

115TH CONGRESS  
2D SESSION

# S. 2864

To amend the Homeland Security Act of 2002 to authorize a Joint Task Force to enhance integration of the Department of Homeland Security’s border security operations to detect, interdict, disrupt, and prevent narcotics, such as fentanyl and other synthetic opioids, from entering the United States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 16, 2018

Mrs. MCCASKILL (for herself and Ms. HEITKAMP) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend the Homeland Security Act of 2002 to authorize a Joint Task Force to enhance integration of the Department of Homeland Security’s border security operations to detect, interdict, disrupt, and prevent narcotics, such as fentanyl and other synthetic opioids, from entering 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.**

4 This Act may be cited as the “Joint Task Force to  
5 Combat Opioid Trafficking Act of 2018”.

1 **SEC. 2. AUTHORIZATION OF JOINT TASK FORCE TO**  
2 **COUNTER OPIOIDS.**

3 (a) IN GENERAL.—Section 708(b) of the Homeland  
4 Security Act of 2002 (6 U.S.C. 348(b)) is amended—

5 (1) in paragraph (2)(A), by adding at the end  
6 the following new clause:

7 “(iv) Enhancing the integration of the  
8 Department’s border security operations to  
9 detect, interdict, disrupt, and prevent nar-  
10 cotics, such as fentanyl and other synthetic  
11 opioids, from entering the United States.”;

12 (2) by redesignating paragraphs (9) through  
13 (13) as paragraphs (11) through (15), respectively;  
14 and

15 (3) by inserting after paragraph (8) the fol-  
16 lowing new paragraphs:

17 “(9) ENGAGEMENT WITH THE PRIVATE SEC-  
18 TOR.—

19 “(A) IN GENERAL.—The Director of a  
20 Joint Task Force may engage with representa-  
21 tives from a private sector organization for the  
22 purpose of carrying out the mission of such  
23 Joint Task Force, and any such engagement  
24 shall not be subject to the Federal Advisory  
25 Committee Act (5 U.S.C. App.).

1           “(B) ASSISTANCE FROM PRIVATE SEC-  
2           TOR.—

3           “(i) IN GENERAL.—Notwithstanding  
4           subsection (b)(1), the Secretary, with the  
5           agreement of a private sector organization,  
6           may arrange for the temporary assignment  
7           of employees of the organization to the  
8           Joint Task Force in accordance with this  
9           paragraph.

10           “(ii) APPLICATION OF ETHICS  
11           RULES.—An employee of a private sector  
12           organization assigned under clause (i)—

13                   “(I) shall be deemed to be a spe-  
14                   cial government employee for purposes  
15                   of Federal law, including chapter 11  
16                   of title 18, United States Code, and  
17                   the Ethics in Government Act of 1978  
18                   (5 U.S.C. App.); and

19                   “(II) notwithstanding section  
20                   202(a) of title 18, United States  
21                   Code, may be assigned to the Joint  
22                   Task Force for a period of not longer  
23                   than 2 years.

24           “(C) NO FINANCIAL LIABILITY.—Any  
25           agreement under this paragraph shall require

1 the private sector organization concerned to be  
2 responsible for all costs associated with the as-  
3 signment of an employee under this paragraph.

4 “(D) DURATION.—An assignment under  
5 this paragraph may, at any time and for any  
6 reason, be terminated by the Secretary or the  
7 private sector organization concerned and shall  
8 be for a total period of not more than 2 years.

9 “(10) COLLABORATION WITH TASK FORCES  
10 OUTSIDE DHS.—The Secretary may enter into a  
11 memorandum of understanding by which a Joint  
12 Task Force established under this section to carry  
13 out any purpose specified in paragraph (2)(A) and  
14 any other Federal, State, local, tribal, territorial, or  
15 international task force established for a similar pur-  
16 pose may collaborate for the purpose of carrying out  
17 the mission of such Joint Task Force.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
19 Section 708(c) of the Homeland Security Act of 2002 (6  
20 U.S.C. 348(c)) is amended by striking “subsection  
21 (b)(10)” and inserting “subsection (b)(12)”.

22 **SEC. 3. NOTIFICATION; REPORTING.**

23 (a) NOTIFICATION.—Not later than 90 days after the  
24 date of the enactment of this Act, the Secretary of Home-  
25 land Security shall—

1           (1) make a determination regarding whether to  
2           establish a Joint Task Force under section 708 of  
3           the Homeland Security Act of 2002 (6 U.S.C. 348)  
4           to carry out the purpose specified in clause (iv) of  
5           subsection (b)(2)(A) of such section, as added by  
6           section 2 of this Act; and

7           (2) submit to the Committee on Homeland Se-  
8           curity of the House and the Committee on Home-  
9           land Security and Governmental Affairs of the Sen-  
10          ate written notification of such determination, in-  
11          cluding, if such determination is in the negative, in-  
12          formation on the basis for such negative determina-  
13          tion.

14          (b) REPORTING.—If the Secretary of Homeland Se-  
15          curity establishes a Joint Task Force under section 708  
16          of the Homeland Security Act of 2002 (6 U.S.C. 348) to  
17          carry out the purpose specified in clause (iv) of subsection  
18          (b)(2)(A) of such section, as added by section 2 of this  
19          Act, the Secretary shall—

20                 (1) beginning with the first report required  
21                 under subsection (b)(6)(F) of such section 708, in-  
22                 clude with respect to such a Joint Task Force—

23                         (A) a gap analysis of funding, personnel,  
24                         technology, or other resources needed in order  
25                         to detect, interdict, disrupt, and prevent nar-

1           cotics, such as fentanyl and other synthetic  
2           opioids, from entering the United States; and

3                   (B) a description of collaboration pursuant  
4           to subsection (b)(10) of such section 708 (as  
5           added by section 2 of this Act) between such a  
6           Joint Task Force and any other Federal, State,  
7           local, tribal, territorial, or international task  
8           force, including the United States Postal Serv-  
9           ice and the United States Postal Inspection  
10          Service; and

11          (2) in each report required under subsection  
12          (b)(11)(C) of such section 708, as redesignated by  
13          section 2 of this Act, an assessment of the activities  
14          of such a Joint Task Force, including an evaluation  
15          of whether such Joint Task Force has enhanced in-  
16          tegration of the Department's efforts, created any  
17          unique capabilities, or otherwise enhanced oper-  
18          ational effectiveness, coordination, or information  
19          sharing to detect, interdict, disrupt, and prevent  
20          narcotics, such as fentanyl and other synthetic  
21          opioids, from entering the United States.

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