

116TH CONGRESS
1ST SESSION

H. R. 1542

To require a report that identifies each person in the People’s Republic of China and Chinese Government official involved in the production of fentanyl and its trafficking into the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2019

Mr. SMITH of New Jersey (for himself, Mr. SUOZZI, Mr. FLEISCHMANN, Mr. GREEN of Tennessee, Mr. CHABOT, Mr. LIPINSKI, Miss GONZÁLEZ-COLÓN of Puerto Rico, and Mr. RATCLIFFE) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, 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 require a report that identifies each person in the People’s Republic of China and Chinese Government official involved in the production of fentanyl and its trafficking into the United States, 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 “Combating Illicit
5 Fentanyl Act of 2019”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) America’s overdose epidemic is spreading
4 geographically, is increasing across all demographic
5 groups and the sharp increase in drug overdose
6 deaths in the United States between 2015 to 2016
7 was fueled by a surge in illicit fentanyl, a highly po-
8 tent drug about 80 to 100 times as strong as mor-
9 phine by weight and is 30 to 40 times stronger than
10 heroin by weight, as well as fentanyl-related com-
11 pound analogue overdoses.

12 (2) Fentanyl began to appear on United States
13 streets in the early 2000s, in recent years it has be-
14 come a major international drug control issue as
15 overdose deaths from its abuse continue to rise, with
16 a spike beginning in 2013. Foreign-sourced fentanyl
17 killed more Americans in 2016 than all other illicit
18 drugs, and synthetic opioids such as fentanyl and
19 tramadol accounted for more than 29,000 United
20 States drug overdose deaths in 2017, according to
21 provisional data from the Centers for Disease Con-
22 trol and Prevention. Illicit fentanyl is not a diverged
23 pharmaceutical product, is illicitly manufactured,
24 and is clandestinely distributed and integrated into
25 the illicit drug supply, usually sold as “heroin” in

1 powder form, or as counterfeit opioid or
2 benzodiazepine pills.

3 (3) In Ocean County, New Jersey, based on
4 data from the Ocean County Prosecutor’s Office, in
5 2014, 10 percent of all overdose deaths had fentanyl
6 in their systems, and by 2018 that number had risen
7 to 80 percent.

8 (4) The Drug Enforcement Administration re-
9 ports that of the illicit fentanyl class substances and
10 hundreds of other designer drugs it has identified,
11 “the vast majority . . . are manufactured in
12 China”. In 2018, a year-long congressional probe
13 found that illicit fentanyl could easily be bought on-
14 line from Chinese “labs” and mailed to the United
15 States due to gaps in oversight in the United States
16 Postal Service, and despite increased cooperation be-
17 tween United States and Chinese counter-narcotics
18 agencies, illicit fentanyl is still shipped to the United
19 States.

20 (5) According to written testimony submitted to
21 Congress by the RAND Corporation, regulatory ca-
22 pacity in China is inadequate to effectively police its
23 expansive pharmaceutical and chemical industries,
24 and according to the United States-China Economic
25 and Security Review Commission, corrupt practices

1 among local officials limit the effectiveness of regula-
2 tions and allows criminal actors to facilitate the
3 fentanyl trade.

4 (6) In June 2018, \$1,700,000 worth of Chinese
5 fentanyl was detected by counternarcotics agents in
6 a Philadelphia port during a routine inspection,
7 China has publicly gone to great lengths to shirk re-
8 sponsibility for illicit fentanyl emanating out of the
9 country, and in June 2018, Chinese official Liu
10 Yuejin blamed the crisis on the American people,
11 saying “When fewer and fewer Americans use
12 fentanyl, there would be no market for it”, ignoring
13 the Chinese supply of the illicit substance, and
14 China fails to effectively regulate precursor chemi-
15 cals, including fentanyl precursors.

16 (7) According to Dr. Daniel Ciccarone’s street-
17 based research, fentanyl lacks a lingo or slang, indi-
18 cating that this is more of a supply than a demand
19 issue and its intentional use is far outweighed by
20 non-intentional use. On September 6, 2018, at a
21 hearing before the House Committee on Foreign Af-
22 fairs Subcommittee on Africa, Global Health, Global
23 Human Rights, and International Organizations, ex-
24 pert private witnesses from diverse professional and

1 academic backgrounds all concurred that China can
2 do more to stem the flow of fentanyl.

