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REPORT
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JOINT TASK FORCE TO COMBAT OPIOID TRAFFICKING ACT OF 2019

AUGUST 30, 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. 3722]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 3722) to amend the Homeland Security Act of 2002 to authorize a Joint Task Force to enhance integration of the Department of Homeland Security's border security operations to detect, interdict, disrupt, and prevent narcotics, such as fentanyl and other synthetic opioids, from entering the United States, 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. 3722, the "Joint Task Force to Combat Opioid Trafficking Act of 2019" provides the Department of Homeland Security (DHS) with authorization to establish a Joint Task Force (JTF) to enhance the integration of DHS's border security operations to detect, interdict, disrupt, and prevent narcotics, such as fentanyl and other synthetic opioids, from entering the United States.

BACKGROUND AND NEED FOR LEGISLATION

In 2014, the Department of Homeland Security created three pilot JTFs to address challenges along the southern border. On December 8, 2016, Congress passed the "National Defense Authorization Act for Fiscal Year 2017" (S. 2943; Pub. L. 114–328), which authorized JTFs within DHS. The JTF structure is intended to foster greater coordination of assets and personnel of U.S. Customs and Border Protection (CBP), U.S. Immigrations and Customs Enforcement (ICE), U.S. Citizenship and Immigration Services (USCIS), the U.S. Coast Guard (USCG), and other resources of the Department on targeted homeland security challenges.

In 2017, approximately 47,600 people in the United States died due to opioid-related drug overdoses. A 2017 Centers for Disease Control and Prevention report studied opioid overdoses in 10 states and found that more than half of the deaths were related to illicitly produced fentanyl. Ninety percent of illegally produced fentanyl is manufactured in China. The scourge of synthetic opioids being trafficked through our borders is just the type of homeland security challenge that the JTF structure was intended to address.

H.R. 3722 authorizes DHS to establish a JTF dedicated to detecting, interdicting, disrupting, and preventing narcotics, such as fentanyl and other synthetic opioids, from entering the United States (known as JTF–O). The JTF–O would prioritize its resources on targeting the illicit flow of opioids across our borders. By leveraging the JTF structure to engage all DHS components in a unity of effort campaign, JTF–O will conduct integrated investigations and operations with the sole intent of countering narcotics, specifically synthetic opioids, from being trafficked into the United States. Additionally, the bill encourages DHS to collaborate with federal partners, such as the U.S. Postal Service, as well as private sector entities, such as parcel carriers, to carry out the task force's mission. The Committee believes leveraging the resources and expertise outside of the Department can help the JTF and DHS combat opioid trafficking more effectively.

HEARINGS

For the purpose of section 103(i) of H. Res 6 of the 116th Congress the following related hearings were held:

A hearing was held on May 9, 2019 entitled "A Review of the FY 2020 Budget Request for U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and U.S. Citizenship and Immigration Services."

COMMITTEE CONSIDERATION

The Committee met on July 17, 2019, with a quorum being present, to consider H.R. 3722 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.

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 adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 30, 2019.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for Department of Homeland Security Legislation.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

Department of Homeland Security Legislation
As ordered reported by the House Committee on Homeland Security on July 17, 2019

By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	not estimated

Statutory pay-as-you-go procedures apply?	No	**Mandate Effects**	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

* = less than $500,000; the table above applies to each bill described below.

On July 17, 2019, the House Committee on Homeland Security ordered reported the following bills:

- H.R. 3320, the Securing the Homeland Security Supply Chain Act of 2019, which would authorize the Department of Homeland Security (DHS) to take certain actions to improve the security of information and telecommunications systems acquired by the department;
- H.R. 3413, DHS Acquisition Reform Act of 2019, which would specify which offices in DHS headquarters have responsibility for acquisition programs;
- H.R. 3526, the Counter Terrorist Network Act, which would authorize Customs and Border Protection to assign personnel to other agencies to support partnerships for sharing global information to enhance border security; and
- H.R. 3722, the Joint Task Force to Combat Opioid Trafficking Act of 2019, which would confirm the authority of DHS to establish a task force to disrupt drug trafficking.

DHS is currently carrying out activities similar to those required by the bills listed above, and any new activities required under the legislation would not require substantial action by the department. Thus, CBO estimates that implementing each bill would not have a significant cost; any spending would be subject to the availability of appropriated funds.

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

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 3722 does not contain any provision that establishes or reau-

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

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the goals and objectives of H.R. 3722 are to establish a task force to enhance the internal integration of the Department's border security operations to detect, interdict, disrupt, and prevent narcotics, including fentanyl, from entering the United States.

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 "Joint Task Force to Combat Opioid Trafficking Act of 2019."

