

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MR. CISCOMANI OF ARIZONA

Add at the end of title XVII the following:

1 **Subtitle D—Combating Cartels on**
2 **Social Media**

3 **SEC. 1761. ASSESSMENT OF ILLICIT USAGE.**

4 Not later than 180 days after the date of enactment
5 of this subtitle, the Secretary of Homeland Security, the
6 Attorney General, and the Secretary of State shall submit
7 to the appropriate congressional committees a joint assess-
8 ment describing—

9 (1) the use of covered services by transnational
10 criminal organizations, or criminal enterprises acting
11 on behalf of transnational criminal organizations, to
12 engage in recruitment efforts, including the recruit-
13 ment of individuals, including individuals under the
14 age of 18, located in the United States to engage in
15 or provide support with respect to illicit activities oc-
16 ccurring in the United States, Mexico, or otherwise in
17 proximity to an international boundary of the United
18 States;

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

4 (A) smuggling or trafficking involving nar-
5 cotics, other controlled substances, precursors
6 thereof, or other items prohibited under the
7 laws of the United States, Mexico, or another
8 relevant jurisdiction, including firearms;

9 (B) human smuggling or trafficking, in-
10 cluding the exploitation of children; and

11 (C) transportation of bulk currency or
12 monetary instruments in furtherance of smug-
13 gling activity; and

14 (3) the existing efforts of the Secretary of
15 Homeland Security, the Attorney General, the Sec-
16 retary of State, and relevant government and law
17 enforcement entities to counter, monitor, or other-
18 wise respond to the usage of covered services de-
19 scribed in paragraphs (1) and (2).

20 **SEC. 1762. STRATEGY TO COMBAT CARTEL RECRUITMENT**
21 **ON SOCIAL MEDIA AND ONLINE PLATFORMS.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this subtitle, the Secretary of Home-
24 land Security, the Attorney General, and the Secretary of
25 State shall submit to the appropriate congressional com-

1 mitted a joint strategy, to be known as the National
2 Strategy to Combat Illicit Recruitment Activity by
3 Transnational Criminal Organizations on Social Media
4 and Online Platforms, to combat the use of covered serv-
5 ices by transnational criminal organizations, or criminal
6 enterprises acting on behalf of transnational criminal or-
7 ganizations, to recruit individuals located in the United
8 States to engage in or provide support with respect to il-
9 licit activities occurring in the United States, Mexico, or
10 otherwise in proximity to an international boundary of the
11 United States.

12 (b) ELEMENTS.—

13 (1) IN GENERAL.—The strategy required under
14 subsection (a) shall, at a minimum, include the fol-
15 lowing:

16 (A) A proposal to improve cooperation and
17 thereafter maintain cooperation between the
18 Secretary of Homeland Security, the Attorney
19 General, the Secretary of State, and relevant
20 law enforcement entities with respect to the
21 matters described in subsection (a).

22 (B) Recommendations to implement a
23 process for the voluntary reporting of informa-
24 tion regarding the recruitment efforts of

1 transnational criminal organizations in the
2 United States involving covered services.

3 (C) A proposal to improve
4 intragovernmental coordination with respect to
5 the matters described in subsection (a), includ-
6 ing between the Department of Homeland Secu-
7 rity, the Department of Justice, the Depart-
8 ment of State, and State, Tribal, and local gov-
9 ernments.

10 (D) A proposal to improve coordination
11 within the Department of Homeland Security,
12 the Department of Justice, and the Department
13 of State and between the components of those
14 Departments with respect to the matters de-
15 scribed in subsection (a).

16 (E) Activities to facilitate increased intel-
17 ligence analysis for law enforcement purposes of
18 efforts of transnational criminal organizations
19 to utilize covered services for recruitment to en-
20 gage in or provide support with respect to illicit
21 activities.

22 (F) Activities to foster international part-
23 nerships and enhance collaboration with foreign
24 governments and, as applicable, multilateral in-

1 stitutions with respect to the matters described
2 in subsection (a).

3 (G) Activities to specifically increase en-
4 gagement and outreach with youth in border
5 communities, including regarding the recruit-
6 ment tactics of transnational criminal organiza-
7 tions and the consequences of participation in
8 illicit activities.

9 (H) A detailed description of the measures
10 used to ensure—

11 (i) law enforcement and intelligence
12 activities focus on the recruitment activi-
13 ties of transitional criminal organizations
14 not individuals the transnational criminal
15 organizations attempt to or successfully re-
16 cruit; and

17 (ii) the privacy rights, civil rights, and
18 civil liberties protections in carrying out
19 the activities described in clause (i), with a
20 particular focus on the protections in place
21 to protect minors and constitutionally pro-
22 tected activities.

