

117TH CONGRESS
1ST SESSION

H. R. 4828

To secure the international borders of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2021

Mr. KATKO (for himself, Mr. MCCARTHY, Mr. SCALISE, Ms. STEFANIK, Mr. JOHNSON of Louisiana, Mr. ROGERS of Alabama, Ms. GRANGER, Mr. McCAUL, Mr. COMER, Mrs. WALORSKI, Mrs. RODGERS of Washington, Mr. GRAVES of Missouri, Mr. GUEST, Mr. HIGGINS of Louisiana, Mr. NORMAN, Mrs. MILLER-MEEKS, Mrs. HARSHBARGER, Mr. CLYDE, Mr. GIMENEZ, Mr. LATURNER, Mr. MELJER, Mrs. CAMMACK, Mr. PFLUGER, Mr. GARBARINO, Mr. VAN DREW, Mr. BABIN, Mr. EMMER, Mr. TONY GONZALES of Texas, Mr. RUTHERFORD, Mr. NEHLS, and Ms. MALLIOTAKIS) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Agriculture, and Ways and Means, 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 secure the international borders of the United States,
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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Border Security for America Act of 2021”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Border wall system construction.
- Sec. 4. Strengthening the requirements for barriers along the southern border.
- Sec. 5. Border and port security technology investment plan.
- Sec. 6. Commercial solutions opening acquisition program.
- Sec. 7. Border security technology program management.
- Sec. 8. U.S. Customs and Border Protection technology upgrades.
- Sec. 9. Nonintrusive inspection operations.
- Sec. 10. Additional U.S. Customs and Border Protection personnel.
- Sec. 11. Anti-Border Corruption Act Reauthorization.
- Sec. 12. Establishment of workload staffing models for U.S. Border Patrol and
 Air and Marine Operations of CBP.
- Sec. 13. Operation Stonegarden.
- Sec. 14. Air and Marine Operations flight hours.
- Sec. 15. Eradication of carrizo cane and salt cedar.
- Sec. 16. Border Patrol Strategic Plan.
- Sec. 17. Homeland Security Investigations Innovation Lab.
- Sec. 18. Integrated Border Enforcement Teams.
- Sec. 19. DNA collection consistent with Federal law.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) CBP.—The term “CBP” means U.S. Cus-
 6 toms and Border Protection.

7 (2) COMMISSIONER.—The term “Commis-
 8 sioner” means the Commissioner of U.S. Customs
 9 and Border Protection.

10 (3) DEPARTMENT.—The term “Department”
 11 means the Department of Homeland Security.

12 (4) SECRETARY.—The term “Secretary” means
 13 the Secretary of Homeland Security.

14 (5) SITUATIONAL AWARENESS.—The term “sit-
 15 uational awareness” has the meaning given such
 16 term in section 1092(a)(7) of the National Defense

1 Authorization Act for Fiscal Year 2017 (Public Law
2 114–328; 6 U.S.C. 223(a)(7)).

3 (6) UNMANNED AIRCRAFT SYSTEM.—The term
4 “unmanned aircraft system” has the meaning given
5 such term in section 44801 of title 49, United
6 States Code.

7 **SEC. 3. BORDER WALL SYSTEM CONSTRUCTION.**

8 (a) IN GENERAL.—

9 (1) IMMEDIATE RESUMPTION OF BORDER WALL
10 CONSTRUCTION.—Not later than 24 hours after the
11 date of the enactment of this section, the Secretary
12 shall resume all activities related to the construction
13 of the border barrier system (also known as, and re-
14 ferred to in this section as, the “border wall sys-
15 tem”) along the international border between the
16 United States and Mexico that were underway or
17 being planned for prior to January 20, 2021.

18 (2) NO CANCELLATIONS.—The Secretary may
19 not cancel any contract for activities related to the
20 construction of the border wall system that was en-
21 tered into on or before January 20, 2021.