Sec. 2. Authorization of Joint Task Force to counter opioids

This section authorizes the DHS Secretary to establish a JTF to enhance border security operations to detect, interdict, disrupt, and prevent narcotics, such as fentanyl and other synthetic opioids, from entering the United States (JTF–O). It also provides that the DHS Secretary, with agreement from the private sector organization, may arrange for the temporary assignment of an employee to a JTF and that the Secretary shall provide for a written agreement concerning the terms and conditions of the assignment between the Department, the private sector organization, and the employee. It provides that any agreement shall require the private sector organization to be responsible for all costs associated with the assignment of an employee. This section provides that any assignment under this section may, at any time and any reason, be terminated by the Secretary or the private sector organization and shall be for a total period of not more than two years. This section also provides that the Secretary of the Department of Homeland Security may enter into a memorandum of understanding with any other Federal, State, local, tribal, territorial, or international entity or task force by which a Joint Task Force established under this section may collaborate for the purpose of carrying out the mission of the Joint Task Force.

Sec. 3. Notification; reporting

This section provides that, no later than 90 days after the enactment of this Act, the DHS Secretary make a determination whether to establish a Joint Task Force as specified in this section and submit written notification to Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Government Affairs of the Senate, including if such de-

termination is in the negative and information on the basis for a negative determination.

This section provides that if the Secretary of Homeland Security establishes a Joint Task Force under this Act, the Secretary shall include with respect such Task Force a gap analysis of funding, personnel, technology, or other resources needed in order to detect, interdict, disrupt, and prevent narcotics, such as fentanyl and other synthetic opioids from entering the United States and include a description of collaboration between such task force and any other Federal, State, local, tribal, territorial, or international entity or task force, including the United States Postal Service and the United States Postal Inspection Service. This section provides that each review include an assessment of the activities of the Joint Task Force, including an evaluation of whether the Task Force has enhanced integration of the Department of Homeland Security's efforts, created any unique capabilities or otherwise enhanced operational effectiveness, coordination, or information sharing to detect interdict, disrupt, and prevent narcotics, such as fentanyl and other synthetic opioids from entering the United States.

The Committee believes that the establishment of this JTF–O will help to better coordinate personnel, resources, and tactical operations and create a whole-of-government approach to combat the opioid epidemic. The Committee believes that the Department's ability to expand investigative and operational reach by leveraging domestic and international partners is a key to combatting the opioid epidemic.

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 (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

* * * * * * *

TITLE VII—MANAGEMENT

* * * * * * *

SEC. 708. JOINT TASK FORCES.

(a) DEFINITION.—In this section, the term "situational awareness" means knowledge and unified understanding of unlawful cross-border activity, including—

(1) threats and trends concerning illicit trafficking and unlawful crossings;

(2) the ability to forecast future shifts in such threats and trends;

(3) the ability to evaluate such threats and trends at a level sufficient to create actionable plans; and

(4) the operational capability to conduct continuous and integrated surveillance of the air, land, and maritime borders of the United States.

(b) JOINT TASK FORCES.—

(1) ESTABLISHMENT.—The Secretary may establish and operate departmental Joint Task Forces to conduct joint operations using personnel and capabilities of the Department for the purposes specified in paragraph (2).

(2) PURPOSES.—

(A) IN GENERAL.—Subject to subparagraph (B), the purposes referred to in paragraph (1) are or relate to the following:

(i) Securing the land and maritime borders of the United States.

(ii) Homeland security crises.

(iii) Establishing regionally-based operations.

(iv) Enhancing the integration of the Department's border security operations to detect, interdict, disrupt, and prevent narcotics, such as fentanyl and other synthetic opioids, from entering the United States.

(B) LIMITATION.—

(i) IN GENERAL.—The Secretary may not establish a Joint Task Force for any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or an incident for which the Federal Emergency Management Agency has primary responsibility for management of the response under title V of this Act, including section 504(a)(3)(A), unless the responsibilities of such a Joint Task Force—

(I) do not include operational functions related to incident management, including coordination of operations; and

(II) are consistent with the requirements of paragraphs (3) and (4)(A) of section 503(c) and section 509(c) of this Act, and section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143).

(ii) RESPONSIBILITIES AND FUNCTIONS NOT REDUCED.—Nothing in this section may be construed to reduce the responsibilities or functions of the Federal Emergency Management Agency or the Administrator of the Agency under title V of this Act or any other provision of law, including the diversion of any asset, function, or mission from the Agency or the Administrator of the Agency pursuant to section 506.

