

Calendar No. 625

116TH CONGRESS
2D SESSION**S. 4224****[Report No. 116–322]**

To require the Secretary of Homeland Security to assess technology needs along the Southern border and develop a strategy for bridging such gaps.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2020

Ms. SINEMA (for herself, Mr. CORNYN, and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 14, 2020

Reported by Mr. JOHNSON, with an amendment

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

A BILL

To require the Secretary of Homeland Security to assess technology needs along the Southern border and develop a strategy for bridging such gaps.

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 “Southwest Border Se-
5 curity Technology Improvement Act of 2020”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
 4 **TEES.**—The term “appropriate congressional com-
 5 **mittees” means—**

6 (A) the Committee on Homeland Security
 7 and Governmental Affairs of the Senate; and

8 (B) the Committee on Homeland Security
 9 of the House of Representatives.

10 (2) **DEPARTMENT.**—The term “Department”
 11 means the Department of Homeland Security.

12 (3) **SECRETARY.**—The term “Secretary” means
 13 the Secretary of Homeland Security.

14 (4) **SOUTHWEST BORDER.**—The term “South-

15 west border” means the international land border

16 between the United States and Mexico, including the

17 ports of entry along such border.

18 **SEC. 3. SOUTHERN BORDER TECHNOLOGY NEEDS ANAL-**
 19 **YSIS AND UPDATES.**

20 (a) **TECHNOLOGY NEEDS ANALYSIS.**—Not later than

21 1 year after the date of the enactment of this Act, the

22 Secretary shall submit, to the appropriate congressional

23 committees, a technology needs analysis for border secu-

24 rity technology along the Southwest border.

25 (b) **CONTENTS.**—The analysis required under sub-

26 section (a) shall include an assessment of—

1 (1) the technology needs and gaps along the
2 Southwest border—

3 (A) to prevent terrorists and instruments
4 of terror from entering the United States;

5 (B) to combat and reduce cross-border
6 criminal activity, including, but not limited to—

7 (i) the transport of illegal goods, such
8 as illicit drugs; and

9 (ii) human smuggling and human
10 trafficking; and

11 (C) to facilitate the flow of legal trade
12 across the Southwest border;

13 (2) recent technological advancements in—

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

16 (B) unmanned aerial systems and related
17 technology, including counter-unmanned aerial
18 system technology;

19 (C) surveillance technology, including—

20 (i) mobile surveillance vehicles;

21 (ii) associated electronics, including
22 cameras, sensor technology, and radar;

23 (iii) tower-based surveillance tech-
24 nology;

1 (iv) advanced unattended surveillance
2 sensors; and

3 (v) deployable, ~~lighter-than-air,~~
4 ground surveillance equipment;

5 (D) nonintrusive inspection technology, in-
6 cluding ~~non-X-ray~~ devices utilizing muon to-
7 mography and other advanced detection tech-
8 nology;

9 (E) tunnel detection technology; and

10 (F) communications equipment, includ-
11 ing—

12 (i) radios;

13 (ii) long-term evolution broadband;

14 and

15 (iii) miniature satellites;

16 (3) any other technological advancements that
17 the Secretary determines to be critical to the De-
18 partment's mission along the Southwest border;

19 (4) whether the use of the technological ad-
20 vances described in paragraphs (2) and (3) will—

21 (A) improve border security;

22 (B) improve the capability of the Depart-
23 ment to accomplish its mission along the South-
24 west border;

1 (C) reduce technology gaps along the
2 Southwest border; and

3 (D) enhance the safety of any officer or
4 agent of the Department or any other Federal
5 agency;

6 (5) the Department's ongoing border security
7 technology development efforts, including efforts
8 by—

9 (A) U.S. Customs and Border Protection;

10 (B) the Science and Technology Direc-
11 torate; and

12 (C) the technology assessment office of any
13 other operational component;

14 (6) the technology needs for improving border
15 security, such as—

16 (A) information technology or other com-
17 puter or computing systems data capture;

18 (B) biometrics;

19 (C) cloud storage; and

20 (D) intelligence data sharing capabilities
21 among agencies within the Department;

22 (7) any other technological needs or factors, in-
23 cluding border security infrastructure, such as phys-
24 ical barriers or dual-purpose infrastructure, that the
25 Secretary determines should be considered; and

1 ~~(8) currently deployed technology or new tech-~~
 2 ~~nology that would improve the Department's abil-~~
 3 ~~ity—~~

4 ~~(A) to reasonably achieve operational con-~~
 5 ~~trol and situational awareness along the South-~~
 6 ~~west border; and~~

7 ~~(B) to collect metrics for securing the bor-~~
 8 ~~der at and between ports of entry, as required~~
 9 ~~under subsections (b) and (c) of section 1092 of~~
 10 ~~division A of the National Defense Authoriza-~~
 11 ~~tion Act for Fiscal Year 2017 (6 U.S.C. 223).~~

12 ~~(c) UPDATES.—~~

13 ~~(1) IN GENERAL.—Not later than 1 year after~~
 14 ~~the submission of the analysis required under sub-~~
 15 ~~section (a), and annually for the following 4 years,~~
 16 ~~the Secretary shall submit an update to such anal-~~
 17 ~~ysis to the appropriate congressional committees.~~

18 ~~(2) CONTENTS.—Each update required under~~
 19 ~~paragraph (1) shall include a plan for utilizing the~~
 20 ~~resources of the Department to meet the border se-~~
 21 ~~curity technology needs and gaps identified pursuant~~
 22 ~~to subsection (b), including developing or acquiring~~
 23 ~~technologies not currently in use by the Department~~
 24 ~~that would allow the Department to bridge existing~~
 25 ~~border technology gaps along the Southwest border.~~

