

116TH CONGRESS
1ST SESSION

H. R. 3273

To amend the Homeland Security Act of 2002 to establish programs to combat transnational criminal organizations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2019

Mr. HIGGINS of Louisiana introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend the Homeland Security Act of 2002 to establish programs to combat transnational criminal organizations, 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.**

4 This Act may be cited as the “Combating
5 Transnational Criminal Organizations Act of 2019” or the
6 “Combating TCOs Act of 2019”.

7 **SEC. 2. INTEGRATED BORDER ENFORCEMENT TEAMS.**

8 (a) IN GENERAL.—Subtitle C of title IV of the
9 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)
10 is amended by adding at the end the following new section:

1 **“SEC. 437. INTEGRATED BORDER ENFORCEMENT TEAMS.**

2 “(a) ESTABLISHMENT.—There is established within
3 the Department a program to be known as the Integrated
4 Border Enforcement Team program (referred to in this
5 section as ‘IBET’).

6 “(b) PURPOSE.—The purpose of IBET is to enhance
7 border security in a manner that results in a cooperative
8 approach between the United States and Canada to—

9 “(1) strengthen security between designated
10 ports of entry;

11 “(2) detect, investigate, prevent, and respond to
12 terrorism, transnational criminal organizations, and
13 other violations of law related to border security;

14 “(3) facilitate collaboration among components
15 and offices within the Department and international
16 partners;

17 “(4) execute coordinated activities in further-
18 ance of border security and homeland security; and

19 “(5) enhance information-sharing, including the
20 dissemination of homeland security information
21 among such components and offices.

22 “(c) COMPOSITION AND ESTABLISHMENT OF
23 UNITS.—

24 “(1) COMPOSITION.—IBET units may be com-
25 prised of personnel from the following:

1 “(A) U.S. Customs and Border Protection,
2 led by the U.S. Border Patrol.

3 “(B) U.S. Immigration and Customs En-
4 forcement, led by Homeland Security Investiga-
5 tions.

6 “(C) Other Department personnel, as ap-
7 propriate.

8 “(D) Other Federal, State, local, Tribal,
9 and foreign law enforcement agencies, as appro-
10 priate.

11 “(E) Other appropriate personnel at the
12 discretion of the Secretary.

13 “(2) ESTABLISHMENT OF UNITS.—The Sec-
14 retary is authorized to establish IBET units in re-
15 gions in which such units can contribute to IBET
16 missions, as appropriate. When establishing an
17 IBET unit, the Secretary shall apply risk-based cri-
18 teria that takes into consideration the following:

19 “(A) Whether the region in which the
20 IBET unit would be established is significantly
21 impacted by cross-border threats, including
22 threats posed by transnational criminal organi-
23 zations and terrorist groups.

1 “(B) The availability of Federal, State,
2 local, Tribal, and foreign law enforcement re-
3 sources to participate in the IBET unit.

4 “(C) Whether, in accordance with para-
5 graph (3), other joint cross-border initiatives al-
6 ready take place within the region in which the
7 IBET unit would be established.

8 “(3) DUPLICATION OF EFFORTS.—In deter-
9 mining whether to establish a new IBET unit or to
10 expand an existing IBET unit in a given region, the
11 Secretary shall ensure that the IBET unit under
12 consideration does not duplicate the efforts of other
13 existing interagency task forces or centers within
14 such region, including the Border Enforcement Se-
15 curity Task Force established under section 432.

16 “(d) OPERATION.—After determining the regions in
17 which to establish IBET units under subsection (c)(2), the
18 Secretary may—

19 “(1) direct the assignment of Federal personnel
20 to such IBET units;

21 “(2) take other actions to assist Federal, State,
22 local, and Tribal entities to participate in such
23 IBET units, including providing financial assistance,
24 as appropriate, for operational, administrative, and

1 technological costs associated with such participa-
2 tion;

3 “(3) direct the development of policy and guid-
4 ance necessary to identify, assess, and integrate the
5 available partner resources in relevant border sector
6 security assessments and resource planning docu-
7 ments;

8 “(4) establish targets and performance meas-
9 ures for such IBET units; and

10 “(5) direct leadership of such IBET units to
11 monitor progress on such targets and performance
12 measures.

13 “(e) COORDINATION.—The Secretary shall coordinate
14 IBET activities with other similar border security and
15 antiterrorism programs within the Department in accord-
16 ance with the strategic objectives of the Cross-Border Law
17 Enforcement Advisory Committee.