23 (2) LIMITATION.—The strategy required under
24 subsection (a) shall not include legislative rec-
25 ommendations or elements predicated on the passage

1 of legislation that is not enacted as of the date on
2 which the strategy is submitted under subsection
3 (a).

4 (c) CONSULTATION.—In drafting and implementing
5 the strategy required under subsection (a), the Secretary
6 of Homeland Security, the Attorney General, and the Sec-
7 retary of State shall, at a minimum, consult and engage
8 with—

9 (1) the heads of relevant components of the De-
10 partment of Homeland Security, including—

11 (A) the Under Secretary for Intelligence
12 and Analysis;

13 (B) the Under Secretary for Strategy, Pol-
14 icy, and Plans;

15 (C) the Under Secretary for Science and
16 Technology;

17 (D) the Commissioner of U.S. Customs
18 and Border Protection;

19 (E) the Director of U.S. Immigration and
20 Customs Enforcement;

21 (F) the Officer for Civil Rights and Civil
22 Liberties;

23 (G) the Privacy Officer; and

24 (H) the Assistant Secretary of the Office
25 for State and Local Law Enforcement;

1 (2) the heads of relevant components of the De-
2 partment of Justice, including—

3 (A) the Assistant Attorney General for the
4 Criminal Division;

5 (B) the Assistant Attorney General for Na-
6 tional Security;

7 (C) the Assistant Attorney General for the
8 Civil Rights Division;

9 (D) the Chief Privacy and Civil Liberties
10 Officer;

11 (E) the Director of the Organized Crime
12 Drug Enforcement Task Forces;

13 (F) the Director of the Federal Bureau of
14 Investigation; and

15 (G) the Director of the Bureau of Alcohol,
16 Tobacco, Firearms and Explosives;

17 (3) the heads of relevant components of the De-
18 partment of State, including—

19 (A) the Assistant Secretary for Inter-
20 national Narcotics and Law Enforcement Af-
21 fairs;

22 (B) the Assistant Secretary for Western
23 Hemisphere Affairs; and

24 (C) the Coordinator of the Global Engage-
25 ment Center;

1 (4) the Secretary of Health and Human Serv-
2 ices; and

3 (5) the Secretary of Education; and

4 (6) as selected by the Secretary of Homeland
5 Security, or his or her designee in the Office of Pub-
6 lic Engagement, representatives of border commu-
7 nities, including representatives of—

8 (A) State, Tribal, and local governments,
9 including school districts and local law enforce-
10 ment; and

11 (B) nongovernmental experts in the fields
12 of—

13 (i) civil rights and civil liberties;

14 (ii) online privacy;

15 (iii) humanitarian assistance for mi-
16 grants; and

17 (iv) youth outreach and rehabilitation.

18 (d) IMPLEMENTATION.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the date on which the strategy required under sub-
21 section (a) is submitted to the appropriate congress-
22 sional committees, the Secretary of Homeland Secu-
23 rity, the Attorney General, and the Secretary of
24 State shall commence implementation of the strat-
25 egy.

1 (2) REPORT.—

2 (A) IN GENERAL.—Not later than 180
3 days after the date on which the strategy re-
4 quired under subsection (a) is implemented
5 under paragraph (1), and semiannually there-
6 after for 5 years, the Secretary of Homeland
7 Security, the Attorney General, and the Sec-
8 retary of State shall submit to the appropriate
9 congressional committees a joint report describ-
10 ing the efforts of the Secretary of Homeland
11 Security, the Attorney General, and the Sec-
12 retary of State to implement the strategy re-
13 quired under subsection (a) and the progress of
14 those efforts, which shall include a description
15 of—

16 (i) the recommendations, and cor-
17 responding implementation of those rec-
18 ommendations, with respect to the matters
19 described in subsection (b)(1)(B);

20 (ii) the interagency posture with re-
21 spect to the matters covered by the strat-
22 egy required under subsection (a), which
23 shall include a description of collaboration
24 between the Secretary of Homeland Secu-
25 rity, the Department of Justice, the Sec-

1 retary of State, other Federal entities,
2 State, local, and Tribal entities, and for-
3 eign governments; and

4 (iii) the threat landscape, including
5 new developments related to the United
6 States recruitment efforts of transnational
7 criminal organizations and the use by
8 those organizations of new or emergent
9 covered services and recruitment methods.

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

13 (3) CIVIL RIGHTS, CIVIL LIBERTIES, AND PRI-
14 VACY ASSESSMENT.—Not later than 2 years after
15 the date on which the strategy required under sub-
16 section (a) is implemented under paragraph (1), the
17 Office for Civil Rights and Civil Liberties and the
18 Privacy Office of the Department of Homeland Se-
19 curity shall submit to the appropriate congressional
20 committees a joint report that includes—

21 (A) a detailed assessment of the measures
22 used to ensure the protection of civil rights,
23 civil liberties, and privacy rights in carrying out
24 this section; and

1 (B) recommendations to improve the im-
2 plementation of the strategy required under
3 subsection (a).

