

.....
(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. 9722

To establish a pilot program to assess the use of technology to speed up and enhance the cargo inspection process at land ports of entry along the border.

IN THE HOUSE OF REPRESENTATIVES

Mr. HIGGINS of Louisiana introduced the following bill; which was referred to the Committee on Homeland Security.

A BILL

To establish a pilot program to assess the use of technology to speed up and enhance the cargo inspection process at land ports of entry along the border.

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 TITLES.**

4 This Act may be cited as the “Contraband Awareness
5 Technology Catches Harmful Fentanyl Act” or the
6 “CATCH Fentanyl Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

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

4 (A) the Committee on Homeland Security
5 and Governmental Affairs of the Senate; and

6 (B) the Committee on Homeland Security
7 of the House of Representatives.

8 (2) ARTIFICIAL INTELLIGENCE; AI.—The terms
9 “artificial intelligence” and “AI” have the meaning
10 given the term “artificial intelligence” in section
11 238(g) of the John S. McCain National Defense Au-
12 thorization Act for Fiscal Year 2019 (Public Law
13 115–232; 10 U.S.C. 4061 note).

14 (3) CBP INNOVATION TEAM.—The term “CBP
15 Innovation Team” means the U.S. Customs and
16 Border Protection Innovation Team within the Of-
17 fice of the Commissioner.

18 (4) NONINTRUSIVE INSPECTION TECHNOLOGY;
19 NII TECHNOLOGY.—The terms “nonintrusive inspec-
20 tion technology” and “NII technology” means tech-
21 nical equipment and machines, such as X-ray or
22 gamma-ray imaging equipment, that allow cargo in-
23 spections without the need to open the means of
24 transport and unload the cargo.

1 (5) PILOT PROJECTS.—The term “pilot
2 projects” means the projects required under section
3 3(a) for testing and assessing the use of technologies
4 to improve the inspection process at land ports of
5 entry.

6 **SEC. 3. PILOT PROJECTS ALLOWING ADDITIONAL TECH-**
7 **NOLOGY PROVIDERS TO PARTICIPATE IN IN-**
8 **SPECTING CARS, TRUCKS, AND CARGO CON-**
9 **TAINERS AT CERTAIN PORTS OF ENTRY.**

10 (a) ESTABLISHMENT.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of the enactment of this Act, the Secretary
13 of Homeland Security, acting through CBP Innova-
14 tion Team, and in coordination with the Office of
15 Field Operations and the Department of Homeland
16 Security Science and Technology Directorate, shall
17 begin the implementation of pilot projects for testing
18 and assessing the use of technologies or technology
19 enhancements to improve the process for inspecting,
20 including by increasing efficiencies of such inspec-
21 tions, any conveyance or mode of transportation at
22 land ports of entry along the borders of the United
23 States. The technologies or technology enhancements
24 tested and assessed under the pilot projects shall be
25 for the purpose of assisting U.S. Customs and Bor-

1 der Protection personnel to detect contraband, illegal
2 drugs, illegal weapons, human smuggling, and
3 threats on inbound and outbound traffic, in conjunc-
4 tion with the use of imaging equipment, radiation
5 portal monitors, and chemical detectors.

6 (2) REQUIREMENTS.—

7 (A) IN GENERAL.—In implementing the
8 pilot projects at ports of entry, the CBP Inno-
9 vation Team, in coordination with the Depart-
10 ment of Homeland Security Science and Tech-
11 nology Directorate, shall test and collect data
12 regarding not fewer than 5 types of nonintru-
13 sive inspection technology enhancements that
14 can be deployed at land ports of entry. The
15 CBP Innovation Team shall test technology en-
16 hancements from not fewer than 1 of the fol-
17 lowing categories:

- 18 (i) Artificial intelligence.
19 (ii) Machine learning.
20 (iii) High-performance computing.
21 (iv) Quantum information sciences, in-
22 cluding quantum sensing.
23 (v) Other emerging technologies.

