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118TH CONGRESS
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[Report No. 118-104]

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

IN THE SENATE OF THE UNITED STATES

MAY 4, 2023

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

OCTOBER 3, 2023

Reported by Mr. PETERS, with an amendment

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

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. Coordination and information sharing.
- Sec. 3. Danger pay for Department of Homeland Security personnel deployed abroad.
- Sec. 4. Improving training to foreign-vetted law enforcement or national security units.
- Sec. 5. Enhancing the operations of U.S. Customs and Border Protection in foreign countries.
- Sec. 6. Drug seizure data improvement.
- Sec. 7. Drug performance measures.
- Sec. 8. Penalties for hindering immigration, border, and customs controls.

3 **SEC. 2. COORDINATION AND INFORMATION SHARING.**

4 (a) PUBLIC-PRIVATE PARTNERSHIPS.—

5 (1) STRATEGY.—Not later than 180 days after
 6 the date of enactment of this Act, the Secretary of
 7 Homeland Security shall develop a strategy to
 8 strengthen existing and establish new public-private
 9 partnerships with shipping, chemical, and pharma-
 10 ceutical industries to assist with early detection and
 11 interdiction of illicit drugs and precursor chemicals.

12 (2) CONTENTS.—The strategy required under
 13 paragraph (1) shall contain goals and objectives for
 14 employees of the Department of Homeland Security
 15 to ensure the tactics, techniques, and procedures
 16 gained from the public-private partnerships de-
 17 scribed in paragraph (1) are included in policies,
 18 best practices, and training for the Department.

19 (3) IMPLEMENTATION PLAN.—Not later than
 20 180 days after developing the strategy required

1 under paragraph (1), the Secretary of Homeland Se-
2 curity shall develop an implementation plan for the
3 strategy, which shall outline departmental lead and
4 support roles, responsibilities, programs, and
5 timelines for accomplishing the goals and objectives
6 of the strategy.

7 (4) BRIEFING.—The Secretary of Homeland
8 Security shall provide annual briefings to the Com-
9 mittee on Homeland Security and Governmental Af-
10 fairs of the Senate and the Committee on Homeland
11 Security of the House of Representatives regarding
12 the progress made in addressing the implementation
13 plan developed pursuant to paragraph (3).

14 (b) ASSESSMENT OF DRUG TASK FORCES.—

15 (1) IN GENERAL.—The Secretary of Homeland
16 Security shall conduct an assessment of the
17 counterdrug task forces in which the Department of
18 Homeland Security, including components of the De-
19 partment, participates in or leads, which shall in-
20 clude—

21 (A) areas of potential overlap;

22 (B) opportunities for sharing information
23 and best practices;

24 (C) how the Department's processes for
25 ensuring accountability and transparency in its

1 vetting and oversight of partner agency task
2 force members align with best practices; and

3 ~~(D)~~ corrective action plans for any capa-
4 bility limitations and deficient or negative find-
5 ings identified in the report for any such task
6 forces led by the Department.

7 ~~(2)~~ REPORT.—Not later than 180 days after
8 the date of enactment of this Act, the Secretary of
9 Homeland Security shall submit a report to the
10 Committee on Homeland Security and Governmental
11 Affairs of the Senate and the Committee on Home-
12 land Security of the House of Representatives that
13 contains a summary of the results of the assessment
14 conducted pursuant to paragraph ~~(1)~~.

15 ~~(3)~~ CORRECTIVE ACTION PLAN.—The Secretary
16 of Homeland Security shall—

17 (A) implement the corrective action plans
18 described in paragraph ~~(1)~~~~(D)~~ immediately
19 after the submission of the report pursuant to
20 paragraph ~~(2)~~; and

21 ~~(B)~~ provide annual briefings to the Com-
22 mittee on Homeland Security and Govern-
23 mental Affairs of the Senate and the Committee
24 on Homeland Security of the House of Rep-

1 representatives regarding the progress made in im-
2 plementing the corrective action plans.

