

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 118–10**  
**OFFERED BY MR. CISCOMANI OF ARIZONA**

At the end of title XVIII, add the following:

1    **Subtitle D—Combating Cartels on**  
2            **Social Media Act of 2023**

3    **SEC. 1861. SHORT TITLE.**

4            This subtitle may be cited as the “Combating Cartels  
5 on Social Media Act of 2023”.

6    **SEC. 1862. DEFINITIONS.**

7            In this subtitle:

8                    (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
9                    **TEES.**—The term “appropriate congressional com-  
10                    mittees” means—

11                            (A) the Committee on Homeland Security  
12                            and Governmental Affairs of the Senate; and

13                            (B) the Committee on Homeland Security  
14                            of the House of Representatives.

15                    (2) **COVERED OPERATOR.**—The term “covered  
16                    operator” means the operator, developer, or pub-  
17                    lisher of a covered service.

18                    (3) **COVERED SERVICE.**—The term “covered  
19                    service” means—

1 (A) a social media platform;

2 (B) a mobile or desktop service with direct  
3 or group messaging capabilities, but not includ-  
4 ing text messaging services without other sub-  
5 stantial social functionalities or electronic mail  
6 services, that the Secretary determines is, has  
7 been, or will be used by transnational criminal  
8 organizations in connection with matters de-  
9 scribed in section 3; and

10 (C) a digital platform, or an electronic ap-  
11 plication utilizing the digital platform, involving  
12 real-time interactive communication between  
13 multiple individuals, including multi-player  
14 gaming services and immersive technology plat-  
15 forms or applications, that the Secretary deter-  
16 mines is, has been, or will be used by  
17 transnational criminal organizations in connec-  
18 tion with matters described in section 3.

19 (4) DEPARTMENT.—The term “Department”  
20 means the Department of Homeland Security.

21 (5) SECRETARY.—The term “Secretary” means  
22 the Secretary of Homeland Security.

23 **SEC. 1863. ASSESSMENT OF ILLICIT USAGE.**

24 (a) IN GENERAL.—Not later than 180 days after the  
25 date of the enactment of this Act, the Secretary shall sub-

1 mit to the appropriate congressional committees an assess-  
2 ment describing the following:

3 (1) The use of covered services by transnational  
4 criminal organizations or criminal enterprises acting  
5 on their behalf to engage in recruitment efforts, in-  
6 cluding the recruitment of individuals, including in-  
7 dividuals under the age of 18, located in the United  
8 States to engage in or provide support with respect  
9 to illicit activities occurring in the United States,  
10 Mexico, or otherwise in proximity to an international  
11 boundary of the United States.

12 (2) The use of covered services by transnational  
13 criminal organizations to engage in other illicit ac-  
14 tivities or other conduct in support of illicit activi-  
15 ties, including—

16 (A) smuggling or trafficking involving nar-  
17 cotics, other controlled substances, precursors  
18 thereof, or other items prohibited under the  
19 laws of the United States, Mexico, or another  
20 relevant jurisdiction, including firearms; and

21 (B) human smuggling or trafficking.

22 (3) The existing efforts of the Secretary and  
23 relevant government and law enforcement entities to  
24 counter, monitor, or otherwise respond to the usage

1 of covered services described in paragraphs (1) and  
2 (2).

3 (4) The existing efforts of covered operators to  
4 counter, monitor, or otherwise respond to the usage  
5 of covered services described in paragraphs (1) and  
6 (2).

7 (5) The existing cooperative efforts between the  
8 Secretary, other relevant government entities, and  
9 covered operators with respect to the matters de-  
10 scribed in paragraphs (1) and (2).

11 **SEC. 1864. STRATEGY TO COMBAT CARTEL RECRUITMENT**  
12 **ON SOCIAL MEDIA AND ONLINE PLATFORMS.**

13 (a) IN GENERAL.—Not later than one year after the  
14 date of the enactment of this Act, the Secretary shall sub-  
15 mit to the appropriate congressional committees a strat-  
16 egy, to be known as the National Strategy to Combat Il-  
17 licit Recruitment Activity by Transnational Criminal Or-  
18 ganizations on Social Media and Online Platforms, to  
19 combat the use of covered services by transnational crimi-  
20 nal organizations or criminal enterprises acting on their  
21 behalf to recruit individuals located in the United States  
22 to engage in or provide support with respect to illicit ac-  
23 tivities occurring in the United States, Mexico, or other-  
24 wise in proximity to an international boundary of the  
25 United States.

