

## Calendar No. 577

117TH CONGRESS  
2D SESSION**S. 4645****[Report No. 117-221]**

To restrict the flow of illicit drugs into the United States, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 27, 2022

Mr. PETERS (for himself, Mr. HAWLEY, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 5, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**A BILL**

To restrict the flow of illicit drugs into the United States,  
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; TABLE OF CONTENTS.**

4 (a) ~~SHORT TITLE.—~~This Act may be cited as the

5 ~~“Enhancing DHS Drug Seizures Act”.~~

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Drug testing and detection tools.
- Sec. 3. Coordination and information sharing.
- Sec. 4. Danger pay for Department of Homeland Security personnel deployed abroad.
- Sec. 5. Improving training to foreign-vetted law enforcement or national security units.
- Sec. 6. Enhancing the operations of U.S. Customs and Border Protection in foreign countries.
- Sec. 7. Drug seizure data improvement.
- Sec. 8. Drug performance measures.
- Sec. 9. Penalties for hindering immigration, border, and customs controls.
- Sec. 10. Modification of Homeland Security Investigations' authority for aircraft seizure and forfeiture.

3 **SEC. 2. DRUG TESTING AND DETECTION TOOLS.**

4 The Secretary of Homeland Security shall enhance  
 5 the research and development needs and activities of the  
 6 Department of Homeland Security related to fentanyl and  
 7 other illicit drugs in accordance with section 309(a) of the  
 8 Homeland Security Act of 2002 (6 U.S.C. 189(a))  
 9 through coordination and communication with the Na-  
 10 tional Laboratories (as defined in section 2 of the Energy  
 11 Policy Act of 2005 (42 U.S.C. 15801)) or other appro-  
 12 priate scientific research and development entities.

13 **SEC. 3. COORDINATION AND INFORMATION SHARING.**

14 (a) PUBLIC-PRIVATE PARTNERSHIPS.—

15 (1) STRATEGY.—Not later than 180 days after  
 16 the date of enactment of this Act, the Secretary of  
 17 Homeland Security shall develop a strategy to  
 18 strengthen existing and establish new public-private  
 19 partnerships with shipping, chemical, and pharma-

1        ceutical industries to assist with early detection and  
2        interdiction of illicit drugs and precursor chemicals.

3            (2) CONTENTS.—The strategy required under  
4        paragraph (1) shall contain goals and objectives for  
5        employees of the Department of Homeland Security  
6        to ensure the tactics, techniques, and procedures  
7        gained from the public-private partnerships de-  
8        scribed in paragraph (1) are included in policies,  
9        best practices, and training for the Department.

10           (3) IMPLEMENTATION PLAN.—Not later than  
11        180 days after developing the strategy required  
12        under paragraph (1), the Secretary of Homeland Se-  
13        curity shall develop an implementation plan for the  
14        strategy, which shall outline departmental lead and  
15        support roles, responsibilities, programs, and  
16        timelines for accomplishing the goals and objectives  
17        of the strategy.

18           (4) BRIEFING.—The Secretary of Homeland  
19        Security shall provide annual briefings to the Com-  
20        mittee on Homeland Security and Governmental Af-  
21        fairs of the Senate and the Committee on Homeland  
22        Security of the House of Representatives regarding  
23        the progress made in addressing the implementation  
24        plan developed pursuant to paragraph (3).

25        (b) ASSESSMENT OF DRUG TASK FORCES.—

1           (1) IN GENERAL.—The Secretary of Homeland  
2 Security shall conduct an assessment of the  
3 counterdrug task forces in which the Department of  
4 Homeland Security, including components of the De-  
5 partment, participates in or leads, which shall in-  
6 clude—

7                   (A) areas of potential overlap;

8                   (B) opportunities for sharing information  
9 and best practices;

10                  (C) how the Department's processes for  
11 ensuring accountability and transparency in its  
12 vetting and oversight of partner agency task  
13 force members align with best practices; and

14                  (D) corrective action plans for any capa-  
15 bility limitations and deficient or negative find-  
16 ings identified in the report for any such task  
17 forces led by the Department.

18           (2) REPORT.—Not later than 180 days after  
19 the date of enactment of this Act, the Secretary of  
20 Homeland Security shall submit a report to the  
21 Committee on Homeland Security and Governmental  
22 Affairs of the Senate and the Committee on Home-  
23 land Security of the House of Representatives that  
24 contains a summary of the results of the assessment  
25 conducted pursuant to paragraph (1).