(3) JOINT TASK FORCE DIRECTORS.—

(A) DIRECTOR.—Each Joint Task Force established and operated pursuant to paragraph (1) shall be headed by a Director, appointed by the President, for a term of not more than two years. The Secretary shall submit to the President recommendations for such appointments after consulting with the heads of the components of the Department with membership on any such Joint Task Force. Any Director appointed by the President shall be—

(i) a current senior official of the Department with not less than one year of significant leadership experience at the Department; or

(ii) if no suitable candidate is available at the Department, an individual with—

(I) not less than one year of significant leadership experience in a Federal agency since the establishment of the Department; and

(II) a demonstrated ability in, knowledge of, and significant experience working on the issues to be addressed by any such Joint Task Force.

(B) EXTENSION.—The Secretary may extend the appointment of a Director of a Joint Task Force under subparagraph (A) for not more than two years if the Secretary determines that such an extension is in the best interest of the Department.

(4) JOINT TASK FORCE DEPUTY DIRECTORS.—For each Joint Task Force, the Secretary shall appoint a Deputy Director who shall be an official of a different component or office of the Department than the Director of such Joint Task Force.

(5) RESPONSIBILITIES.—The Director of a Joint Task Force, subject to the oversight, direction, and guidance of the Secretary, shall—

(A) when established for the purpose referred to in paragraph (2)(A)(i), maintain situational awareness within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

(B) provide operational plans and requirements for standard operating procedures and contingency operations within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

(C) plan and execute joint task force activities within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

(D) set and accomplish strategic objectives through integrated operational planning and execution;

(E) exercise operational direction over personnel and equipment from components and offices of the Department allocated to the Joint Task Force to accomplish the objectives of the Joint Task Force;

(F) when established for the purpose referred to in paragraph (2)(A)(i), establish operational and investigative priorities within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

(G) coordinate with foreign governments and other Federal, State, and local agencies, as appropriate, to carry out the mission of the Joint Task Force; and

(H) carry out other duties and powers the Secretary determines appropriate.

(6) PERSONNEL AND RESOURCES.—

(A) IN GENERAL.—The Secretary may, upon request of the Director of a Joint Task Force, and giving appropriate consideration of risk to the other primary missions of the Department, allocate to such Joint Task Force on a tem-

porary basis personnel and equipment of components and offices of the Department.

(B) COST NEUTRALITY.—A Joint Task Force may not require more resources than would have otherwise been required by the Department to carry out the duties assigned to such Joint Task Force if such Joint Task Force had not been established.

(C) LOCATION OF OPERATIONS.—In establishing a location of operations for a Joint Task Force, the Secretary shall, to the extent practicable, use existing facilities that integrate efforts of components of the Department and State, local, tribal, or territorial law enforcement or military entities.

(D) CONSIDERATION OF IMPACT.—When reviewing requests for allocation of component personnel and equipment under subparagraph (A), the Secretary shall consider the impact of such allocation on the ability of the donating component or office to carry out the primary missions of the Department, and in the case of the Coast Guard, the missions specified in section 888.

(E) LIMITATION.—Personnel and equipment of the Coast Guard allocated under this paragraph may be used only to carry out operations and investigations related to the missions specified in section 888.

(F) REPORT.—The Secretary shall, at the time the budget of the President is submitted to Congress for a fiscal year under section 1105(a) of title 31, United States Code, submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report on the total funding, personnel, and other resources that each component or office of the Department allocated under this paragraph to each Joint Task Force to carry out the mission of such Joint Task Force during the fiscal year immediately preceding each such report, and a description of the degree to which the resources drawn from each component or office impact the primary mission of such component or office.

(7) COMPONENT RESOURCE AUTHORITY.—As directed by the Secretary—

(A) each Director of a Joint Task Force shall be provided sufficient resources from relevant components and offices of the Department and the authority necessary to carry out the missions and responsibilities of such Joint Task Force required under this section;

(B) the resources referred to in subparagraph (A) shall be under the operational authority, direction, and control of the Director of the Joint Task Force to which such resources are assigned; and

(C) the personnel and equipment of each Joint Task Force shall remain under the administrative direction of the head of the component or office of the Department that provided such personnel or equipment.

(8) JOINT TASK FORCE STAFF.—Each Joint Task Force shall have a staff, composed of officials from relevant components and offices of the Department, to assist the Director of such Joint Task Force in carrying out the mission and responsibilities of such Joint Task Force.

(9) ENGAGEMENT WITH THE PRIVATE SECTOR.—

(A) IN GENERAL.—The Director of a Joint Task Force may engage with representatives from a private sector organization for the purpose of carrying out the mission of such Joint Task Force, and any such engagement shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(B) ASSISTANCE FROM PRIVATE SECTOR.—

(i) IN GENERAL.—Notwithstanding subsection (b)(1), the Secretary, with the agreement of a private sector organization, may arrange for the temporary assignment of an employee of such organization to a Joint Task Force in accordance with this paragraph.

