

117TH CONGRESS  
2D SESSION

# S. 5052

To require reports, evaluations, and research by the Department of Homeland Security regarding drug interdiction along the border, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2022

Mr. KELLY introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To require reports, evaluations, and research by the Department of Homeland Security regarding drug interdiction along the border, 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 “Securing America’s  
5 Borders Against Fentanyl Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
9 TEES.—The term “appropriate congressional com-  
10 mittees” means—

1 (A) the Committee on Homeland Security  
2 and Governmental Affairs of the Senate; and

3 (B) the Committee on Homeland Security  
4 of the House of Representatives.

5 (2) DEPARTMENT.—The term “Department”  
6 means the Department of Homeland Security.

7 (3) SECRETARY.—The term “Secretary” means  
8 the Secretary of Homeland Security.

9 **SEC. 3. REPORTS, EVALUATIONS, AND RESEARCH REGARD-**  
10 **ING DRUG INTERDICTION AT AND BETWEEN**  
11 **PORTS OF ENTRY.**

12 (a) RESEARCH ON ADDITIONAL TECHNOLOGIES TO  
13 DETECT FENTANYL.—

14 (1) IN GENERAL.—Not later than 1 year after  
15 the date of the enactment of this Act, the Secretary,  
16 in consultation with the Centers for Disease Control  
17 and Prevention, the Drug Enforcement Administra-  
18 tion, the Food and Drug Administration, the De-  
19 fense Advanced Research Projects Agency, the Intel-  
20 ligence Advanced Research Projects Activity, and  
21 any other Federal agency that the Secretary deems  
22 appropriate, shall research additional technological  
23 solutions—

24 (A) to target and detect illicit fentanyl and  
25 its precursors, including low-purity fentanyl, es-

1           pecially in counterfeit pressed tablets, and illicit  
2           pill press molds;

3                   (B) to enhance targeting of counterfeit  
4           pills through nonintrusive, noninvasive, and  
5           other visual screening technologies; and

6                   (C) to enhance data-driven targeting to in-  
7           crease interdiction and seizure rates of fentanyl,  
8           its precursors, and illicit pill press molds.

9           (2) AUTHORIZATION OF APPROPRIATIONS.—

10          There is authorized to be appropriated to the De-  
11          partment \$20,000,000 for each of the fiscal years  
12          2023 through 2027 to carry out this subsection.

13          (b) EVALUATION OF CURRENT TECHNOLOGIES AND  
14          STRATEGIES IN ILLICIT DRUG INTERDICTION AND PRO-  
15          CUREMENT DECISIONS.—

16                   (1) ESTABLISHMENT OF DATA COLLECTION  
17          PROGRAM.—

18                   (A) IN GENERAL.—The Secretary, in con-  
19          sultation with the Administrator of the Drug  
20          Enforcement Administration, the Director of  
21          the Federal Bureau of Investigation, the Direc-  
22          tor of the Centers for Disease Control and Pre-  
23          vention, the Commissioner of Food and Drugs,  
24          and the Postmaster General, shall establish a  
25          program to collect available data and develop

1 metrics to measure the effectiveness of tech-  
2 nologies and strategies used by the Department  
3 (including U.S. Customs and Border Protec-  
4 tion) and other relevant Federal agencies for  
5 detecting, deterring, or addressing illicit  
6 fentanyl and its precursors being trafficking  
7 into the United States at and between land, air,  
8 and sea ports of entry.

9 (B) CONSIDERATIONS.—The data and  
10 metrics program established pursuant to sub-  
11 paragraph (A) may consider—

12 (i) the rate of detection of fentanyl at  
13 random secondary inspections at such  
14 ports of entry;

15 (ii) investigations and intelligence  
16 sharing into the origins of illicit fentanyl  
17 later detected within the United States;  
18 and

19 (iii) other data or metrics that the  
20 Secretary considers appropriate.

21 (C) UPDATES.—The Secretary, as appro-  
22 priate and in the coordination with the officials  
23 referred to in subparagraph (A), may update  
24 the data and metrics program established pur-  
25 suant to subparagraph (A).

## 1 (2) REPORTS.—

2 (A) DEPARTMENT OF HOMELAND SECUR-  
3 RITY.—Not later than 1 year after the date of  
4 the enactment of this Act and biennially there-  
5 after, the Secretary, in consultation with the  
6 Administrator of the Drug Enforcement Admin-  
7 istration, the Director of the Federal Bureau of  
8 Investigation, the Director of the Centers for  
9 Disease Control and Prevention, the Commis-  
10 sioner of Food and Drugs, and the Postmaster  
11 General shall, based on the data collected and  
12 metrics developed under the program estab-  
13 lished pursuant to paragraph (1), submit a re-  
14 port to the appropriate congressional commit-  
15 tees that—

16 (i) examines and analyzes current  
17 technologies deployed at land, air, and sea  
18 ports of entry, including pilot technologies  
19 and technologies used to inspect inter-  
20 national mail and express cargo, to assess  
21 how well and accurately such technologies  
22 detect, deter, interdict, and address  
23 fentanyl and its precursors;

24 (ii) examines and analyzes current  
25 technologies deployed between land ports

1 of entry, including pilot technologies, to as-  
2 sess how well and accurately such tech-  
3 nologies detect, deter, interdict, and ad-  
4 dress fentanyl and its precursors;

5 (iii) contains a cost-benefit analysis of  
6 technologies used in drug interdiction; and

7 (iv) describes how such analysis may  
8 be used when making procurement deci-  
9 sions relating to such technologies.

10 (B) GOVERNMENT ACCOUNTABILITY OF-  
11 FICE.—Not later than 1 year after the submis-  
12 sion of each report required under subpara-  
13 graph (A), the Comptroller General of the  
14 United States shall submit a report to the ap-  
15 propriate congressional committees that evalu-  
16 ates and, as appropriate, makes recommenda-  
17 tions to improve, the data collected and metrics  
18 used in each such report.

19 **SEC. 4. OFFICE OF NATIONAL DRUG CONTROL POLICY PER-**  
20 **FORMANCE MEASUREMENT SYSTEM SUPPLE-**  
21 **MENTAL STRATEGIES.**

22 Section 706 of the Office of National Drug Control  
23 Policy Reauthorization Act of 1998 (21 U.S.C. 1705) is  
24 amended—

25 (1) in subsection (h)—

1 (A) in paragraph (5), by striking “and” at  
2 the end;

3 (B) in paragraph (6), by striking the pe-  
4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(7) develops performance measures and tar-  
7 gets for the National Drug Control Strategy for sup-  
8 plemental strategies (including the Southwest Bor-  
9 der, Northern Border, and Caribbean Border Coun-  
10 ternarcotics Strategies)—

11 “(A) to effectively evaluate region-specific  
12 goals, to the extent the performance measure-  
13 ment system does not adequately measure the  
14 effectiveness of the strategies, as determined by  
15 the Director; and

16 “(B) may evaluate interdiction efforts at  
17 and between ports of entry, interdiction tech-  
18 nology, intelligence sharing, diplomacy, and  
19 other appropriate metrics, specific to each sup-  
20 plemental strategies region, as determined by  
21 the Director.”.

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