

118TH CONGRESS
2D SESSION

S. _____

To stop the shipment of illicit synthetic drugs via transportation networks
in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. CANTWELL (for herself, Ms. BALDWIN, Ms. ROSEN, Mr. TESTER, and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To stop the shipment of illicit synthetic drugs via transportation networks in the United States, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Stop Smuggling Illicit Synthetic Drugs on U.S. Trans-
6 portation Networks Act of 2024”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Sense of Congress.

2

Sec. 3. Rule of construction.

Sec. 4. Definitions.

TITLE I—USE OF CANINES AND NON-INTRUSIVE ADVANCED TECHNOLOGY TO DISRUPT INTERSTATE TRANSPORTATION OF ILLICIT SYNTHETIC DRUGS

Sec. 101. Definitions.

Sec. 102. Development of comprehensive national strategy to prevent illicit synthetic drug smuggling through United States transportation systems to protect transportation security and interstate commerce.

Sec. 103. Development of strategy to accelerate research and development of non-intrusive, advanced inspection technologies to detect illicit synthetic drugs.

Sec. 104. Expanded non-intrusive inspections at ports of entry.

Sec. 105. Civil cargo inspection program.

Sec. 106. Land-based transportation inspection programs.

Sec. 107. NHTSA public service announcement campaign.

Sec. 108. Maritime transportation inspection program.

Sec. 109. Grant program for use of non-intrusive and other advanced technology and canines for State, local, territorial, and Tribal law enforcement agencies for civil cargo and land transportation.

Sec. 110. Additional requirements for canines used in inspection programs.

Sec. 111. Annual briefing.

Sec. 112. Limitations and protections.

Sec. 113. Requirements for inspection program participation and receipt of grant awards.

Sec. 114. Duration.

Sec. 115. Rules of construction.

TITLE II—ADDITIONAL MEASURES TO COMBAT ILLICIT SYNTHETIC DRUG TRAFFICKING ON UNITED STATES TRANSPORTATION SYSTEMS

Sec. 201. Transportation Security Administration.

Sec. 202. Strategy and plan for Coast Guard interdiction of illicit synthetic drugs in the maritime environment.

Sec. 203. Pilot program on improving crime scene investigations and death investigations involving illicit synthetic drugs.

Sec. 204. Authorization and expansion of Rapid Drug Analysis and Research program.

Sec. 205. Emerging drugs pilot program.

Sec. 206. National Science Foundation pilot program to combat illicit synthetic drugs.

Sec. 207. Public-private task force.

1 SEC. 2. SENSE OF CONGRESS.

2 It is the sense of Congress that—

1 (1) fentanyl and other illicit synthetic drugs
2 pose a threat to the national security of the United
3 States;

4 (2) drug traffickers exploit the United States
5 transportation network to smuggle such drugs into,
6 out of, and through the United States;

7 (3) this exploitation—

8 (A) undermines transportation security;
9 and

10 (B) could result in significant disruptions
11 to interstate commerce;

12 (4) this Act relies on existing agency authorities
13 and does not establish a new national screening
14 framework distinct from any such framework in ex-
15 istence as of the date of the enactment of this Act;
16 and

17 (5) State, local, Tribal, and territorial law en-
18 forcement agencies need additional resources to ac-
19 quire advanced technologies and canines to conduct
20 non-intrusive inspections for illicit synthetic drugs.

21 **SEC. 3. RULE OF CONSTRUCTION.**

22 Nothing in this Act shall be construed to modify any
23 Federal law or regulation pertaining to searches for and
24 seizures of illicit synthetic drugs as applied to State, local,
25 Tribal, and territorial law enforcement.

1 **SEC. 4. DEFINITIONS.**

2 In this Act:

3 (1) **ILLICIT.**—The term “illicit” means, with re-
4 spect to synthetic drugs, transporting, manufac-
5 turing, possessing, distributing, dispensing, pur-
6 chasing, selling, importing, or exporting in violation
7 of Federal law.

8 (2) **SYNTHETIC DRUGS.**—The term “synthetic
9 drugs” means fentanyl, fentanyl analogues, fentanyl-
10 related substances, methamphetamine, xylazine, and
11 other controlled substances (as that term is defined
12 in section 102 of the Controlled Substances Act (21
13 U.S.C. 802)) and controlled substance analogues
14 that are produced by means of chemical synthesis.

15 **TITLE I—USE OF CANINES AND**
16 **NON-INTRUSIVE ADVANCED**
17 **TECHNOLOGY TO DISRUPT**
18 **INTERSTATE TRANSPORTATION**
19 **OF ILLICIT SYN-**
20 **THETIC DRUGS**

21 **SEC. 101. DEFINITIONS.**

22 In this title:

23 (1) **ADMINISTRATOR.**—The term “Adminis-
24 trator” means the Administrator of the Transpor-
25 tation Security Administration.

1 (2) AMTRAK.—The term “Amtrak” means the
2 National Railroad Passenger Corporation.

3 (3) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Commerce, Science,
7 and Transportation of the Senate;

8 (B) the Committee on Homeland Security
9 and Governmental Affairs of the Senate;

10 (C) the Committee on the Judiciary of the
11 Senate;

12 (D) the Committee on Homeland Security
13 of the House of Representatives;

14 (E) the Committee on Transportation and
15 Infrastructure of the House of Representatives;
16 and

17 (F) the Committee on the Judiciary of the
18 House of Representatives.

19 (4) CARGO; CIVIL AIRCRAFT.—The terms
20 “cargo” and “civil aircraft” have the meanings given
21 those terms in section 40102 of title 49, United
22 States Code.

23 (5) COVERED LAW.—The term “covered law”
24 means—

1 (A) the Controlled Substances Act (21
2 U.S.C. 801 et seq.);

3 (B) the Controlled Substances Import and
4 Export Act (21 U.S.C. 951 et seq.); and

5 (C) any other Federal, State, local, or
6 Tribal law relating to controlled substances, in-
7 cluding the possession, distribution, sale, detec-
8 tion, interdiction, import, or export of controlled
9 substances.