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

7 **SEC. 3. DANGER PAY FOR DEPARTMENT OF HOMELAND SE-**
8 **CURITY PERSONNEL DEPLOYED ABROAD.**

9 (a) **IN GENERAL.**—Subtitle H of title VIII of the
10 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)
11 is amended by inserting after section 881 the following:

12 **“SEC. 881A. DANGER PAY ALLOWANCE.**

13 “(a) **AUTHORIZATION.**—An employee of the Depart-
14 ment, while stationed in a foreign area, may be granted
15 a danger pay allowance, not to exceed 35 percent of the
16 basic pay of such employee, for any period during which
17 such foreign area experiences a civil insurrection, a civil
18 war, ongoing terrorist acts, or wartime conditions that
19 threaten physical harm or imminent danger to the health
20 or well-being of such employee.

21 “(b) **NOTICE.**—Before granting or terminating a
22 danger pay allowance to any employee pursuant to sub-
23 section (a), the Secretary, after consultation with the Sec-
24 retary of State, shall notify the Committee on Foreign Re-

1 lations of the Senate and the Committee on Foreign Af-
 2 fairs of the House of Representatives of—

3 “(1) the intent to make such payments and the
 4 circumstances justifying such payments; or

5 “(2) the intent to terminate such payments and
 6 the circumstances justifying such termination.”.

7 **SEC. 4. IMPROVING TRAINING TO FOREIGN-VETTED LAW**
 8 **ENFORCEMENT OR NATIONAL SECURITY**
 9 **UNITS.**

10 The Secretary of Homeland Security, or the designee
 11 of the Secretary, may waive reimbursement for salary ex-
 12 penses of Department of Homeland Security for personnel
 13 providing training to foreign-vetted law enforcement or
 14 national security units in accordance with an agreement
 15 with the Department of Defense pursuant to section 1535
 16 of title 31, United States Code.

17 **SEC. 5. ENHANCING THE OPERATIONS OF U.S. CUSTOMS**
 18 **AND BORDER PROTECTION IN FOREIGN**
 19 **COUNTRIES.**

20 Section 411(f) of the Homeland Security Act of 2002
 21 (6 U.S.C. 211(f)) is amended—

22 (1) by redesignating paragraph (4) as para-
 23 graph (5); and

24 (2) by inserting after paragraph (3) the fol-
 25 lowing:

1 “(4) PERMISSIBLE ACTIVITIES.—

2 “(A) IN GENERAL.—Employees of U.S.
3 Customs and Border Protection and other cus-
4 toms officers designated in accordance with the
5 authorities granted to officers and agents of Air
6 and Marine Operations may provide the support
7 described in subparagraph (B) to authorities of
8 the government of a foreign country, including
9 by conducting joint operations with appropriate
10 government officials within the territory of such
11 country, if an agreement has been entered into
12 between the Government of the United States
13 and the government of such country that per-
14 mits such support by such employees and offi-
15 cers.

16 “(B) SUPPORT DESCRIBED.—The support
17 described in this subparagraph is support for—

18 “(i) the monitoring, locating, tracking,
19 and deterrence of—

20 “(I) illegal drugs to the United
21 States;

22 “(II) the illicit smuggling of per-
23 sons and goods into the United
24 States;

1 “~~(III)~~ terrorist threats to the
2 United States; and

3 “~~(IV)~~ other threats to the secu-
4 rity or economy of the United States;

5 “~~(ii)~~ emergency humanitarian efforts;

6 and

7 “~~(iii)~~ law enforcement capacity-build-
8 ing efforts.

9 “~~(C)~~ PAYMENT OF CLAIMS.—The Sec-
10 retary may expend funds, which have been ap-
11 propriated or otherwise made available to U.S.
12 Customs and Border Protection for operations
13 and support, to pay claims for money damages
14 against the United States, in accordance with
15 the first paragraph of section 2672 of title 28,
16 United States Code, which arise in a foreign
17 country in connection with U.S. Customs and
18 Border Protection operations in such country.”.

