

119TH CONGRESS
1ST SESSION

H. R. 1046

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

FEBRUARY 6, 2025

Mr. BACON (for himself, Mr. HORSFORD, Mr. MOORE of Alabama, Mr. MOSKOWITZ, Mrs. MILLER of West Virginia, Mr. PAPPAS, Mr. WEBER of Texas, 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 “Marc Fischer Memorial
5 Interdiction of Fentanyl in Postal Mail at Federal Prisons
6 Act” or the “Marc Fischer Memorial Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

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

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

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

24 (6) The foregoing factors add tremendous pres-
25 sures and workload that further burden existing em-

1 employees, commonly reassigning officers from other
2 functions to assist in processing mail.

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

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

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

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

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

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

10 **SEC. 4. STRATEGY TO INTERDICT SYNTHETIC DRUGS IN**
11 **POSTAL MAIL.**

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

16 (1) Federal correctional facilities’ acquisition
17 and deployment of synthetic drug interdiction equip-
18 ment and technology;

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

21 (3) whether any technologies used by other
22 Federal agencies or State and local corrections facili-
23 ties to intercept and interdict contraband in the mail
24 may be used by the Bureau of Prisons.

25 (b) STRATEGY.—Not later than 90 days after com-
26 pleting the evaluation under subsection (a), the Director

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

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

8 (2) ensure that—

9 (A) not later than 24 hours after a piece
10 of mail is received at a Federal corrections fa-
11 cility or an appropriately contracted offsite loca-
12 tion, each inmate receives a digital copy of any
13 mail that is addressed to the inmate;

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

18 (i) does not contain synthetic drugs or
19 opioids; and

20 (ii) is addressed to the inmate; and

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

23 (3) ensure that a process is in place for the
24 processing of legal mail that includes—

25 (A) the verification of the sender; and

1 (B) maintains attorney client privilege as
2 required by existing law; and

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

5 (c) CONTENTS.—The strategy required under sub-
6 section (b) shall—

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

11 (2) include an assessment of operational and
12 logistical considerations, including—

13 (A) prioritization of high security and
14 large inmate population facilities for digital
15 mail scanning infrastructure and security tech-
16 nology deployment;

17 (B) any need for additional personnel and
18 technology training necessary to implement the
19 strategy; and

20 (C) scanning equipment maintenance re-
21 quirements and periodic digital technology up-
22 grades; and

23 (3) include an equipment and technology budg-
24 etary proposal, for fiscal years 2025 through 2027, in

1 order to fully implement the strategy described
2 under subsection (b).

3 (d) IMPLEMENTATION DEADLINE.—Not later than 3
4 years after the date on which the plan is submitted under
5 subsection (a)(2), and subject to appropriations, the Di-
6 rector of the Bureau of Prisons shall complete implemen-
7 tation of the submitted plan.

8 (e) ANNUAL PROGRESS REPORTS.—Beginning 1 year
9 after the date on which the strategy is submitted under
10 subsection (b), and each year thereafter, the Director of
11 the Bureau of Prisons shall submit to the Committee on
12 the Judiciary of the Senate and the Committee on the Ju-
13 diciary of the House of Representatives a report on the
14 efficiency of the strategy and the total quantity of detected
15 synthetic drugs and opioids.

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