

115TH CONGRESS
1ST SESSION

H. R. 4090

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 23, 2017

Mr. JENKINS of West Virginia (for himself and Ms. CLARK of Massachusetts) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fentanyl and Heroin
5 Task Force Act”.

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

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

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

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

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

9 “(b) DUTIES.—The Task Force shall—

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

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

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

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

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

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

1 dismantle organizations that traffic fentanyl or
2 heroin.

3 “(c) SEMIANNUAL REPORT.—

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

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

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

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

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

22 “(d) MEMBERSHIP.—

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

1 “(A) Customs and Border Protection;

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

4 “(C) the Federal Bureau of Investigation;

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

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

9 “(F) the Internal Revenue Service;

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

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

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

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

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

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

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

3 “(e) OPERATING RULES AND PROCEDURES.—

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

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

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

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

18 “(f) DIRECTOR AND STAFF.—

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

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

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

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

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

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

18 “(g) POWERS OF THE TASK FORCE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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