

Ms. CLARKE of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3469, the Covert Testing and Risk Mitigation Improvement Act of 2019.

Before I begin, I would like to take a moment to recognize my dear friend and colleague, Chairman Elijah Cummings, who sponsored this legislation. Less than 2 months ago, the House lost a great leader. Chairman Cummings dedicated his life to fighting for justice and democracy for his constituents in his native city of Baltimore and for the American people.

Today, the House will honor his legacy in the best way we can: by passing a bill he wrote to ensure that TSA does effective oversight of its airport screening operations that are essential to protecting American lives.

Mr. Speaker, the Transportation Security Administration faces serious challenges in identifying and resolving security vulnerabilities in its airport security operations. Specifically, in April 2019, the Government Accountability Office found that TSA was not conducting its covert testing of screening operations in a risk-informed way and that TSA has limited assurance that its tests were targeted at the most likely threats.

H.R. 3469 seeks to make major improvements to TSA's covert testing processes by requiring TSA to identify, document, and mitigate security vulnerabilities found through these tests.

It requires TSA to develop a risk-informed process for its covert testing program and conduct at least three tests a year to identify vulnerabilities in the transportation security system.

Importantly, H.R. 3469 requires TSA to document all vulnerabilities it identifies and how it plans to mitigate them.

Finally, it requires GAO to submit a report on the effectiveness of TSA's covert testing program within 3 years of enactment.

Simply put, H.R. 3469 seeks to enhance TSA's capacity to identify and mitigate vulnerabilities to the security of our transportation systems.

I urge my House colleagues to support this legislation, sponsored by our beloved, departed colleague, to help ensure our transportation security systems are as effective as they can be.

Mr. Speaker, I reserve the balance of my time.

Mr. HIGGINS of Louisiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3469, the Covert Testing and Risk Mitigation Improvement Act of 2019, sponsored by our late colleague, the greatly admired Elijah Cummings.

H.R. 3469 responds to identified gaps in the covert testing conducted by the Transportation Security Administration on aviation security concerns. It is critical that our bipartisan congressional oversight be aimed at improving

the security of the traveling public and the effectiveness of TSA operations.

This legislation not only requires TSA to develop a system for conducting risk-informed covert tests but also holds TSA accountable for re-testing and risk mitigation efforts. The traveling public deserves the most effective security, and I support the efforts of H.R. 3469 to improve the public's confidence in aviation security.

I urge my colleagues to support this bill and honor the legacy of leadership left by Chairman Cummings.

Mr. Speaker, I reserve the balance of my time.

Ms. CLARKE of New York. Mr. Speaker, I have no more speakers, and I am prepared to close after the gentleman from Louisiana closes.

Mr. Speaker, I reserve the balance of my time.

Mr. HIGGINS of Louisiana. Mr. Speaker, I would like to make the congresswoman from New York, my colleague, aware that I have no further speakers, and I am prepared to close.

Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

Ms. CLARKE of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we all know that the threats to our Nation's transportation security are real. We also know that, as the main Federal agency responsible for the security of our transportation system, TSA has a critical mission for identifying and mitigating such threats. To be effective, TSA must have a risk-informed covert testing regime that allows it to do effective oversight of its security operations.

H.R. 3469 would improve TSA's testing programs to ensure they can identify vulnerabilities to the transportation system and properly address them to keep our Nation safe.

Mr. Speaker, as such, I urge my colleagues to support this bipartisan legislation, H.R. 3469, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and pass the bill, H.R. 3469.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DHS OPIOID DETECTION RESILIENCE ACT OF 2019

Ms. CLARKE of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4761) to ensure U.S. Customs and Border Protection officers, agents, and other personnel have adequate synthetic opioid detection equipment, that the Department of Homeland Security has a process to update synthetic opioid detection capability, and for other purposes.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 4761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "DHS Opioid Detection Resilience Act of 2019".

SEC. 2. STRATEGY TO ENSURE DETECTION OF ALL OPIOID PURITY LEVELS AT PORTS OF ENTRY.

