

116TH CONGRESS  
1ST SESSION

# S. 1724

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

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## IN THE SENATE OF THE UNITED STATES

JUNE 5, 2019

Mr. KENNEDY (for himself, Mr. COTTON, Mr. SASSE, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ending the Fentanyl  
5 Crisis Act of 2019”.

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

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

9 (1) in subparagraph (A)(vi)—

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

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

3 and

4 (C) by inserting “scheduled or unsched-  
5 uled” before “analogue of”; and

6 (2) in subparagraph (B)(vi)—

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

8 (B) by striking “10” and inserting “0.5”;

9 and

10 (C) by inserting “scheduled or unsched-  
11 uled” before “analogue of”.

12 **SEC. 3. CONTROLLED SUBSTANCES IMPORT AND EXPORT**  
13 **ACT AMENDMENTS.**

14 Section 1010(b) of the Controlled Substances Import  
15 and Export Act (21 U.S.C. 960(b))—

16 (1) in paragraph (1)(F)—

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

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

19 and

20 (C) by inserting “scheduled or unsched-  
21 uled” before “analogue of”; and

22 (2) in paragraph (2)(F)—

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

24 (B) by striking “10” and inserting “0.5”;

25 and

1 (C) by inserting “scheduled or unsched-  
2 uled” before “analogue of”.

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

4 (a) DEFINITION.—In this section, the term “Commis-  
5 sion” means the United States Sentencing Commission.

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

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

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

1 note), as though the authority under that Act had  
2 not expired; and

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

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

12 (a) DEFINITIONS.—In this section—

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

21 (2) the term “express consignment operator or  
22 carrier” has the meaning given the term in section  
23 128.1 of title 19, Code of Federal Regulations, or  
24 any successor thereto; and

1           (3) the term “Postmaster General” means the  
2           Postmaster General of the United States Postal  
3           Service.

4           (b) INTERDICTION OF FENTANYL, OTHER SYN-  
5           THETIC OPIOIDS, AND OTHER NARCOTICS AND  
6           PSYCHOACTIVE SUBSTANCES.—

7           (1) CHEMICAL SCREENING DEVICES.—The  
8           Postmaster General shall—

9                   (A) increase the number of chemical  
10                   screening devices that are available to the  
11                   United States Postal Service; and

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

21           (2) PERSONNEL TO INTERPRET DATA.—The  
22           Postmaster General shall dedicate the appropriate  
23           number of personnel of the United States Postal  
24           Service, including scientists, so that those personnel

1       are available during all operational hours to inter-  
2       pret data collected by chemical screening devices.

3       (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
4       authorized to be appropriated to the Postmaster General  
5       \$9,000,000 to ensure that the United States Postal Serv-  
6       ice has resources, including chemical screening devices,  
7       personnel, and scientists, available during all operational  
8       hours to prevent, detect, and interdict the unlawful impor-  
9       tation of fentanyl, other synthetic opioids, and other nar-  
10      cotics and psychoactive substances.

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