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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. STUTZMAN introduced the following bill; which was referred to the Committee on _____

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 “No Leniency for
5 Fentanyl Dealers Act”.

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

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

- 1 (1) in subparagraph (A)(vi)—
2 (A) by striking “400” and inserting “20”;
3 (B) by striking “100” and inserting “5”;
4 and
5 (C) by inserting “scheduled or unsched-
6 uled” before “analogue of”; and
7 (2) in subparagraph (B)(vi)—
8 (A) by striking “40” and inserting “2”;
9 (B) by striking “10” and inserting “0.5”;
10 and
11 (C) by inserting “scheduled or unsched-
12 uled” before “analogue of”.

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

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

- 17 (1) in paragraph (1)(F)—
18 (A) by striking “400” and inserting “20”;
19 (B) by striking “100” and inserting “5”;
20 and
21 (C) by inserting “scheduled or unsched-
22 uled” before “analogue of”; and
23 (2) in paragraph (2)(F)—
24 (A) by striking “40” and inserting “2”;

1 (B) by striking “10” and inserting “0.5”;
2 and
3 (C) by inserting “scheduled or unsched-
4 uled” before “analogue of”.

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

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

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

20 (c) EMERGENCY AUTHORITY.—The Commission
21 shall—

22 (1) promulgate the guidelines, policy state-
23 ments, or amendments provided for in this Act as
24 soon as practicable, and in any event not later than
25 120 days after the date of enactment of this Act, in

1 accordance with the procedure set forth in section
2 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994
3 note), as though the authority under that Act had
4 not expired; and

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

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

14 (a) DEFINITIONS.—In this section—

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

23 (2) the term “express consignment operator or
24 carrier” has the meaning given the term in section

1 128.1 of title 19, Code of Federal Regulations, or
2 any successor thereto; and

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

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

9 (1) CHEMICAL SCREENING DEVICES.—The
10 Postmaster General shall—

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

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

23 (2) PERSONNEL TO INTERPRET DATA.—The
24 Postmaster General shall dedicate the appropriate
25 number of personnel of the United States Postal

1 Service, including scientists, so that those personnel
2 are available during all operational hours to inter-
3 pret data collected by chemical screening devices.

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