1           (3) CORRECTIVE ACTION PLAN.—The Secretary  
2 of Homeland Security shall—

3           (A) implement the corrective action plans  
4 described in paragraph (1)(D) immediately  
5 after the submission of the report pursuant to  
6 paragraph (2); and

7           (B) provide annual briefings to the Com-  
8 mittee on Homeland Security and Govern-  
9 mental Affairs of the Senate and the Committee  
10 on Homeland Security of the House of Rep-  
11 resentatives regarding the progress made in im-  
12 plementing the corrective action plans.

13       (e) COMBINATION OF BRIEFINGS.—The Secretary of  
14 Homeland Security may combine the briefings required  
15 under subsections (a)(4) and (b)(3).

16 **SEC. 4. DANGER PAY FOR DEPARTMENT OF HOMELAND SE-**  
17 **CURITY PERSONNEL DEPLOYED ABROAD.**

18       Section 151 of the Foreign Relations Authorization  
19 Act, Fiscal Years 1990 and 1991 (Public Law 101-246;  
20 5 U.S.C. 5928 note) is amended by inserting “the Depart-  
21 ment of Homeland Security,” after “Investigation,”.

1 **SEC. 5. IMPROVING TRAINING TO FOREIGN-VETTED LAW**  
 2 **ENFORCEMENT OR NATIONAL SECURITY**  
 3 **UNITS.**

4 The Secretary of Homeland Security, or the designee  
 5 of the Secretary, may waive reimbursement for salary ex-  
 6 penses of Department of Homeland Security for personnel  
 7 providing training to foreign-vetted law enforcement or  
 8 national security units in accordance with an agreement  
 9 with the Department of Defense pursuant to section 1535  
 10 of title 31, United States Code.

11 **SEC. 6. ENHANCING THE OPERATIONS OF U.S. CUSTOMS**  
 12 **AND BORDER PROTECTION IN FOREIGN**  
 13 **COUNTRIES.**

14 (a) OPERATIONS IN FOREIGN COUNTRIES AND SUP-  
 15 PORT TO FOREIGN AUTHORITIES.—

16 (1) IN GENERAL.—The Tariff Act of 1930 (19  
 17 U.S.C. 1304 et seq.) is amended by inserting after  
 18 section 629 the following:

19 **“SEC. 629A. OPERATIONS IN FOREIGN COUNTRIES AND**  
 20 **SUPPORT TO FOREIGN AUTHORITIES.**

21 “(a) IN GENERAL.—Notwithstanding any other pro-  
 22 vision of law, employees of U.S. Customs and Border Pro-  
 23 tection and other customs officers designated in accord-  
 24 ance with section 401(i) may provide the support de-  
 25 scribed in subsection (b) to authorities of the government  
 26 of a foreign county, including by conducting joint oper-

1 ations with appropriate law enforcement officials within  
2 the territory of that country, if an arrangement has been  
3 entered into between the Government of the United States  
4 and the government of that country under which the provi-  
5 sion of such support by U.S. Customs and Border Protec-  
6 tion is permitted.

7 “(b) SUPPORT DESCRIBED.—Support described in  
8 this subsection is air and marine support for—

9 “(1) the detection, deterrence, interdiction, and  
10 disruption of—

11 “(A) the transit of illegal drugs into the  
12 United States;

13 “(B) the illicit traffic of persons and goods  
14 into the United States;

15 “(C) terrorist threats to the United States;  
16 and

17 “(D) other threats to the security or econ-  
18 omy of the United States;

19 “(2) emergency humanitarian efforts; and

20 “(3) law enforcement capacity-building ef-  
21 forts.”.

22 (2) CONFORMING AMENDMENT.—Section 411(f)  
23 of the Homeland Security Act of 2002 (6 U.S.C.  
24 211(f)) is amended—

1           (A) by redesignating paragraph (4) as  
2           paragraph (5); and

3           (B) by inserting after paragraph (3) the  
4           following:

5           “(4) PERMISSIBLE ACTIVITIES.—Air and Ma-  
6           rine Operations may provide support to authorities  
7           of the government of a foreign country, including by  
8           conducting aviation and marine operations, in con-  
9           junction with appropriate government officials from  
10          the United States and such foreign country in ac-  
11          cordance with section 629A of the Tariff Act of  
12          1930.”.