24 (B) IDENTIFICATION OF EFFECTIVE EN-
25 HANCEMENTS.—The pilot projects shall identify

1 the most effective types of technology enhance-
2 ments to improve the capabilities of nonintru-
3 sive inspection systems and other inspection
4 systems used at land ports of entry based on—

5 (i) the technology enhancement’s abil-
6 ity to assist U.S. Customs and Border
7 Protection accurately detect contraband, il-
8 legal drugs, illegal weapons, human smug-
9 gling, or threats in inbound and outbound
10 traffic;

11 (ii) the technology enhancement’s abil-
12 ity to increase efficiencies of inspections to
13 assist U.S. Customs and Border Protection
14 address long wait times;

15 (iii) the technology enhancement’s
16 ability to improve capabilities of aging de-
17 tection equipment and infrastructure at
18 land ports of entry;

19 (iv) the technology enhancement’s
20 safety relative to As Low As Reasonably
21 Achievable (ALARA) standard practices;

22 (v) the ability to integrate the new
23 technology into the existing workflow and
24 infrastructure;

1 (vi) the technology enhancement's
2 ability to incorporate automatic threat rec-
3 ognition technology using standard formats
4 and open architecture;

5 (vii) the mobility of technology en-
6 hancements; and

7 (viii) other performance measures
8 identified by the CBP Innovation Team.

9 (C) PRIVATE SECTOR INVOLVEMENT.—The
10 CBP Innovation Team may solicit input from
11 representatives of the private sector regarding
12 commercially viable technologies.

13 (D) COST EFFECTIVENESS REQUIRE-
14 MENT.—In identifying the most effective types
15 of technology enhancements under subpara-
16 graph (B), the pilot projects shall prioritize so-
17 lutions that demonstrate the highest cost-effec-
18 tiveness in achievement the objectives described
19 in clauses (i) through (ix) of subparagraph (B).
20 Cost effectiveness shall account for improved
21 detection capabilities, increased inspection effi-
22 ciencies, reduced wait times, and total cost of
23 implementation (including infrastructure up-
24 grades and maintenance expenses).

1 (3) NONINTRUSIVE INSPECTION SYSTEMS PRO-
2 GRAM.—The CBP Innovation Team shall work with
3 existing nonintrusive inspection systems programs
4 within U.S. Customs and Border Protection when
5 planning and developing the pilot projects required
6 under paragraph (1).8

7 (4) DATA PRIVACY PROTECTIONS.—In imple-
8 menting the pilot projects and utilizing new tech-
9 nologies, the Secretary of Homeland Security shall
10 safeguard the privacy and security of personal data
11 collected during inspections through appropriate
12 measures, including—

13 (A) adherence to relevant privacy laws and
14 regulations;

15 (B) implementation of data anonymization
16 techniques, if applicable; and

17 (C) regular audits to assess compliance
18 with data privacy standards.

19 (5) SCIENCE AND TECHNOLOGY DIREC-
20 TORATE.—The CBP Innovation Team shall work
21 with the Department of Homeland Security Science
22 and Technology Directorate to align existing non-
23 intrusive inspection research and development efforts
24 within the Science and Technology Directorate when

1 planning and developing pilot projects required
2 under paragraph (1).

3 (b) TERMINATION.—The pilot projects shall termi-
4 nate on the date that is 5 years after the date of the enact-
5 ment of this Act.

6 (c) REPORTS REQUIRED.—Not later than 3 years
7 after the date of the enactment of this Act, and 180 days
8 after the termination of the pilot projects pursuant to sub-
9 section (b), the Secretary of Homeland Security shall sub-
10 mit a report to the appropriate congressional committees
11 that contains—

12 (1) an analysis of the effectiveness of tech-
13 nology enhancements tested based on the require-
14 ments described in subsection (a)(2);

15 (2) any recommendations from the testing and
16 analysis concerning the ability to utilize such tech-
17 nologies at all land ports of entry;