Not later than 180 days after the date of the enactment of this section, the Commissioner of U.S. Customs and Border Protection (CBP) shall—

(1) implement a strategy to ensure deployed chemical screening devices are able to identify in an operational environment narcotics at purity levels less than or equal to 10 percent, or provide ports of entry with an alternate method for identifying narcotics at lower purity levels; and

(2) require testing of any new chemical screening devices to understand the abilities and limitations of such devices relating to identifying narcotics at various purity levels before CBP commits to the acquisition of such devices.

SEC. 3. PLAN TO ENSURE OPIOID DETECTION EQUIPMENT RESILIENCY.

Not later than 180 days after the date of the enactment of this section, the Secretary of Homeland Security shall implement a plan for the long-term development of a centralized spectral database for chemical screening devices. Such plan shall address the following:

(1) How newly identified spectra will be collected, stored, and distributed to such devices in their operational environment, including at ports of entry.

(2) Identification of parties responsible for updates and maintenance of such database.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. CLARKE) and the gentleman from Louisiana (Mr. HIGGINS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. CLARKE of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. CLARKE of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, every American community, in one way or another, has been impacted by the opioid crisis. This crisis, already two decades old, continues to grow and evolve.

According to the Centers for Disease Control and Prevention, more than 28,000 people in the United States overdosed or died from synthetic opioids in 2017 alone. Virtually all types of opioids, whether finished heroin or potent synthetic opioids such as fentanyl, cross our borders through our ports of entry.

Transnational criminal organizations hide illicit narcotics in legitimate

cross-border cargo, making detection a significant challenge. The potency of these narcotics also varies by the method used to smuggle it into the country.

With fentanyl, we now know that shipments coming through our international mail system often have higher purity levels than those smuggled in cargo crossing our land borders. Often, the majority of fentanyl and other opioids seized at land ports of entry have a purity level of less than 10 percent, making it possible to sell these drugs in our communities faster.

Fighting back against this tactic requires U.S. Customs and Border Protection, CBP, to have adequate detection technology to interject these opioids before they reach our communities.

However, in September of 2019, the Department of Homeland Security, DHS, Office of Inspector General reported that CBP purchased technology to screen for synthetic opioids that was unable to identify fentanyl and other synthetic opioids with purity levels below 10 percent.

H.R. 4761, the DHS Opioid Detection Resilience Act of 2019, is a bipartisan bill meant to address this capability gap. It requires CBP to implement a strategy to ensure its chemical screening devices can identify narcotics, including opioids and synthetic opioids, that are less than 10 percent in concentration.

The bill also requires that CBP follow best practices and good government standards by testing new devices to understand their capabilities and limitations prior to deployment.

Recognizing that drug traffickers change their tactics and the chemicals used as precursors, H.R. 4761 also requires DHS to take steps toward developing a centralized database for chemical screening devices. This would mean that, as new chemicals are identified, their specific signatures will be more readily detected by the screening devices used by CBP's frontline personnel.

DHS must continually adapt and stay ahead of the criminal organizations seeking to exploit our systems. An effective and enhanced detection capability is a critical tool to accomplishing that mission.

Mr. Speaker, I urge my House colleagues to support this legislation, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, November 20, 2019.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
Washington, DC.

DEAR CHAIRMAN THOMPSON: In recognition of the desire to expedite consideration of H.R. 4761, the DHS Opioid Detection Resilience Act of 2019, the Committee on Ways and Means agrees to waive formal consideration of the bill as to provisions that fall within the rule X jurisdiction of the Committee on Ways and Means.

The Committee on Ways and Means takes this action with the mutual understanding that we do not waive any jurisdiction over

the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation.

Finally, I would appreciate your response to this letter confirming this understanding, and would ask that a copy of our exchange of letter on this matter be included in the Congressional Record during floor consideration of H.R. 4761.

Sincerely,

RICHARD E. NEAL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, November 21, 2019.

Hon. RICHARD NEAL,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR CHAIRMAN NEAL: Thank you for your letter regarding H.R. 4761, the "DHS Opioid Detection Resilience Act of 2019." The Committee on Homeland Security recognizes that the Committee on Ways and Means has a jurisdictional interest in H.R. 4761, and I appreciate your effort to allow this bill to be considered on the House floor.

