

Calendar No. 640

115TH CONGRESS
2D SESSION

S. 3047

[Report No. 115–353]

To establish a narcotic drug screening technology pilot program to combat illicit opioid importation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 11, 2018

Mrs. McCASKILL (for herself, Mr. KING, Mr. MANCHIN, Ms. HASSAN, Ms. HEITKAMP, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

NOVEMBER 13, 2018

Reported by Mr. JOHNSON, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To establish a narcotic drug screening technology pilot program to combat illicit opioid importation, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Opportunities to Pro-
3 vide for Illicit Opioid Interdiction and Detection Act of
4 2018” or the “OPIOID Act of 2018”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) **CBP.**—The term “CBP” means U.S. Cus-
8 toms and Border Protection.

9 (2) **COMMISSIONER.**—The term “Commis-
10 sioner” means the Commissioner of U.S. Customs
11 and Border Protection.

12 (3) **DEPARTMENT.**—The term “Department”
13 means the Department of Homeland Security.

14 (4) **MOTOR VEHICLE.**—The term “motor vehi-
15 cle” has the meaning given the term in section
16 30301 of title 49, United States Code.

17 (5) **NARCOTIC DRUG.**—The term “narcotic
18 drug” has the meaning given the term in section
19 102 of the Controlled Substances Act (21 U.S.C.
20 802).

21 (6) **UNDER SECRETARY.**—The term “Under
22 Secretary” means the Under Secretary of Science
23 and Technology of the Department.

1 **SEC. 3. PILOT PROGRAM AUTHORITY.**

2 (a) **ESTABLISHMENT.**—The Under Secretary and the
3 Commissioner shall jointly establish the pilot programs de-
4 scribed in sections 4 and 5.

5 (b) **IMPLEMENTATION.**—The Under Secretary and
6 the Commissioner shall—

7 (1) not later than 90 days after the date of en-
8 actment of this Act, begin development of the pilot
9 program described in section 4; and

10 (2) not later than 1 year after the date of en-
11 actment of this Act, implement both of the pilot pro-
12 grams described in sections 4 and 5.

13 (c) **SUNSET.**—The authority provided to the Under
14 Secretary and the Commissioner under this section shall
15 terminate on the date that is 5 years after the date on
16 which both of the pilot programs described in sections 4
17 and 5 are implemented.

18 (d) **APPLICATION OF FACA.**—The pilot programs
19 authorized under this Act shall not be subject to the Fed-
20 eral Advisory Committee Act (5 U.S.C. App.).

21 **SEC. 4. NARCOTIC DRUG SCREENING TECHNOLOGY PILOT**
22 **PROGRAM FOR INBOUND INTERNATIONAL**
23 **MAIL.**

24 (a) **ESTABLISHMENT OF PROGRAM.**—The Under Sec-
25 retary and the Commissioner shall, in consultation with
26 the Postmaster General, the Administrator of the Drug

1 Enforcement Administration, and any other entity the
2 Under Secretary and the Commissioner determine appro-
3 priate, including industry experts and academia, jointly es-
4 tablish a pilot program to develop new technology, or de-
5 ploy existing technology, designed to screen mail, items,
6 and containers entering the United States for narcotic
7 drugs.

8 (b) REQUIREMENTS.—In establishing the pilot pro-
9 gram required under subsection (a), the Under Secretary
10 and the Commissioner shall—

11 (1) facilitate the development of—

12 (A) technology to screen letters, flats, and
13 parcel mail, as well as mail transport shipment
14 containers and bags; and

15 (B) methods for using data to expose ille-
16 gal mail transfers of narcotic drugs from for-
17 eign countries;

18 (2) develop processes and procedures necessary
19 to test, evaluate, and operationalize any technology
20 developed under the pilot program, including pro-
21 cesses for incorporating the technology with, or re-
22 placing, technology in use as of the date of enact-
23 ment of this Act;

24 (3) review the processes and procedures de-
25 scribed in subparagraphs (A) and (B) of paragraph

1 (1), that are in effect as of the date of enactment
2 of this Act to determine—

