

114TH CONGRESS  
2D SESSION

# H. R. 5432

To prevent the abuse of opiates, to improve response and treatment for the abuse of opiates and related overdoses, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2016

Mr. JOYCE (for himself and Mr. RYAN of Ohio) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Oversight and Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To prevent the abuse of opiates, to improve response and treatment for the abuse of opiates and related overdoses, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stem the Tide of Over-  
5 dose Prevalence from Opiate Drugs Act of 2016” or as  
6 the “STOP OD Act of 2016”.

7 **SEC. 2. SENSE OF CONGRESS.**

8 Congress finds as follows:

1           (1) The increase in fentanyl-related unintentional overdose fatalities presents another life-threatening scenario for its victims and threatens first-responders.

5           (2) The U.S. Sentencing Commission—

6           (A) ought to consider the presence of fentanyl in connection to the illicit distribution of an illicit substance, as a cutting agent; and

9           (B) if fentanyl is present as a cutting agent or in its pure form, may consider such presence as an aggravating factor at sentencing.

13          (3) Better identification and reporting practices by medical examiners and coroners to identify fentanyl in an overdose mortality will help the States and the Federal Government to allocate resources more accurately. Those findings ought to be confidential but for any aggregate data released by the appropriate government agency.

20          (4) Congress encourages States to expand training opportunities to first responders to administer naloxone.

23          (5) Eliminating the civil liability of first responders administering naloxone would save lives and protect our emergency personnel.

1 **SEC. 3. EXPANSION OF EDUCATIONAL CAMPAIGN GRANTS.**

2 (a) IN GENERAL.—For each of fiscal years 2017 and  
3 2018, the Director of the Centers for Disease Control and  
4 Prevention, in consultation with the Director of the Office  
5 of National Drug Control Policy, may make not more than  
6 \$75,000,000 in grants to eligible grantees for the fol-  
7 lowing purposes:

8 (1) Expansion of educational efforts to prevent  
9 abuse of opiates including heroin.

10 (2) Promotion of treatment and recovery of per-  
11 sons who abuse such substances.

12 (3) Efforts to promote understanding of addic-  
13 tion as a chronic disease.

14 (b) ELIGIBLE GRANTEEES.—A grant under this sec-  
15 tion may be made only to the following entities:

16 (1) A State, with grants first being awarded to  
17 States with laws in effect that provide for immunity  
18 from civil liability for first responders and health  
19 professionals who administer naloxone in the course  
20 of their duty to counteract opiate overdoses.

21 (2) A local government.

22 (3) A nonprofit organization.

23 (4) An organization that has received a grant  
24 under the Drug-Free Communities Act of 1997 to  
25 implement a comprehensive community-wide strategy  
26 that addresses a local drug crisis.

1 (c) AMOUNT OF GRANTS.—The amount of a grant  
2 under this section to an eligible grantee for a fiscal year  
3 may not be more than \$100,000.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry  
5 out this section, there are authorized to be appropriated  
6 \$75,000,000 for each of fiscal years 2017 and 2018.

7 **SEC. 4. GRANTS FOR NALOXONE, TRAINING IN THE ADMIN-**  
8 **ISTRATION OF NALOXONE, AND TESTING FOR**  
9 **FENTANYL.**

10 (a) IN GENERAL.—For each of fiscal years 2017 and  
11 2018, the Secretary of Health and Human Services, in  
12 consultation with the Director of the Office of National  
13 Drug Control Policy, may make grants to eligible appli-  
14 cants to—

15 (1) make naloxone available to be carried and  
16 administered by first responders in the course of  
17 their official duties;

18 (2) train and provide resources for first re-  
19 sponders for carrying and administering naloxone in  
20 the course of their official duties to prevent deaths  
21 from opiate (including heroin) overdoses;

22 (3) establish processes, protocols, and mecha-  
23 nisms for referral to treatment for opiate abuse; and

24 (4) provide rebates for the testing of fentanyl in  
25 unintentional overdoses on opiates and report the re-

1       sults of such testing to the Centers for Disease Con-  
2       trol and Prevention.