10 (6) INDIAN TRIBE.—The term “Indian Tribe”
11 has the meaning given that term in section 4 of the
12 Indian Self-Determination and Education Assistance
13 Act (25 U.S.C. 5304).

14 (7) LOCAL GOVERNMENT; STATE.—The terms
15 “local government” and “State” have the meanings
16 given those terms in section 2 of the Homeland Se-
17 curity Act of 2002 (6 U.S.C. 101).

18 (8) RAILROAD.—The term “railroad” has the
19 meaning given that term in section 20102 of title
20 49, United States Code.

1 **SEC. 102. DEVELOPMENT OF COMPREHENSIVE NATIONAL**
2 **STRATEGY TO PREVENT ILLICIT SYNTHETIC**
3 **DRUG SMUGGLING THROUGH UNITED**
4 **STATES TRANSPORTATION SYSTEMS TO PRO-**
5 **TECT TRANSPORTATION SECURITY AND**
6 **INTERSTATE COMMERCE.**

7 The Director of the Office of National Drug Control
8 Policy, in consultation and coordination with the Secretary
9 of Transportation, the Secretary of Homeland Security,
10 the Attorney General, and representatives of the private
11 sector and unions representing transportation workers,
12 shall—

13 (1) develop a comprehensive national strategy
14 that—

15 (A) prevents the smuggling of illicit syn-
16 thetic drugs through United States transpor-
17 tation systems;

18 (B) protects transportation security;

19 (C) prevents disruptions to interstate com-
20 merce; and

21 (D) does not unduly delay or interfere with
22 the free flow of goods and services in interstate
23 commerce or the movement of people; and

24 (2) not later than 2 years after the date of the
25 enactment of this Act, submit a report to the appro-
26 priate congressional committees describing the im-

1 plementation of the strategy developed pursuant to
2 paragraph (1).

3 **SEC. 103. DEVELOPMENT OF STRATEGY TO ACCELERATE**
4 **RESEARCH AND DEVELOPMENT OF NON-IN-**
5 **TRUSIVE, ADVANCED INSPECTION TECH-**
6 **NOLOGIES TO DETECT ILLICIT SYNTHETIC**
7 **DRUGS.**

8 (a) **DEFINED TERM.**—In this section, the term “ap-
9 propriate congressional committees” means—

10 (1) the Committee on Commerce, Science, and
11 Transportation of the Senate;

12 (2) the Committee on Homeland Security and
13 Governmental Affairs of the Senate;

14 (3) the Committee on Finance of the Senate;

15 (4) the Committee on the Judiciary of the Sen-
16 ate;

17 (5) the Committee on Energy and Commerce of
18 the House of Representatives;

19 (6) the Committee on Homeland Security of the
20 House of Representatives;

21 (7) the Committee on Financial Services of the
22 House of Representatives; and

23 (8) the Committee on the Judiciary of the
24 House of Representatives.

1 (b) IN GENERAL.—The Director of the Office of
2 Science and Technology Policy and the Director of the Of-
3 fice of National Drug Control Policy, in consultation and
4 coordination with the Director of the National Science
5 Foundation, the Secretary of Commerce (acting through
6 the Director of the National Institute of Standards and
7 Technology), the Secretary of Energy, the Secretary of
8 Homeland Security, the Administrator of the Transpor-
9 tation Security Administration, and the Attorney General,
10 shall—

11 (1) develop a joint strategy to accelerate re-
12 search and development and deployment of non-in-
13 trusive, advanced inspection technologies and other
14 advanced inspection technologies to detect illicit syn-
15 thetic drugs, such as artificial intelligence and quan-
16 tum hybrid computing and integration of multiple
17 data sources; and

18 (2) not later than 2 years after the date of the
19 enactment of this Act, submit a report on such
20 strategy to the appropriate congressional commit-
21 tees.

22 **SEC. 104. EXPANDED NON-INTRUSIVE INSPECTIONS AT**
23 **PORTS OF ENTRY.**

24 (a) INSPECTION OF ALL VEHICLES AND TRAINS AT
25 LAND PORTS OF ENTRY.—Beginning not later than 5

1 years after the date of the enactment of this Act, the Com-
2 missioner for U.S. Customs and Border Protection shall
3 carry out non-intrusive inspections of each motor vehicle
4 and train entering the United States through a land port
5 of entry to detect illicit synthetic drugs, including fentanyl
6 and its analogs.

7 (b) INSPECTIONS OF CIVIL AIR CARGO.—Beginning
8 not later than 5 years after the date of the enactment of
9 this Act, the Commissioner for U.S. Customs and Border
10 Protection shall carry out non-intrusive inspections of at
11 least 50 percent of all cargo transported on civil aircraft
12 entering the United States through an international air-
13 port to detect illicit synthetic drugs, including fentanyl
14 and its analogs. Such inspections shall increase by 10 per-
15 cent per year until 100 percent of cargo transported on
16 civil aircraft entering the United States through an inter-
17 national airport is inspected.

18 (c) INSPECTIONS OF MARITIME CARGO.—Beginning
19 not later than 5 years after the date of the enactment of
20 this Act, the Commissioner for U.S. Customs and Border
21 Protection, in coordination with the Commissioner of the
22 United State Coast Guard, shall carry out non-intrusive
23 inspections of at least 50 percent of all cargo transported
24 on marine vessels entering the United States through an
25 international seaport to detect illicit synthetic drugs, in-

1 cluding fentanyl and its analogs. Such inspections shall
2 increase by 10 percent per year until 100 percent of cargo
3 transported on marine vessels entering the United States
4 through an international seaport is inspected.

