

118TH CONGRESS  
1ST SESSION

# H. R. 2393

To require the Secretary of Homeland Security to implement a strategy to combat the efforts of transnational criminal organizations to recruit individuals in the United States via social media platforms and other online services and assess their use of such platforms and services for illicit activities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2023

Ms. SPANBERGER (for herself, Mr. CISCOMANI, and Mr. BURGESS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Foreign Affairs, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require the Secretary of Homeland Security to implement a strategy to combat the efforts of transnational criminal organizations to recruit individuals in the United States via social media platforms and other online services and assess their use of such platforms and services for illicit activities, 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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional com-  
7 mittees” means—  
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9 (A) the Committee on Homeland Security  
10 and Governmental Affairs of the Senate; and

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

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

16 (3) **COVERED SERVICE.**—The term “covered  
17 service” means—

18 (A) a social media platform;

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

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

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

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

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

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

19 (1) The use of covered services by transnational  
20 criminal organizations or criminal enterprises acting  
21 on their behalf to engage in recruitment efforts, in-  
22 cluding the recruitment of individuals, including in-  
23 dividuals under the age of 18, located in the United  
24 States to engage in or provide support with respect  
25 to illicit activities occurring in the United States,

1 Mexico, or otherwise in proximity to an international  
2 boundary of the United States.

3 (2) The use of covered services by transnational  
4 criminal organizations to engage in other illicit ac-  
5 tivities or other conduct in support of illicit activi-  
6 ties, including—

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

12 (B) human smuggling or trafficking.

13 (3) The existing efforts of the Secretary and  
14 relevant government and law enforcement entities to  
15 counter, monitor, or otherwise respond to the usage  
16 of covered services described in paragraphs (1) and  
17 (2).

18 (4) The existing efforts of covered operators to  
19 counter, monitor, or otherwise respond to the usage  
20 of covered services described in paragraphs (1) and  
21 (2).

22 (5) The existing cooperative efforts between the  
23 Secretary, other relevant government entities, and  
24 covered operators with respect to the matters de-  
25 scribed in paragraphs (1) and (2).

1 **SEC. 4. STRATEGY TO COMBAT CARTEL RECRUITMENT ON**  
2 **SOCIAL MEDIA AND ONLINE PLATFORMS.**

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

16 (b) ELEMENTS.—

17 (1) IN GENERAL.—The strategy required under  
18 subsection (a) shall, at a minimum, include the fol-  
19 lowing:

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

25 (B) Recommendations to implement the re-  
26 quirement under section 5(a)(2) to establish a

1 centralized mechanism for reporting informa-  
2 tion regarding the United States recruitment  
3 efforts of transnational criminal organizations  
4 involving covered services.

5 (C) A proposal to improve  
6 intragovernmental coordination with respect to  
7 the matters described in subsection (a), includ-  
8 ing between the Department and State, local,  
9 and Tribal governments.

10 (D) A proposal to improve coordination  
11 within the Department and between the compo-  
12 nents of the Department with respect to the  
13 matters described in subsection (a).

14 (E) Activities to facilitate increased intel-  
15 ligence analysis for law enforcement purposes of  
16 efforts of transnational criminal organizations  
17 to utilize covered services for recruitment pur-  
18 poses.

19 (F) Activities to foster international part-  
20 nerships and enhance collaboration with foreign  
21 governments and, as applicable, multilateral in-  
22 stitutions with respect to the matters described  
23 in subsection (a).

24 (G) Activities to facilitate proactive law en-  
25 forcement and other governmental efforts relat-

1           ing to the efforts of transnational criminal or-  
2           ganizations to utilize covered services for re-  
3           cruitment purposes, including activities in-  
4           tended to preempt through outreach and en-  
5           gagement the commission of criminal offenses  
6           by individuals located in the United States who  
7           are targeted for recruitment by those  
8           transnational criminal organizations.

9           (H) Activities to specifically increase en-  
10          gagement and outreach with youth in border  
11          communities, including regarding the recruit-  
12          ment tactics of transnational criminal organiza-  
13          tions and the consequences of participation in  
14          illicit activities.

15          (2) LIMITATION.—The strategy required under  
16          subsection (a) shall not include legislative rec-  
17          ommendations or elements predicated on the passage  
18          of legislation that is not enacted as of the date on  
19          which the strategy is submitted, including with re-  
20          spect to encryption policies or reforms to section 230  
21          of the Communications Act of 1934 (47 U.S.C.  
22          230).

