

Calendar No. 577

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
117-221 }

ENHANCING DHS DRUG SEIZURES ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 4645

TO RESTRICT THE FLOW OF ILLICIT DRUGS INTO THE
UNITED STATES, AND FOR OTHER PURPOSES



DECEMBER 5, 2022.—Ordered to be printed

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ENHANCING DHS DRUG SEIZURES ACT

DECEMBER 5, 2022.—Ordered to be printed

Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 4645]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 4645), to restrict the flow of illicit drugs into the United States, and for other purposes, having considered the same reports favorably thereon with an amendment, in the nature of a substitute, and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

S. 4645, the *Enhancing DHS Drug Seizures Act*, provides the Department of Homeland Security (DHS, or Department) with additional tools to support its counterdrug mission. Specifically, the bill requires that DHS review and build on its existing partnerships and task forces to ensure the Department is working efficiently to disrupt and interdict the flow of illicit drugs, including fentanyl, from entering the United States. In addition, it provides tools to assist DHS with dismantling transnational criminal organizations, for example, by creating a criminal charge for individuals who knowingly and willfully assist such organizations. The bill also en-

hances DHS’s drug detection tools by supporting research and development to test for fentanyl and other illicit drugs. Finally, the bill requires DHS to improve its drug seizure data and performance measures so that it has better information for drug targeting and intelligence.

II. BACKGROUND AND NEED FOR THE LEGISLATION

Drug overdose deaths in the United States have increased in recent years with an estimated 107,622 overdose deaths occurring in 2021, according to the Centers for Disease Control and Prevention.¹ The epidemic has been exacerbated by the increase of synthetic opioids—including illicitly manufactured fentanyl—which have been involved in the majority of overdose deaths in recent years.²

DHS plays a critical role in preventing illicit drugs from entering the United States. Specifically, DHS’s U.S. Customs and Border Protection (CBP) is responsible for safeguarding the borders of the United States from illicit activity—such as drug smuggling—while facilitating legitimate trade and travel.³ In recent years the number of CBP drug seizures has increased, which includes an increase in fentanyl seizures.⁴ According to a May 2022 testimony before Congress from CBP’s Office of Field Operations (OFO) Executive Assistant Commissioner, while fentanyl is the most commonly seized illicit synthetic opioid, CBP has also seized 50 synthetic opioids not classified as fentanyl, demonstrating a trend of new and emerging drugs.⁵ CBP officers serve as the first line of defense to interdict illicit opioids and emerging drugs from entering the United States while DHS and CBP laboratories help to identify the drugs, analyze emerging trends, and communicate potential threats to federal, state, and local partners.⁶

CBP’s U.S. Border Patrol and Air and Marine Operations (AMO) also have a significant role in preventing drugs from crossing U.S. borders. While Border Patrol is responsible for securing the U.S. borders between ports of entry from activities such as drug smuggling, AMO is responsible for securing U.S. borders between ports of entry in the air and maritime domains.⁷ AMO also works with foreign government partners to conduct joint operations to disrupt and dismantle drug smuggling operations before they reach the U.S.⁸

¹Centers for Disease Control and Prevention: *U.S. Overdose Deaths In 2021 Increased Half as Much as in 2020—But Are Still Up 15%* (May 11, 2022) (https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2022/202205.htm).

²*Id.*

³U.S. Customs and Border Protection, Home Page (<https://www.cbp.gov/about>) (accessed Aug. 17, 2022).

⁴Government Accountability Office, *Border Security: CBP Could Improve How It Categorizes Drug Seizure Data and Evaluates Training* (GAO-22-104725) (May 2022) and Government Accountability Office, *Synthetic Opioids: Considerations for the Class-Wide Scheduling of Fentanyl-Related Substances* (GAO-21-499) (Apr. 2021).

⁵U.S. House of Representatives Committee on Homeland Security, Subcommittee on Border Security, Facilitation and Operations, Testimony Submitted for the Record of Pete Flores, Executive Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection, Department of Homeland Security, *Hearing on Examining DHS’s Efforts to Combat the Opioid Epidemic*, 117th Cong. (May 18, 2022).

⁶*Id.*

⁷Government Accountability Office, *Border Security: CBP Could Improve How It Categorizes Drug Seizure Data and Evaluates Training* (GAO-22-104725) (May 2022) and U.S. Customs and Border Protection, Air and Sea Missions (www.cbp.gov/border-security/air-sea/missions) (accessed Aug. 18, 2022).