5 (d) GUIDELINES FOR INSPECTIONS AND SUBSE-
6 QUENT ACTIVITIES.—The Commissioner for U.S. Cus-
7 toms and Border Protection shall—

8 (1) develop guidelines—

9 (A) establishing the criteria for initiating
10 an inspection, search, seizure, or other activity
11 required under this section;

12 (B) describing how such activities should
13 be carried out; and

14 (C) specifying where such activities may be
15 conducted; and

16 (2) develop and implement a plan to ensure in-
17 spections, searches, seizures, and other activities re-
18 quired under this section—

19 (A) are lawful and comply with the Fourth
20 Amendment to the Constitution of the United
21 States and other federally protected rights;

22 (B) do not unduly prolong delays to goods
23 and persons traveling in interstate commerce;

24 (C) are not performed with discriminatory
25 intent or purpose;

1 (D) are carried out in a standardized man-
2 ner and in accordance with the guidelines devel-
3 oped pursuant to paragraph (1); and

4 (E) do not unreasonably interfere with or
5 compromise other lawful inspections,
6 screenings, and business operations.

7 (e) FUNDING.—The activities required under this
8 section shall be funded through the Department of the
9 Treasury Forfeiture Fund established under section 9705
10 of title 31, United States Code.

11 **SEC. 105. CIVIL CARGO INSPECTION PROGRAM.**

12 (a) CIVIL CARGO INSPECTION PROGRAM.—

13 (1) ESTABLISHMENT.—The Administrator shall
14 establish a program for—

15 (A) detecting illicit synthetic drugs trans-
16 ported in and through the United States using
17 cargo transported by civil aircraft outside ports
18 of entry; and

19 (B) aiding in the enforcement of covered
20 laws relating to such transportation.

21 (2) MANNER OF DETECTION.—The detection of
22 illicit synthetic drugs described in paragraph (1)(A)
23 shall be carried out through random, non-intrusive
24 inspections of cargo transported by civil aircraft uti-

1 lizing prevailing and emerging technologies and ca-
2 nines.

3 (b) INTERAGENCY COORDINATION.—The Adminis-
4 trator shall carry out the program established pursuant
5 to subsection (a) in coordination with—

6 (1) the Attorney General;

7 (2) the Secretary of Homeland Security;

8 (3) the Executive Associate Director of Home-
9 land Security Investigations;

10 (4) the Secretary of Transportation;

11 (5) the Postmaster General;

12 (6) the Chief Postal Inspector of the Postal In-
13 spection Service; and

14 (7) any other Federal agency the Administrator
15 deems appropriate.

16 (c) INSPECTIONS.—Any Federal, State, Tribal, terri-
17 torial, or local law enforcement officer designated by the
18 Administrator may conduct inspections as part of the pro-
19 gram established pursuant to subsection (a), in coordina-
20 tion with the Secretary of Homeland Security and the At-
21 torney General.

22 (d) CONSULTATION.—In establishing the program
23 pursuant to subsection (a), the Administrator shall consult
24 with relevant labor organizations representing employees
25 to identify procedures for inspecting and interdicting

1 cargo in a manner that limits impacts to interstate trans-
2 portation and airport operations.

3 (e) TRAINING FOR PROGRAM PARTICIPANTS.—

4 (1) IN GENERAL.—The Administrator, in con-
5 sultation with the Secretary of Homeland Security
6 and the United States Attorney General, shall de-
7 velop training materials and conduct training based
8 on such materials for all State, local, territorial, and
9 Tribal law enforcement agencies participating in the
10 program established pursuant to subsection (a) to
11 ensure inspections are carried out effectively, safely,
12 lawfully, and in a standardized manner.

13 (2) CONTENT OF TRAINING MATERIALS.—The
14 training developed and conducted pursuant to para-
15 graph (1) shall include—

16 (A) an overview of the purpose of the pro-
17 gram required under subsection (a);

18 (B) information and exercises relating to
19 preventing occupational exposure to illicit syn-
20 thetic drugs and the use of personal protective
21 equipment;

22 (C) the contents of the relevant guidelines
23 and plan established pursuant to section 112;

24 (D) procedures for lawfully conducting
25 non-intrusive inspections; and

1 (E) live exercises to simulate inspections.

2 (3) REQUIREMENTS.—State, local, territorial,
3 and Tribal law enforcement agencies participating in
4 the program established pursuant to subsection (a)
5 shall complete such training before carrying out any
6 inspections authorized under this section.

7 **SEC. 106. LAND-BASED TRANSPORTATION INSPECTION**
8 **PROGRAMS.**

9 (a) RAIL INSPECTION PROGRAM.—

10 (1) ESTABLISHMENT.—The Administrator shall
11 establish a program for—

12 (A) detecting illicit synthetic drugs trans-
13 ported in and through United States by pas-
14 senger rail and freight rail networks outside
15 ports of entry; and

16 (B) aiding in the enforcement of covered
17 laws relating to such transportation.

18 (2) MANNER OF DETECTION.—The detection of
19 illicit synthetic drugs described in paragraph (1)
20 shall be carried out through random, non-intrusive
21 inspections of intercity passenger rail and freight
22 rail networks utilizing prevailing and emerging tech-
23 nologies and canines.

1 (3) INTERAGENCY COORDINATION.—The Ad-
2 ministrators shall carry out the program established
3 pursuant to paragraph (1)—

4 (A) in coordination with the Attorney Gen-
5 eral; and

6 (B) in consultation with—

7 (i) the Secretary of Homeland Secu-
8 rity;

9 (ii) the Executive Associate Director
10 of Homeland Security Investigations;

11 (iii) the Secretary of Transportation;

12 (iv) the Administrator of the Federal
13 Railroad Administration;

14 (v) the Chief Executive Officer of Am-
15 trak;

16 (vi) the head of railroad police as de-
17 termined by the railroad for all Class I
18 railroads.

19 (vii) the Postmaster General;

20 (viii) the Chief Postal Inspector of the
21 Postal Inspection Service; and

22 (ix) any other Federal agency the Ad-
23 ministrator deems appropriate.

24 (4) INSPECTIONS.—Any Federal, State, Tribal,
25 territorial, or local law enforcement officer des-

1 ignated by the Administrator may conduct inspec-
2 tions as part of the program established pursuant to
3 paragraph (1), in coordination with the Secretary of
4 Homeland Security and the Attorney General. Any
5 inspections conducted as part of such program along
6 railroad property shall be done in coordination with
7 the railroad that owns such property.