3 (8) According to the United Nations General
4 Assembly, the drug trade poses a threat to “develop-
5 ment, peace and security and human rights”, and
6 the United Nations Convention against
7 Transnational Organized Crime (the Palermo Con-
8 vention), a multilateral treaty against transnational
9 organized crime including in the realm of narcotics
10 signed and ratified by China which entered into
11 force in 2003, obligates States Parties to “ensure ef-
12 fective action by its authorities in the prevention, de-
13 tection and punishment of the corruption of public
14 officials”.

15 (9) Combating illicit fentanyl is a top priority
16 of the Trump Administration and the President has
17 called it “outrageous” that fentanyl comes from
18 China. The Trump Administration has both high-
19 lighted China’s role in the crisis and targeted Chi-
20 nese manufacturers and traffickers, and at an Au-
21 gust 16, 2018, cabinet meeting, President Trump di-
22 rected then Attorney General Sessions to step up ef-
23 forts to stem inflows of fentanyl from China.

24 (10) Statewide in New York, the number of
25 fentanyl related deaths increased by nearly 160 per-

1 cent from 2015 to 2016. In April 2018, in Suffolk
2 County, New York, Federal agents seized more than
3 90 lbs of fentanyl and heroin with \$10,000,000
4 street value, the largest opioid bust in Suffolk Coun-
5 ty history to date.

6 (11) At the 2018 G20 summit in Buenos Aires,
7 China had agreed to tighten fentanyl controls. How-
8 ever, there has not yet been demonstratable and sus-
9 tained evidence of commitment.

10 **SEC. 3. REPORT.**

11 (a) IN GENERAL.—Not later than 90 days after the
12 date of the enactment of this Act, and annually thereafter,
13 the Secretary of State and the Secretary of the Treasury
14 shall jointly submit to the appropriate congressional com-
15 mittees a report that identifies each person in the People’s
16 Republic of China and Chinese Government official in-
17 volved in the production of fentanyl and its trafficking into
18 the United States.

19 (b) FORM.—The report required by subsection (a)
20 shall be submitted in unclassified form, but may contain
21 a classified annex.

22 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
23 FINED.—In this section, the term “appropriate congres-
24 sional committees” means—

1 (1) the Committee on Foreign Affairs, the
2 Committee on Financial Services, and the Com-
3 mittee on Energy and Commerce of the House of
4 Representatives; and

5 (2) the Committee on Foreign Relations, the
6 Committee on Banking, Housing, and Urban Af-
7 fairs, the Committee on Commerce, Science, and
8 Transportation, and the Committee on Health, Edu-
9 cation, Labor, and Pensions of the Senate.

10 **SEC. 4. SENSE OF CONGRESS.**

11 It is the sense of Congress that—

12 (1) the President should impose financial sanc-
13 tions under the International Emergency Economic
14 Powers Act (50 U.S.C. 1701 et seq.) against each
15 person and government official identified in the re-
16 port required by section 3;

17 (2) the President should impose sanctions
18 under section 1263(b) of the National Defense Au-
19 thorization Act for Fiscal Year 2017 (22 U.S.C.
20 2656 note) against each person and government offi-
21 cial identified in the report required by section 3
22 that meet the criteria under paragraph (3) or (4) of
23 section 1263(a) of such Act;

24 (3) the President should impose financial sanc-
25 tions pursuant to section 805 of the Foreign Nar-

1 otics Kingpin Designation Act (21 U.S.C. 1904)
2 against each person and government official identi-
3 fied in the report required by section 3; and
4 (4) the President should exclude each person
5 and government official identified in the report re-
6 quired by section 3 as ineligible for visas or admis-
7 sion to the United States pursuant to section
8 212(a)(2)(C) of the Immigration and Nationality
9 Act (8 U.S.C. 1182(a)(2)(C)).

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