

117TH CONGRESS  
2D SESSION

# H. R. 9162

To direct the Secretary of Homeland Security to designate illicit fentanyl as a weapon of mass destruction, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2022

Mr. WENSTRUP (for himself, Mr. TONY GONZALES of Texas, Ms. STEFANIK, Mr. TURNER, Mr. HARRIS, Mr. BURGESS, Mr. VAN DREW, Mr. BABIN, Mr. JOYCE of Pennsylvania, Mrs. WAGNER, Mr. SMITH of Nebraska, Mr. HUDSON, Mr. CARTER of Georgia, Mr. BISHOP of North Carolina, Mr. LAHOOD, Mr. FITZPATRICK, Mr. STEWART, Mr. MULLIN, Mr. JACKSON, Mr. CRAWFORD, and Mr. GALLAGHER) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Foreign Affairs, 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

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## A BILL

To direct the Secretary of Homeland Security to designate illicit fentanyl as a weapon of mass destruction, 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 “Stop Our Scourge Act  
5 of 2022” or the “SOS Act of 2022”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) The number of annual drug overdose deaths  
4 in the United States has quintupled since 1999.

5 (2) According to the Centers for Disease Con-  
6 trol and Prevention, deaths involving illicit fentanyl  
7 are on the rise, and the number of overdose deaths  
8 involving synthetic opioids in 2020 was more than  
9 18 times the number in 2013.

10 (3) The Centers for Disease Control and Pre-  
11 vention states that in 2020 more than 56,000 people  
12 died from overdoses involving synthetic opioids  
13 (other than methadone) in the United States, ac-  
14 counting for over 82 percent of all opioid-involved  
15 deaths.

16 (4) According to the National Center for Health  
17 Statistics, the age-adjusted rate of drug overdose  
18 deaths involving synthetic opioids other than metha-  
19 done (such as fentanyl) increased 56 percent, from  
20 11.4 in 2019 to 17.8 in 2020 per 100,000 standard  
21 population.

22 (5) The Centers for Disease Control and Pre-  
23 vention finds that reports on increases in synthetic  
24 opioid-involved deaths “are being driven by increases  
25 in fentanyl-involved overdose deaths, and the source

1 of the fentanyl is more likely to be illicitly manufac-  
2 tured than pharmaceutical”.

3 (6) In August 2021, the U.S.-China Economic  
4 and Security Review Commission published an issue  
5 brief noting that, in response to China’s May 2019  
6 fentanyl scheduling announcements, “Chinese illegal  
7 fentanyl producers began seeking new ways to evade  
8 authorities, including developing new fentanyl pre-  
9 cursors, working with traffickers in other countries,  
10 and using technology to avoid detection”.

11 (7) According to the Drug Enforcement Agen-  
12 cy, fentanyl is being mixed with other illicit drugs to  
13 increase the potency of the drug, sold as powders  
14 and nasal spray, and increasingly pressed into pills  
15 made to look like legitimate prescription opioids.

16 (8) In an August 2022 op-ed, Dr. Rahul Gupta,  
17 Director of the Office of National Drug Control Pol-  
18 icy, wrote, “While clandestinely produced drugs such  
19 as fentanyl hardly ever leave China in their final  
20 form, precursor chemicals for these drugs often are  
21 imported by criminals from China to Mexico, where  
22 lethal synthetic drugs are produced and trafficked to  
23 countries across the globe, including the U.S.”.

24 (9) In fiscal year 2022, U.S. Customs and Bor-  
25 der Protection seized 12,900 pounds of illicit

1 fentanyl, which was primarily manufactured in for-  
2 eign laboratories and smuggled into the United  
3 States through Mexico—a sufficient quantity to kill  
4 over 2.9 billion people.

5 (10) Current policies to counter the continued  
6 proliferation of illicit fentanyl have been shown to be  
7 inadequate at protecting the Nation’s communities.

8 **SEC. 3. DESIGNATION OF FENTANYL AS A WEAPON OF**  
9 **MASS DESTRUCTION.**

10 (a) IN GENERAL.—The Secretary of Homeland Secu-  
11 rity shall designate illicit fentanyl as a weapon of mass  
12 destruction for purposes of title XIX of the Homeland Se-  
13 curity Act of 2002 (6 U.S.C. 590 et seq.).

14 (b) DEFINITION.—In this section, the term “illicit  
15 fentanyl” means fentanyl and any analogue thereof that  
16 is manufactured, distributed, or dispensed, or possessed  
17 with intent to manufacture, distribute, or dispense, in vio-  
18 lation of section 401, 406, or 416 of the Controlled Sub-  
19 stances Act (21 U.S.C. 841, 846, 856).

20 **SEC. 4. ASSESSMENT REGARDING ILLICIT FENTANYL.**

21 (a) IN GENERAL.—The head of the Office of National  
22 Drug Control Policy, in consultation with the heads of  
23 such other Federal agencies as the head of the Office of  
24 National Drug Control Policy deems appropriate, shall  
25 conduct an assessment of the following:

1 (1) Foreign manufacturing of illicit fentanyl.

2 (2) The tools and capabilities across Federal  
3 agencies to address trafficking of illicit fentanyl.

4 (3) How coordination of Federal efforts to ad-  
5 dress such trafficking can be improved, including  
6 identification of duplicative Federal efforts.

7 (4) The capacities of the Mexican military to  
8 conduct counterdrug missions with respect to illicit  
9 fentanyl.

10 (5) The capacities and willingness of the Peo-  
11 ple’s Republic of China to curtail the flow of illicit  
12 fentanyl, conduct inspections and investigations with  
13 respect to illicit fentanyl, screen for illicit fentanyl at  
14 ports of exit, implement “know-your-customer”  
15 standards, and hold traffickers of illicit fentanyl ac-  
16 countable.

17 (6) Illicit fentanyl being trafficked into the  
18 United States from Mexico, including the purity, for-  
19 mulation, and weight of the illicit fentanyl.

20 (b) TIMING; REPORT.—Not later than 180 days after  
21 the date of enactment of this Act, the head of the Office  
22 of National Drug Control Policy shall—

23 (1) complete the assessment required by sub-  
24 section (a); and

1           (2) submit a report to the Congress on the re-  
2           sults of such assessment.

3           (c) DEFINITION.—In this section, the term “illicit  
4           fentanyl” means fentanyl and any analogue or precursor  
5           thereof that is manufactured, distributed, or dispensed, or  
6           possessed with intent to manufacture, distribute, or dis-  
7           pense, in violation of section 401, 406, or 416 of the Con-  
8           trolled Substances Act (21 U.S.C. 841, 846, 856).

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