

118TH CONGRESS
2D SESSION

S. 5270

To amend the Office of National Drug Control Prevention Act of 1998 to include new requirements for assessments and reports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mr. KELLY (for himself, Mrs. CAPITO, Mrs. BLACKBURN, and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Office of National Drug Control Prevention Act of 1998 to include new requirements for assessments and reports, 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 “HIDTA Enhancement
5 Act”.

6 **SEC. 2. OFFICE OF NATIONAL DRUG CONTROL POLICY.**

7 The Office of National Drug Control Policy Reau-
8 thorization Act of 1998 (21 U.S.C. 1701 et seq.) is
9 amended—

1 (1) in section 706(g)(3) (21 U.S.C.
2 1705(g)(3))—

3 (A) in subparagraph (C), by striking
4 “and” at the end;

5 (B) in subparagraph (D), by striking the
6 period at the end and inserting “; and”; and

7 (C) by adding at the end the following:

8 “(E) a report describing the use of
9 HIDTA funds to investigate organizations and
10 individuals trafficking in fentanyl or fentanyl-
11 related substances, including any resulting pros-
12 ecution, in the prior calendar year, including—

13 “(i) the amounts of fentanyl or
14 fentanyl-related substances seized by a
15 HIDTA-funded initiative in the area dur-
16 ing the previous year; and

17 “(ii) law enforcement and predictive
18 data from regional HIDTA threat assess-
19 ments showing patterns and trends in sub-
20 stance abuse, trafficking, and transpor-
21 tation of fentanyl and fentanyl-related sub-
22 stances.”;

23 (2) in section 707 (21 U.S.C. 1706)—

24 (A) in subsection (l)(2)—

1 (i) in subparagraph (F), by striking
2 “and” at the end;

3 (ii) in subparagraph (G), by striking
4 the period at the end and inserting “;
5 and”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(H) any limitations of the ability of a
9 high intensity drug trafficking area to meet the
10 purpose or goals of the area and recommenda-
11 tions to address any such limitations, including
12 through resource allocation, partnerships, or a
13 change in authority or law.”;

14 (B) in subsection (p)—

15 (i) in paragraph (5), by striking
16 “and” at the end;

17 (ii) in paragraph (6), by striking the
18 period at the end and inserting “; and”;
19 and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(7) \$333,000,000 for each of fiscal years 2025
23 through 2030.”;

24 (C) in subsection (s)—

1 (i) in the matter preceding paragraph
2 (1), by striking “\$10,000,000” and insert-
3 ing “\$14,224,000”;

4 (ii) in paragraph (2), by striking
5 “and” at the end;

6 (iii) in paragraph (3), by striking the
7 period at the end and inserting a semi-
8 colon; and

9 (iv) by adding at the end the fol-
10 lowing:

11 “(4) providing assistance to Federal, State,
12 local, and Tribal law enforcement agencies in inves-
13 tigation and activities related to the interdiction of
14 fentanyl and other substances; and

15 “(5) any additional purpose the Director deter-
16 mines is appropriate to enhance fentanyl prevention,
17 seizure, and interdiction activities.”; and

18 (D) by adding at the end the following:

19 “(t) ADDITIONAL PROSECUTORIAL RESOURCES.—

20 “(1) IN GENERAL.—The Attorney General shall
21 make available sufficient investigative and prosecu-
22 tion resources as may be practicable for the pur-
23 poses described in this section, including temporary
24 reassignment under subsection (b)(2) for fiscal years
25 2024 through 2030, during which such an assistant

1 United States attorney shall prioritize the investiga-
2 tion and prosecution of organizations and individuals
3 trafficking in fentanyl and fentanyl-related sub-
4 stances. Such temporary reassignment may be ex-
5 tended by the Attorney General for such time as
6 may be necessary to conclude any ongoing investiga-
7 tion or prosecution in which the assistant United
8 States attorney is engaged.

9 “(2) PROCESS FOR TEMPORARY REASSIGN-
10 MENT.—Not later than 180 days after the date of
11 enactment of this subsection, the Attorney General
12 shall establish a process under which the Director,
13 in consultation with the Executive Boards of each
14 designated high intensity drug trafficking area, may
15 request an assistant United States attorney to be so
16 temporarily reassigned in accordance with this sub-
17 section.”.

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