that would attach criminal liability and particularly severe consequences such as a mandatory minimum.

Again, I am holding up one of the reports from the Sentencing Commission, and I would make the argument that it is thorough in its review, and our colleagues can be comforted by the fact that, again, the Sentencing Commission will continue its work and it will continue to address some of the concerns of my friend from Texas. I would hope that we would allow that process to proceed.

I think it would be very concerning to all of us if we had a negligence standard. I believe the courts will address the fact based upon the defendant and the facts that we have in place.

Mr. Chair, I ask my colleagues to oppose the amendment and oppose the underlying bill.

Mr. Chair, I rise in opposition to Amendment 13, proposed by Mr. Thornberry. The amendment adds a list of factors that may be considered when proving whether a particular substance was intended for human consumption. I oppose this amendment for two reasons:

First, because criminal liability could result from one of the factors being proven merely under a negligence standard—only whether the defendant should have known the substance was intended to be consumed by injection, inhalation, ingestion or any other immediate means. It is not an appropriate standard

to which we should attach criminal liability, particularly, severe consequences, such as mandatory minimums.

Second, this amendment actually makes it easier to trigger mandatory minimums. For instance, a defendant could be subjected to a 20-year mandatory minimum in instances where serious bodily injury results. I am opposed to Amendment 13 because defendants could be subjected to such mandatory minimums relying in part on proof that they should have known a substance was intended for "human consumption".

I have long been opposed to any laws that trigger mandatory minimums because they take away judges' discretion and interfere with their sound judgment in sentencing the individual defendants that appear before them. Therefore, I oppose Amendment 13.

Mr. Chair, I yield back the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, there is nothing in the amendment that affects sentencing in any way. The amendment simply seeks to remove a get-out-of-jail-free card that these purveyors of poison have been using to try to evade responsibility.

There is nothing that says, if you meet any one of these factors, you are automatically going to jail.

What it says is you have to look deeper into these six factors to determine whether or not it really was intended for human consumption, that just putting a label that says ''I didn't intend anybody to smoke this stuff'' is not enough to evade liability.

And I would note, Mr. Chairman, that the Federal Law Enforcement Officers Association, the National Association of Police Organizations, and the Fraternal Order of Police have all supported this provision. And as the gentleman from Pennsylvania noted, a similar provision sponsored by Senator KLOBUCHAR was passed out of the Senate Judiciary Committee recently.

Mr. Chairman, this arises because a few years ago, a constituent of mine named Jesse in Amarillo, Texas, told his mother that it was no big deal; he was smoking synthetic marijuana.

Well, it turns out it was this potpourri stuff that had been sprayed with toxic chemicals. Unfortunately, Jesse died. And as the police went to the place where he would buy this stuff, it had prominently on the label, ''Not intended for human consumption.'' It greatly hindered their ability to get that stuff off the street.

Mr. Chair, this amendment fixes that. I urge Members to support it.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. THORNBERRY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

RECORDED VOTE

Ms. JACKSON LEE. Mr. Chair, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 158, not voting 46, as follows:

[Roll No. 267]

AYES—223

Abraham
Aderholt
Aguilar
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Bilirakis
Bishop (MI)
Bishop (UT)
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Cooper
Costa
Costello (PA)
Cramer
Crawford
Crist
Cuellar
Curtis
Davidson
Davis, Rodney
Denham
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Gaetz
Gallagher
Garamendi
Garrett
Gianforte
Gibbs
Goodlatte
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
LaHood
LaMalfa
Lamb
Lamborn
Lance
Latta
Lesko
Lieu, Ted
Lipinski
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mitchell
Moolenaar
Mooney (WV)
Murphy (FL)
Newhouse
Noem
Norman
Nunes
O'Halleran
Olson
Palazzo
Palmer
Panetta
Paulsen
Perry
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Renacci
Rice (NY)
Rice (SC)
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney, Francis
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Schneider
Schweikert
Scott, Austin
Sensenbrenner
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Suozzi
Taylor
Tenney
Thompson (PA)
Thornberry
Turner
Upton
Valadao
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Williams
Wilson (SC)
Womack
Woodall
Yoder
Young (AK)
Young (IA)
Zeldin

NOES—158

Adams
Amash
Barragán
Bera
Beyer
Biggs
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Correa
Courtney
Crowley
Cummings
Davis (CA)
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Gomez
Gonzalez (TX)
Green, Al
Grijalva
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (MN)
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McClintock
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Nadler
Napolitano
Nolan
Norcross
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Raskin
Richmond
Rohrabacher
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sanford
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Soto
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Torres
Vargas
Veasey
Vela
Velázquez
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—46

Bass
Beatty
Black
Blunt Rochester
Carter (TX)
Culberson
Curbelo (FL)
Davis, Danny
DeFazio
Ellison
Estes (KS)
Gohmert
Gosar
Green, Gene
Gutiérrez
Hanabusa
Huffman
Johnson (LA)
Jones
Kelly (MS)
Labrador
Larson (CT)
Lewis (GA)
Marchant
Mullin
Neal
O'Rourke
Pearce
Quigley
Reichert
Roby
Rooney, Thomas J.
Sánchez
Scalise
Sessions
Shimkus
Smith (WA)
Speier
Tipton
Tonko
Trott
Tsongas
Walz
Webster (FL)
Wittman
Yoho

□ 1113

Mr. CORREA changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mrs. ROBY. Mr. Chair, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 267.