19 **SEC. 6. DRUG SEIZURE DATA IMPROVEMENT.**

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

24 (b) ELEMENTS.—The study required under sub-
25 section (a) shall—

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

3 (2) address—

4 (A) any additional data fields or drug type
5 categories that should be added to U.S. Customs
6 and Border Protection’s SEACATS, U.S.
7 Border Patrol’s e3 portal, and any other systems
8 deemed appropriate by the Commissioner
9 of U.S. Customs and Border Protection, in accordance
10 with the first recommendation in the
11 Government Accountability Office’s report
12 GAO-22-104725, entitled “Border Security:
13 CBP Could Improve How It Categorizes Drug
14 Seizure Data and Evaluates Training”;

15 (B) how all the Department of Homeland
16 Security components that collect drug seizure
17 data can standardize their data collection efforts
18 and deconflict drug seizure reporting;

19 (C) how the Department of Homeland Security
20 can better identify, collect, and analyze
21 additional data on precursor chemicals, synthetic
22 drugs, novel psychoactive substances, and
23 analogues that have been seized by U.S. Customs
24 and Border Protection and U.S. Immigration
25 and Customs Enforcement; and

1 (D) how the Department of Homeland Se-
2 curity can improve its model of anticipated drug
3 flow into the United States.

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

6 (1) the Secretary of Homeland Security, in ac-
7 cordance with the Office of National Drug Control
8 Policy’s 2022 National Drug Control Strategy, shall
9 modify Department of Homeland Security drug sei-
10 zure policies and training programs, as appropriate,
11 consistent with the findings of such study; and

12 (2) the Commissioner of U.S. Customs and
13 Border Protection, in consultation with the Director
14 of U.S. Immigration and Customs Enforcement,
15 shall make any necessary updates to relevant sys-
16 tems to include the results of confirmatory drug
17 testing results.

18 **SEC. 7. DRUG PERFORMANCE MEASURES.**

19 Not later than 180 days after the date of enactment
20 of this Act, the Secretary of Homeland Security shall de-
21 velop and implement a Department of Homeland Security
22 plan to ensure that components of the Department develop
23 and maintain outcome-based performance measures that
24 adequately assess the success of drug interdiction efforts
25 and how to utilize the existing drug-related metrics and

1 performance measures to achieve the missions, goals, and
 2 targets of the Department.

3 **SEC. 8. PENALTIES FOR HINDERING IMMIGRATION, BOR-**
 4 **DER, AND CUSTOMS CONTROLS.**

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

8 **“SECTION 274E. DESTROYING OR EVADING BORDER CON-**
 9 **TROLS.**

10 **“(a) ILLICIT SPOTTING.—**

11 **“(1) IN GENERAL.—**It shall be unlawful to
 12 knowingly surveil, track, monitor, or transmit the lo-
 13 cation, movement, or activities of any officer or em-
 14 ployee of a Federal, State, or Tribal law enforce-
 15 ment agency with the intent to knowingly and will-
 16 fully—

17 **“(A) secure a financial gain;**

18 **“(B) further the objectives of a criminal**
 19 **organization; and**

20 **“(C) violate—**

21 **“(i) section 274(a)(1)(A)(i);**

22 **“(ii) the customs and trade laws of**
 23 **the United States (as defined in section**
 24 **2(4) of the Trade Facilitation and Trade**

1 Enforcement Act of 2015 (Public Law
2 114–125));

3 “(iii) any other Federal law relating
4 to transporting controlled substances, agri-
5 culture, or monetary instruments into the
6 United States; or

7 “(iv) any Federal law relating to bor-
8 der controls measures of the United
9 States.