8 (5) PASSENGER RAIL.—In establishing the pro-
9 gram for passenger rail pursuant to paragraph (1),
10 the Attorney General and the Chief Executive Offi-
11 cer of Amtrak shall consult with Indian tribes and
12 coordinate with State, local, and Tribal law enforce-
13 ment agencies to resolve program implementation
14 and enforcement of Federal drug trafficking laws
15 pursuant to the program, including—

16 (A) implementation and enforcement in In-
17 dian Country and rural areas with limited jail
18 space or detention capabilities;

19 (B) the need for ongoing cooperation and
20 coordination with Tribal law enforcement agen-
21 cies; and

22 (C) additional Federal resources, including
23 additional Federal law enforcement presence, in
24 Indian country and rural areas.

1 (6) APPLICATION.— The pilot program for pas-
2 senger rail shall consider the unique public safety
3 needs of passenger rail routes in rural areas and in
4 Indian country.

5 (b) COMMERCIAL TRUCKING INSPECTION PRO-
6 GRAM.—

7 (1) ESTABLISHMENT.—The Administrator shall
8 establish a program for—

9 (A) detecting illicit synthetic drugs trans-
10 ported in and through the interior United
11 States by commercial motor vehicles; and

12 (B) aiding in the enforcement of covered
13 laws relating to such transportation.

14 (2) MANNER OF DETECTION.—The detection of
15 illicit synthetic drugs described in paragraph (1)
16 shall be carried out through random, non-intrusive
17 inspections of cargo transported by commercial
18 motor vehicles utilizing prevailing and emerging
19 technologies and canines.

20 (3) INTERAGENCY COORDINATION.—The Ad-
21 ministrator shall carry out the program established
22 pursuant to paragraph (1)—

23 (A) in coordination with the Attorney Gen-
24 eral; and

25 (B) in consultation with—

- 1 (i) the Secretary of Homeland Secu-
2 rity;
- 3 (ii) the Executive Associate Director
4 of Homeland Security Investigations;
- 5 (iii) the Secretary of Transportation;
- 6 (iv) the Administrator of the Federal
7 Motor Carrier Safety Administration;
- 8 (v) the Postmaster General;
- 9 (vi) the Chief Postal Inspector of the
10 Postal Inspection Service; and
- 11 (vii) any other Federal agency the Ad-
12 ministrator deems appropriate.

13 (4) INSPECTIONS.—Any Federal, State, Tribal,
14 territorial, or local law enforcement officer des-
15 ignated by the Administrator may conduct inspec-
16 tions as part of the program established pursuant to
17 paragraph (1), in coordination with the Secretary of
18 Homeland Security and the Attorney General.

19 (5) LIMITATION.—Any technologies or canines
20 deployed to detect illicit synthetic drugs in cargo
21 transported by commercial motor vehicles—

22 (A) may only be deployed at weigh sta-
23 tions;

24 (B) may not be deployed in a manner that
25 would enable the scanning, monitoring, or other

1 detection or recording of vehicles used by the
2 traveling public in an area not within the
3 boundaries of a weigh station; and

4 (C) may not unduly prolong delays to
5 goods and persons traveling in interstate com-
6 merce or unreasonably interfere with other in-
7 spections and lawful commercial operations.

8 (c) CONSULTATION.—

9 (1) IN GENERAL.—In establishing the program
10 pursuant to subsection (b), the Administrator shall
11 consult with relevant commercial motor carriers, rail
12 labor organizations representing the employees of
13 commercial motor carriers and rail carriers, and op-
14 erators of land ports described in paragraph (2) to
15 identify procedures for inspecting and interdicting
16 cargo in a manner that limits impacts to interstate
17 transportation and rail operations.

18 (2) LAND PORTS DESCRIBED.—A land port de-
19 scribed in this paragraph is—

20 (A) a land port of entry on the border of
21 the United States through which commercial
22 freight is moved by rail;

23 (B) a multimodal port or other inland land
24 port, including a dry port or intermodal ter-

1 minal, at which commercial freight is loaded,
2 unloaded, or moved by rail; or

3 (C) any other freight rail terminal.

4 (d) TRAINING FOR PROGRAM PARTICIPANTS.—

5 (1) IN GENERAL.—The Administrator shall de-
6 velop training materials and conduct training based
7 on such materials for all Federal, State, local, terri-
8 torial, and Tribal law enforcement agencies partici-
9 pating in a program established pursuant to this
10 section to ensure inspections are carried out effec-
11 tively, safely, lawfully, and in a standardized man-
12 ner.

13 (2) CONTENT OF TRAINING MATERIALS.—The
14 training required under paragraph (1) shall in-
15 clude—

16 (A) an overview of the purpose of the pro-
17 gram;

18 (B) information and exercises relating to
19 preventing occupational exposure to illicit syn-
20 thetic drugs and the use of personal protective
21 equipment;

22 (C) the contents of the relevant guidelines
23 and plan established pursuant to section 112;

24 (D) procedures for lawfully conducting
25 non-intrusive inspections; and

1 (E) live exercises to simulate inspections.

2 (3) REQUIREMENTS.—Federal, State, local, ter-
3 ritorial, and Tribal law enforcement agencies partici-
4 pating in a program established pursuant to this
5 section shall complete such training before carrying
6 out any inspections authorized under this section.

7 **SEC. 107. NHTSA PUBLIC SERVICE ANNOUNCEMENT CAM-**
8 **PAIGN.**

9 The Administrator of the National Highway Traffic
10 Safety Administration, in coordination with the Adver-
11 tising Council, shall develop and implement a national
12 public service announcement campaign relating to the
13 dangers of driving under the influence of fentanyl,
14 fentanyl analogues, and other illicit synthetic opioids.

