

115TH CONGRESS
1ST SESSION

H. R. 664

To prevent the abuse of opiates, to improve response and treatment for the abuse of opiates and related overdoses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2017

Mr. JOYCE of Ohio (for himself, Mr. RYAN of Ohio, Mr. THOMAS J. ROONEY of Florida, Ms. STEFANIK, and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Oversight and Government Reform, and Armed Services, 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 prevent the abuse of opiates, to improve response and treatment for the abuse of opiates and related overdoses, 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 “Stem the Tide of Over-
5 dose Prevalence from Opiate Drugs Act of 2017” or as
6 the “STOP OD Act of 2017”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 Congress finds as follows:

3 (1) The increase in fentanyl-related unintentional overdose fatalities presents another life-threatening scenario for its victims and threatens first-responders.

7 (2) The U.S. Sentencing Commission—

8 (A) ought to consider the presence of
9 fentanyl in connection to the illicit distribution
10 of an illicit substance, as a cutting agent; and

11 (B) if fentanyl is present as a cutting
12 agent or in its pure form, may consider such
13 presence as an aggravating factor at sentencing.

14 (3) Better identification and reporting practices
15 by medical examiners and coroners to identify
16 fentanyl in an overdose mortality will help the States
17 and the Federal Government to allocate resources
18 more accurately. Those findings ought to be confidential but for any aggregate data released by the
19 appropriate government agency.

20 (4) Congress encourages States to expand
21 training opportunities to first responders to administer naloxone.

1 (5) Eliminating the civil liability of first re-
2 sponders administering naloxone would save lives
3 and protect our emergency personnel.

4 **SEC. 3. EXPANSION OF EDUCATIONAL CAMPAIGN GRANTS.**

5 (a) IN GENERAL.—For each of fiscal years 2018 and
6 2019, the Director of the Centers for Disease Control and
7 Prevention, in consultation with the Director of the Office
8 of National Drug Control Policy, may make not more than
9 \$75,000,000 in grants to eligible grantees for the fol-
10 lowing purposes:

11 (1) Expansion of educational efforts to prevent
12 abuse of opiates including heroin.

13 (2) Promotion of treatment and recovery of per-
14 sons who abuse such substances.

15 (3) Efforts to promote understanding of addic-
16 tion as a chronic disease.

17 (b) ELIGIBLE GRANTEEES.—A grant under this sec-
18 tion may be made only to the following entities:

19 (1) A State, with grants first being awarded to
20 States with laws in effect that provide for immunity
21 from civil liability for first responders and health
22 professionals who administer naloxone in the course
23 of their duty to counteract opiate overdoses.

24 (2) A local government.

25 (3) A nonprofit organization.

1 (4) An organization that has received a grant
2 under the Drug-Free Communities Act of 1997 to
3 implement a comprehensive community-wide strategy
4 that addresses a local drug crisis.

5 (c) AMOUNT OF GRANTS.—The amount of a grant
6 under this section to an eligible grantee for a fiscal year
7 may not be more than \$100,000.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
9 out this section, there are authorized to be appropriated
10 \$75,000,000 for each of fiscal years 2018 and 2019.

11 **SEC. 4. GRANTS FOR NALOXONE, TRAINING IN THE ADMIN-**
12 **ISTRATION OF NALOXONE, AND TESTING FOR**
13 **FENTANYL.**

14 (a) IN GENERAL.—For each of fiscal years 2018 and
15 2019, the Secretary of Health and Human Services, in
16 consultation with the Director of the Office of National
17 Drug Control Policy, may make grants to eligible appli-
18 cants to—

19 (1) make naloxone available to be carried and
20 administered by first responders in the course of
21 their official duties;

22 (2) train and provide resources for first re-
23 sponders for carrying and administering naloxone in
24 the course of their official duties to prevent deaths
25 from opiate (including heroin) overdoses;

1 (3) establish processes, protocols, and mecha-
2 nisms for referral to treatment for opiate abuse; and

3 (4) provide rebates for the testing of fentanyl in
4 unintentional overdoses on opiates and report the re-
5 sults of such testing to the Centers for Disease Con-
6 trol and Prevention.

