

112TH CONGRESS
2^D SESSION

H. R. 6280

To apply a Whole-of-Government Plan that integrates the full capabilities and authorities of each Federal department and agency, in coordination with the Government of Mexico, to combat Mexican-based transnational criminal organizations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2012

Mr. MACK (for himself, Mr. CUELLAR, Mr. MCCAUL, Mr. BARBER, Mr. CANSECO, Mr. BILIRAKIS, and Mr. WESTMORELAND) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Homeland Security and the Judiciary, 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

A BILL

To apply a Whole-of-Government Plan that integrates the full capabilities and authorities of each Federal department and agency, in coordination with the Government of Mexico, to combat Mexican-based 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 “United States-Mexico
5 Cross-Border Security Act of 2012”.

1 **SEC. 2. STATEMENT OF PURPOSE.**

2 It is the purpose of this Act to protect United States
3 citizens from external threats by establishing and applying
4 a Whole-of-Government Plan that integrates the full capa-
5 bilities and authorities of each Federal department and
6 agency, in coordination with the Government of Mexico,
7 to combat Mexican-based transnational criminal organiza-
8 tions by utilizing cross-agency capabilities to—

9 (1) curtail the ability of such organizations to
10 finance their operations in the United States using
11 illicit proceeds from criminal activities;

12 (2) secure the United States-Mexico border at
13 and between ports of entry; and

14 (3) continue to improve the ability of the Gov-
15 ernment of Mexico to—

16 (A) reduce violence;

17 (B) diminish corruption;

18 (C) improve cooperation between military
19 and law enforcement;

20 (D) stabilize communities; and

21 (E) fortify functioning government institu-
22 tions that embrace strong human rights stand-
23 ards and accountability measures.

24 **SEC. 3. FINDINGS.**

25 Congress finds the following:

1 (1) Mexican drug trafficking organizations have
2 evolved into transnational criminal organizations and
3 diversified and expanded their illicit activities, in-
4 cluding sex-trafficking, human smuggling, traf-
5 ficking in stolen oil, weapons smuggling, extortion,
6 kidnapping, and cybercrime.

7 (2) Mexican drug trafficking organizations have
8 increased their profits through various illicit activi-
9 ties and have become more resilient and dangerous
10 organizations.

11 (3) A July 2011 White House Strategy to Com-
12 bat Transnational Organized Crime report found
13 that transnational criminal organizations “have ex-
14 panded and matured, threatening the security of
15 citizens and the stability of governments throughout
16 the region, with direct security implications for the
17 United States”.

18 (4) An August 2011 Department of Justice Na-
19 tional Drug Threat Assessment found that Mexican-
20 based transnational criminal organizations were op-
21 erating in more than 1,000 United States cities dur-
22 ing 2009 and 2010.

23 (5) On October 11, 2011, a foiled terrorist as-
24 sassination plot of the Saudi Arabian ambassador by
25 members of the Iranian Islamic Revolutionary Guard

1 Corps demonstrated international perception of
2 Mexican drug cartel members' operability in the
3 United States.

4 (6) According to press reports, there have been
5 more than 55,000 organized crime-related homicides
6 in Mexico since December 2006, and a June 2012
7 Congressional Research Service report stated that
8 "the violence now associated with drug trafficking
9 organizations in Mexico is of an entirely different
10 scale . . . the bloodletting is not only associated
11 with resolving disputes or maintaining discipline, but
12 it is directed toward the government and news media
13 . . .".

14 (7) Border security is paramount to the eco-
15 nomic prosperity of both the United States and Mex-
16 ico. In 2011, \$500 billion in goods and services
17 trade crossed the border. Mexico is the second-larg-
18 est export market for the United States, and the
19 United States is Mexico's largest export market. The
20 \$34 billion in United States export growth to Mexico
21 in 2011 was greater in absolute terms than com-
22 pared with any other country. Safeguarding this val-
23 uable trade must be a top priority for both govern-
24 ments.

1 (8) Mérida Initiative funding, led by the De-
2 partment of State, has concluded, and a Whole-of-
3 Government Plan is needed to solidify the gains
4 made under the Mérida Initiative and address the
5 evolution of Mexican drug trafficking organizations
6 into transnational criminal organizations.

7 (9) The purpose of a Whole-of-Government
8 Plan is to protect United States citizens from exter-
9 nal threats through increased interagency collabora-
10 tion and the empowering of a friendly government
11 that operates within international standards and
12 regulations and is able to secure itself from internal
13 threats.