18 (3) a plan to utilize new technologies that meet
19 the performance goals of the pilot projects across all
20 U.S. Customs and Border Protection land ports of
21 entry at the border, including total costs and a
22 breakdown of the costs of such plan, including any
23 infrastructure improvements that may be required to
24 accommodate recommended technology enhance-
25 ments;

1 (4) a comprehensive list of existing technologies
2 owned and utilized by U.S. Customs and Border
3 protection for cargo and vehicle inspection, includ-
4 ing—

5 (A) details on the implementation status of
6 such technologies, such as whether the tech-
7 nologies have been fully installed and utilized,
8 or whether there are challenges with the instal-
9 lation and utilization of the technology;

10 (B) an evaluation of the compatibility,
11 interoperability, and scalability of existing cargo
12 and vehicle inspection technologies within U.S.
13 Customs and Border Protection’s physical and
14 information technology infrastructure; and

15 (C) identification of any obstacles to the
16 effective deployment and integration of such
17 technologies; and

18 (5) the analysis described in subsection (d).

19 (d) AREAS OF ANALYSIS.—The report required under
20 subsection (c) shall include an analysis containing—

21 (1) quantitative measurements of performance
22 based on the requirements described in subsection
23 (a)(2) of each technology tested compared with the
24 status quo to reveal a broad picture of the perform-

1 ance of technologies and technology enhancements,
2 such as—

3 (A) the probability of detection, false alarm
4 rate, and throughput; and

5 (B) an analysis determining whether such
6 observed performance represents a significant
7 increase, decrease, or no change compared with
8 current systems;

9 (2) an assessment of the relative merits of each
10 such technology;

11 (3) any descriptive trends and patterns ob-
12 served; and

13 (4) performance measures for—

14 (A) the technology enhancement's ability to
15 assist with the detection of contraband on in-
16 bound and outbound traffic through automated
17 (primary) inspection by measuring and report-
18 ing the probability of detection and false alarm
19 rate for each NII system under operational con-
20 ditions;

21 (B) the throughput of cargo through each
22 NII system with a technology enhancement, in-
23 cluding a breakdown of the time needed for
24 U.S. Customs and Border Protection—

1 (i) to complete the image review pro-
2 cess and clear low-risk shipments; and

3 (ii) to complete additional inspections
4 of high-risk items;

5 (C) changes in U.S. Customs and Border
6 Protection officer time commitments and per-
7 sonnel needs to sustain high volume NII scan-
8 ning operations when technology enhancements
9 are utilized; and

10 (D) operational costs, including—

11 (i) estimated implementation costs for
12 each NII system with technology enhance-
13 ments; and

14 (ii) estimated cost savings due to im-
15 proved efficiency due to technology en-
16 hancements, if applicable.

17 (e) PRIVACY AND CIVIL LIBERTIES REPORTS.—The
18 Secretary of Homeland Security, in consultation with the
19 CBP Innovation Team and other appropriate offices,
20 shall—

21 (1) prior to the implementation of these tech-
22 nologies, submit—

23 (A) a report or reports to the appropriate
24 congressional committees regarding the poten-
25 tial privacy, civil liberties, and civil rights im-

1 pacts of technologies being tested under the
2 pilot projects pursuant to this section, including
3 an analysis of the impacts of the technology en-
4 hancements on individuals crossing the United
5 States border; and

6 (B) recommendations for mitigation meas-
7 ures to address any identified impacts; and

8 (2) not later than 180 days after the termi-
9 nation of the pilot projects pursuant to subsection
10 (b), submit a report to the appropriate congressional
11 committees containing—

12 (A) findings on the impacts to privacy,
13 civil rights, and civil liberties resulting from the
14 pilot projects;

15 (B) recommendations for mitigating these
16 impacts in implementation of approved tech-
17 nologies; and

18 (C) any additional recommendations based
19 on the lessons learned from the pilot projects.

20 (f) PROHIBITION ON NEW APPROPRIATIONS.—No
21 additional funds are authorized to be appropriated to
22 carry out this Act.