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

At the end of title XVIII, add the following:

Subtitle D—Combating Cartels on Social Media Act of 2023

SEC. 1861. SHORT TITLE.

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

SEC. 1862. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

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

(2) COVERED OPERATOR.—The term “covered operator” means the operator, developer, or publisher of a covered service.

(3) COVERED SERVICE.—The term “covered service” means—
(A) a social media platform;

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

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

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

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

SEC. 1863. ASSESSMENT OF ILLICIT USAGE.

(a) IN GENERAL.—Not later than 180 days after the
date of the enactment of this Act, the Secretary shall sub-
mit to the appropriate congressional committees an assessment describing the following:

(1) The use of covered services by transnational criminal organizations or criminal enterprises acting on their behalf to engage in recruitment efforts, including the recruitment of individuals, including individuals under the age of 18, located in the United States to engage in or provide support with respect to illicit activities occurring in the United States, Mexico, or otherwise in proximity to an international boundary of the United States.

(2) The use of covered services by transnational criminal organizations to engage in other illicit activities or other conduct in support of illicit activities, including—

(A) smuggling or trafficking involving narcotics, other controlled substances, precursors thereof, or other items prohibited under the laws of the United States, Mexico, or another relevant jurisdiction, including firearms; and

(B) human smuggling or trafficking.

(3) The existing efforts of the Secretary and relevant government and law enforcement entities to counter, monitor, or otherwise respond to the usage...
of covered services described in paragraphs (1) and (2).

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

(5) The existing cooperative efforts between the Secretary, other relevant government entities, and covered operators with respect to the matters described in paragraphs (1) and (2).

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

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a strategy, to be known as the National Strategy to Combat Illicit Recruitment Activity by Transnational Criminal Organizations on Social Media and Online Platforms, to combat the use of covered services by transnational criminal organizations or criminal enterprises acting on their behalf to recruit individuals located in the United States to engage in or provide support with respect to illicit activities occurring in the United States, Mexico, or otherwise in proximity to an international boundary of the United States.
(b) ELEMENTS.—

(1) IN GENERAL.—The strategy required under subsection (a) shall, at a minimum, include the following:

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

(B) Recommendations to implement the requirement under section 5(a)(2) to establish a centralized mechanism for reporting information regarding the United States recruitment efforts of transnational criminal organizations involving covered services.

(C) A proposal to improve intragovernmental coordination with respect to the matters described in subsection (a), including between the Department and State, local, and Tribal governments.

(D) A proposal to improve coordination within the Department and between the components of the Department with respect to the matters described in subsection (a).
(E) Activities to facilitate increased intelligence analysis for law enforcement purposes of efforts of transnational criminal organizations to utilize covered services for recruitment purposes.

(F) Activities to foster international partnerships and enhance collaboration with foreign governments and, as applicable, multilateral institutions with respect to the matters described in subsection (a).

(G) Activities to facilitate proactive law enforcement and other governmental efforts relating to the efforts of transnational criminal organizations to utilize covered services for recruitment purposes, including activities intended to preempt through outreach and engagement the commission of criminal offenses by individuals located in the United States who are targeted for recruitment by those transnational criminal organizations.

(H) Activities to specifically increase engagement and outreach with youth in border communities, including regarding the recruitment tactics of transnational criminal organiza-
tions and the consequences of participation in illicit activities.

(2) LIMITATION.—The strategy required under subsection (a) shall not include legislative recommendations or elements predicated on the passage of legislation that is not enacted as of the date on which the strategy is submitted, including with respect to encryption policies or reforms to section 230 of the Communications Act of 1934 (47 U.S.C. 230).

(c) CONSULTATION.—In drafting and implementing the strategy required under subsection (a), the Secretary shall, at a minimum, consult and engage with the following:

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

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

(B) The Under Secretary for Intelligence and Analysis.

(C) The Under Secretary for Science and Technology.

