

117TH CONGRESS
2D SESSION

H. R. 8316

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

IN THE HOUSE OF REPRESENTATIVES

JULY 7, 2022

Ms. SPANBERGER (for herself and Mr. GARBARINO) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Oversight and Reform, Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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”.

1 **SEC. 2. REPORTS, EVALUATIONS, AND RESEARCH REGARD-**
2 **ING DRUG INTERDICTION AT AND BETWEEN**
3 **PORTS OF ENTRY.**

4 (a) RESEARCH ON ADDITIONAL TECHNOLOGIES TO
5 DETECT FENTANYL.—

6 (1) IN GENERAL.—Not later than one year
7 after the date of the enactment of this Act, the Sec-
8 retary of Homeland Security, in consultation with
9 the Centers for Disease Control and Prevention, the
10 Federal Drug Administration, and the Defense Ad-
11 vanced Research Projects Agency, shall research ad-
12 ditional technological solutions to—

13 (A) target and detect illicit fentanyl and its
14 precursors, including low-purity fentanyl, espe-
15 cially in counterfeit pressed tablets, and illicit
16 pill press molds;

17 (B) enhance targeting of counterfeit pills
18 through nonintrusive, noninvasive, and other
19 visual screening technologies; and

20 (C) enhance data-driven targeting to in-
21 crease seizure rates of fentanyl and its precur-
22 sors.

23 (2) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to the Sec-
25 retary of Homeland Security to carry out this sub-

1 section \$20,000,000 for each of fiscal years 2023
2 through 2027.

3 (b) EVALUATION OF CURRENT TECHNOLOGIES AND
4 STRATEGIES IN ILLICIT DRUG INTERDICTION AND PRO-
5 CUREMENT DECISIONS.—

6 (1) IN GENERAL.—The Secretary of Homeland
7 Security, in consultation with the Administrator of
8 the Drug Enforcement Administration, the Director
9 of the Federal Bureau of Investigation, the Director
10 of the Centers for Disease Control and Prevention,
11 and the Commissioner of Food and Drugs, shall es-
12 tablish a program to collect available data and de-
13 velop metrics to measure how technologies and strat-
14 egies used by the Department, U.S. Customs and
15 Border Protection, and other relevant Federal agen-
16 cies have helped detect, deter, or address illicit
17 fentanyl and its precursors being trafficking into the
18 United States at and between land, air, and sea
19 ports of entry. Such data and metrics program may
20 consider the rate of detection at random secondary
21 inspections at such ports of entry, investigations and
22 intelligence sharing into the origins of illicit fentanyl
23 later detected within the United States, and other
24 data or metrics considered appropriate by the Sec-
25 retary. The Secretary, as appropriate and in the co-

1 ordination with the officials specified in this para-
2 graph, may update such data and metrics program.

3 (2) REPORTS.—

4 (A) SECRETARY OF HOMELAND SECUR-
5 RITY.—Not later than one year after the date
6 of the enactment of this Act and biennially
7 thereafter, the Secretary of Homeland Security,
8 the Administrator of the Drug Enforcement
9 Administration, the Director of the Federal Bu-
10 reau of Investigation, the Director of the Cen-
11 ters for Disease Control and Prevention, the
12 Commissioner of Food and Drugs, and the
13 Postmaster General shall, based on the data
14 collected and metrics developed pursuant to the
15 program established under paragraph (1), sub-
16 mit to the Committee on Homeland Security of
17 the House of Representatives and the Com-
18 mittee on Homeland Security and Govern-
19 mental Affairs a report that—

20 (i) examines and analyzes current
21 technologies deployed at land, air, and sea
22 ports of entry, including pilot technologies,
23 to assess how well such technologies detect,
24 deter, and address fentanyl and its precu-
25 sors;

1 (ii) contains a cost-benefit analysis of
2 technologies used in drug interdiction; and
3 (iii) describes how such analysis may
4 be used when making procurement deci-
5 sions relating to such technologies.

6 (B) GAO.—Not later than one year after
7 each report submitted pursuant to subpara-
8 graph (A), the Comptroller General of the
9 United States shall submit to the Committee on
10 Homeland Security of the House of Representa-
11 tives and the Committee on Homeland Security
12 and Governmental Affairs of the Senate a re-
13 port that evaluates and, as appropriate, makes
14 recommendations to improve, the data collected
15 and metrics used in each such report.

16 **SEC. 3. ONDCP SUPPLEMENTAL STRATEGIES.**

17 Section 706(h) of the Office of National Drug Con-
18 trol Policy Reauthorization Act of 1998 (21 U.S.C.
19 1705(h)) is amended—

20 (1) in paragraph (5), by striking “; and” and
21 inserting a semicolon;

22 (2) in paragraph (6), by striking the period at
23 the end and inserting “; and”; and

24 (3) by adding at the end the following new
25 paragraph:

1 “(7) develops performance measures and tar-
2 gets for the National Drug Control Strategy for sup-
3 plemental strategies (the Southwest Border, North-
4 ern Border, and Caribbean Border Counternarcotics
5 Strategies) to effectively evaluate region-specific
6 goals, to the extent the performance measurement
7 system does not adequately measure the effective-
8 ness of the strategies, as determined by the Direc-
9 tor, such strategies may evaluate interdiction efforts
10 at and between ports of entry, interdiction tech-
11 nology, intelligence sharing, diplomacy, and other
12 appropriate metrics, specific to each supplemental
13 strategies region, as determined by the Director.”.

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