22 (3) USE OF FUNDS.—To carry out this section,
23 the Secretary shall expend all funds appropriated or
24 explicitly obligated for the construction of the border

1 wall system that were appropriated or obligated, as
2 the case may be, for use beginning October 1, 2016.

3 (b) PLAN TO COMPLETE TACTICAL INFRASTRUC-
4 TURE AND TECHNOLOGY ELEMENTS OF SYSTEM.—Not
5 later than 90 days after the date of the enactment of this
6 section, the Secretary shall submit to the appropriate con-
7 gressional committees an implementation plan, including
8 quarterly benchmarks and cost estimates, for satisfying all
9 requirements of the construction of the border wall system
10 referred to in paragraph (1) of subsection (a), including
11 tactical infrastructure, technology, and other elements as
12 identified by the Department prior to January 20, 2021,
13 through the expenditure of funds appropriated or explicitly
14 obligated, as the case may be, for use beginning October
15 1, 2016, as well as any future funds appropriated by Con-
16 gress.

17 (c) UPHOLD NEGOTIATED AGREEMENTS.—The Sec-
18 retary shall ensure that all agreements executed in writing
19 between the Department and private citizens, State, local,
20 or Tribal governments, or other stakeholders are honored
21 by the Department relating to current and future con-
22 struction of the border wall system as required by such
23 agreements.

24 (d) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means the Committee on Homeland Secu-
4 rity and the Committee on Appropriations of the
5 House of Representatives and the Committee on
6 Homeland Security and Governmental Affairs and
7 the Committee on Appropriations of the Senate.

8 (2) TACTICAL INFRASTRUCTURE.—The term
9 “tactical infrastructure” includes boat ramps, access
10 gates, checkpoints, lighting, and roads associated
11 with a border wall system.

12 (3) TECHNOLOGY.—The term “technology” in-
13 cludes border surveillance and detection technology,
14 including linear ground detection systems, associated
15 with a border wall system.

16 **SEC. 4. STRENGTHENING THE REQUIREMENTS FOR BAR-**
17 **RIERS ALONG THE SOUTHERN BORDER.**

18 Section 102 of the Illegal Immigration Reform and
19 Immigrant Responsibility Act of 1996 (Division C of Pub-
20 lic Law 104–208; 8 U.S.C. 1103 note) is amended—

21 (1) by amending subsection (a) to read as fol-
22 lows:

23 “(a) IN GENERAL.—The Secretary of Homeland Se-
24 curity shall take such actions as may be necessary (includ-
25 ing the removal of obstacles to detection of illegal en-

1 trants) to design, test, construct, install, deploy, integrate,
2 and operate physical barriers, tactical infrastructure, and
3 technology in the vicinity of the United States border to
4 achieve situational awareness and operational control of
5 the border and deter, impede, and detect illegal activity
6 in high traffic areas.”;

7 (2) in subsection (b)—

8 (A) in the subsection heading, by striking
9 “FENCING AND ROAD IMPROVEMENTS” and in-
10 sserting “PHYSICAL BARRIERS”;

11 (B) in paragraph (1)—

12 (i) in subparagraph (A)—

13 (I) by striking “subsection (a)”
14 and inserting “this section”;

15 (II) by striking “roads, lighting,
16 cameras, and sensors” and inserting
17 “tactical infrastructure, and tech-
18 nology”; and

19 (III) by striking “gain” and in-
20 sserting “achieve situational awareness
21 and”;

22 (ii) by amending subparagraph (B) to
23 read as follows:

24 “(B) PHYSICAL BARRIERS AND TACTICAL
25 INFRASTRUCTURE.—The Secretary, in carrying

1 out this section, shall deploy along the United
2 States border the most practical and effective
3 physical barriers and tactical infrastructure
4 available for achieving situational awareness
5 and operational control of the border.”;

6 (iii) in subparagraph (C)—

7 (I) by amending clause (i) to
8 read as follows:

9 “(i) IN GENERAL.—In carrying out
10 this section, the Secretary shall consult
11 with appropriate Federal agency partners,
12 appropriate representatives of Federal,
13 State, Tribal, and local governments, and
14 appropriate private property owners in the
15 United States to minimize the impact on
16 the environment, culture, commerce, and
17 quality of life for the communities and
18 residents located near the sites at which
19 such physical barriers are to be con-
20 structed.”; and

21 (II) in clause (ii)—

22 (aa) in subclause (I), by
23 striking “or” after the semicolon
24 at the end;

1 (bb) by amending subclause
2 (II) to read as follows:

3 “(II) delay the transfer to the
4 United States of the possession of
5 property or affect the validity of any
6 property acquisition by the United
7 States by purchase or eminent do-
8 main, or to otherwise affect the emi-
9 nent domain laws of the United States
10 or of any State; or”; and

11 (cc) by adding at the end
12 the following new subclause:

13 “(III) create any right or liability
14 for any party.”; and

15 (iv) by striking subparagraph (D);

16 (C) in paragraph (2)—

17 (i) by striking “Attorney General”
18 and inserting “Secretary of Homeland Se-
19 curity”;

20 (ii) by striking “this subsection” and
21 inserting “this section”; and

22 (iii) by striking “construction of
23 fences” and inserting “the construction of
24 physical barriers”;

1 (D) by amending paragraph (3) to read as
2 follows:

3 “(3) AGENT SAFETY.—In carrying out this sec-
4 tion, the Secretary of Homeland Security, when de-
5 signing, constructing, and deploying physical bar-
6 riers, tactical infrastructure, or technology, shall in-
7 corporate such safety features into such design, con-
8 struction, or deployment of such physical barriers,
9 tactical infrastructure, or technology, as the case
10 may be, that the Secretary determines are necessary
11 to maximize the safety and effectiveness of officers
12 or agents of the Department of Homeland Security
13 or of any other Federal agency deployed in the vicin-
14 ity of such physical barriers, tactical infrastructure,
15 or technology.”; and

16 (E) in paragraph (4), by striking “this
17 subsection” and inserting “this section”;

18 (3) in subsection (c)—

19 (A) by amending paragraph (1) to read as
20 follows:

21 “(1) IN GENERAL.—Notwithstanding any other
22 provision of law, the Secretary of Homeland Security
23 shall have the authority to waive all legal require-
24 ments the Secretary determines necessary to ensure
25 the expeditious design, testing, construction, instal-

1 lation, deployment, integration, and operation of the
2 physical barriers, tactical infrastructure, and tech-
3 nology under this section. Such waiver authority
4 shall also apply with respect to any maintenance car-
5 ried out on such physical barriers, tactical infra-
6 structure, or technology. Any such decision by the
7 Secretary shall be effective upon publication in the
8 Federal Register.”;

9 (B) by redesignating paragraph (2) as
10 paragraph (3); and

11 (C) by inserting after paragraph (1) the
12 following new paragraph:

13 “(2) NOTIFICATION.—Not later than 7 days
14 after the date on which the Secretary of Homeland
15 Security exercises the waiver authority under para-
16 graph (1), the Secretary shall notify the Committee
17 on Homeland Security of the House of Representa-
18 tives and the Committee on Homeland Security and
19 Governmental Affairs of the Senate of such waiver.”;
20 and

21 (4) by adding at the end the following new sub-
22 sections:

23 “(e) TECHNOLOGY.—The Secretary of Homeland Se-
24 curity, in carrying out this section, shall deploy along the
25 United States border the most practical and effective tech-

1 nology available for achieving situational awareness and
2 operational control of the border.