⁸U.S. Customs and Border Protection, Air and Sea Missions (www.cbp.gov/border-security/air-sea/missions) (accessed Aug. 18, 2022).

U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) is the principal DHS component for investigating transnational crime, including drug smuggling. HSI conducts federal criminal investigations at every stage of the illicit drug supply chain—internationally, at U.S. borders and ports of entry, and within the interior of the U.S.⁹ According to a May 2022 testimony from HSI’s Assistant Director, Mexican drug cartels serve as the primary source of drugs—in particular illicit fentanyl and methamphetamine—that enter the U.S. Cartels manufacture the drugs using precursor chemicals sourced from China and other countries. As part of its investigations, HSI targets cartels’ precursor supply chains to help prevent the manufacture of illicit drugs before they are smuggled to the U.S.¹⁰

S. 4645 improves DHS’s ability to carry out its counterdrug mission. Specifically, it requires DHS to enhance drug detection tools by supporting research and development to improve testing for fentanyl and other illicit drugs. It also requires DHS to develop a strategy and implementation plan to strengthen public-private partnerships with shipping, chemical, and pharmaceutical industries to assist with early detection and interdiction of illicit drugs and precursor chemicals. The bill directs DHS to assess its participation in the various counterdrug task forces in which it either leads or participates, including identifying areas of potential overlap and, if needed, developing a corrective action plan to address any deficiencies identified in the assessment. It authorizes DHS to provide danger pay to its personnel deployed abroad, to include those who are working to dismantle transnational criminal organizations that smuggle drugs.¹¹ The bill also eliminates the requirement for the Department of Defense to reimburse DHS for training provided to foreign vetted law enforcement officials, eliminating obstacles that DHS currently faces when providing training, including drug interdiction training, to foreign law enforcement partners. Finally, it authorizes AMO to cooperate with authorities in foreign territorial seas and air space with the consent of the country. With this authority, AMO may provide air and marine support to international partners to help identify and interdict drug smuggling in the host country or surrounding drug transit zones.

S. 4645 requires DHS to conduct a study on drug seizure data to improve information it uses for targeting and intelligence activities and enhance modeling of drug flow into the U.S. It also requires DHS to develop and implement a plan to improve its drug-related performance measures. Finally, the bill provides additional tools to assist DHS with dismantling transnational criminal organizations. The bill enables criminal prosecution of individuals who, for financial gain and to further a criminal organization, knowingly and willfully surveil, track, monitor, or transmit information about

⁹U.S. House of Representatives Committee on Homeland Security, Subcommittee on Border Security, Facilitation and Operations, Testimony Submitted for the Record of Steven W. Cagan, Assistant Director, Homeland Security Investigations, U.S. Immigrations and Customs Enforcement, Department of Homeland Security, *Hearing on Examining DHS’s Efforts to Combat the Opioid Epidemic*, 117th Cong. (May 18, 2022).

¹⁰*Id.*

¹¹An employee serving in a foreign area may be granted danger pay on the basis of, among other things, civil war, terrorism, or conditions which threaten physical harm or danger to the employee. With some exceptions, danger pay may not exceed 35 percent of the employee’s basic pay. (See Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, Pub. L. 101–246; (Also see 5 U.S.C. 5928 note).

the location and movement of federal, state, or tribal law enforcement officials or those who destroy border technology, such as sensors and cameras. It also grants ICE HSI seizure and forfeiture authorities for aircraft used by transnational criminal organizations to smuggle drugs.

III. LEGISLATIVE HISTORY

Senator Gary C. Peters (D–MI) introduced S. 4645, the Enhancing DHS Drug Seizures Act, on July 27, 2022, along with Senator Josh Hawley (R–MO).

The bill was referred to the Committee on Homeland Security and Governmental Affairs. The Committee considered S. 4645 at a business meeting on August 3, 2022. During the business meeting, a substitute amendment was offered by Senator Peters that made technical edits and added a sunset clause to required briefings. Senator Margaret Hassan (D–NH) offered an amendment that required the DHS Under Secretary for Science and Technology to further research and develop tools to test and detect fentanyl and other synthetic opioids. Senator Rob Portman (R–OH) offered an amendment to remove the permanent authority for CBP to pay claims that could arise from air and marine missions during overseas operations. The Peters Substitute Amendment, the Hassan Amendment, and the Portman Amendment were adopted by voice vote *en bloc* with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Lankford, Romney, Scott, and Hawley present.

