

116TH CONGRESS  
1ST SESSION

# H. R. 817

To combat the heroin epidemic and drug sample backlogs.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2019

Ms. KUSTER of New Hampshire introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To combat the heroin epidemic and drug sample backlogs.

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 “Combating the Heroin  
5 Epidemic Through Forensic Drug Testing Act of 2019”.

6 **SEC. 2. CONFRONTING THE USE OF HEROIN AND ASSOCI-**  
7 **ATED DRUGS.**

8 Title I of the Omnibus Crime Control and Safe  
9 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended  
10 by adding at the end the following:

1 **“PART LL—CONFRONTING THE USE OF HEROIN**  
2 **AND ASSOCIATED DRUGS**  
3 **“SEC. 3021. AUTHORITY TO MAKE GRANTS TO ADDRESS**  
4 **PUBLIC SAFETY AND HEROIN DISTRIBUTION,**  
5 **SALE, AND USE.**

6 “(a) PURPOSE.—The purpose of this section is to as-  
7 sist States and Indian tribes to—

8 “(1) carry out programs to address the dis-  
9 tribution, sale, and use of heroin, fentanyl, and asso-  
10 ciated synthetic drugs; and

11 “(2) improve the ability of State, tribal, and  
12 local government institutions to carry out such pro-  
13 grams.

14 “(b) GRANT AUTHORIZATION.—The Attorney Gen-  
15 eral, through the Bureau of Justice Assistance, may make  
16 grants to States to address the distribution, sale, and use  
17 of heroin, fentanyl, and associated synthetic drugs to en-  
18 hance public safety.

19 “(c) GRANT PROJECTS TO ADDRESS DISTRIBUTION,  
20 SALE, AND USE OF HEROIN, FENTANYL, AND ASSOCI-  
21 ATED SYNTHETIC DRUGS.—Grants made under sub-  
22 section (b) may be used for programs, projects, and other  
23 activities to—

24 “(1) reimburse State, local, or other forensic  
25 science laboratories to help address backlogs of un-

1 tested samples of heroin, fentanyl, and associated  
2 synthetic drugs;

3 “(2) reimburse State, local, or other forensic  
4 science laboratories for procuring equipment, tech-  
5 nology, or other support systems if the applicant for  
6 the grant demonstrates to the satisfaction of the At-  
7 torney General that expenditures for such purposes  
8 would result in improved efficiency of laboratory  
9 testing and help prevent future backlogs;

10 “(3) reimburse State, tribal, and local law en-  
11 forcement agencies for procuring field-testing equip-  
12 ment for use in the identification or detection of her-  
13 oin, fentanyl, and associated synthetic drugs;

14 “(4) investigate, arrest, and prosecute individ-  
15 uals violating laws related to the distribution or sale  
16 of heroin, fentanyl, and associated synthetic drugs;  
17 and

18 “(5) support State, tribal, and local health de-  
19 partment services deployed to address the use of  
20 heroin, fentanyl, and associated synthetic drugs.

21 “(d) LIMITATION.—Not less than 60 percent of the  
22 amounts made available to carry out this section shall be  
23 awarded for the purposes under paragraph (1) or (2) of  
24 subsection (c).

1       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this section  
3 \$10,000,000 for each of fiscal years 2019 and 2020.

4       “(f) ALLOCATION.—

5           “(1) POPULATION ALLOCATION.—Seventy-five  
6 percent of the amount made available to carry out  
7 this section in a fiscal year shall be allocated to each  
8 State that meets the requirements of section 2802  
9 so that each State shall receive an amount that  
10 bears the same ratio to the 75 percent of the total  
11 amount made available to carry out this section for  
12 that fiscal year as the population of the State bears  
13 to the population of all States.

14           “(2) DISCRETIONARY ALLOCATION.—

15           “(A) IN GENERAL.—Twenty-five percent of  
16 the amount made available to carry out this  
17 section in a fiscal year shall be allocated pursu-  
18 ant to the discretion of the Attorney General  
19 for competitive grants to States with high rates  
20 of primary treatment admissions for heroin and  
21 other opioids, for use by State law enforcement  
22 agencies.

23           “(B) CONSIDERATIONS.—In making  
24 grants under subparagraph (A), the Attorney  
25 General shall consider—

1           “(i) the average annual number of  
2           part 1 violent crimes reported by each  
3           State to the Federal Bureau of Investiga-  
4           tion for the 3 most recent calendar years  
5           for which data is available; and

6           “(ii) the existing resources and cur-  
7           rent needs of the potential grant recipient.

8           “(3) MINIMUM REQUIREMENT.—Each State  
9           shall receive not less than 0.6 percent of the amount  
10          made available to carry out this section in each fis-  
11          cal year.

12          “(4) CERTAIN TERRITORIES.—

13           “(A) IN GENERAL.—For purposes of the  
14           allocation under this section, American Samoa  
15           and the Commonwealth of the Northern Mar-  
16           iana Islands shall be considered as 1 State.

17           “(B) ALLOCATION AMONGST CERTAIN TER-  
18           RITORIES.—For purposes of subparagraph (A),  
19           67 percent of the amount allocated shall be al-  
20           located to American Samoa and 33 percent  
21           shall be allocated to the Commonwealth of the  
22           Northern Mariana Islands.”.

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