

118TH CONGRESS
1ST SESSION

H. R. 5713

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 26, 2023

Mr. HIGGINS of Louisiana (for himself, Mr. McCAUL, Mr. STRONG, Mr. BABIN, Mrs. MILLER of Illinois, Mr. CISCOMANI, Mr. MOORE of Alabama, Mr. PFLUGER, Mr. GREEN of Tennessee, Mr. SESSIONS, and Mr. GROTHMAN) 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 new sub-
7 section:

8 “(c) Special Agents of Homeland Security Investiga-
9 tions and State, Tribal, and local law enforcement officers
10 designated by the Executive Associate Director for Home-
11 land Security Investigations pursuant to section 401(i) of
12 the Tariff Act of 1930 (19 U.S.C. 1401(i)) shall have the
13 powers and authorities described in subsection (a) for the
14 enforcement of this Act, which shall be exercised in the
15 performance of the Department of Homeland Security’s
16 existing functions related to customs and criminal law en-
17 forcement under the Homeland Security Act of 2002. The
18 authorization provided under this subsection shall termi-
19 nate on the date that is five years after the date of the
20 enactment of this subsection.”.

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

25 (1) REVIEW.—The Comptroller General of the
26 United States shall conduct a review of the

1 deconfliction policies and practices between the Drug
2 Enforcement Administration and Homeland Security
3 Investigations that—

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

12 (B) determines the number, if any, of in-
13 vestigations or operations initiated during the
14 1-year period beginning on the date of the en-
15 actment of this Act by Homeland Security In-
16 vestigations or the Drug Enforcement Adminis-
17 tration that did not adhere to the deconfliction
18 policies and practices required under the reci-
19 procity referred to in subparagraph (A); and

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

1 (2) REPORT.—Not later than 18 months after
2 the date of the enactment of this Act, the Comp-
3 troller General of the United States shall submit to
4 the Committee on Homeland Security and Govern-
5 mental Affairs of the Senate, the Committee on the
6 Judiciary of the Senate, the Committee on Home-
7 land Security of the House of Representatives, and
8 the Committee on the Judiciary of the House of
9 Representatives a report that contains—

10 (A) a detailed summary of the findings of
11 the review conducted pursuant to paragraph
12 (1); and

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

22 (c) ACTION.—If the Comptroller General of the
23 United States determines, based on the review and report
24 under subsection (b), that certain investigations or oper-
25 ations referred to in paragraph (1)(B) of such subsection

1 did not adhere to deconfliction policies and practices re-
2 quired under the reciprocity referred to paragraph (1)(A)
3 of such subsection, the Secretary of Homeland Security
4 and the Attorney General shall take such actions as may
5 be necessary to ensure investigations and operations of the
6 Drug Enforcement Administration and Homeland Secu-
7 rity Investigations carried out in accordance with the au-
8 thorities set forth in the Controlled Substances Act and
9 the Homeland Security Act of 2002 so adhere to such poli-
10 cies and practices. In taking such actions to so ensure
11 such compliance, the Secretary and Attorney General shall
12 prioritize existing interagency task forces where ever pos-
13 sible.

14 (d) RULE OF CONSTRUCTION.—Nothing in this Act
15 or the amendment made by this Act may be construed as
16 affecting in any way the authorities of the Drug Enforce-
17 ment Administration.

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