3 “(f) DEFINITIONS.—In this section:

4 “(1) ADVANCED UNATTENDED SURVEILLANCE
5 SENSORS.—The term ‘advanced unattended surveil-
6 lance sensors’ means sensors that utilize an onboard
7 computer to analyze detections in an effort to dis-
8 cern between vehicles, humans, and animals, and ul-
9 timately filter false positives prior to transmission.

10 “(2) HIGH TRAFFIC AREAS.—The term ‘high
11 traffic areas’ means areas in the vicinity of the
12 United States border that—

13 “(A) are within the responsibility of U.S.
14 Customs and Border Protection; and

15 “(B) have significant unlawful cross-border
16 activity, as determined by the Secretary of
17 Homeland Security.

18 “(3) OPERATIONAL CONTROL.—The term ‘oper-
19 ational control’ has the meaning given such term in
20 section 2(b) of the Secure Fence Act of 2006 (Public
21 Law 109–367; 8 U.S.C. 1701 note).

22 “(4) PHYSICAL BARRIERS.—The term ‘physical
23 barriers’ includes reinforced fencing, border wall sys-
24 tem, and levee walls.

1 “(5) SITUATIONAL AWARENESS.—The term ‘sit-
2 uational awareness’ has the meaning given such
3 term in section 1092(a)(7) of the National Defense
4 Authorization Act for Fiscal Year 2017 (Public Law
5 114–328; 6 U.S.C. 223(a)(7)).

6 “(6) TACTICAL INFRASTRUCTURE.—The term
7 ‘tactical infrastructure’ includes boat ramps, access
8 gates, checkpoints, lighting, and roads.

9 “(7) TECHNOLOGY.—The term ‘technology’ in-
10 cludes border surveillance and detection technology,
11 including the following:

12 “(A) Tower-based surveillance technology.

13 “(B) Deployable, lighter-than-air ground
14 surveillance equipment.

15 “(C) Vehicle and Dismount Exploitation
16 Radars (VADER).

17 “(D) 3-dimensional, seismic acoustic detec-
18 tion and ranging border tunneling detection
19 technology.

20 “(E) Advanced unattended surveillance
21 sensors.

22 “(F) Mobile vehicle-mounted and man-
23 portable surveillance capabilities.

24 “(G) Unmanned aircraft systems.

1 “(H) Other border detection, communica-
2 tion, and surveillance technology.

3 “(8) UNMANNED AIRCRAFT SYSTEM.—The term
4 ‘unmanned aircraft system’ has the meaning given
5 such term in section 44801 of title 49, United
6 States Code.”.

7 **SEC. 5. BORDER AND PORT SECURITY TECHNOLOGY IN-**
8 **VESTMENT PLAN.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this section, the Commissioner,
11 in consultation with covered officials and border and port
12 security technology stakeholders, shall submit to the ap-
13 propriate congressional committees a strategic 5-year
14 technology investment plan (in this section to be referred
15 to as the “plan”). The plan may include a classified annex,
16 if appropriate.

17 (b) CONTENTS OF PLAN.—The plan shall include the
18 following:

19 (1) An analysis of security risks with respect to
20 ports of entry along the northern and southern bor-
21 ders of the United States.

22 (2) An identification of capability gaps with re-
23 spect to security at such ports of entry.

24 (3) An analysis of current and forecast trends
25 relating to the number of aliens who—

1 (A) unlawfully entered the United States
2 by crossing the northern or southern border of
3 the United States; or

4 (B) are unlawfully present in the United
5 States.

6 (4) A description of security-related technology
7 acquisitions that are listed in order of priority to ad-
8 dress the security risks and capability gaps identi-
9 fied pursuant to paragraphs (1) and (2), respec-
10 tively.

11 (5) A description of each planned security-re-
12 lated technology program, including objectives, goals,
13 and timelines for each such program.

14 (6) An identification of each deployed security-
15 related technology that is at or near the end of the
16 life cycle of such technology.

17 (7) A description of the test, evaluation, mod-
18 eling, and simulation capabilities, including target
19 methodologies, rationales, and timelines, necessary
20 to support the acquisition of security-related tech-
21 nologies pursuant to paragraph (4).