18 “(f) MEMORANDA OF UNDERSTANDING.—The Sec-
19 retary may enter into memoranda of understanding with
20 appropriate representatives of the entities specified in sub-
21 section (c)(1) as necessary to carry out this section. Such
22 memoranda with entities specified in subsection (c)(1)(G)
23 shall be entered into with the concurrence of the Secretary
24 of State.

1 “(g) REPORT.—Not later than 180 days after the
2 date on which IBET is established and biannually there-
3 after for the following six years, the Secretary shall submit
4 to the Committee on Homeland Security of the House of
5 Representatives and the Committee on Homeland Security
6 and Governmental Affairs of the Senate a report that—

7 “(1) describes targets and performance meas-
8 ures for IBET units;

9 “(2) describes the effectiveness of IBET units
10 in fulfilling the purposes specified in subsection (b);

11 “(3) identifies and assesses the impact of cer-
12 tain challenges on the sustainment of cross-border
13 IBET operations, including challenges faced by
14 international partners, and planned corrective ac-
15 tions;

16 “(4) identifies and assesses costs associated
17 with IBET units broken down by relevant categories
18 designated at the Secretary’s discretion;

19 “(5) identifies ways to support joint training
20 for IBET stakeholder agencies and radio interoper-
21 ability to allow for secure cross-border radio commu-
22 nications; and

23 “(6) identifies and assesses ways IBET, Border
24 Tunnel Task Forces, Border Enforcement Security
25 Task Forces, and the Integrated Cross-Border Mari-

1 time Law Enforcement Operation Program can bet-
 2 ter align operations, including interdiction and inves-
 3 tigation activities.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
 5 in section 1(b) of the Homeland Security Act of 2002 is
 6 amended by striking the items relating to sections 435 and
 7 436 and inserting the following new items:

“Sec. 435. Maritime operations coordination plan.

“Sec. 436. Maritime security capabilities assessments.

“Sec. 437. Integrated Border Enforcement Teams.”.

8 **SEC. 3. BORDER TUNNEL DETECTION.**

9 (a) IN GENERAL.—Subtitle B of title IV of the
 10 Homeland Security Act of 2002 (6 U.S.C. 211 et seq.)
 11 is amended by adding at the end the following new section:
 12 **“SEC. 420. BORDER TUNNEL TASK FORCES.**

13 “(a) ESTABLISHMENT.—There is established within
 14 the Department a program to be known as the Border
 15 Tunnel Task Force program (referred to in this section
 16 as ‘BTTF’).

17 “(b) PURPOSE.—The purpose of BTTF established
 18 pursuant to subsection (a) is to enhance and integrate bor-
 19 der security efforts by identifying, reducing, and remedi-
 20 ating cross-border tunnel related threats by—

21 “(1) facilitating collaboration among Federal,
 22 State, local, and Tribal law enforcement agencies to
 23 execute coordinated activities; and

1 “(2) enhancing information-sharing, including
2 the dissemination of homeland security information,
3 among such agencies.

4 “(c) COMPOSITION AND ESTABLISHMENT OF BOR-
5 DER TUNNEL TASK FORCE UNITS.—

6 “(1) COMPOSITION.—BTTF units may be com-
7 prised of personnel from the following:

8 “(A) U.S. Customs and Border Protection,
9 led by the U.S. Border Patrol.

10 “(B) U.S. Immigration and Customs En-
11 forcement, led by Homeland Security Investiga-
12 tions.

13 “(C) Other Department components and
14 offices, as appropriate.

15 “(D) Other Federal, State, local, Tribal,
16 and foreign law enforcement agencies, as appro-
17 priate.

18 “(E) Other appropriate personnel at the
19 discretion of the Secretary.

20 “(2) ESTABLISHMENT OF UNITS.—The Sec-
21 retary is authorized to establish BTTF units in re-
22 gions in which the Secretary determines such units
23 can contribute to the Department’s border security
24 efforts to identify, reduce, and remediate cross-bor-
25 der tunnel threats. When establishing a BTTF unit,

1 the Secretary shall apply risk-based criteria that
2 takes into consideration the following:

3 “(A) Whether the areas in which such
4 BTTF units would be established are signifi-
5 cantly impacted by cross-border tunnel threats.