14 **SEC. 4. DEFINITIONS.**

15 In this Act:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means—

19 (A) the Committee on Foreign Affairs, the
20 Committee on Homeland Security, and the
21 Committee on the Judiciary of the House of
22 Representatives; and

23 (B) the Committee on Foreign Relations,
24 the Committee on Homeland Security and Gov-

1 ernmental Affairs, and the Committee on the
2 Judiciary of the Senate.

3 (2) TRANSNATIONAL CRIMINAL ORGANIZATION
4 OR ORGANIZATION.—The term “transnational crimi-
5 nal organization” or “organization” means a self-
6 perpetuating association of individuals who—

7 (A) operate transnationally for the purpose
8 of obtaining power, influence, monetary gain, or
9 commercial gain wholly or in part by illegal
10 means; and

11 (B) protect their activities—

12 (i) through a pattern of corruption or
13 violence; or

14 (ii) through a transnational organiza-
15 tional structure and the exploitation of
16 transnational commerce or communication
17 mechanisms.

18 (3) WHOLE-OF-GOVERNMENT PLAN.—The term
19 “Whole-of-Government Plan” means a rapid and co-
20 ordinated effort that reflects the full capabilities and
21 resources, and support from the highest levels, of
22 the United States Government.

1 **SEC. 5. WHOLE-OF-GOVERNMENT PLAN TO COMBAT MEXI-**
2 **CAN-BASED TRANSNATIONAL CRIMINAL OR-**
3 **GANIZATIONS.**

4 (a) ESTABLISHMENT.—The President, acting
5 through the National Security Council Interagency Group
6 established under section 6, shall develop a Whole-of-Gov-
7 ernment Plan, in coordination with the Government of
8 Mexico (including, if appropriate, classified provisions), to
9 combat Mexican-based transnational criminal organiza-
10 tions.

11 (b) CONTENTS.—The Whole-of-Government Plan es-
12 tablished under subsection (a) shall—

13 (1) define and outline transnational criminal or-
14 ganizations in Mexico, including their leaders, goals,
15 objectives, evolution, political control, and other key
16 elements and areas of influence;

17 (2) provide an assessment of the terrain, popu-
18 lation, ports, financial centers, and income-gener-
19 ating activities utilized by such transnational crimi-
20 nal organizations;

21 (3) assess the capabilities of Mexico’s law en-
22 forcement, military forces, state and local govern-
23 ment institutions, and other critical elements, such
24 as nongovernmental organizations, that may orga-
25 nize to counter the threat posed by such
26 transnational criminal organizations;

1 (4) illustrate operations of, or on behalf of,
2 such transnational criminal organizations within the
3 United States, including classified and unclassified
4 mappings of their activities within the United
5 States, information on trafficking activities, and ille-
6 gal drug export revenues broken down by major
7 drugs, financial networks, and safe havens;

8 (5) describe the operations of such
9 transnational criminal organizations along the
10 United States-Mexico border, the Mexico-Guatemala
11 border, and other international borders, including
12 operations relating to the movement of contraband,
13 human support networks, financial support, and
14 technological advancements;

15 (6) include—

16 (A) within the United States, a plan to
17 combat the operations, financial networks, traf-
18 ficking of contraband, and money laundering
19 techniques of such transnational criminal orga-
20 nizations, including—

21 (i) a report by the Office of Foreign
22 Assets Control (OFAC) of the Department
23 of the Treasury detailing the progress of
24 designating Mexican and Central American
25 individuals and entities supporting such

1 transnational criminal organizations on the
2 Specially Designated Nationals list, as well
3 as providing suggestions to help identify
4 areas to further impact the financial net-
5 works of such transnational criminal orga-
6 nizations;

7 (ii) mapping of transnational criminal
8 organization activities within the United
9 States, coordinated between the Depart-
10 ment of the Treasury, the Department of
11 Homeland Security, the Department of
12 Justice, and State and local agencies; and

13 (iii) a coordinated strategy between
14 the Department of Justice, the Depart-
15 ment of Homeland Security, other Federal
16 departments and agencies, and State and
17 local agencies to enforce existing laws re-
18 lating to border security and firearms law
19 enforcement;

20 (B) along the United States-Mexico border,
21 in coordination with the Department of Home-
22 land Security, an interagency risk management
23 plan that establishes border security as a top
24 United States Government priority by address-
25 ing resources, technology, personnel, and infra-