13          (b) CLAIMS AGAINST U.S. CUSTOMS AND BORDER  
14          PROTECTION FOR ACTIONS IN FOREIGN COUNTRIES.—  
15          The Tariff Act of 1930 (19 U.S.C. 1304 et seq.) is further  
16          amended by inserting after section 629A, as added by sub-  
17          section (a)(1), the following:

18          “**SEC. 629B. PAYMENT OF CLAIMS AGAINST U.S. CUSTOMS**  
19                                 **AND BORDER PROTECTION FOR ACTIONS IN**  
20                                 **FOREIGN COUNTRIES.**

21          “(a) DEFINITIONS.—In this section:

22                 “(1) COVERED CLAIM.—The term ‘covered  
23                 claim’ means a claim against the United States—

24                                 “(A) for—



1           “(i) damage to, or loss of, real prop-  
2           erty of a foreign country or a political sub-  
3           division or resident of a foreign country,  
4           including damage or loss incident to use  
5           and occupancy of such real property;

6           “(ii) damage to, or loss of, personal  
7           property of a foreign country or a political  
8           subdivision or resident of a foreign coun-  
9           try, including property bailed to the United  
10          States; or

11          “(iii) personal injury to, or death of,  
12          a resident of a foreign country; and

13          “(B) if the damage, loss, personal injury,  
14          or death—

15                 “(i) that occurred in a foreign coun-  
16                 try; and

17                 “(ii) was caused by, or was otherwise  
18                 incident to the activities of, U.S. Customs  
19                 and Border Protection.

20          “(2) FOREIGN COUNTRY.—The term ‘foreign  
21          country’ includes any place under the jurisdiction of  
22          the United States in a foreign country.

23          “(b) IN GENERAL.—The Secretary of Homeland Se-  
24          curity may settle and pay a covered claim in an amount  
25          that does not exceed \$100,000 from amounts appropriated

1 for the operating expenses of U.S. Customs and Border  
2 Protection.

3 “(c) APPOINTMENT OF APPROVAL AUTHORITIES.—

4 The Secretary of Homeland Security, or an employee of  
5 the Department of Homeland Security who has been des-  
6 ignated by the Secretary, may appoint, under such regula-  
7 tions as the Secretary may prescribe—

8 “(1) a claims commission, composed of one or  
9 more employees of the Department of Homeland Se-  
10 curity, to settle and pay covered claims that do not  
11 exceed \$100,000; and

12 “(2) an employee of the Department to act as  
13 an approval authority for settlement and payment of  
14 covered claims that do not exceed \$10,000.

15 “(d) PAYMENT OF CLAIMS EXCEEDING \$100,000.—

16 “(1) IN GENERAL.—If the Secretary of Home-  
17 land Security determines that a covered claim that  
18 exceeds \$100,000 is meritorious, the Secretary  
19 may—

20 “(A) pay the claimant \$100,000; and

21 “(B) report to the Secretary of the Treas-  
22 ury, for payment under section 1304 of title 31,  
23 United States Code, the amount of the claim  
24 that—

25 “(i) exceeds \$100,000; and

1                   “(ii) the Secretary of Homeland Security  
2                   determines is meritorious.

3                   “(2) ANNUAL REPORT.—The Secretary shall  
4                   submit an annual report to the Committee on Home-  
5                   land Security and Governmental Affairs of the Sen-  
6                   ate and the Committee on Homeland Security of the  
7                   House of Representatives that lists the claims dur-  
8                   ing the reporting period that exceeded \$100,000, in-  
9                   cluding the amount of the claim paid and a descrip-  
10                  tion of the nature of the claim. The report shall be  
11                  submitted in an unclassified form, but may include  
12                  a classified annex.

13                  “(e) LIMITATIONS.—

14                  “(1) CLAIMS CONSIDERED.—The claim of an  
15                  insured may be considered under this section, but  
16                  the claim of a subrogee may not be considered under  
17                  this section.

18                  “(2) TIME LIMITATION ON FILING OF  
19                  CLAIMS.—A covered claim may not be filed after the  
20                  date that is 2 years after the occurrence of the dam-  
21                  age, loss, personal injury, or death that is the sub-  
22                  ject of the claim.

23                  “(3) FULL SATISFACTION REQUIRED.—Except  
24                  as provided in subsection (d), the Secretary of  
25                  Homeland Security may not settle or pay a covered

1 claim unless the amount of the payment is accepted  
2 by the claimant as full satisfaction for the claim.”.

3 **SEC. 7. DRUG SEIZURE DATA IMPROVEMENT.**

4 (a) **STUDY.**—Not later than 180 days after the date  
5 of the enactment of this Act, the Secretary of Homeland  
6 Security shall conduct a study to identify any opportuni-  
7 ties for improving drug seizure data collection.