The Committee ordered the bill, as amended, reported favorably by voice vote *en bloc* with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Lankford, Romney, Scott, and Hawley present.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title; Table of Contents

This section designates the name of the bill as the “Enhancing DHS Drug Seizures Act” and provides a table of contents.

Section 2. Drug testing and detection tools

Subsection (a) directs the Secretary of Homeland Security to enhance coordination with the Department of Energy’s National Laboratories to support DHS’s research and development needs related to testing for fentanyl and other illicit drugs.

Subsection (b) directs the DHS Under Secretary for Science and Technology, in coordination with the Commissioner of CBP and the Director of ICE, to research and develop tools to test for fentanyl and other synthetic opioids.

Subsection (c) sets a sunset of five years after the bill is enacted for subsections (a) and (b).

Section 3. Coordination and information sharing

Subsection (a) requires the Secretary of Homeland Security to develop a strategy and implementation plan to strengthen public-private partnerships with shipping, chemical, and pharmaceutical industries within 180 days of the enactment of the bill. It requires that the strategy contain goals and objectives to ensure that the practices learned from the public-private partnerships are included in DHS policies, best practices, and training. It also requires the

Secretary to develop an implementation plan for the strategy no later than 180 days after completing the strategy described above. The implementation plan is to contain roles, responsibilities, and timelines for accomplishing the goals and objectives outlined in the strategy. The Secretary is required to provide annual briefings to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the progress made in executing the implementation plan.

Subsection (b) requires the Secretary to assess the various counterdrug task forces in which DHS either leads or participates, including areas of potential overlap, best practices, processes for ensuring accountability for the oversight of partner agency task force members, and corrective action plans for any identified deficiencies. It also requires that the Secretary provide a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives within 180 days of enactment of the bill. The subsection also requires the Secretary to implement the corrective action plans and provide annual briefings to the committees.

Subsection (c) states that the Secretary may combine the annual briefing requirements in subsections (a) and (b) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives and that the briefings are required through fiscal year 2026.

Section 4. Danger pay for Department of Homeland Security personnel deployed abroad

This section adds DHS as one of the agencies authorized to provide danger pay to security personnel deployed abroad.

Section 5. Improving training to foreign-vetted law enforcement or national security units

This section authorizes the Secretary of Homeland Security or their designee to waive reimbursement for salary expenses for DHS personnel providing training to foreign-vetted law enforcement or national security units in accordance with an agreement with the Department of Defense.

Section 6. Enhancing the operations of U.S. Customs and Border Protection in foreign countries

Subsection (a) authorizes CBP employees, or other designated customs officers, to provide the support described in subsection (b) below to foreign government authorities within the territory of the foreign country on the condition that the United States has an arrangement with that foreign country for which CBP support is permitted. Support includes air and marine operations related to drug transit, trafficking of people and goods, terrorist threats, security or economic threats, emergency humanitarian efforts, and law enforcement capacity building.

Subsection (b) authorizes AMO to provide support to foreign government authorities by conducting joint operations with government officials within the territory of that foreign country.

Section 7. Drug seizure data improvement

Subsection (a) requires the Secretary of Homeland Security to conduct a study to determine if there are opportunities to improve the Department's drug seizure data collection within 180 days of enactment of this bill.

Subsection (b) requires that the study include a survey of the entities that use drug seizure data; any additional data fields or drug types need to be added to CBP's data systems in accordance with a U.S. Government Accountability Office recommendation; how DHS components can standardize drug seizure data collection and deconflict reporting; how DHS can better collect and analyze additional data on precursor chemicals, synthetic drugs, novel psychoactive substances, and analogues; and how DHS can improve its estimation model of drug flow into the United States.

Subsection (c) requires that, following the completion of the study, the Secretary of Homeland Security, in accordance with the Office of National Drug Control Policy's 2022 National Drug Control Strategy, modify DHS drug seizure policies and trainings consistent with the findings in the study. In addition, this subsection requires that the Commissioner of CBP, in consultation with the Director of ICE, update its systems to include the results of confirmatory drug testing.

Section 8. Drug performance measures

This section requires that the Secretary of Homeland Security, within 180 days of the enactment of this bill, develop and implement a DHS plan for outcome-based drug interdiction performance measures and utilize existing drug-related metrics and performance measures to achieve Departmental missions, goals, and targets.