7 (b) ELIGIBLE APPLICANT.—A grant under this sec-
8 tion may be made only to a State or local government,
9 or a nonprofit organization, that submits an application
10 that includes the following:

11 (1) A description of the evidence-based method-
12 ology and outcome measurements that will be used
13 to evaluate any program funded by the eligible appli-
14 cant with a grant under this section, and a specific
15 explanation of how such measurements will provide
16 valid measures of the impact of the program.

17 (2) A description of how the program could be
18 broadly replicated if demonstrated to be effective.

19 (3) An identification of the governmental and
20 community agencies with respect to which the eligi-
21 ble applicant will provide coordination carrying out
22 the program.

23 (4) A description of how first responders will
24 coordinate with corresponding State substance abuse
25 clinics and coroners and medical examiners to iden-

1 tify protocols and resources that are available, in-
2 cluding information on treatment and recovery re-
3 sources.

4 (c) **MAXIMUM AMOUNT.**—The amount of a grant
5 under this section to an eligible applicant for a fiscal year
6 may not be more than \$200,000.

7 (d) **FIRST RESPONDERS DEFINED.**—In this section,
8 the term “first responders” means law enforcement offi-
9 cers, emergency medical technicians, and firefighters.

10 (e) **AUTHORIZATION OF APPROPRIATIONS.**—To carry
11 out this section, there are authorized to be appropriated
12 \$150,000,000 for each of fiscal years 2018 and 2019.

13 **SEC. 5. FEE FOR FENTANYL.**

14 Section 401 of the Controlled Substances Act (21
15 U.S.C. 841) is amended by adding at the end the fol-
16 lowing:

17 “(i) **FEE FOR FENTANYL.**—In the
18 case of any person who is convicted of a
19 violation of subsection (a), or of a con-
20 spiracy to violate subsection (a) (including
21 conviction arising from a plea of guilty or
22 nolo contendere), the court shall, in addi-
23 tion to any other penalty, impose a fee of
24 \$80. Amounts collected as fees under this
25 subsection shall be available to the Attor-

1 ney General for fiscal years 2018 and 2019
2 for grants under section 4 of the Stem the
3 Tide of Overdose Prevalence from Opiate
4 Drugs Act of 2017.”.

5 **SEC. 6. FEDERAL DATA CENTER CONSOLIDATION INITIA-**
6 **TIVE.**

7 (a) FEDERAL DATA CENTER CONSOLIDATION IN-
8 VENTORIES AND STRATEGIES.—

9 (1) IN GENERAL.—

10 (A) ANNUAL REPORTING.—Except as pro-
11 vided in subparagraph (C), each year, beginning
12 in the first fiscal year after the date of the en-
13 actment of this Act and each fiscal year there-
14 after, the head of each covered agency, assisted
15 by the Chief Information Officer of the agency,
16 shall submit to the Administrator—

17 (i) a comprehensive inventory of the
18 data centers owned, operated, or main-
19 tained by or on behalf of the agency; and

20 (ii) a multiyear strategy to achieve the
21 consolidation and optimization of the data
22 centers inventoried under clause (i), that
23 includes—

24 (I) performance metrics—

1 (aa) that are consistent with
2 the Government-wide data center
3 consolidation and optimization
4 metrics; and

5 (bb) by which the quan-
6 titative and qualitative progress
7 of the agency toward the goals of
8 the FDCCI can be measured;

9 (II) a timeline for agency activi-
10 ties to be completed under the
11 FDCCI, with an emphasis on bench-
12 marks the agency can achieve by spe-
13 cific dates;

14 (III) year-by-year calculations of
15 investment and cost savings for the
16 period beginning on the date of the
17 enactment of this Act and ending on
18 the date set forth in subsection (e),
19 broken down by each year, including a
20 description of any initial costs for
21 data center consolidation and optimi-
22 zation and life cycle cost savings and
23 other improvements, with an emphasis
24 on—

1 (aa) meeting the Govern-
2 ment-wide data center consolida-
3 tion and optimization metrics;
4 and

5 (bb) demonstrating the
6 amount of agency-specific cost
7 savings each fiscal year achieved
8 through the FDCCI; and

9 (IV) any additional information
10 required by the Administrator.