6 “(B) The availability of Federal, State,
7 local, and Tribal law enforcement resources to
8 participate in such BTTF units.

9 “(C) Whether other similar joint cross-bor-
10 der tunnel detection initiatives already take
11 place within the region in which the BTTF unit
12 would be established.

13 “(d) DUPLICATION OF EFFORTS.—In determining
14 whether to establish a new BTTF unit or to expand an
15 existing BTTF unit in a given region, the Secretary shall
16 ensure that the BTTF unit under consideration does not
17 unnecessarily duplicate the efforts of other existing inter-
18 agency task forces or centers within such jurisdiction.

19 “(e) OPERATION.—After determining the regions in
20 which to establish BTTF units under subsection (c)(2),
21 the Secretary may—

22 “(1) direct the assignment of Federal personnel
23 to such BTTF units;

24 “(2) take other actions to assist Federal, State,
25 local, and Tribal entities to participate in such

1 BTTF units, including providing financial assist-
2 ance, as appropriate, for operational, administrative,
3 and technological costs associated with such partici-
4 pation;

5 “(3) direct the development of policy and guid-
6 ance necessary to identify, assess, and integrate the
7 available partner resources in relevant border sector
8 security assessments and resource planning docu-
9 ments;

10 “(4) establish targets and performance meas-
11 ures for BTTF units;

12 “(5) direct leadership of each BTTF unit to
13 monitor progress on such targets and performance
14 measures for each such unit; and

15 “(6) dedicate appropriate research and develop-
16 ment resources to improve cross-border tunnel detec-
17 tion and remediation capabilities.

18 “(f) COORDINATION.—The Secretary shall coordinate
19 BTTF activities with other similar border security and
20 antiterrorism programs within the Department that han-
21 dle matters relating to cross-border tunnel threat detec-
22 tion.

23 “(g) AUTHORIZATION OF TUNNEL REMEDIATION AC-
24 CESS.—Notwithstanding any other provision of law, U.S.
25 Customs and Border Protection shall have immediate ac-

1 cess to Federal land for the remediation of tunnels used
2 to facilitate illicit cross-border activities across the inter-
3 national borders of the United States.

4 “(h) TUNNEL DETECTION AND REMEDIATION TECH-
5 NOLOGY PILOT PROGRAM.—Not later than 90 days after
6 the date of the enactment of this section, the Secretary
7 shall establish a pilot program to test and evaluate new
8 and emerging technologies for the purpose of detection
9 and remediation of cross-border tunnel threats.

10 “(i) REPORT.—Not later than 180 days after the
11 date on which BTTF is established and biannually there-
12 after for the following six years, the Secretary shall submit
13 to the Committee on Homeland Security of the House of
14 Representatives and the Committee on Homeland Security
15 and Governmental Affairs of the Senate a report that—

16 “(1) describes targets and performance meas-
17 ures for BTTF units;

18 “(2) describes the effectiveness of BTTF in ful-
19 filling the purposes specified in subsection (b);

20 “(3) identifies and assesses the impact of cer-
21 tain challenges on the sustainment of cross-border
22 BTTF operations and planned corrective actions;

23 “(4) identifies and assesses costs associated
24 with BTTF units broken down by relevant cat-
25 egories designated at the Secretary’s discretion;

1 “(5) identifies ways to support joint training
2 for BTTF stakeholder agencies;

3 “(6) identifies and assesses ways BTTF, IBET,
4 and Border Enforcement Security Task Forces can
5 better align operations, including interdiction and in-
6 vestigation activities; and

7 “(7) identifies and assesses gaps in BTTF tech-
8 nological capability to detect cross-border tunnel
9 threats.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 in section 1(b) of the Homeland Security Act of 2002 is
12 amended by inserting after the item relating to section
13 419 the following new item:

“Sec. 420. Border Tunnel Task Forces.”.

14 **SEC. 4. BORDER ENFORCEMENT SECURITY TASK FORCE**
15 **UPDATES.**

16 (a) UPDATED PURPOSE.—Subsection (b) of section
17 432 of the Homeland Security Act of 2002 (6 U.S.C. 240)
18 is amended—

19 (1) in paragraph (1), by striking “and” after
20 the semicolon at the end;

21 (2) in paragraph (2), by striking the period at
22 the end and inserting “; and”; and

23 (3) by adding at the end the following new
24 paragraph:

1 “(3) detecting, investigating, preventing, and
2 responding to terrorism, transnational criminal orga-
3 nizations, and other violations of law related to bor-
4 der security.”.