8 (b) **ELEMENTS.**—The study required under sub-  
9 section (a) shall—

10 (1) include a survey of the entities that use  
11 drug seizure data; and

12 (2) address—

13 (A) any additional data fields or drug type  
14 categories that should be added to U.S. Customs  
15 and Border Protection’s SEACATS, U.S.  
16 Border Patrol’s e3 portal, and any other sys-  
17 tems deemed appropriate by the Commissioner  
18 of U.S. Customs and Border Protection, in ac-  
19 cordance with the first recommendation in the  
20 Government Accountability Office’s report  
21 GAO-22-104725, entitled “Border Security:  
22 CBP Could Improve How It Categorizes Drug  
23 Seizure Data and Evaluates Training”;

24 (B) how all the Department of Homeland  
25 Security components that collect drug seizure

1 data can standardize their data collection ef-  
2 forts and deconflict drug seizure reporting;

3 (C) how the Department of Homeland Se-  
4 curity can better identify, collect, and analyze  
5 additional data on precursor chemicals, syn-  
6 thetic drugs, novel psychoactive substances, and  
7 analogues that have been seized by U.S. Cus-  
8 toms and Border Protection and U.S. Immigra-  
9 tion and Customs Enforcement; and

10 (D) how the Department of Homeland Se-  
11 curity can improve its model of anticipated drug  
12 flow into the United States.

13 (e) IMPLEMENTATION OF FINDINGS.—Following the  
14 completion of the study required under subsection (a)—

15 (1) the Secretary of Homeland Security, in ac-  
16 cordance with the Office of National Drug Control  
17 Policy's 2022 National Drug Control Strategy, shall  
18 modify Department of Homeland Security drug sei-  
19 zure policies and training programs, as appropriate,  
20 consistent with the findings of such study; and

21 (2) the Commissioner of U.S. Customs and  
22 Border Protection, in consultation with the Director  
23 of U.S. Immigration and Customs Enforcement,  
24 shall make any necessary updates to relevant sys-

1       tems to include the results of confirmatory drug  
2       testing results.

3       **SEC. 8. DRUG PERFORMANCE MEASURES.**

4       Not later than 180 days after the date of enactment  
5       of this Act, the Secretary of Homeland Security shall de-  
6       velop and implement a Department of Homeland Security  
7       plan—

8               (1) to ensure that components of the Depart-  
9       ment develop and maintain outcome-based perform-  
10       ance measures that adequately assess the success of  
11       drug interdiction; and

12              (2) for how to utilize the existing drug-related  
13       metrics and performance measures to achieve the  
14       missions, goals, and targets of the Department, and  
15       if additional metrics and measures are needed.

16       **SEC. 9. PENALTIES FOR HINDERING IMMIGRATION, BOR-**  
17       **DER, AND CUSTOMS CONTROLS.**

18       (a) **PERSONNEL AND STRUCTURES.**—Title II of the  
19       Immigration and Nationality Act (8 U.S.C. 1151 et seq.)  
20       is amended by inserting after section 274D the following:

21       **“SECTION 274E. DESTROYING OR EVADING BORDER CON-**  
22       **TROLS.**

23       “(a) **ILLICIT SPOTTING.**—

24              “(1) **IN GENERAL.**—It shall be unlawful to  
25       knowingly surveil, track, monitor, or transmit the lo-

1 eation, movement, or activities of any officer or em-  
2 ployee of a Federal, State, or Tribal law enforce-  
3 ment agency with the intent to knowingly and will-  
4 fully—

5 “(A) secure a financial gain;

6 “(B) further the objectives of a criminal  
7 organization; and

8 “(C) violate—

9 “(i) section 274(a)(1)(A)(i);

10 “(ii) the customs and trade laws of  
11 the United States (as defined in section  
12 2(4) of the Trade Facilitation and Trade  
13 Enforcement Act of 2015 (Public Law  
14 114–125));

15 “(iii) any other Federal law relating  
16 to transporting controlled substances, agri-  
17 culture, or monetary instruments into the  
18 United States; or

19 “(iv) any Federal law relating to bor-  
20 der controls measures of the United  
21 States.

22 “(2) PENALTY.—Any person who violates para-  
23 graph (1) shall be fined under title 18, United  
24 States Code; imprisoned for not more than 5 years;  
25 or both.

1       “(b) DESTRUCTION OF UNITED STATES BORDER  
2 CONTROLS.—

3           “(1) IN GENERAL.—It shall be unlawful to  
4 knowingly and without lawful authorization—

5           “(A)(i) destroy or significantly damage any  
6 fence, barrier, sensor, camera, or other physical  
7 or electronic device deployed by the Federal  
8 Government to control an international border  
9 of, or a port of entry to, the United States; or

10          “(ii) otherwise construct, excavate, or  
11 make any structure intended to defeat, cir-  
12 cumvent or evade such a fence, barrier, sensor  
13 camera, or other physical or electronic device  
14 deployed by the Federal Government to control  
15 an international border of, or a port of entry to,  
16 the United States; and

17          “(B) in carrying out an act described in  
18 paragraph (1), have the intent to knowingly  
19 and willfully—

20           “(i) secure a financial gain;

21           “(ii) further the objectives of a crimi-  
22 nal organization; and

23           “(iii) violate—

24                           “(I) section 274(a)(1)(A)(i);



1                   “(II) the customs and trade laws  
2                   of the United States (as defined in  
3                   section 2(4) of the Trade Facilitation  
4                   and Trade Enforcement Act of 2015  
5                   (Public Law 114–125));

6                   “(III) any other Federal law re-  
7                   lating to transporting controlled sub-  
8                   stances, agriculture, or monetary in-  
9                   struments into the United States; or

10                   “(IV) any Federal law relating to  
11                   border controls measures of the  
12                   United States.