3       (b) ELIGIBLE APPLICANT.—A grant under this sec-  
4       tion may be made only to a State or local government,  
5       or a nonprofit organization, that submits an application  
6       that includes the following:

7               (1) A description of the evidence-based method-  
8       ology and outcome measurements that will be used  
9       to evaluate any program funded by the eligible appli-  
10      cant with a grant under this section, and a specific  
11      explanation of how such measurements will provide  
12      valid measures of the impact of the program.

13              (2) A description of how the program could be  
14      broadly replicated if demonstrated to be effective.

15              (3) An identification of the governmental and  
16      community agencies with respect to which the eligi-  
17      ble applicant will provide coordination carrying out  
18      the program.

19              (4) A description of how first responders will  
20      coordinate with corresponding State substance abuse  
21      clinics and coroners and medical examiners to iden-  
22      tify protocols and resources that are available, in-  
23      cluding information on treatment and recovery re-  
24      sources.

1 (c) MAXIMUM AMOUNT.—The amount of a grant  
2 under this section to an eligible applicant for a fiscal year  
3 may not be more than \$200,000.

4 (d) FIRST RESPONDERS DEFINED.—In this section,  
5 the term “first responders” means law enforcement offi-  
6 cers, emergency medical technicians, and firefighters.

7 (e) AUTHORIZATION OF APPROPRIATIONS.—To carry  
8 out this section, there are authorized to be appropriated  
9 \$150,000,000 for each of fiscal years 2017 and 2018.

10 **SEC. 5. FEE FOR FENTANYL.**

11 Section 401 of the Controlled Substances Act (21  
12 U.S.C. 841) is amended by adding at the end the fol-  
13 lowing:

14 “(i) FEE FOR FENTANYL.—In the  
15 case of any person who is convicted of a  
16 violation of subsection (a), or of a con-  
17 spiracy to violate subsection (a) (including  
18 conviction arising from a plea of guilty or  
19 nolo contendere), the court shall, in addi-  
20 tion to any other penalty, impose a fee of  
21 \$80. Amounts collected as fees under this  
22 subsection shall be available to the Attor-  
23 ney General for fiscal years 2017 and 2018  
24 for grants under section 4 of the Stem the

1                   Tide of Overdose Prevalence from Opiate  
2                   Drugs Act of 2016.”.

3 **SEC. 6. FEDERAL DATA CENTER CONSOLIDATION INITIA-**  
4                   **TIVE.**

5           (a) FEDERAL DATA CENTER CONSOLIDATION IN-  
6 VENTORIES AND STRATEGIES.—

7           (1) IN GENERAL.—

8                   (A) ANNUAL REPORTING.—Except as pro-  
9                   vided in subparagraph (C), each year, beginning  
10                   in the first fiscal year after the date of the en-  
11                   actment of this Act and each fiscal year there-  
12                   after, the head of each covered agency, assisted  
13                   by the Chief Information Officer of the agency,  
14                   shall submit to the Administrator—

15                           (i) a comprehensive inventory of the  
16                           data centers owned, operated, or main-  
17                           tained by or on behalf of the agency; and

18                           (ii) a multiyear strategy to achieve the  
19                           consolidation and optimization of the data  
20                           centers inventoried under clause (i), that  
21                           includes—

22                                   (I) performance metrics—

23   (aa) that are consistent with  
24   the Government-wide data center

1 consolidation and optimization  
2 metrics; and

3 (bb) by which the quan-  
4 titative and qualitative progress  
5 of the agency toward the goals of  
6 the FDCCI can be measured;

7 (II) a timeline for agency activi-  
8 ties to be completed under the  
9 FDCCI, with an emphasis on bench-  
10 marks the agency can achieve by spe-  
11 cific dates;

12 (III) year-by-year calculations of  
13 investment and cost savings for the  
14 period beginning on the date of the  
15 enactment of this Act and ending on  
16 the date set forth in subsection (e),  
17 broken down by each year, including a  
18 description of any initial costs for  
19 data center consolidation and optimi-  
20 zation and life cycle cost savings and  
21 other improvements, with an emphasis  
22 on—

23 (aa) meeting the Govern-  
24 ment-wide data center consolida-

1                   tion and optimization metrics;  
2                   and

3                   (bb) demonstrating the  
4                   amount of agency-specific cost  
5                   savings each fiscal year achieved  
6                   through the FDCCI; and

7                   (IV) any additional information  
8                   required by the Administrator.