5 (b) UPDATED CONSIDERATIONS FOR ESTABLISH-
6 MENT OF UNITS.—Paragraph (2) of section 432(c) of the
7 Homeland Security Act of 2002 (6 U.S.C. 240(c)) is
8 amended—

9 (1) in the matter preceding subparagraph (A)—

10 (A) in the first sentence, by striking “ju-
11 risdictions” and inserting “regions”;

12 (B) by striking “Before” and inserting
13 “When”; and

14 (C) by striking “shall consider” and insert-
15 ing “shall apply risk-based criteria that takes
16 into consideration”;

17 (2) in subparagraph (B), by inserting “and”
18 after the semicolon at the end; and

19 (3) by striking subparagraphs (C) and (D) and
20 inserting the following new subparagraph:

21 “(C) Whether, in accordance with para-
22 graph (3), other joint cross-border initiatives al-
23 ready take place within the region in which the
24 BEST unit would be established.”.

1 (c) UPDATED REPORT.—Subsection (e) of section
2 432 of the Homeland Security Act of 2002 (6 U.S.C. 240)
3 is amended to read as follows:

4 “(e) REPORTS.—Not later than 180 days after the
5 date of the enactment of this subsection and biannually
6 thereafter for the following six years, the Secretary shall
7 submit to the Committee on Homeland Security of the
8 House of Representatives and the Committee on Home-
9 land Security and Governmental Affairs of the Senate a
10 report that—

11 “(1) describes targets and performance meas-
12 ures for BEST units;

13 “(2) describes the effectiveness of BEST units
14 in fulfilling the purposes specified in subsection (b);

15 “(3) identifies and assesses the impact of cer-
16 tain challenges on the sustainment of cross-border
17 BEST operations, including challenges faced by
18 international partners, and planned corrective ac-
19 tions;

20 “(4) identifies and assesses costs associated
21 with BEST units, broken down by relevant cat-
22 egories designated at the Secretary’s discretion;

23 “(5) identifies ways to support joint training
24 for BEST stakeholder agencies;

1 “(6) identifies and assesses ways BTTF under
2 section 420, IBET units under section 437, and
3 BEST units can better align operations, including
4 interdiction and investigation activities; and

5 “(7) identifies and assesses gaps in BEST tech-
6 nological capability to detect transnational criminal
7 organizations or terrorist threats.”.

8 (d) UPDATED REPORT.—Not later than 180 days
9 after the date of the enactment of this Act and biannually
10 thereafter for the following six years, the Secretary of
11 Homeland Security shall submit to the Committee on
12 Homeland Security of the House of Representatives and
13 the Committee on Homeland Security and Governmental
14 Affairs of the Senate a report that—

15 (1) describes the effectiveness of BEST units
16 under section 432 of the Homeland Security Act of
17 2002 (6 U.S.C. 240), as amended by this Act;

18 (2) assesses the impact of certain challenges on
19 the sustainment of cross-border BEST operations,
20 including challenges faced by international partners,
21 and planned corrective actions;

22 (3) assesses costs associated with BEST units,
23 broken down by relevant categories designated at the
24 Secretary’s discretion;

1 (4) addresses ways to support joint training for
2 BEST stakeholder agencies;

3 (5) assesses how BTTF under section 420 of
4 the Homeland Security Act of 2002 (as added by
5 this Act), IBET units under section 437 of the
6 Homeland Security Act of 2002 (as added by this
7 Act), and BEST units can better align operations,
8 including interdiction and investigation activities;
9 and

10 (6) assesses the gaps in BEST technological ca-
11 pability to detect cross-border tunnel threats.

12 (e) TECHNICAL AND CONFORMING AMENDMENTS.—
13 Section 432 of the Homeland Security Act of 2002 (6
14 U.S.C. 240) is amended—

15 (1) in subsection (c)—

16 (A) in paragraph (1)(D), by inserting a
17 semicolon at the end; and

18 (B) in paragraph (3), by striking “jurisdic-
19 tion” each place it appears and inserting “re-
20 gion”; and

21 (2) in subsection (d), in the matter preceding
22 paragraph (1), by striking “jurisdictions” and in-
23 serting “regions”.

○