I concur with you that forgoing action on the bill does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 4761 in the Congressional Record during floor consideration of this bill. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

Mr. HIGGINS of Louisiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, U.S. Customs and Border Protection law enforcement officers are the first line of defense in preventing the illicit flow of drugs and contraband from entering our country.

I walked the border with my brothers and sisters of the thin blue line, and I have seen what CBP is up against. I can tell you firsthand that our cartel adversaries are ruthless and steadfast in their determination to exploit our laws and poison our communities.

Transnational drug traffickers operate like a business, always looking to capitalize on products high in demand and high with profit margin. Today, their focus is fentanyl, a drug 100 times more powerful than morphine. Just 2 milligrams are enough to be lethal.

Fentanyl and its analogs are being produced mostly in China, but also increasingly in Mexico. Illicit opioids enter the United States through the mail, concealed within vehicles or cargo coming through the ports of entry, and in backpacks of cartel drug runners.

Initially, Chinese drug traffickers were so confident that fentanyl would not be interdicted they sent stacks of

it through the mail. The CBP improved, their targeting improved, and cartels were forced to change their approach, sending smaller quantities and rerouting packages through freight forwarders and other countries to mask their point of origin.

The 2018 DEA threat assessment stated that the purity level of the fentanyl coming across the land border is, on average, less than 10 percent pure. However, a recent DHS Office of Inspector General report found that the CBP's small-scale chemical screening devices cannot identify fentanyl purity levels of 10 percent or less. This is crucial.

The IG also found that there was no policy or centralized database in place to ensure chemical screening devices had up-to-date spectral libraries essential to ensuring all analogs and new opioid forms can be detected. That is why I am pleased to see the House take up my bill, H.R. 4761, the DHS Opioid Detection Resilience Act of 2019.

My bill addresses the gaps in CBP's opioid detection capability by requiring the Customs and Border Protection commissioner to implement a strategy to ensure chemical screening devices can identify narcotics in an operational environment with low purity levels.

H.R. 4761 also requires DHS to develop a centralized spectral database for chemical screening devices to ensure unity of effort across all components they encounter when opioids cross the field.

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CBP works tirelessly to prevent this poison from reaching American communities, and this bill helps law enforcement carry out that mission.

I thank Congresswoman CLARKE and Congressmen ROGERS, MCCAUL, KING, ROSE, KATKO, and JOYCE for signing on as original cosponsors and for their support of this important legislation.

Mr. Speaker, I would like to make the gentlewoman aware that I have no further speakers and that I am prepared to close.

I urge the adoption of the bill, and I yield back the balance of my time.

Ms. CLARKE of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4761 is a bipartisan measure that received the full support of the Committee on Homeland Security to address a capability need identified by the DHS inspector general. The DHS Opioid Detection Resilience Act of 2019 seeks to ensure that CBP personnel have the best and most up-to-date technology to detect and prevent opioids from entering the country and our communities.

Mr. Speaker, I urge passage of H.R. 4761, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and pass the bill, H.R. 4761.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Ms. CLARKE of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SYNTHETIC OPIOID EXPOSURE PREVENTION AND TRAINING ACT

Ms. CLARKE of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4739) to amend the Homeland Security Act of 2002 to protect U.S. Customs and Border Protection officers, agents, other personnel, and canines against potential synthetic opioid exposure, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Synthetic Opioid Exposure Prevention and Training Act”.

SEC. 2. PROTECTION AGAINST POTENTIAL SYNTHETIC OPIOID EXPOSURE WITHIN U.S. CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 211 et seq.) is amended by inserting after section 415 the following new section:

“SEC. 416. PROTECTION AGAINST POTENTIAL SYNTHETIC OPIOID EXPOSURE.

“(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall issue a policy that specifies effective protocols and procedures for the safe handling of potential synthetic opioids, including fentanyl, by U.S. Customs and Border Protection officers, agents, other personnel, and canines, and to reduce the risk of injury or death resulting from accidental exposure and enhance post-exposure management.

“(b) TRAINING.—

“(1) IN GENERAL.—Together with the issuance of the policy described in subsection (a), the Commissioner of U.S. Customs and Border Protection shall require mandatory and recurrent training on the following:

“(A) The potential risk of opioid exposure and safe handling procedures for potential synthetic opioids, including precautionary measures such as the use of personal protective equipment during such handling.