1 structure required to create a secure southern
2 border, including—

3 (i) an analysis of United States ports
4 of entry, including percentages of appre-
5 hensions of persons engaged in major
6 crime, and estimates of illegal goods and
7 persons that transit the southern border
8 that escape United States law enforcement
9 action;

10 (ii) a five-year plan that reviews staff-
11 ing needs at ports of entry, including a re-
12 source allocation model for current and fu-
13 ture year staffing requirements, a plan for
14 optimizing staffing levels for U.S. Customs
15 and Border Protection and other United
16 States Government agencies, a plan for
17 personnel to carry out the mission of trade
18 facilitation, travel, security, and all other
19 border functions, with an analysis of the
20 ability to target high-potency, high-cash-
21 value drugs that serve as the largest rev-
22 enue source for such transnational criminal
23 organizations;

24 (iii) a modernization and infrastruc-
25 ture assessment of General Services Ad-

1 ministration and U.S. Customs and Border
2 Protection-owned or -managed ports of
3 entry to support U.S. Customs and Border
4 Protection activities (including northbound
5 and southbound checks) that details crit-
6 ical infrastructure improvements, tech-
7 nology additions, and other resources that
8 would enhance border security to stop the
9 unlawful movement of goods and people
10 across the United States-Mexico border;

11 (iv) deployment of technologies, in-
12 cluding cameras, radars, sensors, tunnel
13 detection technologies, and unmanned aer-
14 ial vehicles, required by Border Patrol
15 agents to stop unlawful movement of goods
16 and people in hard-to-enforce areas at the
17 southern border;

18 (v) a plan detailing actions to increase
19 the use of U.S. Immigration and Customs
20 Enforcement-led Border Enforcement Se-
21 curity Task Force (BEST) teams that en-
22 hance information sharing, and U.S. Cus-
23 toms and Border Protection-Border Patrol
24 Tactical Units (BORTAC) that con-
25 centrate on high-priority threats, including

1 weapons and bulk cash smuggling, and
2 high-potency, high-cash-value drugs along
3 the southern border;

4 (vi) a plan detailing actions to in-
5 crease intelligence gathering utilizing clas-
6 sified and unclassified technologies, includ-
7 ing leveraging the interagency El Paso In-
8 telligence Center (EPIC) for coordination
9 to counter such transnational criminal or-
10 ganizations; and

11 (vii) a plan detailing actions to in-
12 crease coordination, collaboration, and
13 training focused on joint United States-
14 Mexico efforts to secure the United States-
15 Mexico border; and

16 (C) within Mexico, in coordination with a
17 multiagency Government of Mexico effort, a
18 plan to increase local capabilities to combat ille-
19 gal activity and violence, including—

20 (i) development of strong rule-of-law
21 institutions, by—

22 (I) assisting in the establishment
23 of a system for judicial and prosecu-
24 torial reform at the state level to en-
25 hance security for citizens and busi-

1 nesses in Mexico, as well as account-
2 ability for Mexican military and law
3 enforcement personnel;

4 (II) teaching best practice tech-
5 niques for utilizing law enforcement in
6 the targeting of such transnational
7 criminal organizations, incorporating
8 United States military and law en-
9 forcement lessons learned; and

10 (III) enhancing work with Mexi-
11 can officials to establish and imple-
12 ment a state-level law enforcement
13 vetting and training program;

14 (ii) diminishing support for such
15 transnational criminal organizations by—

16 (I) assisting the Government of
17 Mexico to develop a plan to cut off fi-
18 nancial assets within Mexico of those
19 entities and individuals identified
20 under OFAC's Specially Designated
21 Nationals list;

22 (II) aiming programs at expand-
23 ing the trust of the populace, requir-
24 ing all vetted law enforcement per-
25 sonnel to be trained in teaching cul-

1 ture of lawfulness programs, and pro-
2 viding incentives to United States
3 businesses operating in Mexico that
4 promote and support culture of law-
5 fulness efforts; and

6 (III) developing safe communities
7 for families and youth by enhancing
8 and recreating successful youth pro-
9 grams and antidrug coalitions, public
10 education, health care access, and eco-
11 nomic development programs through
12 the work of the United States Agency
13 for International Development and
14 Mexican NGOs to prevent such
15 transnational criminal organizations
16 from exploiting socio-economic condi-
17 tions that fuel violence; and