22 (8) An identification and assessment of ways to
23 increase opportunities for communication and col-
24 laboration with industry, small and disadvantaged
25 businesses, intra-government entities, university cen-

1 ters of excellence, and national laboratories to en-
2 sure CBP understands the market for security-re-
3 lated technologies that are available to satisfy its
4 mission needs before engaging in an acquisition of a
5 security-related technology.

6 (9) An assessment of the management of
7 planned security-related technology programs by the
8 acquisition workforce of CBP.

9 (10) An identification of ways to leverage al-
10 ready-existing acquisition expertise within the Fed-
11 eral Government.

12 (11) A description of the security resources, in-
13 cluding information security resources, that will be
14 required to protect security-related technology from
15 physical or cyber theft, diversion, sabotage, or at-
16 tack.

17 (12) A description of initiatives to—

18 (A) streamline the acquisition process of
19 CBP; and

20 (B) provide greater predictability and clar-
21 ity, with respect to such process, to small, me-
22 dium, and large businesses, including informa-
23 tion relating to the timeline for testing and
24 evaluation.

1 (13) An assessment of the privacy and security
2 impact on border communities of security-related
3 technology.

4 (14) In the case of a new acquisition leading to
5 the removal of equipment from a port of entry along
6 the northern or southern border of the United
7 States, a strategy to consult with industry and com-
8 munity stakeholders affected by such removal.

9 (15) A strategy to consult with industry and
10 community stakeholders with respect to security im-
11 pacts at a port of entry described in paragraph (14).

12 (c) LEVERAGING THE PRIVATE SECTOR.—To the ex-
13 tent practicable, the plan shall—

14 (1) leverage to the greatest extent possible
15 emerging technological trends, and research and de-
16 velopment trends, within the public and private sec-
17 tors;

18 (2) incorporate input from the private sector,
19 including from border and port security stake-
20 holders, through requests for information, industry
21 day events, and other innovative means consistent
22 with the Federal Acquisition Regulation; and

23 (3) identify security-related technologies that
24 are in development or deployed, with or without ad-
25 aptation, that may satisfy the mission needs of CBP.

1 (d) FORM.—To the extent practicable, the plan shall
2 be published in unclassified form on the website of the
3 Department.

4 (e) APPROVAL.—The Commissioner may not publish
5 the plan until the plan is approved by the Secretary.

6 (f) DISCLOSURE.—The plan shall include a list of the
7 names of individuals not employed by the Federal Govern-
8 ment who contributed to the development of the plan.

9 (g) UPDATE AND REPORT.—Not later than the date
10 that is two years after the date on which the plan is sub-
11 mitted to the appropriate congressional committees pursu-
12 ant to subsection (a) and biennially thereafter for ten
13 years, the Commissioner shall submit to the appropriate
14 congressional committees—

15 (1) an update of the plan, if appropriate; and

16 (2) a report that includes—

17 (A) the extent to which each security-re-
18 lated technology acquired by CBP since the ini-
19 tial submission of the plan or most recent up-
20 date of the plan, as the case may be, is con-
21 sistent with the planned technology programs
22 and projects identified pursuant to subsection
23 (b)(5); and

24 (B) the type of contract and the reason for
25 acquiring such security-related technology.

1 (h) DEFINITIONS.—In this section:

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

5 (A) the Committee on Homeland Security
6 of the House of Representatives; and

7 (B) the Committee on Homeland Security
8 and Governmental Affairs of the Senate.

9 (2) COVERED OFFICIALS.—The term “covered
10 officials” means—

11 (A) the Under Secretary for Management
12 of the Department;

13 (B) the Under Secretary for Science and
14 Technology of the Department; and

15 (C) the Chief Information Officer of the
16 Department.

