

Calendar No. 568

117TH CONGRESS  
2D SESSION**H. R. 4209****[Report No. 117–215]**

IN THE SENATE OF THE UNITED STATES

APRIL 6, 2022

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

NOVEMBER 28, 2022

Reported by Mr. PETERS, without amendment

**AN ACT**To support remediation of illicit cross-border tunnels, 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 “DHS Illicit Cross-Bor-  
5       der Tunnel Defense Act”.

1 **SEC. 2. COUNTER ILLICIT CROSS-BORDER TUNNEL OPER-**  
2 **ATIONS.**

3 (a) COUNTER ILLICIT CROSS-BORDER TUNNEL OP-  
4 ERATIONS STRATEGIC PLAN.—

5 (1) IN GENERAL.—Not later than 180 days  
6 after the date of the enactment of this Act, the  
7 Commissioner of U.S. Customs and Border Protec-  
8 tion, in coordination with the Under Secretary for  
9 Science and Technology, and, as appropriate, other  
10 officials of the Department of Homeland Security,  
11 shall develop a counter illicit cross-border tunnel op-  
12 erations strategic plan (in this section referred to as  
13 the “strategic plan”) to address the following:

14 (A) Risk-based criteria to be used to  
15 prioritize the identification, breach, assessment,  
16 and remediation of illicit cross-border tunnels.

17 (B) Promote the use of innovative tech-  
18 nologies to identify, breach, assess, and reme-  
19 diate illicit cross-border tunnels in a manner  
20 that, among other considerations, reduces the  
21 impact of such activities on surrounding com-  
22 munities.

23 (C) Processes to share relevant illicit cross-  
24 border tunnel location, operations, and technical  
25 information.

1 (D) Indicators of specific types of illicit  
2 cross-border tunnels found in each U.S. Border  
3 Patrol sector identified through operations to be  
4 periodically disseminated to U.S. Border Patrol  
5 sector chiefs to educate field personnel.

6 (E) A counter illicit cross-border tunnel  
7 operations resource needs assessment that in-  
8 cludes consideration of the following:

9 (i) Technology needs.

10 (ii) Staffing needs, including the fol-  
11 lowing:

12 (I) A position description for  
13 counter illicit cross-border tunnel op-  
14 erations personnel.

15 (II) Any specialized skills re-  
16 quired of such personnel.

17 (III) The number of such full  
18 time personnel, disaggregated by U.S.  
19 Border Patrol sector.

20 (2) REPORT TO CONGRESS ON STRATEGIC  
21 PLAN.—Not later than one year after the develop-  
22 ment of the strategic plan, the Commissioner of U.S.  
23 Customs and Border Protection shall submit to the  
24 Committee on Homeland Security of the House of  
25 Representatives and the Committee on Homeland

1 Security and Governmental Affairs of the Senate a  
2 report on the implementation of the strategic plan.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to the Commissioner of U.S.  
5 Customs and Border Protection \$1,000,000 for each of  
6 fiscal years 2023 and 2024 to carry out—

7 (1) the development of the strategic plan; and

8 (2) remediation operations of illicit cross-border  
9 tunnels in accordance with the strategic plan to the  
10 maximum extent practicable.



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