

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.

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## 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

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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”.

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-

ordination with the officials specified in this paragraph, may update such data and metrics program.

(2) REPORTS.—

(A) SECRETARY OF HOMELAND SECURITY.—Not later than one year after the date of the enactment of this Act and biennially thereafter, the Secretary of Homeland Security, the Administrator of the Drug Enforcement Administration, the Director of the Federal Bureau of Investigation, the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, and the Postmaster General shall, based on the data collected and metrics developed pursuant to the program established under paragraph (1), submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs a report that—

(i) examines and analyzes current technologies deployed at land, air, and sea ports of entry, including pilot technologies, to assess how well such technologies detect, deter, and address fentanyl and its precursors;

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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