17 (3) UNLAWFULLY PRESENT.—The term “un-
18 lawfully present” has the meaning given such term
19 in section 212(a)(9)(B)(ii) of the Immigration and
20 Nationality Act (8 U.S.C. 1182(a)(9)(B)(ii)).

21 **SEC. 6. COMMERCIAL SOLUTIONS OPENING ACQUISITION**
22 **PROGRAM.**

23 (a) AUTHORITY.—The Commissioner may carry out
24 a program, to be known as the “commercial solutions
25 opening acquisition program” (in this section referred to

1 as the “program”), under which commercial items that are
2 innovative may be acquired through a competitive selection
3 of proposals resulting from a general solicitation and peer
4 review of such proposals.

5 (b) TREATMENT AS COMPETITIVE PROCEDURES.—
6 Use of general solicitation competitive procedures for the
7 program shall be considered to be use of competitive pro-
8 cedures for purposes of division C of title 41, United
9 States Code.

10 (c) LIMITATION.—The Commissioner may not enter
11 into a contract under the program for an amount in excess
12 of \$10,000,000.

13 (d) GUIDANCE.—The Commissioner, in consultation
14 with the Under Secretary for Management of the Depart-
15 ment, shall—

16 (1) issue guidance for the implementation of
17 the program; and

18 (2) post such guidance on a publicly available
19 website of CBP.

20 (e) REPORT.—

21 (1) IN GENERAL.—The Commissioner shall sub-
22 mit to the appropriate congressional committees a
23 report relating to the activities of the program as an
24 addendum to the annual budget request submission
25 of the Commissioner.

1 (2) ELEMENTS.—Each report required under
2 paragraph (1) shall include—

3 (A) an assessment of the impact of the
4 program with respect to competition;

5 (B) a comparison of acquisition timelines
6 of procurements made using—

7 (i) the program; and

8 (ii) other competitive procedures that
9 do not rely on general solicitations; and

10 (C) a recommendation with respect to
11 whether the authority for the program should
12 be extended beyond the date of termination
13 specified in subsection (f).

14 (f) TERMINATION.—The program shall terminate on
15 September 30, 2028.

16 (g) DEFINITIONS.—In this section:

17 (1) COMPETITIVE PROCEDURES.—The term
18 “competitive procedures” has the meaning given
19 such term in section 152 of title 41, United States
20 Code.

21 (2) INNOVATIVE.—The term “innovative”
22 means any new—

23 (A) technology, process, or method, includ-
24 ing research and development; or

1 (B) application of an existing technology,
2 process, or method.

3 **SEC. 7. BORDER SECURITY TECHNOLOGY PROGRAM MAN-**
4 **AGEMENT.**

5 (a) IN GENERAL.—Subtitle C of title IV of the
6 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)
7 is amended by adding at the end the following new section:

8 **“SEC. 437. BORDER SECURITY TECHNOLOGY PROGRAM**
9 **MANAGEMENT.**

10 “(a) MAJOR ACQUISITION PROGRAM DEFINED.—In
11 this section, the term ‘major acquisition program’ means
12 an acquisition program of the Department that is esti-
13 mated by the Secretary to require an eventual total ex-
14 penditure of at least \$300,000,000 (based on fiscal year
15 2022 constant dollars) over its life-cycle cost.

16 “(b) PLANNING DOCUMENTATION.—For each border
17 security technology acquisition program of the Depart-
18 ment that is determined to be a major acquisition pro-
19 gram, the Secretary shall—

20 “(1) ensure that each such program has a writ-
21 ten acquisition program baseline approved by the
22 relevant acquisition decision authority;

23 “(2) document that each such program is satis-
24 fying cost, schedule, and performance thresholds as
25 specified in such baseline, in compliance with rel-

1 evant departmental acquisition policies and the Fed-
2 eral Acquisition Regulation; and

3 “(3) have a plan for satisfying program imple-
4 mentation objectives by managing contractor per-
5 formance.