23          (c) CONSULTATION.—In drafting and implementing  
24          the strategy required under subsection (a), the Secretary

1 shall, at a minimum, consult and engage with the fol-  
2 lowing:

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

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

7 (B) The Under Secretary for Intelligence  
8 and Analysis.

9 (C) The Under Secretary for Science and  
10 Technology.

11 (D) The Director of U.S. Immigration and  
12 Customs Enforcement.

13 (E) The Officer for Civil Rights and Civil  
14 Liberties.

15 (F) The Privacy Officer.

16 (2) The Secretary of State.

17 (3) The Director of the Federal Bureau of In-  
18 vestigation.

19 (4) The Administrator of the Drug Enforce-  
20 ment Agency.

21 (5) Representatives of border communities, in-  
22 cluding representatives of the following:

23 (A) State, local, and Tribal governments,  
24 including school districts and local law enforce-  
25 ment.



1 (B) Nongovernmental organizations.

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

4 (A) Social media platforms, including oper-  
5 ators of platforms or applications—

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

8 (ii) providing ephemeral content  
9 transmission services; or

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

14 (B) Interactive entertainment platforms  
15 and publishers.

16 (C) Companies developing immersive tech-  
17 nology platforms and applications on those plat-  
18 forms.

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

21 (A) Civil rights and civil liberties.

22 (B) Online privacy.

23 (C) Humanitarian assistance for migrants.

24 (D) Youth outreach and rehabilitation.

25 (d) IMPLEMENTATION.—

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

6           (2) REPORT.—

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

17           (i) The recommendations, and cor-  
18 responding implementation of those rec-  
19 ommendations, with respect to the matters  
20 described in subsection (b)(1)(B) relating  
21 to the mechanism required under section  
22 5(a)(2).

23           (ii) The interagency posture with re-  
24 spect to the matters covered by the strat-  
25 egy required under subsection (a), which

1 shall include a description of collaboration  
2 between the Secretary, other Federal enti-  
3 ties, State, local, and Tribal entities, and  
4 foreign governments.

5 (iii) Actions taken pursuant to sub-  
6 section (c) that occurred between the Sec-  
7 retary and the entities described in para-  
8 graphs (5) through (7) of that subsection,  
9 provided that such summaries are provided  
10 only in a classified or other non-public  
11 manner.

12 (iv) The threat landscape, including  
13 new developments related to the United  
14 States recruitment efforts of transnational  
15 criminal organizations and the use by  
16 those organizations of new or emergent  
17 covered services and recruitment methods.

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

21 **SEC. 5. INTELLIGENCE COLLECTION AND DISSEMINATION.**

22 (a) IN GENERAL.—Not later than 90 days after the  
23 date on which the strategy required under section 4(a) is  
24 required to be submitted to the appropriate congressional  
25 committees, the Secretary shall identify a designee—

1           (1) to receive, process, and disseminate infor-  
2           mation and communications involving the use of cov-  
3           ered services by transnational criminal organizations  
4           or criminal enterprises acting on their behalf to re-  
5           cruit individuals located in the United States to en-  
6           gage in or provide support with respect to illicit ac-  
7           tivities occurring in the United States, Mexico, or  
8           otherwise in proximity to an international boundary  
9           of the United States; and

10           (2) to establish a mechanism, or if the designee  
11           determines appropriate, multiple mechanisms, for  
12           covered operators to voluntarily report relevant in-  
13           formation or communications described in paragraph  
14           (1).

15           (b) PROCEDURE.—Upon the identification of the des-  
16           ignee and the establishment of the voluntary reporting  
17           mechanism required under subsection (a)(2), the Sec-  
18           retary shall notify appropriate covered operators in writing  
19           regarding the voluntary reporting mechanism, including  
20           information regarding how to contact the designee and uti-  
21           lize the voluntary reporting mechanism.

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

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

4 (1) provide Federal, State, local, and Tribal en-  
5 tities with intelligence to assist with outreach and  
6 engagement efforts intended to preempt the commis-  
7 sion of criminal offenses by individuals located in the  
8 United States who are targeted by transnational  
9 criminal organizations for recruitment;

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

14 (3) further other appropriate government func-  
15 tions involving efforts to prevent the recruitment of  
16 individuals located in the United States by  
17 transnational criminal organizations.

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