

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

H. R. 7832

To require the Secretary of Homeland Security to develop a plan to identify, integrate, and deploy new, innovative, disruptive, or other emerging or advanced technologies to enhance, or address capability gaps in, border security operations, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. PETERS

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emerging Innovative
5 Border Technologies Act”.

6 **SEC. 2. INNOVATIVE AND EMERGING BORDER TECH-**
7 **NOLOGY PLAN.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of the enactment of this Act, the Secretary of Home-
10 land Security, acting through the Commissioner for U.S.

1 Customs and Border Protection (referred to in this section
2 as “CBP”) and the Under Secretary for Science and
3 Technology of the Department of Homeland Security, in
4 consultation with the Department’s Chief Information Of-
5 ficer, Chief Procurement Officer, Privacy Officer, Civil
6 Right and Civil Liberties Officer, General Counsel, and
7 any other relevant offices and components of the Depart-
8 ment of Homeland Security, shall submit a plan to the
9 Committee on Homeland Security and Governmental Af-
10 fairs of the Senate and the Committee on Homeland Secu-
11 rity of the House of Representatives for identifying, inte-
12 grating, and deploying new, innovative, disruptive, or
13 other emerging or advanced technologies that are safe and
14 secure to enhance CBP capabilities to meet its mission
15 needs along international borders or at ports of entry.

16 (b) CONTENTS.—The plan required under subsection
17 (a) shall include—

18 (1) information regarding how CBP utilizes the
19 CBP Innovation Team authority under subsection
20 (c) and other mechanisms to carry out the purposes
21 described in subsection (a);

22 (2) an assessment of the contributions directly
23 attributable to such utilization;

24 (3) information regarding—

1 (A) the composition of each CBP Innova-
2 tion Team; and

3 (B) how each CBP Innovation Team co-
4 ordinates and integrates efforts with the CBP
5 acquisition program office and other partners
6 within CBP and the Department of Homeland
7 Security;

8 (4) the identification of technologies used by
9 other Federal departments or agencies not in use by
10 CBP that could assist in enhancing mission needs
11 along international borders or at ports of entry;

12 (5) an analysis of authorities available to CBP
13 to procure technologies referred to in subsection (a);

14 (6) an assessment of whether additional or al-
15 ternative authorities are needed to carry out the
16 purposes described in subsection (a);

17 (7) an explanation of how CBP plans to scale
18 existing programs related to emerging or advanced
19 technologies that are safe and secure into programs
20 of record;

21 (8) a description of each planned security-re-
22 lated technology program, including objectives, goals,
23 and timelines for each such program;

24 (9) an assessment of the potential privacy, civil
25 rights, civil liberties, and safety impacts of these

1 technologies on individuals, and potential mitigation
2 measures;

3 (10) an assessment of CBP legacy border tech-
4 nology programs that could be phased out and re-
5 placed with technologies referred to in subsection
6 (a), including cost estimates relating to such phase
7 out and replacement;

8 (11) information relating to how CBP is coordi-
9 nating with the Department of Homeland Security's
10 Science and Technology Directorate—

11 (A) to research and develop new, innova-
12 tive, disruptive, or other emerging or advanced
13 technologies that are safe and secure to carry
14 out the purposes described in subsection (a);

15 (B) to identify new, innovative, disruptive,
16 or other emerging or advanced technologies that
17 are safe and secure and that are in development
18 or have been deployed by the private and public
19 sectors and may satisfy the mission needs of
20 CBP, with or without adaptation;

21 (C) to incentivize the private sector to de-
22 velop technologies, including privacy enhancing
23 technologies, that may help CBP meet mission
24 needs to enhance, or address capability gaps in,
25 border security operations; and

1 (D) to identify and assess ways to increase
2 opportunities for communication and collabora-
3 tion with the private sector, small, and dis-
4 advantaged businesses, intra-governmental enti-
5 ties, university centers of excellence, and Fed-
6 eral laboratories to leverage emerging tech-
7 nology and research within the public and pri-
8 vate sectors;

9 (12) information relating to CBP's coordination
10 with the Department of Homeland Security official
11 responsible for artificial intelligence policy to ensure
12 the plan complies with the Department's policies and
13 measures promoting responsible use of artificial in-
14 telligence;

15 (13) information regarding metrics and key
16 performance parameters for evaluating the effective-
17 ness of efforts to identify, integrate, and deploy new,
18 innovative, disruptive, or other emerging or ad-
19 vanced technologies that are safe and secure to carry
20 out the purposes described in subsection (a);

21 (14) the identification of recent technological
22 advancements relating to—

23 (A) manned aircraft sensor, communica-
24 tion, and common operating picture technology;

1 (B) unmanned aerial systems and related
2 technology, including counter-unmanned aerial
3 system technology;

4 (C) surveillance technology, including—

5 (i) mobile surveillance vehicles;

6 (ii) associated electronics, including
7 cameras, sensor technology, and radar;

8 (iii) tower-based surveillance tech-
9 nology;