15 **SEC. 108. MARITIME TRANSPORTATION INSPECTION PRO-**
16 **GRAM.**

17 (a) ESTABLISHMENT.—The Administrator, in coordi-
18 nation with the Administrator of the Drug Enforcement
19 Administration, the Director of the Federal Bureau of In-
20 vestigation, and the Commandant of the Coast Guard,
21 shall establish a program for—

22 (1) detecting illicit synthetic drugs outside ports
23 of entry; and

24 (2) aiding in the enforcement of covered laws
25 by utilizing prevailing and emerging technologies

1 and canines to conduct random, non-intrusive in-
2 spections of cargo transported by maritime vessels.

3 (b) CONDUCT OF INSPECTIONS.—Inspections con-
4 ducted under the program established pursuant to sub-
5 section (a) may be performed by Federal, State, local, ter-
6 ritorial, or Tribal law enforcement agencies designated by
7 the Administrator, in coordination with the Secretary of
8 Homeland Security and the Attorney General.

9 (c) CONSULTATION.—In establishing the program re-
10 quired under subsection (a), the Administrator shall con-
11 sult with relevant labor organizations representing em-
12 ployees to identify procedures for inspecting and inter-
13 dicting cargo in a manner that limits impacts to interstate
14 transportation and port operations.

15 (d) TRAINING FOR PROGRAM PARTICIPANTS.—

16 (1) IN GENERAL.—The Administrator shall de-
17 velop training materials and conduct training based
18 on such materials for all Federal, State, local, terri-
19 torial, and Tribal law enforcement agencies partici-
20 pating in the program required under subsection (a)
21 to ensure inspections conducted under that program
22 are carried out effectively, safely, lawfully, and in a
23 standardized manner.

24 (2) ELEMENTS.—Training required under para-
25 graph (1) shall include—

1 (A) an overview of the purpose of the pro-
2 gram required under subsection (a);

3 (B) information and exercises relating to
4 preventing occupational exposure to illicit syn-
5 thetic drugs, including the use of personal pro-
6 tective equipment;

7 (C) the contents of guidelines and plans
8 established pursuant to section 112 that are
9 relevant to carrying out the program;

10 (D) procedures for lawfully conducting
11 non-intrusive inspections; and

12 (E) live exercises to simulate inspections.

13 (3) COMPLETION OF TRAINING.—Federal,
14 State, local, territorial, and Tribal law enforcement
15 agencies participating in the program required under
16 subsection (a) shall complete the training required
17 under paragraph (1) before carrying out any inspec-
18 tions under such program.

19 **SEC. 109. GRANT PROGRAM FOR USE OF NON-INTRUSIVE**
20 **AND OTHER ADVANCED TECHNOLOGY AND**
21 **CANINES FOR STATE, LOCAL, TERRITORIAL,**
22 **AND TRIBAL LAW ENFORCEMENT AGENCIES**
23 **FOR CIVIL CARGO AND LAND TRANSPOR-**
24 **TATION.**

25 (a) GRANT PROGRAM.—

1 (1) IN GENERAL.—The Secretary of Homeland
2 Security may award grants to States, local govern-
3 ments, and Indian Tribes, including State, local, ter-
4 ritorial, and Tribal law enforcement agencies, if the
5 Secretary determines the recipients of such grants
6 would—

7 (A) further the objectives of the programs
8 described in sections 105, 106, and 108; and

9 (B) carry out the activities described in
10 paragraph (2).

11 (2) USE OF FUNDS.—A grant awarded pursu-
12 ant to paragraph (1) shall be used—

13 (A) to acquire and conduct training with
14 respect to technology to detect illicit synthetic
15 drugs;

16 (B) to acquire and train canines to detect
17 illicit synthetic drugs;

18 (C) to acquire canine handlers and provide
19 the care for canines described in section 110;
20 and

21 (D) to pay overtime compensation and
22 other investigative expenses incurred by law en-
23 forcement agencies in conducting inspections
24 associated with an inspection program estab-
25 lished under this title.

1 (b) APPLICATION.—

2 (1) IN GENERAL.—A law enforcement agency of
3 a State, local government, or Indian Tribe or terri-
4 torial law enforcement agency seeking a grant under
5 this section shall submit an application at such time,
6 in such manner, and accompanied by such informa-
7 tion as the Secretary may require.

8 (2) REQUIREMENT.—The Secretary of Home-
9 land Security shall require a law enforcement agency
10 of a State, territory, local government, or Indian
11 Tribe seeking a grant under this section to include
12 in the application for such grant information that
13 demonstrates the willingness and ability of the law
14 enforcement agency to conduct activities authorized
15 under this title in accordance with—

16 (A) the relevant guidelines and plan estab-
17 lished pursuant to section 112; and

18 (B) the Fourth Amendment to the Con-
19 stitution of the United States.

20 (c) CONSULTATION REQUIRED.—The Secretary of
21 Homeland Security shall consult with State and local gov-
22 ernments and Indian Tribes in developing the grant pro-
23 gram established pursuant to this section.

1 **SEC. 110. ADDITIONAL REQUIREMENTS FOR CANINES USED**
2 **IN INSPECTION PROGRAMS.**

3 (a) **TRANSPORTATION SECURITY ADMINISTRATION**
4 **PROGRAM.**—The Administrator, in coordination with the
5 Administrator of the Animal and Plant Health Inspection
6 Service, shall—

7 (1) ensure that any canines used in an inspec-
8 tion program or a grant program established pursu-
9 ant to section **[105 or 106]** receive safety training
10 and are certified for synthetic drug detection; and

11 (2) require the head of each relevant Federal,
12 State, local, territorial, or Tribal law enforcement
13 agency to provide testing equipment, naloxone, and
14 other protective measures for any canines used in
15 such an inspection program or grant program.

16 (b) **U.S. CUSTOMS AND BORDER PROTECTION PRO-**
17 **GRAM.**—The Commissioner for U.S. Customs and Border
18 Protection, in coordination with the Administrator of the
19 Animal and Plant Health Inspection Service of the De-
20 partment of Agriculture, shall—

21 (1) ensure that any canines used in an inspec-
22 tion program or a grant program established pursu-
23 ant to section **[108]** receive safety training and are
24 certified for synthetic drug detection; and

25 (2) require the head of each relevant Federal,
26 State, local, territorial, or Tribal law enforcement

1 agency to provide testing equipment, naloxone, and
2 other protective measures for any canines used in
3 such an inspection program or grant program.

