

INTERNATIONAL NARCOTICS TRAFFICKING EMERGENCY
RESPONSE BY DETECTING INCOMING CONTRABAND
WITH TECHNOLOGY ACT

SEPTEMBER 21, 2017.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security,
submitted the following

R E P O R T

[To accompany H.R. 2142]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 2142) to improve the ability of U.S. Customs and Border Protection to interdict fentanyl, other synthetic opioids, and other narcotics and psychoactive substances that are illegally imported into the United States, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “International Narcotics Trafficking Emergency Response by Detecting Incoming Contraband with Technology Act” or the “INTERDICT Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **CHEMICAL SCREENING DEVICE.**—The term “chemical screening device” means an immunoassay, narcotics field test kit, infrared spectrophotometer, mass spectrometer, nuclear magnetic resonance spectrometer, Raman spectrophotometer, or other scientific instrumentation able to collect data that can be interpreted to determine the presence of fentanyl, other synthetic opioids, and other narcotics and psychoactive substances.

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

(3) **EXPRESS CONSIGNMENT OPERATOR OR CARRIER.**—The term “express consignment operator or carrier” has the meaning given that term in section 128.1 of title 19, Code of Federal Regulations (or any similar successor regulation).

SEC. 3. INTERDICTION OF FENTANYL, OTHER SYNTHETIC OPIOIDS, AND OTHER NARCOTICS AND PSYCHOACTIVE SUBSTANCES.

(a) **CHEMICAL SCREENING DEVICES.**—The Commissioner shall—

(1) increase the number of chemical screening devices available to U.S. Customs and Border Protection officers over the number of such devices that are available on the date of the enactment of this Act; and

(2) make such additional chemical screening devices available to U.S. Customs and Border Protection officers as the Commissioner determines are necessary to interdict fentanyl, other synthetic opioids, and other narcotics and psychoactive substances that are illegally imported into the United States, including such substances that are imported through the mail or by an express consignment operator or carrier.

(b) **PERSONNEL TO INTERPRET DATA.**—The Commissioner shall dedicate the appropriate number of U.S. Customs and Border Protection personnel, including scientists, so that such personnel are available during all operational hours to interpret data collected by chemical screening devices.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commissioner \$9,000,000 to ensure that U.S. Customs and Border Protection has resources, including chemical screening devices, personnel, and scientists, available during all operational hours to prevent, detect, and interdict the unlawful importation of fentanyl, other synthetic opioids, and other narcotics and psychoactive substances.

PURPOSE AND SUMMARY

H.R. 2142, the “INTERDICT Act,” provides U.S. Customs and Border Protection (CBP) with the latest chemical screening devices and scientific support to detect and intercept fentanyl and other synthetic opioids. Specifically, this bill will ensure that CBP has additional portable chemical screening devices available at ports of entry and at mail and express consignment facilities, as well as additional fixed chemical screening devices available in CBP laboratories. The INTERDICT Act provides CBP with sufficient resources, personnel, and facilities—including scientists available during all operational hours—to interpret screening results from the field.

The INTERDICT Act will deliver to law enforcement the additional tools and resources it needs by authorizing \$9 million for new screening devices, laboratory equipment, facilities, and support personnel to detect these deadly drugs before traffickers can deliver it into the stream of commerce.

BACKGROUND AND NEED FOR LEGISLATION

Fentanyl is a deadly synthetic opioid that can be up to 50 times stronger than heroin and 100 times stronger than morphine. Although prescription fentanyl can be misused, most fentanyl deaths are linked to illicitly manufactured fentanyl and illicit versions of chemically similar compounds known as fentanyl analogs. Between 2014 and 2015, the number of synthetic opioid overdoses rose 72 percent, amounting to 9,500 deaths.

The majority of fentanyl trafficked in the United States originates in Mexico or China. The drug is typically smuggled across the U.S. border or sent via mail or express consignment couriers. Fentanyl can also be ordered online. Because of its potency, fentanyl typically comes in small amounts, making it more difficult for authorities to detect.

HEARINGS

No hearings were held on H.R. 2142 in the 115th Congress.

COMMITTEE CONSIDERATION

The Committee met on September 7, 2017, to consider H.R. 2142, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by MR. FITZPATRICK (#1); was AGREED TO by voice vote.

COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 2142.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 2142, the International Narcotics Trafficking Emergency Response by Detecting Incoming Contraband with Technology Act, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 18, 2017.

Hon. MICHAEL MCCAUL,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2142, the INTERDICT Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 2142—INTERDICT Act

H.R. 2142 would authorize the appropriation of \$9 million for the Customs and Border Protection (CBP) agency in the Department of Homeland Security to help prevent the importation of certain illegal drugs including fentanyl. Those funds would be used to purchase and use chemical screening devices at points of entry into the United States, to support additional CBP personnel who operate such devices, and for staff to interpret the data collected.

The bill does not specify a time period for the authorization so CBO assumes the funds would be appropriated in 2018. Based on spending patterns for similar activities, CBO estimates that implementing the legislation would cost \$9 million over the 2018–2019 period.

Enacting H.R. 2142 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 2142 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 2142 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 2142 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The general performance goal or objective of the INTERDICT Act is to deliver to law enforcement the tools and resources it needs to perform and support the interdiction of deadly drugs being trafficked into the United States.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 2142 does not contain any provision that establishes or reau-

thorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 2142 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 2142 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section provides that this bill may be cited as the “International Narcotics Trafficking Emergency Response by Detecting Incoming Contraband with Technology Act” or the “INTERDICT Act”.

Sec. 2. Definitions.

This section defines terms used in this act including: “chemical screening device”, “commissioner”, and “express consignment operator or carrier”.

Sec. 3. Interdiction of Fentanyl, Other Synthetic opioids, and Other Narcotics, and Psychoactive Substances.

This section directs the Commissioner to increase the number of chemical screening devices available to U.S. Customs and Border Protection officers in order to detect and intercept fentanyl and other synthetic opioids. This section also directs the Commissioner to dedicate U.S. Customs and Border Protection personnel to interpret data collected by the chemical screening devices during all operational hours.

The Committee believes that the opioid epidemic is a serious and growing problem. The Committee strongly supports providing CBP with additional tools such as hi-tech chemical screening devices, funding for scientists and other support staff to help detect and interdict fentanyl and other illicit synthetic opioids that pose a significant threat to the American people. The Committee believes that CBP plays a critical role in reducing illicit opioids from flooding our communities, and that CBP should have the most advanced tools to accomplish that mission.

Sec. 4. Authorization of Appropriations.

This section authorizes \$9,000,000 to be appropriated in order to carry out this Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported, H.R. 2142 makes no changes to existing law.