Section 9. Penalties for hindering immigration, border, and customs controls

This section creates a criminal charge for illicit spotting (defined as those who knowingly and willfully surveil, track, monitor, or transmit information about the location and movement of federal, state, or tribal law enforcement officials) and a charge for the destruction of United States border controls (defined as the destruction or significant damage to border technology, such as sensors and cameras, barriers, or other devices used by the federal government to control the borders of the United States). To qualify as illicit spotting or destruction of U.S. border controls the relevant actions must be executed with the intent to secure financial gain, to further a criminal organization, and violate customs and trade laws or border controls. The section specifies that penalties for the charges can be a fine, imprisonment up to five years, or both.

Section 10. Modification of Homeland Security Investigations' authority for aircraft seizure and forfeiture

This section adds ICE to the current list of agencies authorized to seize and forfeit aircraft.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 9, 2022.

Hon. GARY C. PETERS,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed table summarizing estimated budgetary effects and mandates information for some of the legislation that has been ordered reported by the Senate Committee on Homeland Security and Governmental Affairs during the 117th Congress.

If you wish further details, we will be pleased to provide them. The CBO staff contact for each estimate is listed on the enclosed table.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

SUMMARY ESTIMATES OF LEGISLATION ORDERED REPORTED

The Congressional Budget Act of 1974 requires the Congressional Budget Office, to the extent practicable, to prepare estimates of the budgetary effects of legislation ordered reported by Congressional authorizing committees. In order to provide the Congress with as much information as possible, the attached table summarizes information about the estimated direct spending and revenue effects of some of the legislation that has been ordered reported by the Senate Committee on Homeland Security and Governmental Affairs during the 117th Congress. The legislation listed in this table generally would have small effects, if any, on direct spending or revenues, CBO estimates. Where possible, the table also provides information about the legislation's estimated effects on spending subject to appropriation and on intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act.

ESTIMATED BUDGETARY EFFECTS AND MANDATES INFORMATION

Bill Number	Title	Status	Last Action	Budget Function	Direct Spending, 2023-2032	Revenues, 2023-2032	Spending Subject to Appropriation, 2023-2027	Pay-As-You-Go Procedures Apply?	Increases On-Budget Deficits Beginning in 2033?	Mandates	Contact
S. 4645	Enhancing DHS Drug Seizures Act	Ordered reported	08/03/22	750	Between zero and \$500,000	Between zero and \$500,000	Not estimated	Yes	No	No	Jeremy Crimm

S. 4645 would establish policies at the Department of Homeland Security (DHS) to help restrict the flow of illicit drugs into the United States. Specifically, it would authorize a danger-pay allowance for certain DHS employees deployed abroad. The bill also would create new criminal penalties for hindering immigration or border controls. Finally, the bill would authorize DHS to waive reimbursement from foreign governments for providing training to law enforcement personnel and impose various reporting requirements. CBO estimates that enacting S. 4645 would increase direct spending and revenues by an insignificant amount over the 2023-2032 period. CBO has not estimated the discretionary costs of implementing the bill. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

* * * * *

**TITLE 5—GOVERNMENT ORGANIZATION
AND EMPLOYEES**

* * * * *

PART III—EMPLOYEES

* * * * *

Subpart D—Pay and Allowances

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CHAPTER 59—ALLOWANCES

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Subchapter III—Overseas Differentials and Allowances

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SEC. 5928. DANGER PAY ALLOWANCE.

* * * * *

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE

* * * * *

DANGER PAY ALLOWANCE; DEA OR FBI EMPLOYEE

Pub. L. 101–246, title I, § 151, Feb. 16, 1990, 104 Stat. 42, as amended by Pub. L. 107–273, div. C, title I, § 11005, Nov. 2, 2002, 116 Stat. 1817; Pub. L. 116–260, div. B, title II, § 221, Dec. 27, 2020, 134 Stat. 1266, provided that: “The Secretary of State may not deny a request by the Drug Enforcement Administration, the Federal Bureau of Investigation, *Department of Homeland Security*, or the United States Marshals Service to authorize a danger pay allowance (under section 5928 of title 5, United States Code) for any employee of such agency.”

* * * * *

TITLE 49—TRANSPORTATION

* * * * *

Subtitle VII—Aviation Programs

* * * * *

PART A—AIR COMMERCE AND SAFETY

* * * * *

Subpart IV—Enforcement and Penalties

* * * * *

CHAPTER 463—PENALTIES

* * * * *

SEC. 46306. REGISTRATION VIOLATIONS INVOLVING AIRCRAFT NOT PROVIDING AIR TRANSPORTATION.