9                   (B) USE OF OTHER REPORTING STRUC-  
10                  TURES.—The Administrator may require a cov-  
11                  ered agency to include the information required  
12                  to be submitted under this subsection through  
13                  reporting structures determined by the Admin-  
14                  istrator to be appropriate.

15                  (C) DEPARTMENT OF DEFENSE REPORT-  
16                  ING.—For any year that the Department of De-  
17                  fense is required to submit a performance plan  
18                  for reduction of resources required for data  
19                  servers and centers, as required under section  
20                  2867(b) of the National Defense Authorization  
21                  Act for Fiscal Year 2012 (10 U.S.C. 2223a  
22                  note), the Department of Defense—

23                   (i) may submit to the Administrator,  
24                   in lieu of the multiyear strategy required  
25                   under subparagraph (A)(ii)—

1 (I) the defense-wide plan re-  
2 quired under section 2867(b)(2) of  
3 the National Defense Authorization  
4 Act for Fiscal Year 2012 (10 U.S.C.  
5 2223a note); and

6 (II) the report on cost savings re-  
7 quired under section 2867(d) of the  
8 National Defense Authorization Act  
9 for Fiscal Year 2012 (10 U.S.C.  
10 2223a note); and

11 (ii) shall submit the comprehensive in-  
12 ventory required under subparagraph  
13 (A)(i), unless the defense-wide plan re-  
14 quired under section 2867(b)(2) of the Na-  
15 tional Defense Authorization Act for Fiscal  
16 Year 2012 (10 U.S.C. 2223a note)—

17 (I) contains a comparable com-  
18 prehensive inventory; and

19 (II) is submitted under clause (i).

20 (D) STATEMENT.—Each year, beginning in  
21 the first fiscal year after the date of the enact-  
22 ment of this Act and each fiscal year thereafter,  
23 the head of each covered agency, acting through  
24 the Chief Information Officer of the agency,  
25 shall—

1 (i)(I) submit a statement to the Ad-  
2 ministrator stating whether the agency has  
3 complied with the requirements of this sec-  
4 tion; and

5 (II) make the statement submitted  
6 under subclause (I) publicly available; and

7 (ii) if the agency has not complied  
8 with the requirements of this section, sub-  
9 mit a statement to the Administrator ex-  
10 plaining the reasons for not complying  
11 with such requirements.

12 (E) AGENCY IMPLEMENTATION OF STRAT-  
13 EGIES.—

14 (i) IN GENERAL.—Each covered agen-  
15 cy, under the direction of the Chief Infor-  
16 mation Officer of the agency, shall—

17 (I) implement the strategy re-  
18 quired under subparagraph (A)(ii);  
19 and

20 (II) provide updates to the Ad-  
21 ministrator, on a quarterly basis, of—

22 (aa) the completion of activi-  
23 ties by the agency under the  
24 FDCCI;

1 (bb) any progress of the  
2 agency towards meeting the Gov-  
3 ernment-wide data center consoli-  
4 dation and optimization metrics;  
5 and

6 (cc) the actual cost savings  
7 and other improvements realized  
8 through the implementation of  
9 the strategy of the agency.

10 (ii) DEPARTMENT OF DEFENSE.—For  
11 purposes of clause (i)(I), implementation of  
12 the defense-wide plan required under sec-  
13 tion 2867(b)(2) of the National Defense  
14 Authorization Act for Fiscal Year 2012  
15 (10 U.S.C. 2223a note) by the Department  
16 of Defense shall be considered implementa-  
17 tion of the strategy required under sub-  
18 paragraph (A)(ii).