13                   “(2) PENALTY.—Any person who violates para-  
14                   graph (1) shall be fined under title 18, United  
15                   States Code; imprisoned for not more than 5 years;  
16                   or both.”.

17                   (b) CLERICAL AMENDMENT.—The table of contents  
18                   for the Immigration and Nationality Act (8 U.S.C. 1101  
19                   et seq.) is amended by inserting after the item relating  
20                   to section 274D the following:

“Sec. 274E. Destroying or evading border controls.”.

21                   **SEC. 10. MODIFICATION OF HOMELAND SECURITY INVES-**  
22                   **TIGATIONS’ AUTHORITY FOR AIRCRAFT SEI-**  
23                   **ZURE AND FORFEITURE.**

24                   Section 46306(d)(1) of title 49, United States Code,  
25                   is amended by striking “or the Commissioner of U.S. Cus-

1 ~~toms and Border Protection” and inserting “, the Com-~~  
 2 ~~missioner of U.S. Customs and Border Protection, or the~~  
 3 ~~Director of U.S. Immigration and Customs Enforce-~~  
 4 ~~ment.”.~~

5 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

6 (a) *SHORT TITLE.*—*This Act may be cited as the “En-*  
 7 *hancing DHS Drug Seizures Act”.*

8 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 9 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Drug testing and detection tools.*

*Sec. 3. Coordination and information sharing.*

*Sec. 4. Danger pay for Department of Homeland Security personnel deployed*  
*abroad.*

*Sec. 5. Improving training to foreign-vetted law enforcement or national security*  
*units.*

*Sec. 6. Enhancing the operations of U.S. Customs and Border Protection in for-*  
*ign countries.*

*Sec. 7. Drug seizure data improvement.*

*Sec. 8. Drug performance measures.*

*Sec. 9. Penalties for hindering immigration, border, and customs controls.*

*Sec. 10. Modification of Homeland Security Investigations’ authority for aircraft*  
*seizure and forfeiture.*

10 **SEC. 2. DRUG TESTING AND DETECTION TOOLS.**

11 (a) *COORDINATION WITH NATIONAL LABORA-*  
 12 *TORIES.*—*The Secretary of Homeland Security shall en-*  
 13 *hance the research and development needs and activities of*  
 14 *the Department of Homeland Security related to fentanyl*  
 15 *and other illicit drugs in accordance with section 309(a)*  
 16 *of the Homeland Security Act of 2002 (6 U.S.C. 189(a))*  
 17 *through coordination and communication with the Na-*  
 18 *tional Laboratories (as defined in section 2 of the Energy*

1 *Policy Act of 2005 (42 U.S.C. 15801) or other appropriate*  
2 *scientific research and development entities.*

3 (b) *RESEARCH AND DEVELOPMENT TO DETECT SYN-*  
4 *THETIC OPIOIDS.*—*The Under Secretary for Science and*  
5 *Technology of the Department of Homeland Security, in co-*  
6 *ordination with the Commissioner of U.S. Customs and*  
7 *Border Protection and the Director of U.S. Immigration*  
8 *and Customs Enforcement, shall research, develop, test, and*  
9 *evaluate field instruments to detect and identify fentanyl*  
10 *and other synthetic opioids.*

11 (c) *SUNSET.*—*This section shall cease to have effect on*  
12 *the date that is 5 years after the date of the enactment of*  
13 *this Act.*

14 **SEC. 3. COORDINATION AND INFORMATION SHARING.**

15 (a) *PUBLIC-PRIVATE PARTNERSHIPS.*—

16 (1) *STRATEGY.*—*Not later than 180 days after*  
17 *the date of enactment of this Act, the Secretary of*  
18 *Homeland Security shall develop a strategy to*  
19 *strengthen existing and establish new public-private*  
20 *partnerships with shipping, chemical, and pharma-*  
21 *ceutical industries to assist with early detection and*  
22 *interdiction of illicit drugs and precursor chemicals.*

