June 11, 2018

Key Vote NO on the SITSA Act, H.R. 2851

On behalf of FreedomWorks’ activist community, I urge you to contact your representative and ask him or her to vote NO on the Stop the Importation and Trafficking of Synthetic Analogues (SITSA) Act, H.R. 2851. This bill would attempt to address the very real synthetic opioid problem in the United States but does so in an extremely misguided way.

The bill overcriminalizes drug offenses by broadly expanding penalties for drug offenses and also concerningly concentrates unilateral power in the Department of Justice, with little congressional oversight. As has been evidenced by decades of “war on drugs” policies, it is clear that steep penalties do not deter drug use. People who use drugs continue to do so because they have become addicted to the chemicals in them. Introducing lengthy sentences for drug users and low-level dealers will not solve this addiction problem.

Additionally, the legislation would give concentrated power to the Department of Justice, allowing the Attorney General to unilaterally schedule substances and set penalties for these substances. This should concern all those who believe in the importance of government accountability and separation of powers, as this provision essentially cedes Congress’ lawmaking power to a single, unelected executive official. Proponents will undoubtedly argue that Congress can reverse the scheduling of a synthetic opioid through a disapproval resolution. It is incredibly unlikely that this will ever happen.

Furthermore, the absence of a criminal intent, or *mens rea*, requirement is troublesome. Fentanyl and other synthetic analogues are, in the vast majority of instances, added to drugs prior to their entry into the United States. Users and low-level dealers who would be affected by these penalties most likely would have no awareness that the newly scheduled substances are in the drugs they have. Without a criminal intent requirement, this legislation dangerously targets the wrong population of individuals entirely.

Instead of passing legislation that would have a negative fiscal and societal impact on communities across America, Congress should instead continue the work of criminal justice reform advocates across the country. Increasing access to treatment opportunities and targeting the international drug trade, not addicted individuals, would best enhance public safety and
reduce the threat presented by the opioid crisis.

FreedomWorks will count the votes for the Stop the Importation and Trafficking of Synthetic Analogues (SITSA) Act, H.R. 2851, on our 2018 Congressional Scorecard and reserves the right to score votes for amendments not listed above. The scorecard is used to determine eligibility for the FreedomFighter Award, which recognizes Members of the House and Senate who consistently vote to support economic freedom and individual liberty.

Sincerely,

Adam Brandon
President, FreedomWorks