3 (A) the effectiveness of the processes or
4 procedures; and

5 (B) whether adjustments to the processes
6 or procedures are needed to enhance detection
7 of narcotic drugs;

8 (4) implement adjustments, if any, identified
9 under paragraph (3)(B); and

10 (5) consult with the National Institute of
11 Standards and Technology to ensure that tech-
12 nologies deployed under the pilot program perform
13 in an effective manner, including—

14 (A) a determination of background levels
15 of narcotic drugs in postal facilities;

16 (B) periodic operational testing of deployed
17 instruments using non-vendor supplied mate-
18 rials;

19 (C) reviews of screener training; and

20 (D) mechanisms to address the introduc-
21 tion of new narcotic drugs and sample types, in-
22 cluding analogue substances.

1 **SEC. 5. NARCOTIC DRUG SCREENING TECHNOLOGY PILOT**
2 **PROGRAM AT LAND BORDER PORTS OF**
3 **ENTRY.**

4 (a) **ESTABLISHMENT OF PROGRAM.**—The Under Sec-
5 retary and the Commissioner shall, in consultation with
6 the Administrator of the Drug Enforcement Administra-
7 tion and any other entity the Under Secretary and the
8 Commissioner determine appropriate, including industry
9 experts and academia, jointly establish a pilot program to
10 develop new technology, or deploy existing technology, de-
11 signed to screen motor vehicles, pedestrian traffic, and
12 cargo entering the United States at a land border port
13 of entry for narcotic drugs.

14 (b) **REQUIREMENTS.**—In establishing the pilot pro-
15 gram required under subsection (a), the Under Secretary
16 and the Commissioner shall—

17 (1) facilitate the development of technology to
18 screen motor vehicles, pedestrian traffic, and cargo;

19 (2) develop processes and procedures necessary
20 to test, evaluate, and operationalize any technology
21 developed under the pilot program, including proc-
22 esses for incorporating the technology with, or re-
23 placing, technology in use as of the date of enact-
24 ment of this Act;

25 (3) review the processes and procedures for
26 screening and inspecting motor vehicles, pedestrian

1 traffic, and cargo at a land border port of entry of
2 the United States in effect as of the date of enact-
3 ment of this Act to determine—

4 (A) the effectiveness of the processes and
5 procedures; and

6 (B) whether adjustments to the processes
7 and procedures are needed to enhance detection
8 of narcotic drugs;

9 (4) implement adjustments, if any, identified
10 under paragraph (3)(B); and

11 (5) consult with the National Institute of
12 Standards and Technology to ensure that tech-
13 nologies deployed under the pilot program perform
14 in an effective manner, including—

15 (A) periodic operational testing of deployed
16 instruments using non-vendor supplied mate-
17 rials;

18 (B) reviews of screener training; and

19 (C) mechanisms to address the introduc-
20 tion of new narcotic drugs and sample types, in-
21 cluding analogue substances.

22 **SEC. 6. REPORT ON PILOT PROGRAMS.**

23 Not later than 1 year after the date on which the
24 pilot programs described in sections 4 and 5 are both im-
25 plemented, and each year thereafter until the sunset date

1 described in section (3)(c), the Under Secretary and the
2 Commissioner shall submit a joint report to the Com-
3 mittee on Homeland Security and Governmental Affairs
4 of the Senate and the Committee on Homeland Security
5 of the House of Representatives on—

6 (1) any technology developed under the pilot
7 programs and a description of how the technology
8 will be operationalized and incorporated into the de-
9 tection regime in use as of the date of enactment of
10 this Act;

11 (2) the effectiveness of the technology developed
12 under the pilot programs, including a comparison
13 against technology in use as of the date of enact-
14 ment of this Act;

15 (3) a cost estimate for operationalizing and im-
16 plementing the technology developed under the pilot
17 programs into the detection regime in use as of the
18 date of enactment of this Act;

19 (4) a timeframe for full implementation of the
20 technology developed under the pilot programs; and