1 (b) ELEMENTS.—

2 (1) IN GENERAL.—The strategy required under  
3 subsection (a) shall, at a minimum, include the fol-  
4 lowing:

5 (A) A proposal to improve cooperation and  
6 thereafter maintain cooperation between the  
7 Secretary, relevant law enforcement entities,  
8 and appropriate covered operators with respect  
9 to the matters described in subsection (a).

10 (B) Recommendations to implement the re-  
11 quirement under section 5(a)(2) to establish a  
12 centralized mechanism for reporting informa-  
13 tion regarding the United States recruitment  
14 efforts of transnational criminal organizations  
15 involving covered services.

16 (C) A proposal to improve  
17 intragovernmental coordination with respect to  
18 the matters described in subsection (a), includ-  
19 ing between the Department and State, local,  
20 and Tribal governments.

21 (D) A proposal to improve coordination  
22 within the Department and between the compo-  
23 nents of the Department with respect to the  
24 matters described in subsection (a).

1           (E) Activities to facilitate increased intel-  
2           ligence analysis for law enforcement purposes of  
3           efforts of transnational criminal organizations  
4           to utilize covered services for recruitment pur-  
5           poses.

6           (F) Activities to foster international part-  
7           nerships and enhance collaboration with foreign  
8           governments and, as applicable, multilateral in-  
9           stitutions with respect to the matters described  
10          in subsection (a).

11          (G) Activities to facilitate proactive law en-  
12          forcement and other governmental efforts relat-  
13          ing to the efforts of transnational criminal or-  
14          ganizations to utilize covered services for re-  
15          cruitment purposes, including activities in-  
16          tended to preempt through outreach and en-  
17          gagement the commission of criminal offenses  
18          by individuals located in the United States who  
19          are targeted for recruitment by those  
20          transnational criminal organizations.

21          (H) Activities to specifically increase en-  
22          gagement and outreach with youth in border  
23          communities, including regarding the recruit-  
24          ment tactics of transnational criminal organiza-

1           tions and the consequences of participation in  
2           illicit activities.

3           (2) LIMITATION.—The strategy required under  
4           subsection (a) shall not include legislative rec-  
5           ommendations or elements predicated on the passage  
6           of legislation that is not enacted as of the date on  
7           which the strategy is submitted, including with re-  
8           spect to encryption policies or reforms to section 230  
9           of the Communications Act of 1934 (47 U.S.C.  
10          230).

11          (c) CONSULTATION.—In drafting and implementing  
12          the strategy required under subsection (a), the Secretary  
13          shall, at a minimum, consult and engage with the fol-  
14          lowing:

15                 (1) The heads of relevant components of the  
16          Department, including the following:

17                         (A) The Commissioner of U.S. Customs  
18                         and Border Protection.

19                         (B) The Under Secretary for Intelligence  
20                         and Analysis.

21                         (C) The Under Secretary for Science and  
22                         Technology.

23                         (D) The Director of U.S. Immigration and  
24                         Customs Enforcement.

1 (E) The Officer for Civil Rights and Civil  
2 Liberties.

3 (F) The Privacy Officer.

4 (2) The Secretary of State.

5 (3) The Director of the Federal Bureau of In-  
6 vestigation.

7 (4) The Administrator of the Drug Enforce-  
8 ment Agency.

9 (5) Representatives of border communities, in-  
10 cluding representatives of the following:

11 (A) State, local, and Tribal governments,  
12 including school districts and local law enforce-  
13 ment.

14 (B) Nongovernmental organizations.

15 (6) Covered operators, including representatives  
16 of the following:

17 (A) Social media platforms, including oper-  
18 ators of platforms or applications—

19 (i) displaying short-form videos cre-  
20 ated by users or third parties;

21 (ii) providing ephemeral content  
22 transmission services; or

23 (iii) using algorithms or other means  
24 of content prioritization to display a feed



1 of content or advertisements created by  
2 users or third parties to other users.

3 (B) Interactive entertainment platforms  
4 and publishers.

5 (C) Companies developing immersive tech-  
6 nology platforms and applications on those plat-  
7 forms.

8 (7) Nongovernmental experts in the fields of  
9 the following:

10 (A) Civil rights and civil liberties.