23 (2) *CONTENTS.*—*The strategy required under*  
24 *paragraph (1) shall contain goals and objectives for*  
25 *employees of the Department of Homeland Security to*

1     *ensure the tactics, techniques, and procedures gained*  
2     *from the public-private partnerships described in*  
3     *paragraph (1) are included in policies, best practices,*  
4     *and training for the Department.*

5             (3) *IMPLEMENTATION PLAN.*—*Not later than 180*  
6     *days after developing the strategy required under*  
7     *paragraph (1), the Secretary of Homeland Security*  
8     *shall develop an implementation plan for the strategy,*  
9     *which shall outline departmental lead and support*  
10    *roles, responsibilities, programs, and timelines for ac-*  
11    *complishing the goals and objectives of the strategy.*

12            (4) *BRIEFING.*—*The Secretary of Homeland Se-*  
13    *curity shall provide annual briefings to the Com-*  
14    *mittee on Homeland Security and Governmental Af-*  
15    *airs of the Senate and the Committee on Homeland*  
16    *Security of the House of Representatives regarding*  
17    *the progress made in addressing the implementation*  
18    *plan developed pursuant to paragraph (3).*

19            (b) *ASSESSMENT OF DRUG TASK FORCES.*—

20            (1) *IN GENERAL.*—*The Secretary of Homeland*  
21    *Security shall conduct an assessment of the*  
22    *counterdrug task forces in which the Department of*  
23    *Homeland Security, including components of the De-*  
24    *partment, participates in or leads, which shall in-*  
25    *clude—*

1           (A) areas of potential overlap;

2           (B) opportunities for sharing information  
3 and best practices;

4           (C) how the Department's processes for en-  
5 suring accountability and transparency in its  
6 vetting and oversight of partner agency task  
7 force members align with best practices; and

8           (D) corrective action plans for any capa-  
9 bility limitations and deficient or negative find-  
10 ings identified in the report for any such task  
11 forces led by the Department.

12           (2) *REPORT.*—Not later than 180 days after the  
13 date of enactment of this Act, the Secretary of Home-  
14 land Security shall submit a report to the Committee  
15 on Homeland Security and Governmental Affairs of  
16 the Senate and the Committee on Homeland Security  
17 of the House of Representatives that contains a sum-  
18 mary of the results of the assessment conducted pursu-  
19 ant to paragraph (1).

20           (3) *CORRECTIVE ACTION PLAN.*—The Secretary  
21 of Homeland Security shall—

22           (A) implement the corrective action plans  
23 described in paragraph (1)(D) immediately after  
24 the submission of the report pursuant to para-  
25 graph (2); and

1           (B) provide annual briefings to the Com-  
2           mittee on Homeland Security and Governmental  
3           Affairs of the Senate and the Committee on  
4           Homeland Security of the House of Representa-  
5           tives regarding the progress made in imple-  
6           menting the corrective action plans.

7           (c) *COMBINATION OF BRIEFINGS.*—The Secretary of  
8           Homeland Security may combine the briefings required  
9           under subsections (a)(4) and (b)(3) and provide such com-  
10          bined briefings through fiscal year 2026.

11       **SEC. 4. DANGER PAY FOR DEPARTMENT OF HOMELAND SE-**  
12                               **CURITY PERSONNEL DEPLOYED ABROAD.**

13          Section 151 of the Foreign Relations Authorization  
14          Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 5  
15          U.S.C. 5928 note) is amended by inserting “the Department  
16          of Homeland Security,” after “Investigation,”.

17       **SEC. 5. IMPROVING TRAINING TO FOREIGN-VETTED LAW**  
18                               **ENFORCEMENT OR NATIONAL SECURITY**  
19                               **UNITS.**

20          The Secretary of Homeland Security, or the designee  
21          of the Secretary, may waive reimbursement for salary ex-  
22          penses of Department of Homeland Security for personnel  
23          providing training to foreign-vetted law enforcement or na-  
24          tional security units in accordance with an agreement with

1 *the Department of Defense pursuant to section 1535 of title*  
2 *31, United States Code.*

3 **SEC. 6. ENHANCING THE OPERATIONS OF U.S. CUSTOMS**  
4 **AND BORDER PROTECTION IN FOREIGN**  
5 **COUNTRIES.**

6 *(a) IN GENERAL.—The Tariff Act of 1930 (19 U.S.C.*  
7 *1304 et seq.) is amended by inserting after section 629 the*  
8 *following:*