19 (F) RULE OF CONSTRUCTION.—Nothing in  
20 this section shall be construed to limit the re-  
21 porting of information by a covered agency to  
22 the Administrator, the Director of the Office of  
23 Management and Budget, or Congress.

24 (2) ADMINISTRATOR RESPONSIBILITIES.—The  
25 Administrator shall—

1 (A) establish the deadline, on an annual  
2 basis, for covered agencies to submit informa-  
3 tion under this section;

4 (B) establish a list of requirements that  
5 the covered agencies must meet to be consid-  
6 ered in compliance with paragraph (1);

7 (C) ensure that information relating to  
8 agency progress towards meeting the Govern-  
9 ment-wide data center consolidation and optimi-  
10 zation metrics is made available in a timely  
11 manner to the general public;

12 (D) review the inventories and strategies  
13 submitted under paragraph (1) to determine  
14 whether they are comprehensive and complete;

15 (E) monitor the implementation of the  
16 data center strategy of each covered agency  
17 that is required under paragraph (1)(A)(ii);

18 (F) update, on an annual basis, the cumu-  
19 lative cost savings realized through the imple-  
20 mentation of the FDCCI; and

21 (G) establish metrics applicable to the con-  
22 solidation and optimization of data centers Gov-  
23 ernment-wide, including metrics with respect  
24 to—

25 (i) costs;

1 (ii) efficiencies, including, at a minimum,  
2 server efficiency; and

3 (iii) any other factors the Administrator  
4 considers appropriate.

5 (3) COST SAVING GOAL AND UPDATES FOR CON-  
6 GRESS.—

7 (A) IN GENERAL.—Not later than one year  
8 after the date of the enactment of this Act, the  
9 Administrator shall develop, and make publicly  
10 available, a goal, broken down by year, for the  
11 amount of planned cost savings and optimization  
12 improvements achieved through the FDCCI  
13 during the period beginning on the date of the  
14 enactment of this Act and ending on the date  
15 set forth in subsection (e).

16 (B) ANNUAL UPDATE.—

17 (i) IN GENERAL.—Not later than one  
18 year after the date on which the goal de-  
19 scribed in subparagraph (A) is made pub-  
20 licly available, and each year thereafter,  
21 the Administrator shall aggregate the re-  
22 ported cost savings of each covered agency  
23 and optimization improvements achieved to  
24 date through the FDCCI and compare the  
25 savings to the projected cost savings and

1 optimization improvements developed  
2 under subparagraph (A).

3 (ii) UPDATE FOR CONGRESS.—The  
4 goal required to be developed under sub-  
5 paragraph (A) shall be submitted to Con-  
6 gress and shall be accompanied by a state-  
7 ment describing—

8 (I) the extent to which each cov-  
9 ered agency has developed and sub-  
10 mitted a comprehensive inventory  
11 under paragraph (1)(A)(i), including  
12 an analysis of the inventory that de-  
13 tails specific numbers, use, and effi-  
14 ciency level of data centers in each in-  
15 ventory; and

16 (II) the extent to which each cov-  
17 ered agency has submitted a com-  
18 prehensive strategy that addresses the  
19 items listed in paragraph (1)(A)(ii).

20 (4) GAO REVIEW.—

21 (A) IN GENERAL.—Not later than one year  
22 after the date of the enactment of this Act, and  
23 each year thereafter, the Comptroller General of  
24 the United States shall review and verify the  
25 quality and completeness of the inventory and

1 strategy of each covered agency required under  
2 paragraph (1)(A).

3 (B) REPORT.—The Comptroller General of  
4 the United States shall, on an annual basis,  
5 publish a report on each review conducted  
6 under subparagraph (A).

7 (b) ENSURING CYBERSECURITY STANDARDS FOR  
8 DATA CENTER CONSOLIDATION AND CLOUD COM-  
9 PUTING.—

10 (1) IN GENERAL.—In implementing a data cen-  
11 ter consolidation and optimization strategy under  
12 this section, a covered agency shall do so in a man-  
13 ner that is consistent with Federal guidelines on  
14 cloud computing security, including—

15 (A) applicable provisions found within the  
16 Federal Risk and Authorization Management  
17 Program (FedRAMP); and

18 (B) guidance published by the National In-  
19 stitute of Standards and Technology.