“(B) How to access and administer opioid receptor antagonists, including naloxone, post-exposure to potential synthetic opioids.

“(2) INTEGRATION.—The training described in paragraph (1) may be integrated into existing training under section 411(l) for U.S. Customs and Border Protection officers, agents, and other personnel.

“(c) PERSONAL PROTECTIVE EQUIPMENT AND OPIOID RECEPTOR ANTAGONISTS.—Together with the issuance of the policy described in subsection (a), the Commissioner of U.S. Customs and Border Protection shall ensure the availability of personal protective equipment and opioid receptor antagonists, including naloxone, to all U.S. Customs and

Border Protection officers, agents, other personnel, and canines at risk of accidental exposure to synthetic opioids.

“(d) OVERSIGHT.—To ensure effectiveness of the policy described in subsection (a)—

“(1) the Commissioner of U.S. Customs and Border Protection shall regularly monitor the efficacy of the implementation of such policy and adjust protocols and procedures, as necessary; and

“(2) the Inspector General of the Department shall audit compliance with the requirements of this section not less than once each year for the five years after the date of the enactment of this section.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 415 the following new item:

“Sec. 416. Protection against potential synthetic opioid exposure.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. CLARKE) and the gentleman from Louisiana (Mr. HIGGINS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. CLARKE of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. CLARKE of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to be speaking on behalf of my bill, the Synthetic Opioid Exposure Prevention and Training Act.

We are at a crucial time in our fight against the opioid crisis in our Nation. Less expensive and extremely lethal synthetic, chemically laced, and derived drugs, rather than first-generation opioid pharmaceuticals, now drive the addiction and overdoses that cripple and break the hearts of the neighbors and families of our communities.

We must respond to this changed dynamic in the ongoing opioid crisis with legislation targeted at reducing harm and saving lives.

Most of these deadly synthetics, such as fentanyl, are imported into our country. This bill addresses a specific threat by seeking to eliminate the risk of accidental exposure to synthetics for the workers screening packages and cargo entering our country.

Much of this screening occurs only a few miles from the neighborhoods I represent in New York’s seaports and at the JFK International Airport’s International Mail Facility, the largest mail-screening facility in America, where, every day, we are finding fentanyl hidden in packages from places like China.

Whether cargo and packages are screened by CBP personnel near my district or thousands of miles away, this bill is directly relevant to the

lives of my constituents. Unfortunately, these dangerous and illegally manufactured substances get distributed in communities like mine. This is, of course, true for every district across this country.

The universal threat posed by synthetic opioids is reflected by my Democratic and Republican colleagues joining together as cosponsors of this bill. I am grateful for their support and hope that we can continue to fight the opioid crisis as a united and determined legislative body.

While there is much left to do on this front, H.R. 4739 takes crucial steps toward enhancing our ability to shut down the importation of synthetic opioids. It requires that training for CBP personnel on synthetics be regularly reviewed and updated to respond to the developing threat environment. This includes making sure workers know how to properly handle synthetic opioids and how to administer the reversal drugs, which can save lives if accidental exposure occurs.

Furthermore, my bill requires CBP to ensure that these reversal drugs are in hand at facilities where opioid screenings happen. Fentanyl, according to the CDC, is up to 100 times more potent than morphine or even heroin. Even the smallest dose can kill unless drugs like naloxone are available and quickly administered.

If the workers screening packages for substances like fentanyl don’t have the training and tools they need to be confident they can do their job safely, more of these deadly opioids will make their way into our communities, and more families will be added to the opioid crisis list of victims.

I ask each of my colleagues to support this bipartisan bill, the Synthetic Opioid Exposure Prevention and Training Act.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, November 20, 2019.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
Washington, DC.

DEAR CHAIRMAN THOMPSON: In recognition of the desire to expedite consideration of H.R. 4739, the Synthetic Opioid Exposure Prevention and Training Act, the Committee on Ways and Means agrees to waive formal consideration of the bill as to provisions that fall within the rule X jurisdiction of the Committee on Ways and Means.

The Committee on Ways and Means takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation.

Finally, I would appreciate your response to this letter confirming this understanding, and would ask that a copy of our exchange of