(D) The Director of U.S. Immigration and Customs Enforcement.
(E) The Officer for Civil Rights and Civil Liberties.

(F) The Privacy Officer.

(2) The Secretary of State.

(3) The Director of the Federal Bureau of Investigation.

(4) The Administrator of the Drug Enforcement Agency.

(5) Representatives of border communities, including representatives of the following:

   (A) State, local, and Tribal governments, including school districts and local law enforcement.

   (B) Nongovernmental organizations.

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

   (A) Social media platforms, including operators of platforms or applications—

       (i) displaying short-form videos created by users or third parties;

       (ii) providing ephemeral content transmission services; or

       (iii) using algorithms or other means of content prioritization to display a feed
of content or advertisements created by
users or third parties to other users.

(B) Interactive entertainment platforms
and publishers.

(C) Companies developing immersive techn-
ology platforms and applications on those plat-
forms.

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

(A) Civil rights and civil liberties.

(B) Online privacy.

(C) Humanitarian assistance for migrants.

(D) Youth outreach and rehabilitation.

(d) IMPLEMENTATION.—

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

(2) REPORT.—

(A) IN GENERAL.—Not later than 180
days after the date on which the strategy re-
quired under subsection (a) is implemented
under paragraph (1) and semiannually there-
after for five years, the Secretary shall submit
to the appropriate congressional committees a report describing the efforts of the Secretary to implement the strategy and the progress of those efforts, which shall include a description of the following:

(i) The recommendations, and corresponding implementation of those recommendations, with respect to the matters described in subsection (b)(1)(B) relating to the mechanism required under section 1865(a)(2).

(ii) The interagency posture with respect to the matters covered by the strategy required under subsection (a), which shall include a description of collaboration between the Secretary, other Federal entities, State, local, and Tribal entities, and foreign governments.

(iii) Actions taken pursuant to subsection (e) that occurred between the Secretary and the entities described in paragraphs (5) through (7) of that subsection, provided that such summaries are provided only in a classified or other non-public manner.
(iv) The threat landscape, including new developments related to the United States recruitment efforts of transnational criminal organizations and the use by those organizations of new or emergent covered services and recruitment methods.

(B) FORM.—Each report required under subparagraph (A) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1865. INTELLIGENCE COLLECTION AND DISSEMINATION.

(a) IN GENERAL.—Not later than 90 days after the date on which the strategy required under section 1864(a) is required to be submitted to the appropriate congressional committees, the Secretary shall identify a designee—

(1) to receive, process, and disseminate information and communications involving the use of covered services by transnational criminal organizations or criminal enterprises acting on their behalf to recruit individuals located in the United States to engage in or provide support with respect to illicit activities occurring in the United States, Mexico, or otherwise in proximity to an international boundary of the United States; and
(2) to establish a mechanism, or if the designee determines appropriate, multiple mechanisms, for covered operators to voluntarily report relevant information or communications described in paragraph (1).

(b) PROCEDURE.—Upon the identification of the designee and the establishment of the voluntary reporting mechanism required under subsection (a)(2), the Secretary shall notify appropriate covered operators in writing regarding the voluntary reporting mechanism, including information regarding how to contact the designee and utilize the voluntary reporting mechanism.

(c) PLACEMENT.—The designee identified under subsection (a) shall be located in U.S. Customs and Border Protection.

(d) DISSEMINATION.—The designee identified under subsection (a) shall utilize the information and communications received pursuant to this section to—

(1) provide Federal, State, local, and Tribal entities with intelligence to assist with outreach and engagement efforts intended to preempt the commission of criminal offenses by individuals located in the United States who are targeted by transnational criminal organizations for recruitment;
(2) provide Federal, State, local, and Tribal law enforcement with actionable intelligence for law enforcement relating to the United States recruitment efforts of transnational criminal organizations; and

(3) further other appropriate government functions involving efforts to prevent the recruitment of individuals located in the United States by transnational criminal organizations.