9 **“SEC. 629A. OPERATIONS IN FOREIGN COUNTRIES AND SUP-**  
10 **PORT TO FOREIGN AUTHORITIES.**

11 *“(a) IN GENERAL.—Employees of U.S. Customs and*  
12 *Border Protection and other customs officers designated in*  
13 *accordance with section 401(i) may provide the support de-*  
14 *scribed in subsection (b) to authorities of the government*  
15 *of a foreign country, including by conducting joint oper-*  
16 *ations with appropriate law enforcement officials within*  
17 *the territory of that country, if an arrangement has been*  
18 *entered into between the Government of the United States*  
19 *and the government of that country under which the provi-*  
20 *sion of such support by U.S. Customs and Border Protec-*  
21 *tion is permitted.*

22 *“(b) SUPPORT DESCRIBED.—Support described in this*  
23 *subsection is air and marine support for—*

24 *“(1) the monitoring, locating, tracking, and de-*  
25 *terrence of—*

1           “(A) *illegal drugs to the United States;*

2           “(B) *the illicit traffic of persons and goods*  
3           *into the United States;*

4           “(C) *terrorist threats to the United States;*  
5           *and*

6           “(D) *other threats to the security or econ-*  
7           *omy of the United States;*

8           “(2) *emergency humanitarian efforts; and*

9           “(3) *law enforcement capacity-building efforts.*”.

10       (b) *CONFORMING AMENDMENT.*—Section 411(f) of the  
11 *Homeland Security Act of 2002 (6 U.S.C. 211(f)) is amend-*  
12 *ed—*

13           (1) *by redesignating paragraph (4) as para-*  
14 *graph (5); and*

15           (2) *by inserting after paragraph (3) the fol-*  
16 *lowing:*

17           “(4) *PERMISSIBLE ACTIVITIES.*—*Air and Marine*  
18 *Operations may provide support to authorities of the*  
19 *government of a foreign country, including by con-*  
20 *ducting joint operations with appropriate government*  
21 *officials within the territory of such country in ac-*  
22 *cordance with section 629A of the Tariff Act of*  
23 *1930.*”.



1 **SEC. 7. DRUG SEIZURE DATA IMPROVEMENT.**

2 (a) *STUDY.*—Not later than 180 days after the date  
3 of the enactment of this Act, the Secretary of Homeland Se-  
4 curity shall conduct a study to identify any opportunities  
5 for improving drug seizure data collection.

6 (b) *ELEMENTS.*—The study required under subsection  
7 (a) shall—

8 (1) include a survey of the entities that use drug  
9 seizure data; and

10 (2) address—

11 (A) any additional data fields or drug type  
12 categories that should be added to U.S. Customs  
13 and Border Protection’s SEACATS, U.S. Border  
14 Patrol’s e3 portal, and any other systems deemed  
15 appropriate by the Commissioner of U.S. Cus-  
16 toms and Border Protection, in accordance with  
17 the first recommendation in the Government Ac-  
18 countability Office’s report GAO-22-104725, en-  
19 titled “Border Security: CBP Could Improve  
20 How It Categorizes Drug Seizure Data and  
21 Evaluates Training”;

22 (B) how all the Department of Homeland  
23 Security components that collect drug seizure  
24 data can standardize their data collection efforts  
25 and deconflict drug seizure reporting;

1           (C) how the Department of Homeland Security  
2           can better identify, collect, and analyze ad-  
3           ditional data on precursor chemicals, synthetic  
4           drugs, novel psychoactive substances, and ana-  
5           logues that have been seized by U.S. Customs  
6           and Border Protection and U.S. Immigration  
7           and Customs Enforcement; and

8           (D) how the Department of Homeland Security  
9           can improve its model of anticipated drug  
10          flow into the United States.

11          (c) *IMPLEMENTATION OF FINDINGS.*—Following the  
12          completion of the study required under subsection (a)—

13               (1) the Secretary of Homeland Security, in ac-  
14               cordance with the Office of National Drug Control  
15               Policy’s 2022 National Drug Control Strategy, shall  
16               modify Department of Homeland Security drug sei-  
17               zure policies and training programs, as appropriate,  
18               consistent with the findings of such study; and

19               (2) the Commissioner of U.S. Customs and Bor-  
20               der Protection, in consultation with the Director of  
21               U.S. Immigration and Customs Enforcement, shall  
22               make any necessary updates to relevant systems to in-  
23               clude the results of confirmatory drug testing results.