10 (iv) advanced unattended surveillance
11 sensors; and

12 (v) deployable, lighter-than-air,
13 ground surveillance equipment;

14 (D) nonintrusive inspection technology, in-
15 cluding non-X-ray devices utilizing muon to-
16 mography and other advanced detection tech-
17 nology;

18 (E) tunnel detection technology;

19 (F) communications equipment, includ-
20 ing—

21 (i) radios;

22 (ii) long-term evolution broadband;

23 (iii) miniature satellites;

24 (15) information relating to how CBP is coordi-
25 nating with the Department of Homeland Security's

1 Chief Information Officer, Chief Technology Officer,
2 Privacy Officer, Civil Rights and Civil Liberties Offi-
3 cer, General Counsel, and other relevant offices and
4 components of the Department in researching, devel-
5 oping, acquiring, or scaling new, innovative, disrupt-
6 tive, or other emerging or advanced technologies
7 that are safe and secure; and

8 (16) any other information the Secretary deter-
9 mines to be relevant.

10 (c) CBP INNOVATION TEAM AUTHORITY.—

11 (1) IN GENERAL.—The Commissioner for CBP
12 is authorized to maintain 1 or more CBP Innovation
13 Teams to research and adapt commercial tech-
14 nologies that are new, innovative, disruptive, privacy
15 enhancing, or otherwise emerging or advanced and
16 may be used by CBP—

17 (A) to enhance mission needs along inter-
18 national borders and at ports of entry; and

19 (B) to assess potential outcomes, including
20 any negative consequences, of the introduction
21 of emerging or advanced technologies with re-
22 spect to which documented capability gaps in
23 border security operations are yet to be deter-
24 mined.

1 (2) FUNCTIONS.—Each CBP Innovation Team
2 shall—

3 (A) operate consistent with the Depart-
4 ment of Homeland Security’s and CBP’s—

5 (i) procurement and acquisition man-
6 agement policy; and

7 (ii) policies pertaining to responsible
8 use of artificial intelligence; and

9 (B) consult with the Officer for Civil
10 Rights and Civil Liberties and the Privacy Offi-
11 cer of the Department of Homeland Security to
12 ensure programs, policies, and procedures in-
13 volving civil rights, civil liberties, and privacy
14 considerations are addressed in an integrated
15 and comprehensive manner.

16 (3) OPERATING PROCEDURES, PLANNING, STRA-
17 TEGIC GOALS.—The Commissioner for CBP shall re-
18 quire each CBP Innovation Team maintained pursu-
19 ant to paragraph (1) to establish, in coordination
20 with other appropriate offices of the Department of
21 Homeland Security—

22 (A) operating procedures, which shall in-
23 clude—

24 (i) specificity regarding roles and re-
25 sponsibilities within each such team and

1 with respect to Department of Homeland
2 Security and non-Federal partners; and

3 (ii) protocols for entering into agree-
4 ments to rapidly transition such tech-
5 nologies to existing or new programs of
6 record to carry out the purposes described
7 in subsection (a);

8 (B) planning and strategic goals for each
9 such team that includes projected costs, time
10 frames, metrics, and key performance param-
11 eters relating to the achievement of identified
12 strategic goals, including a metric to measure
13 the rate at which technologies described in sub-
14 section (a) are transitioned to existing or new
15 programs of record in accordance with subpara-
16 graph (A); and

17 (C) operating procedures that ensure each
18 such team is in compliance with all applicable
19 laws, rules, and regulations and with the De-
20 partment of Homeland Security's policies per-
21 taining to procurement and acquisition manage-
22 ment, privacy, civil rights and civil liberties, and
23 the responsible use of artificial intelligence, in-
24 cluding risk assessments and ongoing moni-
25 toring to ensure accuracy and reliability.

1 (4) ANNUAL REPORT.—Not later than 180 days
2 after the date of the enactment of this Act and an-
3 nually thereafter, the Commissioner for CBP shall
4 submit to the Committee on Homeland Security and
5 Governmental Affairs of the Senate and the Com-
6 mittee on Homeland Security of the House of Rep-
7 resentatives information relating to the activities of
8 CBP Innovation Teams, including—

9 (A) copies of operating procedures and
10 protocols required under paragraph (2)(A) and
11 planning and strategic goals required under
12 paragraph (2)(B);

13 (B) descriptions of the technologies piloted
14 by each such team during the immediately pre-
15 ceding fiscal year, including—

16 (i) information regarding which such
17 technologies are determined to have been
18 successful; and

19 (ii) the identification of documented
20 capability gaps that are being addressed;
21 and

22 (C) information regarding the status of ef-
23 forts to rapidly transition technologies deter-
24 mined successful to existing or new programs of
25 record.

1 (d) COST-BENEFIT.—Before initiating the large-scale
2 deployment of any new technology contained in the plan
3 required under subsection (a), the Secretary of Homeland
4 Security shall consider the costs and benefits to the Gov-
5 ernment to ensure that the deployment of such technology
6 will provide quantifiable improvements to border security.