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FERGUSON) having assumed the chair, Mr. FRANCIS ROONEY of Florida, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2851) to amend the Controlled Substances Act to clarify how controlled substance analogues are to be regulated, and for other purposes, and, pursuant to House Resolution 934, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. JACKSON LEE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this is a 5-minute vote on the passage of the bill will be followed by a 5-minute vote on the question of agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 142, not voting 46, as follows:

[Roll No. 268]

AYES—239

Abraham
Aderholt
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bera
Bergman
Bilirakis
Bishop (MI)
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (IN)
Brownley (CA)
Buchanan
Buck
Bucshon
Budd
Burgess
Bustos
Byrne
Calvert
Carbajal
Carter (GA)
Chabot
Cheney
Cicilline
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Cooper
Correa
Costa
Costello (PA)
Cramer
Crawford
Crist
Cuellar
Curtis
Davidson
Davis, Rodney
Delaney
Denham
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Gallagher
Garamendi
Gianforte
Gibbs
Gonzalez (TX)
Goodlatte
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Higgins (LA)
Hill
Himes
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Kaptur
Katko
Keating
Kelly (PA)
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Kuster (NH)
Kustoff (TN)
LaHood
LaMalfa
Lamb
Lamborn
Lance
Langevin
Latta
Lesko
Lipinski
LoBiondo
Loebsack
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lynch
MacArthur
Maloney, Sean
Marino
Marshall
Mast
McCarthy
McCaul
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mitchell
Moolenaar
Mooney (WV)
Murphy (FL)
Napolitano
Newhouse
Noem
Norman
Nunes
O'Halleran
Olson
Palazzo
Palmer
Panetta
Paulsen
Perry
Peters
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Renacci
Rice (NY)
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney, Francis
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Ruppersberger
Russell
Rutherford
Schneider
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Soto
Stefanik
Stewart
Stivers
Suozzi
Taylor
Tenney
Thompson (PA)
Thornberry
Torres
Turner
Upton
Valadao
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Wilson (SC)
Womack
Woodall
Yoder
Young (AK)
Young (IA)
Zeldin

NOES—142

Adams
Aguilar
Amash
Barragán
Beyer
Biggs
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brooks (AL)
Brown (MD)
Butterfield
Capuano
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Courtney
Crowley
Cummings
Davis (CA)
DeGette
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gaetz
Gallego
Garrett
Gomez
Green, Al
Grijalva
Hastings
Heck
Hice, Jody B.
Higgins (NY)
Hoyer
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Krishnamoorthi
Larsen (WA)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (MN)
Lieu, Ted
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Maloney, Carolyn B.
Massie
Matsui
McClintock
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Nadler
Nolan
Norcross
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Pingree
Pocan
Polis
Price (NC)
Raskin
Richmond
Rohrabacher
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sanford
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Vargas
Veasey
Vela
Velázquez
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Williams
Wilson (FL)
Yarmuth

NOT VOTING—46

Bass
Beatty
Bishop (UT)
Black
Blunt Rochester
Carter (TX)
Culberson
Curbelo (FL)
Davis, Danny
DeFazio
Ellison
Estes (KS)
Gohmert
Gosar
Green, Gene
Gutiérrez
Hanabusa
Huffman
Johnson (LA)
Jones
Kelly (MS)
Labrador
Larson (CT)
Lewis (GA)
Marchant
Mullin
Neal
O'Rourke
Pearce
Quigley
Reichert
Rooney, Thomas J.
Sánchez
Scalise
Sessions
Shimkus
Smith (WA)
Speier
Tipton
Tonko
Trott
Tsongas
Walz
Webster (FL)
Wittman
Yoho

□ 1124

Mr. VEASEY changed his vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. BLUNT ROCHESTER. Mr. Speaker, unfortunately, due to a funeral, I will miss the vote on H.R. 2851, Stop Importation and Trafficking of Synthetic Analogues Act of 2017. It was my intention to vote "no."

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, I was unable to vote on Friday, June 15, 2018, due to changes in the floor vote calendar.

If I had been able to vote, I would have voted as follows:

On the Thornberry Amendment to H.R. 2851, the Importation and Trafficking of Synthetic Analogues Act, I would have voted "nay."

On final passage of H.R. 2851, I would have voted "nay."

PERSONAL EXPLANATION

Mr. CULBERSON. Mr. Speaker, I was unable to make votes on June 15, 2018, due to illness. Had I been present, I would have voted "yea" on rollcall No. 267 and "yea" on rollcall No. 268.

PERSONAL EXPLANATION

Mr. SESSIONS. Mr. Speaker, on June 15, 2018, I was absent. Had I been present, I would have voted "yea" on rollcall No. 267 and "yea" on rollcall No. 268.

THE JOURNAL

The SPEAKER pro tempore (Mr. BANKS of Indiana). The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

ADJOURNMENT FROM FRIDAY, JUNE 15, 2018, TO TUESDAY, JUNE 19, 2018

Mr. KATKO. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Tuesday, June 19, 2018, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

COMBATING THE OPIOID CRISIS IN CENTRAL WASHINGTON

(Mr. NEWHOUSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEWHOUSE. Mr. Speaker, in America, 91 people die every day from an opioid overdose. According to the