

118TH CONGRESS
1ST SESSION

H. R. 5266

To require the Director of the Bureau of Prisons to develop and implement a strategy to interdict fentanyl and other synthetic drugs in the mail at Federal correctional facilities.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 25, 2023

Mr. BACON (for himself, Mr. CARTWRIGHT, Mr. WEBER of Texas, Mr. PAPPAS, Mrs. MILLER of West Virginia, and Mr. CUELLAR) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require the Director of the Bureau of Prisons to develop and implement a strategy to interdict fentanyl and other synthetic drugs in the mail at Federal correctional facilities.

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 “Interdiction of
5 Fentanyl in Postal Mail at Federal Prisons Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Bureau of Prisons has 122 institutions
2 located throughout the United States, employs near-
3 ly 38,000 employees, and is responsible for more
4 than 150,000 Federal inmates.

5 (2) Inmate mail is a primary entry point for
6 smuggling drugs into correctional facilities, with
7 tainted mail incidents also on the rise.

8 (3) Elimination of dangerous contraband, in-
9 cluding synthetic drugs, in mail is essential to pro-
10 tecting the health and safety of employees of the Bu-
11 reau of Prisons and Federal inmates.

12 (4) Prisons in the United States are increas-
13 ingly deadly facilities, with a 600 percent rise in
14 drug overdoses in recent years.

15 (5) The introduction of synthetic drugs, par-
16 ticularly fentanyl and fentanyl analogues, into cor-
17 rectional facilities by mail threatens employees, in-
18 mates, and the security of correctional institutions,
19 and the practice of deliberately lacing opioids to en-
20 sure targeted lethality represents a dramatic emerg-
21 ing concern.

22 (6) The foregoing factors add tremendous pres-
23 sures and workload that further burden existing em-
24 ployees, commonly reassigning officers from other
25 functions to assist in processing mail.

1 (7) Employees at correctional facilities at Fed-
2 eral, State, and local levels continue to request drug
3 interdiction technologies to protect themselves and
4 inmates.

5 (8) A congressionally authorized digital mail
6 scanning pilot program at the Federal Correctional
7 Institution, Beckley, West Virginia, and the United
8 States Penitentiary, Canaan, Pennsylvania, from
9 March 2020 through June 2021, demonstrated ef-
10 fective interdiction technology and practices aimed
11 at eliminating dangerous contraband arriving
12 through the mail and served as an effective deter-
13 rent to smuggling attempts.

14 (9) Apart from digital mail scanning, there is
15 no widely deployed interdiction technology that has
16 demonstrated a 100 percent efficacy to detecting
17 fentanyl, and other synthetic drugs, arriving through
18 the mail at Bureau of Prisons facilities.

19 (10) Removing mail processing from Federal
20 prisons and relieving Bureau of Prisons employees
21 from mail sorting duties will result in an extensive
22 budgetary relief to the Bureau and decrease the
23 staffing shortages facing prisons.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) The term “opioid” has the meaning given
2 such term in section 102 of the Controlled Sub-
3 stances Act (21 U.S.C. 802).

4 (2) The term “synthetic drug” means a con-
5 trolled substance analogue (as such term is defined
6 in section 102 of the Controlled Substances Act (21
7 U.S.C. 802), and includes any analogue of fentanyl.

8 **SEC. 4. STRATEGY TO INTERDICT SYNTHETIC DRUGS IN**
9 **POSTAL MAIL.**

10 (a) EVALUATION.—Not later than 180 days after the
11 date of enactment of this Act, the Director of the Bureau
12 of Prisons (referred to in this Act as the “Director”) shall
13 evaluate—

14 (1) Federal correctional facilities’ acquisition
15 and deployment of synthetic drug interdiction equip-
16 ment;

17 (2) Federal correctional facilities’ use of tech-
18 nology services to scan mail; and

19 (3) whether any technologies used by other
20 Federal agencies to intercept and interdict contra-
21 band in the mail may be used by the Bureau of Pris-
22 ons.

23 (b) STRATEGY.—Not later than 90 days after com-
24 pleting the evaluation under subsection (a), the Director
25 shall submit to the Committee on the Judiciary of the Sen-

1 ate and the Committee on the Judiciary of the House of
2 Representatives a strategy to provide all Federal correc-
3 tional facilities with capabilities necessary to—

4 (1) protect staff and inmates from exposure to
5 synthetic drugs and opioids introduced to facilities
6 through the mail;

7 (2) ensure that—

8 (A) not later than 24 hours after a piece
9 of mail is received at a Federal corrections fa-
10 cility, each inmate receives a digital copy of any
11 mail that is addressed to the inmate;

12 (B) not later than 30 days after receiving
13 a digital copy of a piece of mail under subpara-
14 graph (A), the inmate receives the original
15 physical copy of any mail that—

16 (i) does not contain synthetic drugs or
17 opioids; and

18 (ii) is addressed to the inmate; and

19 (C) delivery to the inmate under subpara-
20 graphs (A) and (B) is documented; and

21 (3) achieve 100 percent scanning capacity of
22 mail arriving at all Federal correction facilities.

23 (c) CONTENTS.—The strategy required under sub-
24 section (b) shall—

1 (1) identify critical information technology, dig-
2 ital mail scanning equipment, and mail scanning
3 services necessary to achieve the scanning capacity
4 described in subsection (b)(3);

5 (2) include an assessment of operational and
6 logistical considerations, including—

7 (A) prioritization of high security and
8 large inmate population facilities for digital
9 mail scanning infrastructure and security tech-
10 nology deployment;

11 (B) any need for additional personnel and
12 technology training necessary to implement the
13 strategy; and

14 (C) scanning equipment maintenance re-
15 quirements and periodic digital technology up-
16 grades; and

17 (3) include an equipment and technology budg-
18 etary proposal, for fiscal years 2024 through 2026, in
19 order to fully implement the strategy described
20 under subsection (b).

21 (d) ANNUAL PROGRESS REPORTS.—Beginning 1
22 year after the date on which the strategy is submitted
23 under subsection (b), and each year thereafter, the Direc-
24 tor of the Bureau of Prisons shall submit to the Com-
25 mittee on the Judiciary of the Senate and the Committee

- 1 on the Judiciary of the House of Representatives a report
- 2 on the efficiency of the strategy and the total quantity
- 3 of detected synthetic drugs and opioids.