6 “(c) ADHERENCE TO STANDARDS.—The Secretary,
7 acting through the Under Secretary for Management and
8 the Commissioner of U.S. Customs and Border Protection,
9 shall ensure border security technology acquisition pro-
10 gram managers who are responsible for carrying out this
11 section adhere to relevant internal control standards iden-
12 tified by the Comptroller General of the United States.
13 The Commissioner shall provide information, as needed,
14 to assist the Under Secretary in monitoring management
15 of border security technology acquisition programs under
16 this section.

17 “(d) PLAN.—The Secretary, acting through the
18 Under Secretary for Management, in coordination with
19 the Under Secretary for Science and Technology and the
20 Commissioner of U.S. Customs and Border Protection,
21 shall submit to the Committee on Homeland Security of
22 the House of Representatives and the Committee on
23 Homeland Security and Governmental Affairs of the Sen-
24 ate a plan for testing, evaluating, and using independent
25 verification and validation of resources relating to the pro-

1 posed acquisition of border security technology. Under
 2 such plan, the proposed acquisition of new border security
 3 technologies shall be evaluated through a series of assess-
 4 ments, processes, and audits to ensure—

5 “(1) compliance with relevant departmental ac-
 6 quisition policies and the Federal Acquisition Regu-
 7 lation; and

8 “(2) the effective use of taxpayer dollars.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
 10 in section 1(b) of the Homeland Security Act of 2002 is
 11 amended by striking the items relating to sections 435 and
 12 436 and inserting the following new items:

“Sec. 435. Maritime operations coordination plan.

“Sec. 436. Maritime security capabilities assessments.

“Sec. 437. Border security technology program management.”.

13 (c) PROHIBITION ON ADDITIONAL AUTHORIZATION
 14 OF APPROPRIATIONS.—No additional funds are author-
 15 ized to be appropriated to carry out section 437 of the
 16 Homeland Security Act of 2002, as added by subsection
 17 (a).

18 **SEC. 8. U.S. CUSTOMS AND BORDER PROTECTION TECH-**
 19 **NOLOGY UPGRADES.**

20 (a) SECURE COMMUNICATIONS.—The Commissioner
 21 shall ensure that each CBP officer or agent, if appro-
 22 priate, is equipped with a secure radio or other two-way
 23 communication device that allows each such officer or
 24 agent to communicate—

1 (1) between ports of entry and inspection sta-
2 tions; and

3 (2) with other Federal, State, Tribal, and local
4 law enforcement entities.

5 (b) BORDER SECURITY DEPLOYMENT PROGRAM.—

6 (1) EXPANSION.—Not later than September 30,
7 2023, the Commissioner shall fully implement the
8 Border Security Deployment Program of CBP and
9 expand the integrated surveillance and intrusion de-
10 tection system at land ports of entry along the
11 northern and southern borders of the United States.

12 (2) AUTHORIZATION OF APPROPRIATIONS.—In
13 addition to amounts otherwise authorized to be ap-
14 propriated for such purpose, there is authorized to
15 be appropriated \$33,000,000 for fiscal years 2022
16 and 2023 to carry out paragraph (1).

17 (c) UPGRADE OF LICENSE PLATE READERS AT
18 PORTS OF ENTRY.—

19 (1) UPGRADE.—Not later than two years after
20 the date of the enactment of this section, the Com-
21 missioner shall upgrade all existing license plate
22 readers in need of upgrade, as determined by the
23 Commissioner, on the northern and southern borders
24 of the United States.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—In
2 addition to amounts otherwise authorized to be ap-
3 propriated for such purpose, there is authorized to
4 be appropriated \$125,000,000 for fiscal years 2022
5 and 2023 to carry out paragraph (1).