- (a) * * *
- (b) * * *
- (c) * * *

(d) SEIZURE AND FORFEITURE.—(1) The Administrator of Drug Enforcement [or the Commissioner of U.S. Customs and Border Protection], the Commissioner of U.S. Customs and Border Protection, or the Director of U.S. Immigration and Customs Enforcement may seize and forfeit under the customs laws an aircraft whose use is related to a violation of subsection (b) of this section, or to aid or facilitate a violation, regardless of whether a person is charged with the violation.

* * * * *

TARIFF ACT OF 1930

* * * * *

TITLE IV—ADMINISTRATIVE PROVISIONS

* * * * *

PART V—ENFORCEMENT PROVISIONS

* * * * *

SEC. 629A. OPERATIONS IN FOREIGN COUNTRIES AND SUPPORT TO FOREIGN AUTHORITIES.

(a) IN GENERAL.—Employees of U.S. Customs and Border Protection and other customs officers designated in accordance with section 401(i) may provide the support described in subsection (b) to authorities of the government of a foreign country, including by con-

ducting joint operations with appropriate law enforcement officials within the territory of that country, if an arrangement has been entered into between the Government of the United States and the government of that country under which the provision of such support by U.S. Customs and Border Protection is permitted.

(b) *SUPPORT DESCRIBED.*—Support described in this subsection is air and marine support for—

- (1) the monitoring, locating, tracking, and deterrence of—
 - (A) illegal drugs to the United States;
 - (B) the illicit traffic of persons and goods into the United States;
 - (C) terrorist threats to the United States; and
 - (D) other threats to the security or economy of the United States;
- (2) emergency humanitarian efforts; and
- (3) law enforcement capacity-building efforts.

* * * * *

HOMELAND SECURITY ACT OF 2002

* * * * *

TITLE IV—BORDER, MARITIME, AND TRANSPORTATION SECURITY

* * * * *

Subtitle B—U.S. Customs and Border Protection

* * * * *

SEC. 411. ESTABLISHMENT OF U.S. CUSTOMS AND BORDER PROTECTION; COMMISSIONER, DEPUTY COMMISSIONER, AND OPERATIONAL OFFICES.

* * * * *

(f) **AIR AND MARINE OPERATIONS.**—

- (1) * * *
- (2) * * *
- (3) * * *

(4) *PERMISSIBLE ACTIVITIES.*—Air and Marine Operations may provide support to authorities of the government of a foreign country, including by conducting joint operations with appropriate government officials within the territory of such country in accordance with section 629A of the Tariff Act of 1930.

[(4)] (5) AIR AND MARINE OPERATIONS CENTER.—

* * * * *

IMMIGRATION AND NATIONALITY ACT

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*	*	*	*	*	*	*

TITLE II—IMMIGRATION

*	*	*	*	*	*	*
CHAPTER 8—GENERAL PENALTY PROVISIONS						
*	*	*	*	*	*	*

SECTION 274E. DESTROYING OR EVADING BORDER CONTROLS.

(a) *ILLICIT SPOTTING.*—

(1) *IN GENERAL.*—It shall be unlawful to knowingly surveil, track, monitor, or transmit the location, movement, or activities of any officer or employee of a Federal, State, or Tribal law enforcement agency with the intent to knowingly and willfully—

- (A) secure a financial gain;
- (B) further the objectives of a criminal organization; and
- (C) violate—

- (i) section 274(a)(1)(A)(i);
- (ii) the customs and trade laws of the United States (as defined in section 2(4) of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–125));
- (iii) any other Federal law relating to transporting controlled substances, agriculture, or monetary instruments into the United States; or
- (iv) any Federal law relating to border controls measures of the United States.

(2) *PENALTY.*—Any person who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

(b) *DESTRUCTION OF UNITED STATES BORDER CONTROLS.*—

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

- (A)(i) destroy or significantly damage any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control an international border of, or a port of entry to, the United States; or
- (ii) otherwise construct, excavate, or make any structure intended to defeat, circumvent or evade such a fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal Government to control an international border of, or a port of entry to, the United States; and

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

- (i) secure a financial gain;*
 - (ii) further the objectives of a criminal organization;*
- and*

(iii) violate—

(I) section 274(a)(1)(A)(i);

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

(III) any other Federal law relating to transporting controlled substances, agriculture, or monetary instruments into the United States; or

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

(2) PENALTY.—Any person who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

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