

118TH CONGRESS
2D SESSION

S. _____

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 that are safe and secure to enhance U.S. Customs and Border Protection’s capabilities to meet its mission needs along international borders and at ports of entry.

IN THE SENATE OF THE UNITED STATES

Ms. CORTEZ MASTO introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

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 that are safe and secure to enhance U.S. Customs and Border Protection’s capabilities to meet its mission needs along international borders and at ports of entry.

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 “Emerging Innovative
5 Border Technologies Act”.

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

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of Home-
5 land Security, acting through the Commissioner for U.S.
6 Customs and Border Protection (referred to in this section
7 as “CBP”) and the Under Secretary for Science and
8 Technology of the Department of Homeland Security, in
9 consultation with the Department’s Chief Information Of-
10 ficer, Chief Procurement Officer, Privacy Officer, Civil
11 Right and Civil Liberties Officer, General Counsel, and
12 any other relevant offices and components of the Depart-
13 ment of Homeland Security, shall submit a plan to the
14 Committee on Homeland Security and Governmental Af-
15 fairs of the Senate and the Committee on Homeland Secu-
16 rity of the House of Representatives for identifying, inte-
17 grating, and deploying new, innovative, disruptive, or
18 other emerging or advanced technologies that are safe and
19 secure to enhance CBP capabilities to meet its mission
20 needs along international borders or at ports of entry.

21 (b) CONTENTS.—The plan required under subsection

22 (a) shall include—

23 (1) information regarding how CBP utilizes the
24 CBP Innovation Team authority under subsection
25 (c) and other mechanisms to carry out the purposes
26 described in subsection (a);

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

3 (3) information regarding—

4 (A) the composition of each CBP Innova-
5 tion Team; and

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

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

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

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

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

1 (8) a description of each planned security-re-
2 lated technology program, including objectives, goals,
3 and timelines for each such program;

4 (9) an assessment of the potential privacy, civil
5 rights, civil liberties, and safety impacts of these
6 technologies on individuals, and potential mitigation
7 measures;

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

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

16 (A) to research and develop new, innova-
17 tive, disruptive, or other emerging or advanced
18 technologies that are safe and secure to carry
19 out the purposes described in subsection (a);

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

1 (C) to incentivize the private sector to de-
2 velop technologies, including privacy enhancing
3 technologies, that may help CBP meet mission
4 needs to enhance, or address capability gaps in,
5 border security operations; and

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

14 (12) information relating to CBP's coordination
15 with the Department of Homeland Security official
16 responsible for artificial intelligence policy to ensure
17 the plan complies with the Department's policies and
18 measures promoting responsible use of artificial in-
19 telligence;

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

1 (14) the identification of recent technological
2 advancements relating to—

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

5 (B) unmanned aerial systems and related
6 technology, including counter-unmanned aerial
7 system technology;

8 (C) surveillance technology, including—

9 (i) mobile surveillance vehicles;

10 (ii) associated electronics, including
11 cameras, sensor technology, and radar;

12 (iii) tower-based surveillance tech-
13 nology;

14 (iv) advanced unattended surveillance
15 sensors; and

16 (v) deployable, lighter-than-air,
17 ground surveillance equipment;

18 (D) nonintrusive inspection technology, in-
19 cluding non-X-ray devices utilizing muon to-
20 mography and other advanced detection tech-
21 nology;

22 (E) tunnel detection technology;

23 (F) communications equipment, includ-
24 ing—

25 (i) radios;

1 (ii) long-term evolution broadband;

2 (iii) miniature satellites;

3 (15) information relating to how CBP is coordi-
4 nating with the Department of Homeland Security's
5 Chief Information Officer, Chief Technology Officer,
6 Privacy Officer, Civil Rights and Civil Liberties Offi-
7 cer, General Counsel, and other relevant offices and
8 components of the Department in researching, devel-
9 oping, acquiring, or scaling new, innovative, disrupt-
10 tive, or other emerging or advanced technologies
11 that are safe and secure; and

12 (16) any other information the Secretary deter-
13 mines to be relevant.

14 (c) CBP INNOVATION TEAM AUTHORITY.—

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

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

23 (B) to assess potential outcomes, including
24 any negative consequences, of the introduction
25 of emerging or advanced technologies with re-

1 spect to which documented capability gaps in
2 border security operations are yet to be deter-
3 mined.

4 (2) FUNCTIONS.—Each CBP Innovation Team
5 shall—

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

8 (i) procurement and acquisition man-
9 agement policy; and

10 (ii) policies pertaining to responsible
11 use of artificial intelligence; and

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

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

1 (A) operating procedures, which shall in-
2 clude—

3 (i) specificity regarding roles and re-
4 sponsibilities within each such team and
5 with respect to Department of Homeland
6 Security and non-Federal partners; and

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

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

21 (C) operating procedures that ensure each
22 such team is in compliance with all applicable
23 laws, rules, and regulations and with the De-
24 partment of Homeland Security's policies per-
25 taining to procurement and acquisition manage-

1 ment, privacy, civil rights and civil liberties, and
2 the responsible use of artificial intelligence, in-
3 cluding risk assessments and ongoing moni-
4 toring to ensure accuracy and reliability.

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

13 (A) copies of operating procedures and
14 protocols required under paragraph (2)(A) and
15 planning and strategic goals required under
16 paragraph (2)(B);

17 (B) descriptions of the technologies piloted
18 by each such team during the immediately pre-
19 ceding fiscal year, including—

20 (i) information regarding which such
21 technologies are determined to have been
22 successful; and

23 (ii) the identification of documented
24 capability gaps that are being addressed;
25 and

1 (C) information regarding the status of ef-
2 forts to rapidly transition technologies deter-
3 mined successful to existing or new programs of
4 record.

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