21 (5) any conclusions based on the reviews re-
22 quired to be conducted, including suggested revisions
23 or alterations.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Opportunities to Provide*
 3 *for Illicit Opioid Interdiction and Detection Act of 2018”*
 4 *or the “OPIOID Act of 2018”*

5 **SEC. 2. DEFINITIONS.**

6 *In this Act:*

7 (1) **COMMISSIONER.**—*The term “Commissioner”*
 8 *means the Commissioner of U.S. Customs and Border*
 9 *Protection.*

10 (2) **COVERED SUBSTANCES.**—*The term “covered*
 11 *substances” means illicit fentanyl and any precur-*
 12 *sors, other synthetic opioids and any precursors, her-*
 13 *oin, methamphetamine, and other narcotic drugs and*
 14 *psychoactive substances.*

15 (3) **UNDER SECRETARY.**—*The term “Under Sec-*
 16 *retary” means the Under Secretary of Homeland Se-*
 17 *curity for Science and Technology.*

18 **SEC. 3. INTERAGENCY COLLABORATION ON RESEARCH AND**
 19 **TECHNOLOGY DEVELOPMENT.**

20 (a) **ENTRY BY MAIL.**—*The Commissioner, the Under*
 21 *Secretary, and the Postmaster General, in coordination*
 22 *with the heads of other Federal agencies as appropriate,*
 23 *shall collaborate to identify and develop technology for the*
 24 *detection of covered substances entering the United States*
 25 *by mail.*

1 (b) *ENTRY BY LAND AND SEA.*—*The Commissioner*
2 *and the Under Secretary, in coordination with the heads*
3 *of other Federal agencies as appropriate, shall collaborate*
4 *to develop new technology for the detection of covered sub-*
5 *stances at border ports of entry in motor vehicles, cargo,*
6 *and cargo containers, including enhancements to border in-*
7 *frastructure that can help canine detection to be more effi-*
8 *cient and effective.*

9 (c) *OUTREACH TO PRIVATE SECTOR.*—*The Commis-*
10 *sioner and the Under Secretary shall conduct appropriate*
11 *outreach to private sector entities and federally funded re-*
12 *search and development centers to gather information re-*
13 *garding the state of technology and identify areas for inno-*
14 *vation relating to the detection of covered substances enter-*
15 *ing the United States.*

16 (d) *REPORT ON RESEARCH COORDINATION AND TECH-*
17 *NOLOGY DEVELOPMENT.*—*Not later than 1 year after the*
18 *date of enactment of this Act, and each year thereafter for*
19 *3 additional years, the Commissioner and the Under Sec-*
20 *retary, in consultation with the Postmaster General and the*
21 *heads of other Federal agencies as appropriate, shall submit*
22 *a joint report to the Committee on Homeland Security and*
23 *Governmental Affairs of the Senate and the Committee on*
24 *Homeland Security of the House of Representatives that—*

1 (1) describes any technology and related proc-
2 esses and procedures developed under this section and
3 how the technology, processes, and procedures will be
4 operationalized and incorporated into the detection
5 regime in use during the year preceding the report;

6 (2) describes the effectiveness of the technology
7 and related processes and procedures developed under
8 this section, including a comparison against tech-
9 nology, processes, and procedures in use as of the date
10 of enactment of this Act;

11 (3) estimates the cost of operationalizing and im-
12 plementing the technology, processes, and procedures
13 developed under this section into the detection regime
14 in use during the year preceding the report;

15 (4) includes a timeframe for full implementation
16 of the technology, processes, and procedures developed
17 under this section that will improve the detection re-
18 gime in use during the year preceding the report;

19 (5) describes any Federal policy changes needed
20 to implement the technology, processes, and proce-
21 dures developed under this section that will improve
22 the detection regime in use during the year preceding
23 the report; and

24 (6) describes any challenges that impact the de-
25 ployment of technology, processes, and procedures de-

- 1 *veloped under this section that will improve the detec-*
- 2 *tion regime in use during the year preceding the re-*
- 3 *port, and plans to overcome those challenges.*

Amend the title so as to read: “A bill to encourage Federal agencies to coordinate on research and the development of technology to combat illicit opioid importation, and for other purposes.”.

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