

# Congress of the United States

Washington, DC 20515

October 31, 2022

The Honorable Jack Reed  
Chairman  
Senate Committee on Armed Services  
228 Russell Senate Office Building  
Washington, DC 20510

The Honorable Adam Smith  
Chairman  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, DC 20515

The Honorable James Inhofe  
Ranking Member  
Senate Committee on Armed Services  
228 Russell Senate Office Building  
Washington, DC 20510

The Honorable Mike Rogers  
Ranking Member  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Reed, Chairman Smith, Ranking Member Inhofe, and Ranking Member Rogers,

As House and Senate conferees begin negotiating the final conference report for the Fiscal Year (FY) 2023 National Defense Authorization Act (NDAA), we respectfully request that you include the *Securing America's Borders Against Fentanyl Act* (H.R. 8316/S. 5052) in the final bill. The key provisions of this bill are mirrored in the House-passed FY 2023 NDAA under Section 5210, "Reports, Evaluations, And Research Regarding Drug Interdiction At And Between Ports Of Entry," and Section 5879, "ONDCP Supplemental Strategies." We ask that you retain Sections 5210 and 5879 from the House-passed NDAA and also include the remaining provisions of *Securing America's Borders Against Fentanyl Act* (H.R. 8316/S. 5052), which is offered in full in S. Amdt. 6225 to the Senate's FY 2023 NDAA. As leaders of the bipartisan *Securing America's Borders Against Fentanyl Act*, we strongly believe the bipartisan bill would strengthen our nation's response to illicit fentanyl entering through our borders and causing a tragic rise in fatal overdoses.

Overdose deaths in the United States, particularly due to fentanyl poisoning, continue to rise and pose a grave threat to our communities. Approximately two-thirds of overdose deaths last year involved synthetic opioids, such as fentanyl, a figure that has been dramatically rising. Overdose deaths involving synthetic opioids have nearly doubled over the past two years, accounting for 69,000 deaths in the 12-month period ending in October 2021.<sup>1</sup>

Agency intelligence indicates the majority of drugs entering the United States come through ports of entry (POEs) along the Southwest Border. Non-Intrusive Inspection (NII) technologies are a critical tool to enhance the ability of U.S. Customs and Border Protection (CBP) to quickly detect illicit drugs and weapons. Due to fentanyl's extremely small mass relative to its potency, it is crucial for CBP to have the advanced technologies necessary to detect it, even small amounts that are easy to hide. As transnational criminal organizations develop new ways and make use of modern technologies to smuggle illicit fentanyl across our borders, we must invest in research and development of the most advanced technologies and strategies to improve law enforcement's ability to fight against criminals and their fentanyl trafficking operations.

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<sup>1</sup> <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>

The *Securing America's Borders Against Fentanyl Act* (H.R. 8316/S. 5052) directs the Department of Homeland Security (DHS), with other relevant agencies, to research and develop technologies and strategies to target and detect illicit fentanyl and its precursors, especially through the use of NII technologies, and to improve data-driven targeting in order to stop more fentanyl. Additionally, the provisions would ensure the U.S. National Drug Control Strategy better recognizes and incorporates strategies and goals to stop drugs entering the U.S. through our sea, air, and land borders.

This bipartisan legislation is largely incorporated in the House-passed NDAA and offered as an amendment to the Senate FY 2023 NDAA. The bill is crafted based on recommendations in the 2022 final report from the bipartisan Commission on Combating Synthetic Opioid Trafficking, a commission established under the FY 2020 NDAA to examine aspects of the synthetic opioid threat to the U.S. The bill is also endorsed by the Bipartisan Policy Center. Given the bill's strong bipartisan support and responsiveness to the growing threat that fentanyl poses, we request that Sections 5210 and 5879 of the House-passed NDAA, as well as the remaining sections from S. Amdt. 6225, be included in the final version of the NDAA.

Thank you for your consideration. The NDAA is key legislation to strengthen our national security, and we strongly believe it should include these provisions to address the fentanyl crisis in the U.S. *The Securing America's Borders Against Fentanyl Act* is an opportunity to strengthen our response to this crisis and secure our nation's borders.

We look forward to working with you to ensure this bipartisan and bicameral provision is included in the final version of the FY2023 NDAA.

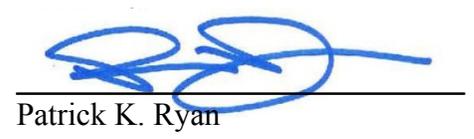
Sincerely,

  
Abigail Davis Spanberger  
Member of Congress

  
Mark Kelly  
United States Senator

  
Andrew R. Garbarino  
Member of Congress

  
Jon Tester  
United States Senator

  
Patrick K. Ryan  
Member of Congress