

115TH CONGRESS
2^D SESSION

H. R. 5762

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2018

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

AN ACT

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”.

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

8 Section 708 of the Homeland Security Act of 2002
9 (6 U.S.C. 348) is amended—

10 (1) in subsection (b)(2)(A), by adding at the
11 end the following new clause:

12 “(iv) Enhancing the integration of the
13 Department’s border security operations to
14 detect, interdict, disrupt, and prevent nar-
15 cotics, such as fentanyl and other synthetic
16 opioids, from entering the United States.”;
17 and

18 (2) in subsection (b)—

19 (A) by redesignating paragraphs (9)
20 through (13) as paragraphs (11) through (15),
21 respectively; and

22 (B) by inserting after paragraph (8) the
23 following new paragraph:

24 “(9) **ENGAGEMENT WITH THE PRIVATE SEC-**
25 **TOR.**—

1 “(A) IN GENERAL.—The Director of a
2 Joint Task Force may engage with representa-
3 tives from a private sector organization for the
4 purpose of carrying out the mission of such
5 Joint Task Force, and any such engagement
6 shall not be subject to the Federal Advisory
7 Committee Act (5 U.S.C. App.).

8 “(B) ASSISTANCE FROM PRIVATE SEC-
9 TOR.—

10 “(i) IN GENERAL.—Notwithstanding
11 subsection (b)(1), the Secretary, with the
12 agreement of a private sector organization,
13 may arrange for the temporary assignment
14 of an employee of such organization to a
15 Joint Task Force in accordance with this
16 paragraph.

17 “(ii) AGREEMENT.—The Secretary
18 shall provide for a written agreement be-
19 tween the Department, the private sector
20 organization concerned, and the employee
21 concerned regarding the terms and condi-
22 tions of the assignment of such employee
23 under this paragraph.

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 subsection (b)(2)(A)
14 and any other Federal, State, local, tribal, terri-
15 torial, or international entity or task force estab-
16 lished for a similar purpose may collaborate for the
17 purpose of carrying out the mission of such Joint
18 Task Force.”.

19 **SEC. 3. NOTIFICATION; REPORTING.**

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

23 (1) make a determination regarding whether to
24 establish a Joint Task Force under section 708 of
25 the Homeland Security Act of 2002 to carry out the

1 purpose specified in clause (iv) of subsection
2 (b)(2)(A) of such section, as added by section 2 of
3 this Act; and

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

11 (b) REPORTING.—If the Secretary of Homeland Se-
12 curity establishes a Joint Task Force under section 708
13 of the Homeland Security Act of 2002 to carry out the
14 purpose specified in clause (iv) of subsection (b)(2)(A) of
15 such section, as added by section 2 of this Act, the Sec-
16 retary shall—

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

20 (A) a gap analysis of funding, personnel,
21 technology, or other resources needed in order
22 to detect, interdict, disrupt, and prevent nar-
23 cotics, such as fentanyl and other synthetic
24 opioids, from entering the United States; and

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

9 (2) in each report required under subsection
10 (b)(11)(C) of section 708 of the Homeland Security
11 Act of 2002, as redesignated by section 2 of this
12 Act, an assessment of the activities of such a Joint
13 Task Force, including an evaluation of whether such
14 Joint Task Force has enhanced integration of the
15 Department's efforts, created any unique capabili-
16 ties, or otherwise enhanced operational effectiveness,
17 coordination, or information sharing to detect, inter-
18 dict, disrupt, and prevent narcotics, such as fentanyl
19 and other synthetic opioids, from entering the
20 United States.

Passed the House of Representatives June 19, 2018.

Attest:

KAREN L. HAAS,

Clerk.