4 **SEC. 111. ANNUAL BRIEFING.**

5 The head of each relevant Federal agency shall annu-
6 ally brief the appropriate congressional committees re-
7 garding the status and effectiveness of each program es-
8 tablished pursuant to this title for which such head is re-
9 sponsible.

10 **SEC. 112. LIMITATIONS AND PROTECTIONS.**

11 (a) PLAN.— The head of each Federal agency re-
12 sponsible for overseeing or conducting activities authorized
13 under this title shall—

14 (1) develop guidelines that—

15 (A) establish the criteria for initiating an
16 inspection, search, seizure, or other activity car-
17 ried out under this title;

18 (B) describe how such activities should be
19 carried out; and

20 (C) specify where such activities may be
21 conducted;

22 (2) develop and implement a plan to ensure in-
23 spections, searches, seizures and other activities car-
24 ried out under this title—

1 (A) are lawful and comply with the Fourth
2 Amendment to the Constitution of the United
3 States and other federally protected rights;

4 (B) do not unduly prolong delays to goods
5 and persons traveling in interstate commerce;

6 (C) are not performed with discriminatory
7 intent or purpose;

8 (D) are carried out in a standardized man-
9 ner and in accordance with the guidelines estab-
10 lished pursuant to paragraph (1);

11 (E) utilize law enforcement resources effi-
12 ciently and are not duplicative by considering
13 and coordinating with—

14 (i) existing Federal inspection pro-
15 grams such as the Customs Trade Part-
16 nership Against Terrorism program of
17 U.S. Customs and Border Protection and
18 the Certified Cargo Screening Program of
19 the Transportation Security Administra-
20 tion; and

21 (ii) Federal known shipper and con-
22 signor programs; and

23 (F) do not unreasonably interfere with or
24 compromise other lawful inspections,
25 screenings, and business operations; and

1 (3) conduct outreach and engagement with local
2 private sector stakeholders, including civil society or-
3 ganizations, before finalizing such plan.

4 (b) PUBLICATION.—

5 (1) IN GENERAL.—The head of each Federal
6 agency required to develop a plan under subsection
7 (a) shall publish such plan on a publicly available
8 website of the agency before initiating an inspection
9 program under this title.

10 (2) FORM.—In publishing a plan under para-
11 graph (1), the head of the relevant Federal agency
12 shall redact any sensitive law enforcement informa-
13 tion.

14 (c) REVIEW.—The Office of the Inspector General of
15 the Department of Homeland Security shall—

16 (1) for each plan required under subsection (a),
17 conduct a review of the plan and submit to the ap-
18 propriate congressional committees a report, includ-
19 ing any recommendations for improving the plan,
20 not later than 1 year after the development of the
21 plan; and

22 (2) for each inspection program required under
23 this title, conduct a review of the inspection program
24 to review compliance with the corresponding plan

1 created under subsection (a) not later than 1 year
2 after the completion of the inspection program.

3 (d) NOTIFICATION.—If the head of a Federal agency
4 responsible for overseeing or conducting activities author-
5 ized under this title determines that such agency cannot
6 carry out an activity under this title without violating the
7 Fourth Amendment to the Constitution of the United
8 States, the head of the Federal agency shall notify the
9 appropriate congressional committees of such determina-
10 tion as soon as possible.

11 **SEC. 113. REQUIREMENTS FOR INSPECTION PROGRAM PAR-**
12 **TICIPATION AND RECEIPT OF GRANT**
13 **AWARDS.**

14 (a) ELIGIBILITY.—A State, local government, or In-
15 dian Tribe, including a State, local, territorial, or Tribal
16 law enforcement agency, may not participate in an inspec-
17 tion program or receive a grant award under this title un-
18 less such participant or grantee demonstrates, to the satis-
19 faction of the head of the Federal agency responsible for
20 administering the relevant inspection program or grant
21 award, a willingness and ability to conduct activities au-
22 thorized under this title in accordance with—

23 (1) the relevant guidelines and plan developed
24 pursuant to section 112; and

1 (2) the Fourth Amendment to the Constitution
2 of the United States.

3 (b) **TERMINATION.**—The head of the Federal agency
4 responsible for administering the relevant inspection pro-
5 gram or grant award under this title may terminate the
6 participation of an entity in the inspection program or re-
7 scind the grant award if the entity fails to comply with
8 the plan developed pursuant to section 112.

9 **SEC. 114. DURATION.**

10 Each inspection program established pursuant to this
11 title shall terminate on the date that is 7 years after the
12 establishment of such inspection program.

13 **SEC. 115. RULES OF CONSTRUCTION.**

14 (a) **AUTHORITIES.**—Nothing in this title may be con-
15 strued to expand the authorities of any Federal agency
16 to conduct activities internationally.

17 (b) **PARTICIPATION IN INSPECTION PROGRAM.**—The
18 participation of a State, local government, or Indian
19 Tribe, including a State, local, territorial, or Tribal law
20 enforcement agency, in any inspection program authorized
21 by this title—

22 (1) shall be voluntary; and

23 (2) may not be contingent on the enforcement
24 of Federal laws, other than the laws established by
25 this Act and any related regulations.

1 **TITLE II—ADDITIONAL MEAS-**
2 **URES TO COMBAT ILLICIT**
3 **SYNTHETIC DRUG TRAF-**
4 **FICKING ON UNITED STATES**
5 **TRANSPORTATION SYSTEMS**

6 **SEC. 201. TRANSPORTATION SECURITY ADMINISTRATION.**

7 Section 7135(c) of the James M. Inhofe National De-
8 fense Authorization Act for Fiscal Year 2023 (Public Law
9 117–263; 6 U.S.C. 216 note) is amended to read as fol-
10 lows:

11 “(c) **APPLICABILITY TO OTHER COMPONENTS.**—The
12 Administrator of the Transportation Security Administra-
13 tion shall provide training, personal protective equipment,
14 and containment devices to officers, agents, other per-
15 sonnel, and canines of each component of the Transpor-
16 tation Security Administration that is at risk of potential
17 illicit synthetic drug exposure in the course of their du-
18 ties.”.