11 (B) USE OF OTHER REPORTING STRUC-
12 TURES.—The Administrator may require a cov-
13 ered agency to include the information required
14 to be submitted under this subsection through
15 reporting structures determined by the Admin-
16 istrator to be appropriate.

17 (C) DEPARTMENT OF DEFENSE REPORT-
18 ING.—For any year that the Department of De-
19 fense is required to submit a performance plan
20 for reduction of resources required for data
21 servers and centers, as required under section
22 2867(b) of the National Defense Authorization
23 Act for Fiscal Year 2012 (10 U.S.C. 2223a
24 note), the Department of Defense—

1 (i) may submit to the Administrator,
2 in lieu of the multiyear strategy required
3 under subparagraph (A)(ii)—

4 (I) the defense-wide plan re-
5 quired under section 2867(b)(2) of
6 the National Defense Authorization
7 Act for Fiscal Year 2012 (10 U.S.C.
8 2223a note); and

9 (II) the report on cost savings re-
10 quired under section 2867(d) of the
11 National Defense Authorization Act
12 for Fiscal Year 2012 (10 U.S.C.
13 2223a note); and

14 (ii) shall submit the comprehensive in-
15 ventory required under subparagraph
16 (A)(i), unless the defense-wide plan re-
17 quired under section 2867(b)(2) of the Na-
18 tional Defense Authorization Act for Fiscal
19 Year 2012 (10 U.S.C. 2223a note)—

20 (I) contains a comparable com-
21 prehensive inventory; and

22 (II) is submitted under clause (i).

23 (D) STATEMENT.—Each year, beginning in
24 the first fiscal year after the date of the enact-
25 ment of this Act and each fiscal year thereafter,

1 the head of each covered agency, acting through
2 the Chief Information Officer of the agency,
3 shall—

4 (i)(I) submit a statement to the Ad-
5 ministrator stating whether the agency has
6 complied with the requirements of this sec-
7 tion; and

8 (II) make the statement submitted
9 under subclause (I) publicly available; and

10 (ii) if the agency has not complied
11 with the requirements of this section, sub-
12 mit a statement to the Administrator ex-
13 plaining the reasons for not complying
14 with such requirements.

15 (E) AGENCY IMPLEMENTATION OF STRAT-
16 EGIES.—

17 (i) IN GENERAL.—Each covered agen-
18 cy, under the direction of the Chief Infor-
19 mation Officer of the agency, shall—

20 (I) implement the strategy re-
21 quired under subparagraph (A)(ii);
22 and

23 (II) provide updates to the Ad-
24 ministrator, on a quarterly basis, of—

1 (aa) the completion of activi-
2 ties by the agency under the
3 FDCCI;

4 (bb) any progress of the
5 agency towards meeting the Gov-
6 ernment-wide data center consoli-
7 dation and optimization metrics;
8 and

9 (cc) the actual cost savings
10 and other improvements realized
11 through the implementation of
12 the strategy of the agency.

13 (ii) DEPARTMENT OF DEFENSE.—For
14 purposes of clause (i)(I), implementation of
15 the defense-wide plan required under sec-
16 tion 2867(b)(2) of the National Defense
17 Authorization Act for Fiscal Year 2012
18 (10 U.S.C. 2223a note) by the Department
19 of Defense shall be considered implementa-
20 tion of the strategy required under sub-
21 paragraph (A)(ii).