11 (B) Online privacy.

12 (C) Humanitarian assistance for migrants.

13 (D) Youth outreach and rehabilitation.

14 (d) IMPLEMENTATION.—

15 (1) IN GENERAL.—Not later than 90 days after  
16 the date on which the strategy required under sub-  
17 section (a) is submitted to the appropriate congres-  
18 sional committees, the Secretary shall commence im-  
19 plementation of the strategy.

20 (2) REPORT.—

21 (A) IN GENERAL.—Not later than 180  
22 days after the date on which the strategy re-  
23 quired under subsection (a) is implemented  
24 under paragraph (1) and semiannually there-  
25 after for five years, the Secretary shall submit

1 to the appropriate congressional committees a  
2 report describing the efforts of the Secretary to  
3 implement the strategy and the progress of  
4 those efforts, which shall include a description  
5 of the following:

6 (i) The recommendations, and cor-  
7 responding implementation of those rec-  
8 ommendations, with respect to the matters  
9 described in subsection (b)(1)(B) relating  
10 to the mechanism required under section  
11 1865(a)(2).

12 (ii) The interagency posture with re-  
13 spect to the matters covered by the strat-  
14 egy required under subsection (a), which  
15 shall include a description of collaboration  
16 between the Secretary, other Federal enti-  
17 ties, State, local, and Tribal entities, and  
18 foreign governments.

19 (iii) Actions taken pursuant to sub-  
20 section (c) that occurred between the Sec-  
21 retary and the entities described in para-  
22 graphs (5) through (7) of that subsection,  
23 provided that such summaries are provided  
24 only in a classified or other non-public  
25 manner.

1 (iv) The threat landscape, including  
2 new developments related to the United  
3 States recruitment efforts of transnational  
4 criminal organizations and the use by  
5 those organizations of new or emergent  
6 covered services and recruitment methods.

7 (B) FORM.—Each report required under  
8 subparagraph (A) shall be submitted in unclas-  
9 sified form, but may contain a classified annex.

10 **SEC. 1865. INTELLIGENCE COLLECTION AND DISSEMINA-**  
11 **TION.**

12 (a) IN GENERAL.—Not later than 90 days after the  
13 date on which the strategy required under section 1864(a)  
14 is required to be submitted to the appropriate congres-  
15 sional committees, the Secretary shall identify a des-  
16 ignee—

17 (1) to receive, process, and disseminate infor-  
18 mation and communications involving the use of cov-  
19 ered services by transnational criminal organizations  
20 or criminal enterprises acting on their behalf to re-  
21 cruit individuals located in the United States to en-  
22 gage in or provide support with respect to illicit ac-  
23 tivities occurring in the United States, Mexico, or  
24 otherwise in proximity to an international boundary  
25 of the United States; and

1           (2) to establish a mechanism, or if the designee  
2 determines appropriate, multiple mechanisms, for  
3 covered operators to voluntarily report relevant in-  
4 formation or communications described in paragraph  
5 (1).

6           (b) PROCEDURE.—Upon the identification of the des-  
7 ignee and the establishment of the voluntary reporting  
8 mechanism required under subsection (a)(2), the Sec-  
9 retary shall notify appropriate covered operators in writing  
10 regarding the voluntary reporting mechanism, including  
11 information regarding how to contact the designee and uti-  
12 lize the voluntary reporting mechanism.

13           (c) PLACEMENT.—The designee identified under sub-  
14 section (a) shall be located in U.S. Customs and Border  
15 Protection.

16           (d) DISSEMINATION.—The designee identified under  
17 subsection (a) shall utilize the information and commu-  
18 nications received pursuant to this section to—

19           (1) provide Federal, State, local, and Tribal en-  
20 tities with intelligence to assist with outreach and  
21 engagement efforts intended to preempt the commis-  
22 sion of criminal offenses by individuals located in the  
23 United States who are targeted by transnational  
24 criminal organizations for recruitment;

1           (2) provide Federal, State, local, and Tribal law  
2           enforcement with actionable intelligence for law en-  
3           forcement relating to the United States recruitment  
4           efforts of transnational criminal organizations; and

5           (3) further other appropriate government func-  
6           tions involving efforts to prevent the recruitment of  
7           individuals located in the United States by  
8           transnational criminal organizations.