20 (2) RULE OF CONSTRUCTION.—Nothing in this  
21 section shall be construed to limit the ability of the  
22 Director of the Office of Management and Budget to  
23 update or modify the Federal guidelines on cloud  
24 computing security.

1           (c) WAIVER OF REQUIREMENTS.—The Director of  
2 National Intelligence and the Secretary of Defense, or  
3 their respective designee, may waive the applicability to  
4 any national security system, as defined in section 3552  
5 of title 44, United States Code, of any provision of this  
6 section if the Director of National Intelligence or the Sec-  
7 retary of Defense, or their respective designee, determines  
8 that such waiver is in the interest of national security.  
9 Not later than 30 days after making a waiver under this  
10 subsection, the Director of National Intelligence or the  
11 Secretary of Defense, or their respective designee, shall  
12 submit to the Committee on Homeland Security and Gov-  
13 ernmental Affairs and the Select Committee on Intel-  
14 ligence of the Senate and the Committee on Oversight and  
15 Government Reform and the Permanent Select Committee  
16 on Intelligence of the House of Representatives a state-  
17 ment describing the waiver and the reasons for the waiver.

18           (d) DEFINITIONS.—In this section:

19           (1) ADMINISTRATOR.—The term “Adminis-  
20 trator” means the Administrator of the Office of  
21 Electronic Government established under section  
22 3602 of title 44, United States Code (and also  
23 known as the Office of E-Government and Informa-  
24 tion Technology), within the Office of Management  
25 and Budget.

1           (2) COVERED AGENCY.—The term “covered  
2 agency” means the following (including all associ-  
3 ated components of the agency):

4           (A) Department of Agriculture.

5           (B) Department of Commerce.

6           (C) Department of Defense.

7           (D) Department of Education.

8           (E) Department of Energy.

9           (F) Department of Health and Human  
10 Services.

11          (G) Department of Homeland Security.

12          (H) Department of Housing and Urban  
13 Development.

14          (I) Department of the Interior.

15          (J) Department of Justice.

16          (K) Department of Labor.

17          (L) Department of State.

18          (M) Department of Transportation.

19          (N) Department of Treasury.

20          (O) Department of Veterans Affairs.

21          (P) Environmental Protection Agency.

22          (Q) General Services Administration.

23          (R) National Aeronautics and Space Ad-  
24 ministration.

25          (S) National Science Foundation.

- 1 (T) Nuclear Regulatory Commission.  
2 (U) Office of Personnel Management.  
3 (V) Small Business Administration.  
4 (W) Social Security Administration.  
5 (X) United States Agency for International  
6 Development.

7 (3) FDCCI.—The term “FDCCI” means the  
8 Federal Data Center Consolidation Initiative de-  
9 scribed in the Office of Management and Budget  
10 Memorandum on the Federal Data Center Consoli-  
11 dation Initiative, dated February 26, 2010, or any  
12 successor thereto.

13 (4) GOVERNMENT-WIDE DATA CENTER CON-  
14 SOLIDATION AND OPTIMIZATION METRICS.—The  
15 term “Government-wide data center consolidation  
16 and optimization metrics” means the metrics estab-  
17 lished by the Administrator under subsection  
18 (a)(2)(G).

19 (e) SUNSET.—This section is repealed effective on  
20 October 1, 2020.

21 **SEC. 7. DEFINITIONS.**

22 In this Act:

23 (1) The term “fentanyl” means an opiate an-  
24 algesic that is listed as a controlled substance in

1 schedule II under section 202 of the Controlled Sub-  
2 stances Act (21 U.S.C. 812).

3 (2) The term “naloxone” means the opiate an-  
4 tagonist naloxone, approved by the Food and Drug  
5 Administration, in any approved manner of adminis-  
6 tration.

7 (3) The term “opiate” has the meaning given  
8 such term in section 102(18) of the Controlled Sub-  
9 stances Act.

○