118TH CONGRESS 2D SESSION **S**.

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

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 ______

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 Enhancement5 Act".

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

7 The Office of National Drug Control Policy Reau8 thorization Act of 1998 (21 U.S.C. 1701 et seq.) is
9 amended—

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| 1 | (1) in section $706(g)(3)$ (21 U.S.C. |
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| 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 $(l)(2)$ — |

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| 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)— |

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| 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 | tigations 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 |

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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.".