

118TH CONGRESS
1ST SESSION

S. _____

To authorize the Secretary of Defense to conduct detection, monitoring, and other operations in cyberspace to counter Mexican transnational criminal organizations that are engaged in certain activities that cross the southern border of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. ROUNDS introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To authorize the Secretary of Defense to conduct detection, monitoring, and other operations in cyberspace to counter Mexican transnational criminal organizations that are engaged in certain activities that cross the southern border of 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 “Countering Mexican
5 Transnational Criminal Organizations in Cyberspace Act
6 of 2023”.

1 **SEC. 2. AUTHORITY FOR COUNTERING ILLEGAL TRAF-**
2 **FICKING BY MEXICAN TRANSNATIONAL**
3 **CRIMINAL ORGANIZATIONS IN CYBERSPACE.**

4 (a) AUTHORITY.—

5 (1) IN GENERAL.—In accordance with sections
6 124 and 394 of title 10, United States Code, the
7 Secretary of Defense may, in coordination with other
8 relevant Federal departments and agencies and in
9 consultation with the Government of Mexico as ap-
10 propriate, conduct detection, monitoring, and other
11 operations in cyberspace to counter Mexican
12 transnational criminal organizations that are en-
13 gaged in any of the following activities that cross the
14 southern border of the United States:

15 (A) Smuggling of illegal drugs, controlled
16 substances, or precursors thereof.

17 (B) Human trafficking.

18 (C) Weapons trafficking.

19 (D) Other illegal activities.

20 (2) CERTAIN ENTITIES.—The authority pro-
21 vided by paragraph (1) may be used to counter
22 Mexican transnational criminal organizations, in-
23 cluding entities cited in the most recent National
24 Drug Threat Assessment published by the United
25 States Drug Enforcement Administration, that are
26 engaged in the activities described in (1).

1 (b) CYBER STRATEGY FOR COUNTERING ILLEGAL
2 TRAFFICKING BY TRANSNATIONAL CRIMINAL ORGANIZA-
3 TIONS AFFECTING THE SECURITY OF UNITED STATES
4 SOUTHERN BORDER.—

5 (1) STRATEGY REQUIRED.—Not later than 60
6 days after the date of the enactment of this Act, the
7 Secretary shall, in consultation with the National
8 Cyber Director and the heads of such other Federal
9 departments and agencies as the Secretary considers
10 appropriate, submit to the appropriate congressional
11 committees a strategy for conducting operations in
12 cyberspace under subsection (a).

13 (2) ELEMENTS.—The strategy submitted pur-
14 suant to paragraph (1) shall include the following:

15 (A) A description of the cyberspace pres-
16 ence and activities, including any information
17 operations, of the entities described under sub-
18 section (a)(2) pose to the national security of
19 the United States.

20 (B) A description of any previous actions
21 taken by the Department of Defense to conduct
22 operations in cyberspace to counter illegal ac-
23 tivities by transnational criminal organizations,
24 and a description of those actions.

1 (C) An assessment of the financial, techno-
2 logical, and personnel resources that the Sec-
3 retary can deploy to exercise the authority pro-
4 vided in subsection (a) to counter illegal traf-
5 ficking by transnational criminal organizations.

6 (D) Recommendations, if any, for addi-
7 tional authorities as may be required to en-
8 hance the exercise of the authority provided in
9 subsection (a).

10 (E) A description of the extent to which
11 the Secretary has worked, or intends to work,
12 with the Government of Mexico, interagency
13 partners, and the private sector to enable oper-
14 ations in cyberspace against illegal trafficking
15 by transnational criminal organizations.

16 (F) A description of the security coopera-
17 tion programs in effect on the day before the
18 date of the enactment of this Act that would
19 enable the Secretary to cooperate with Mexican
20 defense partners against illegal trafficking by
21 transnational criminal organizations in cyber-
22 space.

23 (G) An assessment of the potential risks
24 associated with cooperating with Mexican coun-
25 terparts against transnational criminal organi-

1 zations in cyberspace and ways that those risks
2 can be mitigated, including in cooperation with
3 Mexican partners.

4 (H) A description of any cooperation
5 agreements or initiatives in effect on the day
6 before the date of the enactment of this Act
7 with interagency partners and the government
8 of Mexico to counter transnational criminal or-
9 ganizations in cyberspace.

10 (c) QUARTERLY MONITORING BRIEFING.—The Sec-
11 retary shall, on a quarterly basis in conjunction with the
12 briefings required by section 484 of title 10, United States
13 Code, provide to the appropriate congressional committees
14 a briefing setting forth, for the preceding calendar quar-
15 ter, the following:

16 (1) Each country in which an operation was
17 conducted under subsection (a).

18 (2) The purpose and nature of each operation
19 set forth pursuant to paragraph (1).

20 (3) The start date and end date or expected du-
21 ration of each operation set forth pursuant to para-
22 graph (1).

23 (4) The elements of the Department of Defense
24 down to O-6 command level who conducted or are

1 conducting the operations set forth pursuant to
2 paragraph (1).

3 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be construed to supersede any standing prohibi-
5 tions on collection of information on United States per-
6 sons.