

119TH CONGRESS
1ST SESSION

S. _____

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 SENATE OF THE UNITED STATES

Mr. JUSTICE (for himself, Mr. FETTERMAN, Mrs. BLACKBURN, Mr. CASSIDY, Mrs. CAPITO, Mr. CRUZ, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on

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 “Bureau of Prisons Se-
5 curity Check and Action against Narcotics in Mail Act”
6 or the “BOP SCAN Mail 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 ployees, 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 of Prisons and de-
25 crease the staffing shortages facing prisons.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) DIRECTOR.—The term “Director” means
4 the Director of the Bureau of Prisons.

5 (2) OPIOID.—The term “opioid” has the mean-
6 ing given such term in section 102 of the Controlled
7 Substances Act (21 U.S.C. 802).

8 (3) SYNTHETIC DRUG.—The term “synthetic
9 drug” means a controlled substance analogue (as
10 such term is defined in section 102 of the Controlled
11 Substances Act (21 U.S.C. 802)), and includes any
12 analogue of fentanyl.

13 **SEC. 4. STRATEGY TO INTERDICT SYNTHETIC DRUGS IN**
14 **POSTAL MAIL.**

15 (a) EVALUATION.—Not later than 180 days after the
16 date of enactment of this Act, the Director shall evalu-
17 ate—

18 (1) the acquisition and deployment of synthetic
19 drug interdiction equipment and technology by Fed-
20 eral correctional facilities;

21 (2) the use of technology services by Federal
22 correctional facilities to scan mail; and

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

1 (b) STRATEGY.—Not later than 90 days after com-
2 pleting the evaluation under subsection (a), the Director
3 shall submit to the Committee on the Judiciary of the Sen-
4 ate and the Committee on the Judiciary of the House of
5 Representatives a strategy to provide all Federal correc-
6 tional facilities with capabilities necessary to—

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

10 (2) ensure that—

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

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

20 (i) does not contain synthetic drugs or
21 opioids; and

22 (ii) is addressed to the inmate; and

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

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

3 (A) the verification of the sender; and

4 (B) maintains attorney client privilege as
5 required by existing law; and

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

8 (c) CONTENTS.—The strategy required under sub-
9 section (b) shall—

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

14 (2) include an assessment of operational and
15 logistical considerations, including—

16 (A) prioritization of high security and
17 large inmate population facilities for digital
18 mail scanning infrastructure and security tech-
19 nology deployment;

20 (B) any need for additional personnel and
21 technology training necessary to implement the
22 strategy; and

23 (C) scanning equipment maintenance re-
24 quirements and periodic digital technology up-
25 grades;

1 (3) include an equipment and technology budg-
2 etary proposal, for fiscal years 2025 though 2027, in
3 order to fully implement the strategy described
4 under subsection (b); and

5 (4) include strategies for conducting oversight
6 of the contractor providing the scanning service for
7 the mail.

8 (d) IMPLEMENTATION DEADLINE.—Not later than 3
9 years after the date on which the strategy is submitted
10 under subsection (b), and subject to appropriations, the
11 Director of the Bureau of Prisons shall complete imple-
12 mentation of the submitted plan.

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