22 (F) RULE OF CONSTRUCTION.—Nothing in
23 this section shall be construed to limit the re-
24 porting of information by a covered agency to

1 the Administrator, the Director of the Office of
2 Management and Budget, or Congress.

3 (2) ADMINISTRATOR RESPONSIBILITIES.—The
4 Administrator shall—

5 (A) establish the deadline, on an annual
6 basis, for covered agencies to submit informa-
7 tion under this section;

8 (B) establish a list of requirements that
9 the covered agencies must meet to be consid-
10 ered in compliance with paragraph (1);

11 (C) ensure that information relating to
12 agency progress towards meeting the Govern-
13 ment-wide data center consolidation and optimi-
14 zation metrics is made available in a timely
15 manner to the general public;

16 (D) review the inventories and strategies
17 submitted under paragraph (1) to determine
18 whether they are comprehensive and complete;

19 (E) monitor the implementation of the
20 data center strategy of each covered agency
21 that is required under paragraph (1)(A)(ii);

22 (F) update, on an annual basis, the cumu-
23 lative cost savings realized through the imple-
24 mentation of the FDCCI; and

1 (G) establish metrics applicable to the con-
2 solidation and optimization of data centers Gov-
3 ernment-wide, including metrics with respect
4 to—

5 (i) costs;

6 (ii) efficiencies, including, at a min-
7 imum, server efficiency; and

8 (iii) any other factors the Adminis-
9 trator considers appropriate.

10 (3) COST SAVING GOAL AND UPDATES FOR CON-
11 GRESS.—

12 (A) IN GENERAL.—Not later than one year
13 after the date of the enactment of this Act, the
14 Administrator shall develop, and make publicly
15 available, a goal, broken down by year, for the
16 amount of planned cost savings and optimiza-
17 tion improvements achieved through the FDCCI
18 during the period beginning on the date of the
19 enactment of this Act and ending on the date
20 set forth in subsection (e).

21 (B) ANNUAL UPDATE.—

22 (i) IN GENERAL.—Not later than one
23 year after the date on which the goal de-
24 scribed in subparagraph (A) is made pub-
25 licly available, and each year thereafter,

1 the Administrator shall aggregate the re-
2 ported cost savings of each covered agency
3 and optimization improvements achieved to
4 date through the FDCCI and compare the
5 savings to the projected cost savings and
6 optimization improvements developed
7 under subparagraph (A).

8 (ii) UPDATE FOR CONGRESS.—The
9 goal required to be developed under sub-
10 paragraph (A) shall be submitted to Con-
11 gress and shall be accompanied by a state-
12 ment describing—

13 (I) the extent to which each cov-
14 ered agency has developed and sub-
15 mitted a comprehensive inventory
16 under paragraph (1)(A)(i), including
17 an analysis of the inventory that de-
18 tails specific numbers, use, and effi-
19 ciency level of data centers in each in-
20 ventory; and

21 (II) the extent to which each cov-
22 ered agency has submitted a com-
23 prehensive strategy that addresses the
24 items listed in paragraph (1)(A)(ii).

25 (4) GAO REVIEW.—

1 (A) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, and
3 each year thereafter, the Comptroller General of
4 the United States shall review and verify the
5 quality and completeness of the inventory and
6 strategy of each covered agency required under
7 paragraph (1)(A).

8 (B) REPORT.—The Comptroller General of
9 the United States shall, on an annual basis,
10 publish a report on each review conducted
11 under subparagraph (A).

12 (b) ENSURING CYBERSECURITY STANDARDS FOR
13 DATA CENTER CONSOLIDATION AND CLOUD COM-
14 PUTING.—

15 (1) IN GENERAL.—In implementing a data cen-
16 ter consolidation and optimization strategy under
17 this section, a covered agency shall do so in a man-
18 ner that is consistent with Federal guidelines on
19 cloud computing security, including—

20 (A) applicable provisions found within the
21 Federal Risk and Authorization Management
22 Program (FedRAMP); and

23 (B) guidance published by the National In-
24 stitute of Standards and Technology.

