

117TH CONGRESS
2D SESSION

H. R. 9093

To amend the Controlled Substances Act to authorize Homeland Security Investigations to perform certain drug enforcement functions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 2022

Mr. HIGGINS of Louisiana (for himself, Mrs. FLORES, Mrs. MILLER-MEEKS, Mrs. MILLER of Illinois, Mr. SMITH of New Jersey, Mr. CAREY, and Mr. BABIN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Controlled Substances Act to authorize Homeland Security Investigations to perform certain drug enforcement functions, 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 “Homeland Security
5 Fentanyl Enforcement Act”.

1 **SEC. 2. EMPOWERING HOMELAND SECURITY INVESTIGA-**
2 **TIONS TO COUNTER DRUG SMUGGLING BY**
3 **TRANSNATIONAL CRIMINAL ORGANIZATIONS.**

4 (a) POWERS OF ENFORCEMENT PERSONNEL.—Sec-
5 tion 508 of the Controlled Substances Act (21 U.S.C. 878)
6 is amended by adding at the end the following:

7 “(c) Special Agents of Homeland Security Investiga-
8 tions and State, tribal, and local law enforcement officers
9 designated by the Executive Associate Director for Home-
10 land Security Investigations pursuant to section 401(i) of
11 the Tariff Act of 1930 (19 U.S.C. 1401(i)) shall have the
12 powers and authorities described in subsection (a) for the
13 enforcement of this Act, which shall be exercised in the
14 performance of the Department of Homeland Security’s
15 existing functions related to customs and criminal law en-
16 forcement under the Homeland Security Act of 2002
17 (Public Law 107–296).”.

18 (b) REVIEW AND REPORT ON THE DECONFLICTION
19 POLICIES AND PRACTICES OF THE DRUG ENFORCEMENT
20 ADMINISTRATION AND HOMELAND SECURITY INVESTIGA-
21 TIONS REGARDING DRUG INVESTIGATIONS.—

22 (1) REVIEW.—The Comptroller General of the
23 United States shall conduct a review of the
24 deconfliction policies and practices between the Drug
25 Enforcement Administration and Homeland Security
26 Investigations that—

1 (A) determines whether there is docu-
2 mented reciprocity between the Drug Enforce-
3 ment Administration and Homeland Security
4 Investigations in the policies and practices for
5 deconfliction of investigations and operations
6 carried out in accordance with the authorities
7 set forth in the Controlled Substances Act and
8 the Homeland Security Act of 2002;

9 (B) determines the number of investiga-
10 tions or operations initiated during the 1-year
11 period beginning on the date of the enactment
12 of this Act by Homeland Security Investigations
13 or the Drug Enforcement Administration that
14 did not adhere to the deconfliction policies and
15 practices required under the agreement referred
16 to in subparagraph (A); and

17 (C) determines the effect of the authoriza-
18 tion under section 508(c) of the Controlled Sub-
19 stances Act, as added by subsection (a), on the
20 deconfliction policies and practices of the Drug
21 Enforcement Administration and Homeland Se-
22 curity Investigations, respectively.

23 (2) REPORT.—Not later than 18 months after
24 the date of the enactment of this Act, the Comp-
25 troller General shall submit a report to the Com-

1 mittee on Homeland Security and Governmental Af-
2 fairs of the Senate, the Committee on the Judiciary
3 of the Senate, the Committee on Homeland Security
4 of the House of Representatives, and the Committee
5 on the Judiciary of the House of Representatives
6 that contains—

7 (A) a detailed summary of the findings of
8 the review conducted pursuant to paragraph
9 (1); and

10 (B) any recommendations to modernize
11 deconfliction policies and procedures to ensure
12 reciprocity between the Drug Enforcement Ad-
13 ministration and Homeland Security Investiga-
14 tions regarding investigative functions related
15 to controlled substances, transnational criminal
16 organizations, or other areas where respective
17 jurisdictions and authorities may overlap.

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