

EMERGING INNOVATIVE BORDER TECHNOLOGIES ACT

JUNE 7, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GREEN of Tennessee, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 7832]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (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, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

This legislation requires the Department 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 no later than 180 days after the enactment of this bill.

BACKGROUND AND NEED FOR LEGISLATION

U.S. Customs and Border Protection’s (CBP) mission is to protect the American people, safeguard U.S. borders, and enhance the United States’ economic prosperity. As smugglers and transnational criminal organizations become more sophisticated, the United States must attain and deploy the latest and most advanced technologies available to disrupt these threats while continuing to facilitate legitimate trade and travel.

CBP requires sophisticated border security detection capabilities and innovative technologies to support the workforce and prevent transnational criminal organizations from carrying out illicit activities, such as human smuggling and drug trafficking. In support of these requirements, CBP’s Innovation Team identifies and pilots cutting-edge and disruptive commercial technologies and adapts them for government use, including for border security and management operations. The CBP Innovation Team focuses on transitioning technologies for information technology infrastructure, human performance and resiliency, autonomous systems, communications networks as well as sensors and analytics.

Technological solutions can help keep border security personnel safe as well as enable a more effective response to life-threatening situations and cases of illicit smuggling and trafficking. For example, the implementation of remote sensing technologies like infrared cameras and ground-based sensors can help law enforcement detect and respond to migrants crossing in remote and deadly conditions, as well as cases of human trafficking and smuggling. In addition, artificial intelligence-supported image recognition systems can help detect and classify illicit substances at ports of entry, allowing CBP Officers to more accurately seize contraband.

H.R. 7832 would enable Congress to better equip frontline personnel with the tools and resources necessary to secure and protect the United States borders by requiring the Secretary of Homeland Security to submit a plan that identifies, integrates, and deploys innovative technologies for border security. This plan will include metrics and key performance parameters for technologies as well as an assessment of the privacy impact of deployed technologies on border communities.

H.R. 7832 would also authorize one or more CBP Innovation Teams and require the establishment of operating procedures and responsibilities for these teams. By leveraging the CPB Innovation Team’s authority to pilot emerging technologies, the Department of Homeland Security and CBP can better address capability gaps and urgent mission needs at and between ports of entry and assess their outcomes. The requirement to establish operating procedures, responsibilities, and strategic goals will enhance the effectiveness of CBP Innovation Teams.

HEARINGS

The Committee held the following hearings in the 118th Congress that informed H.R. 7832.

On July 12, 2023, the Subcommittee on Border Security and Enforcement held a hearing entitled, “Protecting the U.S. Homeland:

Fighting the Flow of Fentanyl from the Southwest Border.” The Subcommittee received testimony from Mr. Kemp Chester, Senior Advisor to the Director of National Drug Control Policy, Office of National Drug Control Policy; Mr. James Mandryck, Deputy Assistant Commissioner, Office of Intelligence, CBP; Mr. Steven Cagen, Assistant Director, Homeland Security Investigations; Mr. George Papadopoulos, Acting Chief of Operations, Drug Enforcement Administration; and Mr. Tyrone Durham, Director, Nation State Threats Center, Office of Intelligence and Analysis.

On July 18, 2023, the Subcommittee on Border Security and Enforcement, in conjunction with the Subcommittee on Oversight, Investigations, and Accountability, held a hearing entitled, “Opening the Flood Gates: Biden’s Broken Border Barrier.” The Subcommittees received testimony from Ms. Ntina Cooper, Acting Deputy Executive Assistant Commissioner, Enterprise Services, CBP; Colonel Jason Jefferis, Head of Contracting Activities, U.S. Army Corps of Engineers; Ms. Rebecca Gambler, Director, Homeland Security and Justice, United States Government Accountability Office; Mr. Ron Vitiello, former Chief of the U.S. Border Patrol; Mr. Jim De Sotle, Interim Chief Executive Officer, LoneStar Pipeline Contractors; Mr. Russell Johnson, a New Mexico rancher; and Alexander Tenorio, MD, Resident Physician, Neurological Surgery, University of California San Diego Health.