19 **SEC. 202. STRATEGY AND PLAN FOR COAST GUARD INTER-**
20 **DICTION OF ILLICIT SYNTHETIC DRUGS IN**
21 **THE MARITIME ENVIRONMENT.**

22 (a) **STRATEGY.**—Not later than 1 year after the date
23 of the enactment of this Act, the Commandant of the
24 Coast Guard (referred to in this section as the “Com-
25 mandant”) shall develop a strategy for coordinating,

1 prioritizing, and providing the necessary resources for
2 maritime interdictions of illicit synthetic drugs, including
3 the interdiction of current and potential future maritime
4 vectors under the jurisdiction of the Coast Guard that are
5 or may be used for trafficking of illicit synthetic drugs.

6 (b) ACTION PLAN.—

7 (1) IN GENERAL.—The Commandant shall de-
8 velop an action plan for the implementation of the
9 strategy developed pursuant to subsection (a) that
10 identifies and describes the workforce, capital assets,
11 and other resources necessary to carry out such
12 strategy.

13 (2) REPORT.—

14 (A) IN GENERAL.—Not later than 18
15 months after the date of the enactment of this
16 Act, the Commandant shall submit a report on
17 the action plan developed pursuant to para-
18 graph (1) to the Committee on Commerce,
19 Science, and Transportation of the Senate and
20 the Committee on Transportation and Infra-
21 structure of the House of Representatives.

22 (B) FORM.—The report required under
23 subparagraph (A) shall be submitted in unclas-
24 sified form, but may include a classified annex.

1 **SEC. 203. PILOT PROGRAM ON IMPROVING CRIME SCENE**
2 **INVESTIGATIONS AND DEATH INVESTIGA-**
3 **TIONS INVOLVING ILLICIT SYNTHETIC**
4 **DRUGS.**

5 (a) PILOT PROGRAM REQUIRED.—The Secretary of
6 Commerce, acting through the Director of the National
7 Institute of Standards and Technology and subject to the
8 availability of appropriations, shall carry out a pilot pro-
9 gram to assess the feasibility and effectiveness of imple-
10 menting emerging technologies and training to improve
11 State and local government crime scene investigations that
12 involve illicit synthetic drugs.

13 (b) DEVELOPMENT OF PROTOCOLS AND TOOLS.—
14 The pilot program required under subsection (a) may in-
15 clude the development of protocols and tools—

16 (1) to prevent accidental exposure to illicit syn-
17 thetic drugs to crime scene technicians, medical ex-
18 aminers, and coroners; and

19 (2) to increase the accessibility of detection
20 technology and rapid toxicology for screening and
21 triage for State, local, territorial, and Tribal crime
22 scene technicians, medical examiners, and coroners.

23 (c) SENSE OF CONGRESS ON COMPATIBILITY.—It is
24 the sense of Congress that protocols and tools developed
25 pursuant to subsection (b) should be compatible with the
26 prevailing analytical methodologies utilized by law enforce-

1 ment and forensic experts and accepted in judicial set-
2 tings.

3 **SEC. 204. AUTHORIZATION AND EXPANSION OF RAPID**
4 **DRUG ANALYSIS AND RESEARCH PROGRAM.**

5 (a) **AUTHORIZATION OF PROGRAM.**—Subject to the
6 availability of appropriations, the Director of the National
7 Institute of Standards and Technology (referred to in this
8 section as the “NIST Director”) may continue to carry
9 out its Rapid Drug Analysis and Research program (re-
10 ferred to in this section as the “RaDAR program”) that
11 was in effect on the day before the date of the enactment
12 of this Act.

13 (b) **EXPANSION OF PROGRAM.**—

14 (1) **AUTHORITY.**—Subject to the availability of
15 appropriations, the NIST Director may expand the
16 RaDAR program, including by increasing the num-
17 ber of NIST personnel assigned to the program or
18 increasing the amount expended by the program.

19 (2) **GEOGRAPHIC LOCATIONS.**—Not later than 3
20 years after the date of the enactment of this Act, the
21 NIST Director shall ensure that the RaDAR pro-
22 gram is carried out in coordination with local law
23 enforcement or public health entities in at least 1 lo-
24 cation in each of the States of the United States, the

1 District of Columbia, and the Commonwealth of
2 Puerto Rico.

3 (c) LABORATORIES.—

4 (1) STANDARDS REQUIRED.—In carrying out
5 the RaDAR program, the NIST Director, in con-
6 sultation and coordination with private sector and
7 academic laboratories and publicly funded forensic
8 science service providers, medical examiners, toxic-
9 ologists, and coroners, shall establish standards to
10 enable laboratories to participate in the RaDAR pro-
11 gram.

12 (2) ACCREDITATION AUTHORIZED.—The Direc-
13 tor may coordinate accreditation of competent lab-
14 oratories as being in compliance with the standards
15 established pursuant to paragraph (1).

16 (3) COORDINATION, CONSULTATION, OR COL-
17 LABORATION REQUIRED.—In carrying out the
18 RaDAR program, the NIST Director shall coordi-
19 nate, consult, or collaborate with—

20 (A) private sector and academic labora-
21 tories that may be eligible for accreditation
22 under paragraph (2); and

23 (B) publicly funded forensic science service
24 providers, medical examiners, toxicologists, and
25 coroners.

1 (4) CONTRACTS AUTHORIZED.—In carrying out
2 the program authorized by subsection (a), the NIST
3 Director may enter into such agreements with lab-
4 oratories accredited pursuant to paragraph (2) as
5 the Director considers appropriate.