1 **SEC. 8. DRUG PERFORMANCE MEASURES.**

2 *Not later than 180 days after the date of enactment*  
3 *of this Act, the Secretary of Homeland Security shall de-*  
4 *velop and implement a Department of Homeland Security*  
5 *plan to ensure that components of the Department develop*  
6 *and maintain outcome-based performance measures that*  
7 *adequately assess the success of drug interdiction efforts and*  
8 *how to utilize the existing drug-related metrics and per-*  
9 *formance measures to achieve the missions, goals, and tar-*  
10 *gets of the Department.*

11 **SEC. 9. PENALTIES FOR HINDERING IMMIGRATION, BOR-**  
12 **DER, AND CUSTOMS CONTROLS.**

13 *(a) PERSONNEL AND STRUCTURES.—Title II of the*  
14 *Immigration and Nationality Act (8 U.S.C. 1151 et seq.)*  
15 *is amended by inserting after section 274D the following:*

16 **“SECTION 274E. DESTROYING OR EVADING BORDER CON-**  
17 **TROLS.**

18 *“(a) ILLICIT SPOTTING.—*

19 *“(1) IN GENERAL.—It shall be unlawful to know-*  
20 *ingly surveil, track, monitor, or transmit the location,*  
21 *movement, or activities of any officer or employee of*  
22 *a Federal, State, or Tribal law enforcement agency*  
23 *with the intent to knowingly and willfully—*

24 *“(A) secure a financial gain;*

25 *“(B) further the objectives of a criminal or-*  
26 *ganization; and*

1           “(C) violate—

2                   “(i) section 274(a)(1)(A)(i);

3                   “(ii) the customs and trade laws of the  
4                   United States (as defined in section 2(4) of  
5                   the Trade Facilitation and Trade Enforce-  
6                   ment Act of 2015 (Public Law 114–125));

7                   “(iii) any other Federal law relating to  
8                   transporting controlled substances, agri-  
9                   culture, or monetary instruments into the  
10                  United States; or

11                  “(iv) any Federal law relating to bor-  
12                  der controls measures of the United States.

13                  “(2) PENALTY.—Any person who violates para-  
14                  graph (1) shall be fined under title 18, United States  
15                  Code, imprisoned for not more than 5 years, or both.

16                  “(b) DESTRUCTION OF UNITED STATES BORDER CON-  
17                  TROLS.—

18                   “(1) IN GENERAL.—It shall be unlawful to know-  
19                   ingly and without lawful authorization—

20                   “(A)(i) destroy or significantly damage any  
21                   fence, barrier, sensor, camera, or other physical  
22                   or electronic device deployed by the Federal Gov-  
23                   ernment to control an international border of, or  
24                   a port of entry to, the United States; or

1           “(i) otherwise construct, excavate, or make  
2           any structure intended to defeat, circumvent or  
3           evade such a fence, barrier, sensor camera, or  
4           other physical or electronic device deployed by  
5           the Federal Government to control an inter-  
6           national border of, or a port of entry to, the  
7           United States; and

8           “(B) in carrying out an act described in  
9           paragraph (1), have the intent to knowingly and  
10          willfully—

11                   “(i) secure a financial gain;

12                   “(ii) further the objectives of a crimi-  
13                   nal organization; and

14                   “(iii) violate—

15                           “(I) section 274(a)(1)(A)(i);

16                           “(II) the customs and trade laws  
17                           of the United States (as defined in sec-  
18                           tion 2(4) of the Trade Facilitation and  
19                           Trade Enforcement Act of 2015 (Public  
20                           Law 114–125));

21                           “(III) any other Federal law re-  
22                           lating to transporting controlled sub-  
23                           stances, agriculture, or monetary in-  
24                           struments into the United States; or

1                                   “(IV) any Federal law relating to  
2                                   border controls measures of the United  
3                                   States.

4                                   “(2) *PENALTY.*—Any person who violates para-  
5                                   graph (1) shall be fined under title 18, United States  
6                                   Code, imprisoned for not more than 5 years, or  
7                                   both.”.

8                                   “(b) *CLERICAL AMENDMENT.*—The table of contents for  
9                                   the Immigration and Nationality Act (8 U.S.C. 1101 et  
10                                   seq.) is amended by inserting after the item relating to sec-  
11                                   tion 274D the following:

                                  “Sec. 274E. Destroying or evading border controls.”.

12   **SEC. 10. MODIFICATION OF HOMELAND SECURITY INVES-**  
13                                   **TIGATIONS’ AUTHORITY FOR AIRCRAFT SEI-**  
14                                   **ZURE AND FORFEITURE.**

15                                   Section 46306(d)(1) of title 49, United States Code,  
16                                   is amended by striking “or the Commissioner of U.S. Cus-  
17                                   toms and Border Protection” and inserting “, the Commis-  
18                                   sioner of U.S. Customs and Border Protection, or the Direc-  
19                                   tor of U.S. Immigration and Customs Enforcement.”.



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[Report No. 117-221]

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**A BILL**

To restrict the flow of illicit drugs into the United States, and for other purposes.

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DECEMBER 5, 2022

Reported with an amendment