

SYNTHETIC OPIOID EXPOSURE PREVENTION AND
 TRAINING ACT

DECEMBER 3, 2019.—Committed to the Committee of the Whole House on the State
 of the Union and Ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland
 Security, submitted the following

R E P O R T

[To accompany H.R. 4739]

The Committee on Homeland Security, to whom was referred 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, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 4739, the “Synthetic Opioid Exposure Prevention and Training Act,” would 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.

BACKGROUND AND NEED FOR LEGISLATION

The opioid crisis has devastated communities, killed hundreds of thousands of Americans, and strained the resources of first responders, hospitals, and police forces. For the past several years, the crisis has been driven by illicit synthetic opioids, such as fentanyl—chemicals that are so potent that they can be fatal in miniscule doses. As the vast majority of these synthetic drugs originate abroad, the U.S. Customs and Border Protection (CBP) plays a vital role in preventing these substances from coming across our borders.

On a standard day, CBP will screen more than 67,000 cargo containers and seize more than one ton of illicit drugs.¹ The amount of seized synthetic opioids has skyrocketed in recent years, increasing by more than 400% since 2016.² In the course of their work, CBP’s frontline personnel are at significant risk of exposure to these dangerous chemicals—through accidental inhalation or even direct skin contact—resulting in accidental overdoses.³

In July 2019, the Department of Homeland Security’s (DHS) Inspector General (IG) issued a Management Alert (OIG–19–53) that identified a number of serious issues with CBP’s preparations for accidental contact with synthetics. The IG issued this urgent call to action after highlighting inadequate training procedures, limited preparation for accidental exposure, and frequent failure to ensure that the most common antidote, Naloxone, was readily available in areas where accidental exposure to synthetics could occur. H.R. 4739 was introduced to effectuate the Alert to protect CBP officers and agents so they can safely carry out their mission.

H.R. 4739 requires CBP to put in place measures to ensure the safety of its personnel. It requires the establishment of specific protocols and procedures outlining the safe handling of substances which could contain synthetic opioids. The bill also requires the development of mandatory, recurring training to cover the dangers of exposure to synthetics and the proper use of protective equipment and Naloxone. Appropriate personal protective equipment must also be provided in order to minimize contact with potentially dangerous substances and the distribution of Naloxone to all high-risk areas is required. Also included is a provision that requires regular oversight of the trainings, protocols, and procedures established in the bill.

¹ U.S. Customs and Border Protection, CBP Strategy to Combat Opioids at 3 (2019), *available at* <https://www.cbp.gov/sites/default/files/assets/documents/2019-Mar/CBP-Opioid-Strategy-508.pdf>.

² *Id.* at 7.

³ Centers for Disease Control and Prevention, Fentanyl: Preventing Occupational Exposure to Emergency Responders (2017), *available at* <https://www.cdc.gov/niosh/topics/fentanyl/risk.html>.

HEARINGS

For the purposes of section 103(i) of H. Res 6. of the 116th Congress, the following hearing was used to develop H.R. 4739:

- On July 25, 2019, the Committee held a hearing entitled “Homeland Security Implications of the Opioid Crisis.” The Committee received testimony from Sondra McCauley, Assistant Inspector General for Audits, Office of Inspector General, U.S. Department of Homeland Security; Bridget G. Brennan, Special Narcotics Prosecutor for the City of New York; Bryce Pardo, Associate Policy Researcher, RAND Corporation; and James Edward Hinson, Jr., Deputy Chief, Greensboro Police Department, Investigative Bureau Commander.

COMMITTEE CONSIDERATION

The Committee met on October 23, 2019, with a quorum being present, to consider H.R. 4739 and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by unanimous consent.

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. 4739.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE, NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 4739 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the goal and objective of H.R. 4739 is to protect CBP officers, agents, other personnel, and canines against potential synthetic opioid exposure. H.R. 4739 would require the Commissioner of U.S. Customs and Border Protection (CBP) to develop protocols and procedures for the safe handling of potential synthetic opioids and develop a training program on the handling of synthetic opioids and the appropriate use of antidotes for accidental opioid overdoses. The CBP Commissioner is, according to H.R. 4739, further directed to ensure the availability of protective equipment and opioid overdose antidotes. The Commissioner and the DHS Inspector General are also directed by H.R. 4739 to conduct monitoring and audits according to a described schedule.