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

14 “(b) DESTRUCTION OF UNITED STATES BORDER
15 CONTROLS.—

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

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

23 “(ii) otherwise construct, excavate, or
24 make any structure intended to defeat, cir-
25 cumvent or evade such a fence, barrier, sensor

1 camera; or other physical or electronic device
2 deployed by the Federal Government to control
3 an international border of, or a port of entry to,
4 the United States; and

5 “(B) in carrying out an act described in
6 paragraph (1), have the intent to knowingly
7 and willfully—

8 “(i) secure a financial gain;

9 “(ii) further the objectives of a crimi-
10 nal organization; and

11 “(iii) violate—

12 “(I) section 274(a)(1)(A)(i);

13 “(II) the customs and trade laws
14 of the United States (as defined in
15 section 2(4) of the Trade Facilitation
16 and Trade Enforcement Act of 2015
17 (Public Law 114–125));

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

22 “(IV) any Federal law relating to
23 border controls measures of the
24 United States.

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

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

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

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Coordination and information sharing.

*Sec. 3. Danger pay for Department of Homeland Security personnel deployed
 abroad.*

*Sec. 4. Improving training to foreign-vetted law enforcement or national security
 units.*

*Sec. 5. Enhancing the operations of U.S. Customs and Border Protection in for-
 eign countries.*

Sec. 6. Drug seizure data improvement.

Sec. 7. Drug performance measures.

Sec. 8. Penalties for hindering immigration, border, and customs controls.

14 **SEC. 2. 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*

1 *partnerships with shipping, chemical, and pharma-*
2 *ceutical industries to assist with early detection and*
3 *interdiction of illicit drugs and precursor chemicals.*

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

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

18 (4) *BRIEFING.*—*The Secretary of Homeland Se-*
19 *curity shall provide annual briefings to the Com-*
20 *mittee on Homeland Security and Governmental Af-*
21 *airs 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 en-*
11 *surving 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 the*
19 *date of enactment of this Act, the Secretary of Home-*
20 *land Security shall submit a report to the Committee*
21 *on Homeland Security and Governmental Affairs of*
22 *the Senate and the Committee on Homeland Security*
23 *of the House of Representatives that contains a sum-*
24 *mary of the results of the assessment conducted pursu-*
25 *ant 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 after*
5 *the submission of the report pursuant to para-*
6 *graph (2); and*

7 (B) *provide annual briefings to the Com-*
8 *mittee on Homeland Security and Governmental*
9 *Affairs of the Senate and the Committee on*
10 *Homeland Security of the House of Representa-*
11 *tives regarding the progress made in imple-*
12 *menting the corrective action plans.*

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

17 **SEC. 3. DANGER PAY FOR DEPARTMENT OF HOMELAND SE-**
18 **CURITY PERSONNEL DEPLOYED ABROAD.**

19 (a) *IN GENERAL.*—*Subtitle H of title VIII of the*
20 *Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is*
21 *amended by inserting after section 881 the following:*

22 **“SEC. 881A. DANGER PAY ALLOWANCE.**

23 “(a) *AUTHORIZATION.*—*An employee of the Depart-*
24 *ment, while stationed in a foreign area, may be granted*
25 *a danger pay allowance, not to exceed 35 percent of the*

1 *basic pay of such employee, for any period during which*
 2 *such foreign area experiences a civil insurrection, a civil*
 3 *war, ongoing terrorist acts, or wartime conditions that*
 4 *threaten physical harm or imminent danger to the health*
 5 *or well-being of such employee.*

6 “(b) *NOTICE.—Before granting or terminating a dan-*
 7 *ger pay allowance to any employee pursuant to subsection*
 8 *(a), the Secretary, after consultation with the Secretary of*
 9 *State, shall notify the Committee on Homeland Security*
 10 *and Governmental Affairs of the Senate, the Committee on*
 11 *Foreign Relations of the Senate, the Committee on Home-*
 12 *land Security of the House of Representatives, and the Com-*
 13 *mittee on Foreign Affairs of the House of Representatives*
 14 *of—*

15 “(1) *the intent to make such payments and the*
 16 *circumstances justifying such payments; or*