18 (iii) dismantling such transnational
19 criminal organizations by—

20 (I) focusing Mexican military and
21 federal law enforcement on estab-
22 lishing and expanding secure areas
23 around key population centers;

24 (II) supporting strategically vet-
25 ted and specialized Mexican law en-

1 enforcement units to concentrate on
2 high-priority targets and border patrol
3 duties on the United States-Mexico
4 and Mexico-Guatemala borders;

5 (III) supporting development of a
6 plan to increase cross-border coordi-
7 nation and cooperation for border law
8 enforcement officers to prevent and
9 address lethal force cases and sce-
10 narios;

11 (IV) requesting the support of
12 qualified experts to assist in the for-
13 mulation of a plan to incorporate such
14 strategically vetted and specialized
15 Mexican law enforcement units into
16 such a focused and targeted overall
17 approach; and

18 (V) supporting Mexican federal
19 and state law enforcement operations
20 that provide services to the population
21 while gathering and acting upon raw
22 intelligence; and

23 (7) include information on trends in Mexican
24 and Central American extradition requests and ex-
25 traditions carried out.

1 (c) EXECUTIVE AGENT TO LEAD NATIONAL SECUR-
2 RITY COUNCIL INTERAGENCY GROUP.—The President
3 shall appoint the Deputy Secretary of State as the execu-
4 tive agent who shall preside over the National Security
5 Council Interagency Group established under section 6,
6 supported by the Assistant to the President for National
7 Security Affairs in the Executive Office of the President,
8 in consultation with the Secretary of State, utilizing infor-
9 mation obtained pursuant to paragraphs (1) through (7)
10 of subsection (b) to coordinate and strengthen United
11 States interagency operations through a cohesive and
12 transparent plan to successfully combat Mexican-based
13 transnational criminal organizations within the United
14 States, along the United States-Mexico border, and within
15 Mexico.

16 (d) REPORT ON DEVELOPMENT OF PLAN.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, the
19 President shall transmit to the appropriate congress-
20 sional committees a report that contains the Whole-
21 of-Government Plan developed under this section.

22 (2) UPDATES.—The President shall transmit to
23 the appropriate congressional committees updates on
24 an annual basis for the five-year period beginning on
25 the date of the transmission of the report required

1 under paragraph (1) of the information required to
2 be included in the Whole-of-Government Plan devel-
3 oped under this section.

4 (e) REPORT ON IMPLEMENTATION OF PLAN.—Not
5 later than 90 days after the transmission of the Whole-
6 of-Government Plan contained in the report under sub-
7 section (d)(1), the President shall transmit to the appro-
8 priate congressional committees a plan that—

9 (1) details implementation procedures for the
10 plan using baseline indicators, metrics, and measur-
11 able goals in a cohesive and transparent manner;
12 and

13 (2) identifies specific impediments to inter-
14 agency coordination and cooperation with respect to
15 the plan, as well as recommendations for addressing
16 identified impediments.

17 **SEC. 6. NATIONAL SECURITY COUNCIL INTERAGENCY**
18 **GROUP.**

19 (a) ESTABLISHMENT.—There is established an inter-
20 agency working group to be known as the “National Secu-
21 rity Council Interagency Group” (in this section referred
22 to as the “NSC Interagency Group”).

23 (b) MEMBERSHIP.—The NSC Interagency Group
24 shall be composed of, at a minimum, representatives at
25 the Deputy Secretary level from the Department of State,

1 the Department of Homeland Security, the Department
2 of Justice, the Department of the Treasury, the Depart-
3 ment of Defense, and the National Security Council.

4 (c) MEETINGS.—The NSC Interagency Group shall
5 meet at the call of the Deputy Secretary of State.

6 (d) DUTIES.—The NSC Interagency Group shall—

7 (1) develop the Whole-of-Government Plan
8 under section 5;

9 (2) develop the implementation report for the
10 Whole-of-Government Plan under section 5, using
11 baseline indicators, metrics, and measurable goals;
12 and

13 (3) enhance coordination and cooperation
14 among Federal departments and agencies for pro-
15 curing goods and services and the implementation of
16 the Whole-of-Government Plan under section 5.

17 **SEC. 7. FUNDING FOR DEVELOPMENT OF WHOLE-OF-GOV-**
18 **ERNMENT PLAN.**

19 Notwithstanding any other provision of law, the Sec-
20 retary of State shall use funds made available to the De-
21 partment of State, as the Secretary determines appro-
22 priate, to carry out this Act.

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