1 (2) RULE OF CONSTRUCTION.—Nothing in this
2 section shall be construed to limit the ability of the
3 Director of the Office of Management and Budget to
4 update or modify the Federal guidelines on cloud
5 computing security.

6 (c) WAIVER OF REQUIREMENTS.—The Director of
7 National Intelligence and the Secretary of Defense, or
8 their respective designee, may waive the applicability to
9 any national security system, as defined in section 3552
10 of title 44, United States Code, of any provision of this
11 section if the Director of National Intelligence or the Sec-
12 retary of Defense, or their respective designee, determines
13 that such waiver is in the interest of national security.
14 Not later than 30 days after making a waiver under this
15 subsection, the Director of National Intelligence or the
16 Secretary of Defense, or their respective designee, shall
17 submit to the Committee on Homeland Security and Gov-
18 ernmental Affairs and the Select Committee on Intel-
19 ligence of the Senate and the Committee on Oversight and
20 Government Reform and the Permanent Select Committee
21 on Intelligence of the House of Representatives a state-
22 ment describing the waiver and the reasons for the waiver.

23 (d) DEFINITIONS.—In this section:

24 (1) ADMINISTRATOR.—The term “Adminis-
25 trator” means the Administrator of the Office of

1 Electronic Government established under section
2 3602 of title 44, United States Code (and also
3 known as the Office of E-Government and Informa-
4 tion Technology), within the Office of Management
5 and Budget.

6 (2) COVERED AGENCY.—The term “covered
7 agency” means the following (including all associ-
8 ated components of the agency):

9 (A) Department of Agriculture.

10 (B) Department of Commerce.

11 (C) Department of Defense.

12 (D) Department of Education.

13 (E) Department of Energy.

14 (F) Department of Health and Human
15 Services.

16 (G) Department of Homeland Security.

17 (H) Department of Housing and Urban
18 Development.

19 (I) Department of the Interior.

20 (J) Department of Justice.

21 (K) Department of Labor.

22 (L) Department of State.

23 (M) Department of Transportation.

24 (N) Department of the Treasury.

25 (O) Department of Veterans Affairs.

1 (P) Environmental Protection Agency.

2 (Q) General Services Administration.

3 (R) National Aeronautics and Space Ad-
4 ministration.

5 (S) National Science Foundation.

6 (T) Nuclear Regulatory Commission.

7 (U) Office of Personnel Management.

8 (V) Small Business Administration.

9 (W) Social Security Administration.

10 (X) United States Agency for International
11 Development.

12 (3) FDCCI.—The term “FDCCI” means the
13 Federal Data Center Consolidation Initiative de-
14 scribed in the Office of Management and Budget
15 Memorandum on the Federal Data Center Consoli-
16 dation Initiative, dated February 26, 2010, or any
17 successor thereto.

18 (4) GOVERNMENT-WIDE DATA CENTER CON-
19 SOLIDATION AND OPTIMIZATION METRICS.—The
20 term “Government-wide data center consolidation
21 and optimization metrics” means the metrics estab-
22 lished by the Administrator under subsection
23 (a)(2)(G).

24 (e) SUNSET.—This section is repealed effective on
25 October 1, 2020.

1 **SEC. 7. DEFINITIONS.**

2 In this Act:

3 (1) The term “fentanyl” means an opiate an-
4 algesic that is listed as a controlled substance in
5 schedule II under section 202 of the Controlled Sub-
6 stances Act (21 U.S.C. 812).

7 (2) The term “naloxone” means the opiate an-
8 tagonist naloxone, approved by the Food and Drug
9 Administration, in any approved manner of adminis-
10 tration.

11 (3) The term “opiate” has the meaning given
12 such term in section 102(18) of the Controlled Sub-
13 stances Act.

○