(ii) AGREEMENT.—The Secretary shall provide for a written agreement between the Department, the private sector organization concerned, and the employee concerned regarding the terms and conditions of the assignment of such employee under this paragraph.

(C) NO FINANCIAL LIABILITY.—Any agreement under this paragraph shall require the private sector organization concerned to be responsible for all costs associated with the assignment of an employee under this paragraph.

(D) DURATION.—An assignment under this paragraph may, at any time and for any reason, be terminated by the Secretary or the private sector organization concerned and shall be for a total period of not more than two years.

(10) COLLABORATION WITH TASK FORCES OUTSIDE DHS.—The Secretary may enter into a memorandum of understanding by which a Joint Task Force established under this section to carry out any purpose specified in paragraph (2)(A) and any other Federal, State, local, Tribal, territorial, or international entity or task force established for a similar purpose may collaborate for the purpose of carrying out the mission of such Joint Task Force.

[(9)**]** *(11)* ESTABLISHMENT OF PERFORMANCE METRICS.—The Secretary shall—

(A) establish outcome-based and other appropriate performance metrics to evaluate the effectiveness of each Joint Task Force;

(B) not later than 120 days after the date of the enactment of this section and 120 days after the establishment of a new Joint Task Force, as appropriate, submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate the metrics established under subparagraph (A).

(C) not later than January 31 of each year beginning in 2017, submit to each committee specified in subparagraph

(B) a report that contains the evaluation described in subparagraph (A).

[(10)] *(12)* JOINT DUTY TRAINING PROGRAM.—

(A) IN GENERAL.—The Secretary shall—

(i) establish a joint duty training program in the Department for the purposes of—

(I) enhancing coordination within the Department; and

(II) promoting workforce professional development; and

(ii) tailor such joint duty training program to improve joint operations as part of the Joint Task Forces.

(B) ELEMENTS.—The joint duty training program established under subparagraph (A) shall address, at a minimum, the following topics:

(i) National security strategy.

(ii) Strategic and contingency planning.

(iii) Command and control of operations under joint command.

(iv) International engagement.

(v) The homeland security enterprise.

(vi) Interagency collaboration.

(vii) Leadership.

(viii) Specific subject matters relevant to the Joint Task Force, including matters relating to the missions specified in section 888, to which the joint duty training program is assigned.

(C) TRAINING REQUIRED.—

(i) DIRECTORS AND DEPUTY DIRECTORS.—Except as provided in clauses (iii) and (iv), an individual shall complete the joint duty training program before being appointed Director or Deputy Director of a Joint Task Force.

(ii) JOINT TASK FORCE STAFF.—Each official serving on the staff of a Joint Task Force shall complete the joint duty training program within the first year of assignment to such Joint Task Force.

(iii) EXCEPTION.—Clause (i) shall not apply to the first Director or Deputy Director appointed to a Joint Task Force on or after the date of the enactment of this section.

(iv) WAIVER.—The Secretary may waive the application of clause (i) if the Secretary determines that such a waiver is in the interest of homeland security or necessary to carry out the mission for which a Joint Task Force was established.

[(11)] *(13)* NOTIFICATION OF JOINT TASK FORCE FORMATION.—

(A) IN GENERAL.—Not later than 90 days before establishing a Joint Task Force under this subsection, the Secretary shall submit to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the Committee on Homeland Security and the Committee on Transportation and Infrastruc-

ture of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a notification regarding such establishment.

(B) WAIVER AUTHORITY.—The Secretary may waive the requirement under subparagraph (A) in the event of an emergency circumstance that imminently threatens the protection of human life or property.

[(12)] *(14)* REVIEW.—

(A) IN GENERAL.—Not later than January 31, 2018, and January 31, 2021, the Inspector General of the Department shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a review of the Joint Task Forces established under this subsection.

(B) CONTENTS.—The reviews required under subparagraph (A) shall include—

(i) an assessment of the effectiveness of the structure of each Joint Task Force; and

(ii) recommendations for enhancements to such structure to strengthen the effectiveness of each Joint Task Force.

[(13)] *(15)* SUNSET.—This section expires on September 30, 2022.

(c) JOINT DUTY ASSIGNMENT PROGRAM.—After establishing the joint duty training program under subsection (b)(10), the Secretary shall establish a joint duty assignment program within the Department for the purposes of enhancing coordination in the Department and promoting workforce professional development.

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