1 (d) ITEMS TO BE CONSIDERED.—In compiling the
2 technology needs analysis and updates required under this
3 section, the Secretary shall consider and examine—

4 (1) technology that is deployed and is sufficient
5 for the Department's use along the Southwest bor-
6 der;

7 (2) technology that is deployed, but is insuffi-
8 cient for the Department's use along the Southwest
9 border; and

10 (3) technology that is not deployed, but is nec-
11 essary for the Department's use along the Southwest
12 border;

13 (4) current formal departmental requirements
14 documentation examining current border security
15 threats and challenges faced by any component of
16 the Department;

17 (5) trends and forecasts regarding migration
18 across the Southwest border;

19 (6) the impact on projected staffing and deploy-
20 ment needs for the Department, including staffing
21 needs that may be fulfilled through the use of tech-
22 nology;

23 (7) the needs and challenges faced by employees
24 of the Department who are deployed along the
25 Southwest border;

1 (8) the need to improve cooperation among
 2 Federal, State, tribal, local, and Mexican law en-
 3 forcement entities to enhance security along the
 4 Southwest border;

5 (9) the privacy implications of existing tech-
 6 nology and the acquisition and deployment of new
 7 technologies and supporting infrastructure, with an
 8 emphasis on how privacy risks might be mitigated
 9 through the use of technology, training, and policy;

10 (10) the impact of any ongoing public health
 11 emergency that impacts the Southwest border; and

12 (11) the ability of, and the needs for, the De-
 13 partment to assist with search and rescue efforts for
 14 individuals or groups that may be in physical danger
 15 or in need of medical assistance.

16 (e) ~~CLASSIFIED FORM.~~—To the extent possible, the
 17 Secretary shall submit the technology needs analysis and
 18 updates required under this section in unclassified form,
 19 but may submit such documents, or portions of such docu-
 20 ments, in classified form if the Secretary determines that
 21 such action is appropriate.

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “Southwest Border Secu-*
 24 *rity Technology Improvement Act of 2020”.*

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

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 4 *TEES.—The term “appropriate congressional commit-*
 5 *tees” means—*

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 9 *the House of Representatives.*

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 11 *means the Department of Homeland Security.*

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 13 *the Secretary of Homeland Security.*

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 15 *border” means the international land border between*
 16 *the United States and Mexico, including the ports of*
 17 *entry along such border.*

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 19 **YSIS AND UPDATES.**

20 (a) *TECHNOLOGY NEEDS ANALYSIS.—Not later than*
 21 *1 year after the date of the enactment of this Act, the Sec-*
 22 *retary shall submit, to the appropriate congressional com-*
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 24 *nology along the Southwest border.*

25 (b) *CONTENTS.—The analysis required under sub-*
 26 *section (a) shall include an assessment of—*

1 (1) *the technology needs and gaps along the*
2 *Southwest border—*

3 (A) *to prevent terrorists and instruments of*
4 *terror from entering the United States;*

5 (B) *to combat and reduce cross-border*
6 *criminal activity, including, but not limited*
7 *to—*

8 (i) *the transport of illegal goods, such*
9 *as illicit drugs; and*

10 (ii) *human smuggling and human*
11 *trafficking; and*

12 (C) *to facilitate the flow of legal trade*
13 *across the Southwest border;*

14 (2) *recent technological advancements in—*

15 (A) *manned aircraft sensor, communica-*
16 *tion, and common operating picture technology;*

17 (B) *unmanned aerial systems and related*
18 *technology, including counter-unmanned aerial*
19 *system technology;*

20 (C) *surveillance technology, including—*

21 (i) *mobile surveillance vehicles;*

22 (ii) *associated electronics, including*
23 *cameras, sensor technology, and radar;*

24 (iii) *tower-based surveillance tech-*
25 *nology;*

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2 sensors; and

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4 surveillance equipment;

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6 cluding non-X-ray devices utilizing muon tomog-
7 raphy and other advanced detection technology;

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16 the Secretary determines to be critical to the Depart-
17 ment's mission along the Southwest border;

18 (4) whether the use of the technological advances
19 described in paragraphs (2) and (3) will—

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22 ment to accomplish its mission along the South-
23 west border;

24 (C) reduce technology gaps along the South-
25 west border; and

1 (D) enhance the safety of any officer or
2 agent of the Department or any other Federal
3 agency;

4 (5) the Department's ongoing border security
5 technology development efforts, including efforts by—

6 (A) U.S. Customs and Border Protection;

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8 and

9 (C) the technology assessment office of any
10 other operational component;

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12 curity, such as—

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14 puter or computing systems data capture;

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18 among agencies within the Department;

19 (7) any other technological needs or factors, in-
20 cluding border security infrastructure, such as phys-
21 ical barriers or dual-purpose infrastructure, that the
22 Secretary determines should be considered; and

23 (8) currently deployed technology or new tech-
24 nology that would improve the Department's abil-
25 ity—

1 (A) to reasonably achieve operational con-
2 trol and situational awareness along the South-
3 west border; and

4 (B) to collect metrics for securing the border
5 at and between ports of entry, as required under
6 subsections (b) and (c) of section 1092 of division
7 A of the National Defense Authorization Act for
8 Fiscal Year 2017 (6 U.S.C. 223).

9 (c) *UPDATES.*—

10 (1) *IN GENERAL.*—Not later than 2 years after
11 the submission of the analysis required under sub-
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13 lowing 4 years, the Secretary shall submit an update
14 to such analysis to the appropriate congressional
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17 *across the Southwest border;*

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11 *emergency that impacts Department operations along*
12 *the Southwest border; and*

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14 *ment to assist with search and rescue efforts for indi-*
15 *viduals or groups that may be in physical danger or*
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