ADVISORY ON EARMARKS

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(d), 9(e), or 9(f) of the rule XXI.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that this bill 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

This section amends Subtitle B of title IV of the Homeland Security Act of 2002 to direct the CBP Commissioner to issue a policy laying out protocols and procedures detailing the appropriate handling of synthetic opioids for all officers, agents, and other personnel. The goal of this subsection is to require CBP to formalize rules related to synthetic opioids and create a framework for safety that can help protect personnel and the public in the future. Currently, policies and procedures related to this issue have not been sufficiently updated to meet the threat, leading to inconsistent levels of fitness to manage the risk posed by synthetic opioids.

This section directs the CBP Commissioner to develop a training regimen for all officers, agents, and personnel. The training is to be both mandatory and recurrent and is intended to include the risks associated with synthetic opioid exposure and the appropriate use of antidotes. Additionally, this section permits the integration of the new training into established procedures. The bill aims to create a formalized structure to improve existing policies. Additionally, by establishing strict training guidelines and procedures, the

Committee believes that CBP will be better able to respond to changes in the threat environment in the future.

The Commissioner is required to ensure that all CBP personnel who may encounter synthetic opioids have access to personal protective equipment and antidotes to opioid overdose. With this provision, the Committee hopes to ensure that CBP leadership takes all steps necessary to ensure that lifesaving antidotes and protection equipment that can prevent accidental contact are widely available. DHS IG investigations indicated the need for such a requirement after finding inadequate equipment and medication at locations where synthetic opioids are often encountered.

Finally, the Commissioner is directed to monitor the effectiveness of the policies established in this bill and to adjust for efficacy as necessary. Additionally, the DHS Inspector General is to conduct an audit on an annual basis for five years following enactment.

As discussed above, the Committee intends to reduce the likelihood of CBP personnel being harmed in the future regardless of changes to the threat environment. To this end, this section attempts to ensure a continuous evaluation and improvement process. The Committee was troubled to learn of the operational gaps within CBP that the DHS Inspector General identified in the July 2019 Management Alert and expects the Commissioner to prioritize implementation of the provisions of this Act to protect the frontline workforce.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Homeland Security Act of 2002”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

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TITLE IV—BORDER, MARITIME, AND TRANSPORTATION SECURITY

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Subtitle B—U.S. Customs and Border Protection

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Sec. 411. Establishment of U.S. Customs and Border Protection; Commissioner, Deputy Commissioner, and operational offices.

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Sec. 416. *Protection against potential synthetic opioid exposure.*

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**TITLE IV—BORDER, MARITIME, AND
TRANSPORTATION SECURITY**

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Subtitle B—U.S. Customs and Border Protection

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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.

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COMMITTEE CORRESPONDENCE

Congress of the United States

U.S. House of Representatives

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MINORITY STAFF DIRECTOR

November 20, 2019

The Honorable Bennie G. Thompson
Chairman
Committee on Homeland Security
H2-176 Ford House Office Building
Washington, D.C. 20515

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 letter on this matter be included in the *Congressional Record* during floor consideration of H.R. 4739.

Sincerely,



Richard E. Neal
Chairman

cc: The Honorable Nancy Pelosi
The Honorable Mike Rogers
The Honorable Kevin Brady
Mr. Tom Wickham, Jr.

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN



MIKE ROGERS, ALABAMA
RANKING MEMBER

One Hundred Sixteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

November 21, 2019

The Honorable Richard Neal
Chairman
Committee on Ways and Means
1102 Longworth House Office Building
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Neal:

Thank you for your letter regarding H.R. 4739, the "Synthetic Opioid Exposure Prevention and Training Act." The Committee on Homeland Security recognizes that the Committee on Ways and Means has a jurisdictional interest in H.R. 4739, 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. 4739 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

cc: The Honorable Nancy Pelosi, Speaker
The Honorable Michael Rogers, Ranking Member
The Honorable Tom Wickham, Parliamentarian