

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. _____

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

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 Ms. SINEMA

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

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 (4) SOUTHWEST BORDER.—The term “South-
10 west border” means the international land border
11 between the United States and Mexico, including the
12 ports of entry along such border.

13 **SEC. 3. SOUTHERN BORDER TECHNOLOGY NEEDS ANAL-**
14 **YSIS AND UPDATES.**

15 (a) TECHNOLOGY NEEDS ANALYSIS.—Not later than
16 1 year after the date of the enactment of this Act, the
17 Secretary shall submit, to the appropriate congressional
18 committees, a technology needs analysis for border secu-
19 rity technology along the Southwest border.

20 (b) CONTENTS.—The analysis required under sub-
21 section (a) shall include an assessment of—

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

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

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

3 (i) the transport of illegal goods, such
4 as illicit drugs; and

5 (ii) human smuggling and human
6 trafficking; and

7 (C) to facilitate the flow of legal trade
8 across the Southwest border;

9 (2) recent technological advancements in—

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

12 (B) unmanned aerial systems and related
13 technology, including counter-unmanned aerial
14 system technology;

15 (C) surveillance technology, including—

16 (i) mobile surveillance vehicles;

17 (ii) associated electronics, including
18 cameras, sensor technology, and radar;

19 (iii) tower-based surveillance tech-
20 nology;

21 (iv) advanced unattended surveillance
22 sensors; and

23 (v) deployable, lighter-than-air,
24 ground surveillance equipment;

1 (D) nonintrusive inspection technology, in-
2 cluding non-X-ray devices utilizing muon to-
3 mography and other advanced detection tech-
4 nology;

5 (E) tunnel detection technology; and

6 (F) communications equipment, includ-
7 ing—

8 (i) radios;

9 (ii) long-term evolution broadband;

10 and

11 (iii) miniature satellites;

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

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

17 (A) improve border security;

18 (B) improve the capability of the Depart-
19 ment to accomplish its mission along the South-
20 west border;

21 (C) reduce technology gaps along the
22 Southwest border; and

23 (D) enhance the safety of any officer or
24 agent of the Department or any other Federal
25 agency;

1 (5) the Department’s ongoing border security
2 technology development efforts, including efforts
3 by—

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

5 (B) the Science and Technology Direc-
6 torate; and

7 (C) the technology assessment office of any
8 other operational component;

9 (6) the technology needs for improving border
10 security, such as—

11 (A) information technology or other com-
12 puter or computing systems data capture;

13 (B) biometrics;

14 (C) cloud storage; and

15 (D) intelligence data sharing capabilities
16 among agencies within the Department;

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

21 (8) currently deployed technology or new tech-
22 nology that would improve the Department’s abil-
23 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 bor-
5 der at and between ports of entry, as required
6 under subsections (b) and (c) of section 1092 of
7 division A of the National Defense Authoriza-
8 tion Act for 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-
12 section (a), and biannually thereafter for the fol-
13 lowing 4 years, the Secretary shall submit an update
14 to such analysis to the appropriate congressional
15 committees.

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

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

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