17 “(2) *the intent to terminate such payments and*
 18 *the circumstances justifying such termination.”.*

19 **SEC. 4. IMPROVING TRAINING TO FOREIGN-VETTED LAW**
 20 **ENFORCEMENT OR NATIONAL SECURITY**
 21 **UNITS.**

22 *The Secretary of Homeland Security, or the designee*
 23 *of the Secretary, may waive reimbursement for salary ex-*
 24 *penses of Department of Homeland Security for personnel*
 25 *providing training to foreign-vetted law enforcement or na-*

1 *tional security units in accordance with an agreement with*
2 *the Department of Defense pursuant to section 1535 of title*
3 *31, United States Code.*

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

7 *Section 411(f) of the Homeland Security Act of 2002*
8 *(6 U.S.C. 211(f)) is amended—*

9 *(1) by redesignating paragraph (4) as para-*
10 *graph (5); and*

11 *(2) by inserting after paragraph (3) the fol-*
12 *lowing:*

13 *“(4) PERMISSIBLE ACTIVITIES.—*

14 *“(A) IN GENERAL.—Employees of U.S. Cus-*
15 *toms and Border Protection and other customs*
16 *officers designated in accordance with the au-*
17 *thorities granted to officers and agents of Air*
18 *and Marine Operations may provide the support*
19 *described in subparagraph (B) to authorities of*
20 *the government of a foreign country, including*
21 *by conducting joint operations with appropriate*
22 *government officials within the territory of such*
23 *country, if an arrangement has been entered into*
24 *between the Government of the United States and*

1 *the government of such country that permits such*
2 *support by such employees and officers.*

3 “(B) *SUPPORT DESCRIBED.*—*The support*
4 *described in this subparagraph is support for—*

5 “(i) *the monitoring, locating, tracking,*
6 *and deterrence of—*

7 “(I) *illegal drugs to the United*
8 *States;*

9 “(II) *the illicit smuggling of per-*
10 *sons and goods into the United States;*

11 “(III) *terrorist threats to the*
12 *United States; and*

13 “(IV) *other threats to the security*
14 *or economy of the United States;*

15 “(ii) *emergency humanitarian efforts;*
16 *and*

17 “(iii) *law enforcement capacity-build-*
18 *ing efforts.*

19 “(C) *PAYMENT OF CLAIMS.*—

20 “(i) *IN GENERAL.*—*Subject to clauses*
21 *(ii) and (iv), the Secretary may expend*
22 *funds that have been appropriated or other-*
23 *wise made available for the operating ex-*
24 *penses of the Department to pay claims for*
25 *money damages against the United States,*

1 *in accordance with the first paragraph of*
2 *section 2672 of title 28, United States Code,*
3 *which arise in a foreign country in connec-*
4 *tion with U.S. Customs and Border Protec-*
5 *tion operations in such country.*

6 “(ii) *SUBMISSION DEADLINE.*—*A claim*
7 *may be allowed under clause (i) only if it*
8 *is presented not later than 2 years after it*
9 *accrues.*

10 “(iii) *REPORT.*—*Not later than 90*
11 *days after the date on which the expenditure*
12 *authority under clause (i) expires pursuant*
13 *to clause (iv), the Secretary shall submit a*
14 *report to Congress that describes, for each of*
15 *the payments made pursuant to clause (i)—*

16 “(I) *the foreign entity that re-*
17 *ceived such payment;*

18 “(II) *the amount paid to such for-*
19 *ign entity;*

20 “(III) *the country in which such*
21 *foreign entity resides or has its prin-*
22 *cipal place of business; and*

23 “(IV) *a detailed account of the*
24 *circumstances justify such payment.*

1 “(iv) *SUNSET.*—*The expenditure au-*
2 *thority under clause (i) shall expire on the*
3 *date that is 5 years after the date of the en-*
4 *actment of the Enhancing DHS Drug Sei-*
5 *zures Act.*”.