6 (d) REPORT TO CONGRESS.—

7 (1) DEFINED TERM.—In this subsection, the
8 term “appropriate congressional committees”
9 means—

10 (A) the Committee on Commerce, Science,
11 and Transportation of the Senate; and

12 (B) the Committee on Science, Space, and
13 Technology of the House of Representatives.

14 (2) IN GENERAL.—Not later than 18 months
15 after the date of the enactment of this Act, the
16 NIST Director shall submit a report to the appro-
17 priate congressional committees that describes—

18 (A) the actions taken by the NIST Direc-
19 tor to expand the RaDAR program; and

20 (B) the NIST Director’s plans for further
21 expansion of the RaDAR program.

22 **SEC. 205. EMERGING DRUGS PILOT PROGRAM.**

23 The Director of the National Institute of Standards
24 and Technology shall carry out, in coordination with the
25 Attorney General and the Director of the Center for Dis-

1 ease Control, a pilot program to develop a Regional Net-
2 work of Strategic Emerging Drug Laboratories
3 (SEDLs)—

4 (1) to provide real-time information relating to
5 emerging trends in illicit drug use and drug traf-
6 ficking to State, local, Federal, Tribal, and terri-
7 torial governments, medical facilities, law enforce-
8 ment agencies, and forensic laboratories;

9 (2) to develop novel validated analytical meth-
10 ods; and

11 (3) to publish quarterly and annual trend re-
12 ports to law enforcement and public health agencies
13 and research institutes.

14 **SEC. 206. NATIONAL SCIENCE FOUNDATION PILOT PRO-**
15 **GRAM TO COMBAT ILLICIT SYNTHETIC**
16 **DRUGS.**

17 (a) AUTHORIZATION OF PILOT PROGRAM.—The Di-
18 rector of the National Science Foundation shall carry out
19 a pilot program to support and strengthen collaborations
20 across disciplines and academia, industry, and nonprofit
21 organizations to stimulate activity and fill gaps in re-
22 search, innovation, and capacity building in the design, de-
23 velopment, and deployment of technologies and social
24 science approaches to combat illicit synthetic drugs.

1 (b) REPORT.—Not later than 18 months after the
2 date of the enactment of this Act, the Director of the Na-
3 tional Science Foundation shall submit a report on the
4 pilot program carried out pursuant to subsection (a) to—

5 (1) the Committee on Commerce, Science, and
6 Transportation of the Senate;

7 (2) the Committee on Homeland Security and
8 Governmental Affairs of the Senate;

9 (3) the Committee on Finance of the Senate;

10 (4) the Committee on the Judiciary of the Sen-
11 ate;

12 (5) the Committee on Health, Education,
13 Labor, and Pensions of the Senate;

14 (6) the Committee on Energy and Commerce of
15 the House of Representatives;

16 (7) the Committee on Homeland Security of the
17 House of Representatives;

18 (8) the Committee on Financial Services of the
19 House of Representatives; and

20 (9) the Committee on the Judiciary of the
21 House of Representatives.

22 **SEC. 207. PUBLIC-PRIVATE TASK FORCE.**

23 (a) ESTABLISHMENT.—The Director of the Office of
24 National Drug Control Policy (referred to in this section

1 as the “Director”) shall establish a public-private task
2 force for the purpose of—

3 (1) enhancing engagement with private sector;

4 (2) improving cooperation and information and
5 data sharing among Federal, State, local and pri-
6 vate-sector entities;

7 (3) establishing working groups, each of which
8 shall consist of not fewer than 5 private sector rep-
9 resentatives, on—

10 (A) transportation, including airports and
11 air cargo, rail and rail cargo, trucking, and
12 maritime ports and maritime cargo;

13 (B) shipping, including international and
14 interstate freight forwarding, mailing, and other
15 logistics;

16 (C) technology, including social media and
17 e-commerce websites;

18 (D) financial industry, including banking,
19 payment applications, and money remittance
20 and transfer companies; and

21 (E) forensic services, including publicly
22 funded forensic services, medical examiners,
23 toxicologists, and coroners;

1 (4) preventing the movement of illicit synthetic
2 drugs in the United States transportation network;
3 and

4 (5) reducing the exposure and access of the
5 people of the United States to illicit synthetic drugs.

6 (b) MEMBERSHIP.—The public-private task force es-
7 tablished pursuant to subsection (a) shall be composed of
8 an appropriate number of representatives from Federal,
9 State, local, territorial, and Tribal law enforcement and
10 other agencies, including the Department of Transpor-
11 tation, the Department of Commerce, the Department of
12 Homeland Security, the Department of Justice, the De-
13 partment of the Treasury, the Department of Health and
14 Human Services, and the United States Postal Service.

15 (c) COORDINATION.—The Director shall coordinate
16 with members of the public law enforcement agencies rep-
17 resented on the task force established pursuant to sub-
18 section (a), including representatives of the entities listed
19 under subsection (b), to improve sharing of intelligence
20 and data relating to the exploitation of the United States
21 transportation network to transport illicit synthetic drugs.

22 (d) REPORT.—Not later than 2 years after the date
23 of the enactment of this Act, the Director shall submit
24 a report describing the activities of the task force estab-
25 lished pursuant to subsection (a) to—

- 1 (1) the Committee on Commerce, Science, and
2 Transportation of the Senate;
- 3 (2) the Committee on Homeland Security and
4 Governmental Affairs of the Senate;
- 5 (3) the Committee on Finance of the Senate;
- 6 (4) the Committee on the Judiciary of the Sen-
7 ate;
- 8 (5) the Committee on Health, Education,
9 Labor, and Pensions of the Senate;
- 10 (6) the Committee on Banking, Housing, and
11 Urban Affairs of the Senate;
- 12 (7) the Committee on Energy and Commerce of
13 the House of Representatives;
- 14 (8) the Committee on Homeland Security of the
15 House of Representatives;
- 16 (9) the Committee on Financial Services of the
17 House of Representatives;
- 18 (10) the Committee on Ways and Means of the
19 House of Representatives; and
- 20 (11) the Committee on the Judiciary of the
21 House of Representatives.