4 (4) RULEMAKING.—Prior to implementation of
5 the strategy required under subsection (a) at the
6 Department of Homeland Security, the Secretary of
7 Homeland Security shall issue rules to carry out this
8 section in accordance with section 553 of title 5,
9 United States Code.

10 **SEC. 1763. RULE OF CONSTRUCTION.**

11 Nothing in this subtitle shall be construed to expand
12 the statutory law enforcement or regulatory authority of
13 the Department of Homeland Security, the Department
14 of Justice, or the Department of State.

15 **SEC. 1764. NO ADDITIONAL FUNDS.**

16 No additional funds are authorized to be appro-
17 priated for the purpose of carrying out this subtitle.

18 **SEC. 1765. DEFINITIONS.**

19 In this subtitle:

20 (1) The term “appropriate congressional com-
21 mittees” means—

22 (A) the Committee on Homeland Security
23 and Governmental Affairs, the Committee on
24 the Judiciary, and the Committee on Foreign
25 Relations of the Senate; and

1 (B) the Committee on Homeland Security,
2 the Committee on the Judiciary, and the Com-
3 mittee on Foreign Affairs of the House of Rep-
4 resentatives.

5 (2) The term “covered operator” means the op-
6 erator, developer, or publisher of a covered service.

7 (3) The term “covered service” means—

8 (A) a social media platform;

9 (B) a mobile or desktop service with direct
10 or group messaging capabilities, but not includ-
11 ing text messaging services without other sub-
12 stantial social functionalities or electronic mail
13 services, that the Secretary of Homeland Secu-
14 rity determines is being or has been used by
15 transnational criminal organizations in connec-
16 tion with matters described in section 1761;
17 and

18 (C) a digital platform, or an electronic ap-
19 plication utilizing the digital platform, involving
20 real-time interactive communication between
21 multiple individuals, including multi-player
22 gaming services and immersive technology plat-
23 forms or applications, that the Secretary of
24 Homeland Security determines is being or has
25 been used by transnational criminal organiza-

1 tions in connection with matters described in
2 section 1761.

3 (4) The term “criminal enterprise” has the
4 meaning given the term “continuing criminal enter-
5 prise” in section 408 of the Controlled Substances
6 Act (21 U.S.C. 848).

7 (5) The term “illicit activities” means the fol-
8 lowing criminal activities that transcend national
9 borders:

10 (A) A violation of section 401 of the Con-
11 trolled Substances Act (21 U.S.C. 841).

12 (B) Narcotics trafficking, as defined in
13 section 808 of the Foreign Narcotics Kingpin
14 Designation Act (21 U.S.C. 1907).

15 (C) Trafficking of weapons, as defined in
16 section 922 of title 18, United States Code.

17 (D) Migrant smuggling, defined as a viola-
18 tion of section 274(a)(1)(A)(ii) of the Immigra-
19 tion and Nationality Act (8 U.S.C.
20 1324(a)(1)(A)(ii)).

21 (E) Human trafficking, defined as—

22 (i) a violation of section 1590, 1591,
23 or 1592 of title 18, United States Code; or

24 (ii) engaging in severe forms of traf-
25 ficking in persons, as defined in section

1 103 of the Victims of Trafficking and Vio-
2 lence Protection Act of 2000 (22 U.S.C.
3 7102).

4 (F) Cyber crime, defined as a violation of
5 section 1030 of title 18, United States Code.

6 (G) A violation of any provision that is
7 subject to intellectual property enforcement, as
8 defined in section 302 of the Prioritizing Re-
9 sources and Organization for Intellectual Prop-
10 erty Act of 2008 (15 U.S.C. 8112).

11 (H) Bulk cash smuggling of currency, de-
12 fined as a violation of section 5332 of title 31,
13 United States Code.

14 (I) Laundering the proceeds of the crimi-
15 nal activities described in subparagraphs (A)
16 through (H).

17 (6) The term “transnational criminal organiza-
18 tion” means groups, networks, and associated indi-
19 viduals who operate transnationally for the purposes
20 of obtaining power, influence, or monetary or com-
21 mercial gain, wholly or in part by certain illegal
22 means, while advancing their activities through a
23 pattern of crime, corruption, or violence, and while
24 protecting their illegal activities through a
25 transnational organizational structure and the ex-

- 1 exploitation of public corruption or transnational logis-
- 2 tics, financial, or communication mechanisms.