6 **SEC. 6. DRUG SEIZURE DATA IMPROVEMENT.**

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

11 (b) *ELEMENTS.*—*The study required under subsection*
12 (i) shall—

13 (1) *include a survey of the entities that use drug*
14 *seizure data; and*

15 (2) *address—*

16 (A) *any additional data fields or drug type*
17 *categories that should be added to U.S. Customs*
18 *and Border Protection’s SEACATS, U.S. Border*
19 *Patrol’s e3 portal, and any other systems deemed*
20 *appropriate by the Commissioner of U.S. Cus-*
21 *toms and Border Protection, in accordance with*
22 *the first recommendation in the Government Ac-*
23 *countability Office’s report GAO-22-104725, en-*
24 *itled “Border Security: CBP Could Improve*

1 *How It Categorizes Drug Seizure Data and*
2 *Evaluates Training”;*

3 *(B) how all the Department of Homeland*
4 *Security components that collect drug seizure*
5 *data can standardize their data collection efforts*
6 *and deconflict drug seizure reporting;*

7 *(C) how the Department of Homeland Secu-*
8 *rity can better identify, collect, and analyze ad-*
9 *ditional data on precursor chemicals, synthetic*
10 *drugs, novel psychoactive substances, and ana-*
11 *logues that have been seized by U.S. Customs*
12 *and Border Protection and U.S. Immigration*
13 *and Customs Enforcement; and*

14 *(D) how the Department of Homeland Secu-*
15 *rity can improve its model of anticipated drug*
16 *flow into the United States.*

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

19 *(1) the Secretary of Homeland Security, in ac-*
20 *cordance with the Office of National Drug Control*
21 *Policy’s 2022 National Drug Control Strategy, shall*
22 *modify Department of Homeland Security drug sei-*
23 *zure policies and training programs, as appropriate,*
24 *consistent with the findings of such study; and*

1 (2) *the Commissioner of U.S. Customs and Bor-*
2 *der Protection, in consultation with the Director of*
3 *U.S. Immigration and Customs Enforcement, shall*
4 *make any necessary updates to relevant systems to in-*
5 *clude the results of confirmatory drug testing results.*

6 **SEC. 7. DRUG PERFORMANCE MEASURES.**

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

16 **SEC. 8. 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) *IN GENERAL.—It shall be unlawful to knowingly*
24 *and without lawful authorization—*

1 “(1)(A) *destroy or significantly damage any*
2 *fence, barrier, sensor, camera, or other physical or*
3 *electronic device deployed by the Federal Government*
4 *to control an international border of, or a port of*
5 *entry to, the United States; or*

6 “(B) *otherwise construct, excavate, or make any*
7 *structure intended to defeat, circumvent or evade such*
8 *a fence, barrier, sensor camera, or other physical or*
9 *electronic device deployed by the Federal Government*
10 *to control an international border of, or a port of*
11 *entry to, the United States; and*

12 “(2) *in carrying out an act described in para-*
13 *graph (1), have the intent to knowingly and will-*
14 *fully—*

15 “(A) *secure a financial gain;*

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

18 “(C) *violate—*

19 “(i) *section 274(a)(1)(A)(i);*

20 “(ii) *the customs and trade laws of the*
21 *United States (as defined in section 2(4) of*
22 *the Trade Facilitation and Trade Enforce-*
23 *ment Act of 2015 (Public Law 114–125));*

24 “(iii) *any other Federal law relating to*
25 *transporting controlled substances, agri-*

1 *culture, or monetary instruments into the*
2 *United States; or*

3 *“(iv) any Federal law relating to bor-*
4 *der controls measures of the United States.*

5 *“(b) PENALTY.—Any person who violates subsection*
6 *(a) shall be fined under title 18, United States Code, im-*
7 *prisoned for not more than 5 years, or 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.”.

Calendar No. 220

118TH CONGRESS
1ST Session

S. 1464

[Report No. 118-104]

A BILL

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

OCTOBER 3, 2023

Reported with an amendment