COMMITTEE CONSIDERATION

The Committee met on Wednesday, April 10, 2024, a quorum being present, to consider H.R. 7832 and ordered the measure to be favorably reported to the House by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 7832.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X, are incorporated in the descriptive portions of this report.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act of 1995.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 7832 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of H.R. 7832 is 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.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

CONGRESSIONAL BUDGET OFFICE ESTIMATE, NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c) of rule XIII and section 308(a) of the Congressional Budget Act of 1974, and with respect to the requirements of clause 3(c)(3) of rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee adopts as its own the estimate of any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures contained in the cost estimate prepared by the Director of the Congressional Budget Office.

H.R. 7832, Emerging Innovative Border Technologies Act			
As ordered reported by the House Committee on Homeland Security on April 10, 2024			
By Fiscal Year, Millions of Dollars	2024	2024-2029	2024-2034
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply? No	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Mandate Effects	
		Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 7832 would authorize U.S. Customs and Border Protection (CBP) to create one or more innovation teams to research and deliver emerging technologies to enhance border security operations. H.R. 7832 would require CBP to develop operating procedures and performance metrics for each team. Lastly, the bill would require CBP to report to the Congress within 180 days of enactment and annually thereafter on its plan for integrating and deploying emerging technology to enhance border security.

Based on the costs of similar activities, CBO estimates that CBP would incur less than \$500,000 in administrative and personnel costs over the 2024–2029 period to develop the plan and report to the Congress annually. According to CBP, the agency already car-

ries out the other activities required by the bill. On that basis, CBO expects that, in total, it would cost CBP less than \$500,000 to implement H.R. 7832. Any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Jeremy Crimm. The estimate was reviewed by Christina Hawley Anthony, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act (5 U.S.C. § 1004) were created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that H.R. 7832 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section states that this Act may be cited as the “Emerging Innovative Border Technologies Act.”

Section 2. Innovative and emerging border technology plan

This section requires that not later than 180 days after enactment that the Secretary of Homeland Security submit to Congress a plan to identify, integrate, and deploy new, innovative, disruptive, or other emerging or advanced technologies that may incorporate artificial intelligence, machine-learning, automation, fiber-optic sensing technology, nanotechnology, optical and cognitive radar, modeling and simulation technology, hyperspectral and LIDAR sensors, imaging, identification, and categorization systems, or other emerging or advanced technologies, to enhance, or address capability gaps in, border security operations.

The plan is required to include information regarding how CBP utilizes Innovation Teams to identify, integrate, and deploy new, innovative, and disruptive technologies. The plan will also include an assessment of contributions attributable to the Innovation Teams, along with the composition of each CBP Innovation Team and how these teams coordinate and integrate efforts with the CBP acquisition program office and other partners within CBP and DHS.

The plan will also identify technologies used by other Federal departments or agencies not currently in use by CBP that could assist in addressing capability gaps in border security. As part of this plan, DHS will also conduct an analysis CBP’s available authorities to procure technologies and an assessment of whether additional or alternative authorities are needed.

The plan will include information on how CBP plans to scale existing programs related to emerging or advanced technologies and a description of each planned security-related technology program,

along with the privacy and security impacts of these technology programs on border communities. The plan will also identify CBP legacy border technology programs that could be phased out and replaced and the associated cost estimates of doing so.

The plan must also include information relating to how CBP is coordinating with DHS's Science and Technology Directorate to: research and develop new, innovative, disruptive or emerging technologies; identify security-related technologies that are in development or deployed by the private and public sector to satisfy the mission needs of CBP; incentivize the private sector to develop technologies to help CBP meet mission needs; and identify and assess ways to increase communication and collaboration with the private sector.

Finally, the plan must also include information on metrics and key performance parameters for evaluating the effectiveness of CBP's efforts to identify, integrate, and deploy new innovative, disruptive and emerging technologies.

The legislation also gives the Commissioner of CBP the ability to authorize one or more CBP Innovation Teams to research and adapt commercial technologies that are new, innovative, disruptive, or otherwise emerging or advanced to enhance border security operations and assess potential outcomes of the utilizing emerging or advanced technologies. Each CBP Innovation Team is required to have operating procedures that specify roles and responsibilities within such team as well as protocols for entering into agreements to rapidly transition technologies into new or existing programs of record. Each team must also have planning and strategic goals.

Under this legislation, the Commissioner of CBP shall submit no later than 180 days after enactment, and annually thereafter, to the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs information relating to the activities of the CBP Innovation Teams including: copies of operations procedures, protocols, and strategic goals; descriptions of the technologies piloted by each team including which technologies are determined successful; and information on the status of efforts to rapidly transition technologies determined successful to existing or new programs of record.