6 (d) BIOMETRIC EXIT DATA SYSTEM.—

7 (1) IN GENERAL.—Subtitle B of title IV of the
8 Homeland Security Act of 2002 (6 U.S.C. 211 et
9 seq.) is amended by adding at the end the following
10 new section:

11 **“SEC. 420. BIOMETRIC EXIT DATA SYSTEM.**

12 “(a) ESTABLISHMENT.—The Secretary shall—

13 “(1) not later than 180 days after the date of
14 the enactment of this section, submit to the Com-
15 mittee on Homeland Security and the Committee on
16 the Judiciary of the House of Representatives and
17 the Committee on Homeland Security and Govern-
18 mental Affairs and the Committee on the Judiciary
19 of the Senate an implementation plan to establish a
20 biometric exit data system to complete the inte-
21 grated biometric entry and exit data system required
22 under section 7208 of the Intelligence Reform and
23 Terrorism Prevention Act of 2004 (8 U.S.C. 1365b),
24 including—

1 “(A) an integrated master schedule and
2 cost estimate, including requirements and de-
3 sign, development, operational, and mainte-
4 nance costs of such a system, that takes into
5 account prior reports on such matters issued by
6 the Government Accountability Office and the
7 Department;

8 “(B) cost-effective staffing and personnel
9 requirements of such a system that leverages
10 existing resources of the Department and takes
11 into account prior reports on such matters
12 issued by the Government Accountability Office
13 and the Department;

14 “(C) a consideration of training programs
15 necessary to establish such a system that takes
16 into account prior reports on such matters
17 issued by the Government Accountability Office
18 and the Department;

19 “(D) a consideration of how such a system
20 will affect arrival and departure wait times that
21 takes into account prior reports on such mat-
22 ters issued by the Government Accountability
23 Office and the Department;

1 “(E) a consideration of audit capability for
2 systems procured in partnership with the pri-
3 vate sector to achieve biometric exit;

4 “(F) information received after consulta-
5 tion with the private sector, including the—

6 “(i) trucking industry;

7 “(ii) airport industry;

8 “(iii) airline industry;

9 “(iv) seaport industry;

10 “(v) travel industry; and

11 “(vi) biometric technology industry;

12 “(G) a consideration of how trusted trav-
13 eler programs in existence as of the date of the
14 enactment of this section may be impacted by,
15 or incorporated into, such a system;

16 “(H) defined metrics of success and mile-
17 stones;

18 “(I) identified risks and mitigation strate-
19 gies to address such risks;

20 “(J) a consideration of how other countries
21 have implemented a biometric exit data system;

22 “(K) a consideration of stakeholder privacy
23 concerns; and

24 “(L) a list of statutory, regulatory, or ad-
25 ministrative authorities, if any, needed to inte-

1 grate such a system into the operations of the
2 Transportation Security Administration; and

3 “(2) not later than two years after the date of
4 the enactment of this section, establish a biometric
5 exit data system at—

6 “(A) the 15 United States airports that
7 support the highest volume of international air
8 travel, as determined by available Federal flight
9 data;

10 “(B) the 10 United States seaports that
11 support the highest volume of international sea
12 travel, as determined by available Federal travel
13 data; and

14 “(C) the 15 United States land ports of
15 entry that support the highest volume of vehi-
16 cle, pedestrian, and cargo crossings, as deter-
17 mined by available Federal border crossing
18 data.

19 “(b) IMPLEMENTATION.—

20 “(1) PILOT PROGRAM AT LAND PORTS OF
21 ENTRY.—Not later than six months after the date of
22 the enactment of this section, the Secretary, in col-
23 laboration with industry stakeholders specified in
24 subsection (a)(1)(F), shall establish a six-month
25 pilot program to test the biometric exit data system

1 referred to in subsection (a)(1) on nonpedestrian
2 outbound traffic at not fewer than three land ports
3 of entry with significant cross-border traffic, includ-
4 ing at not fewer than two land ports of entry on the
5 southern land border and at least one land port of
6 entry on the northern land border. Such pilot pro-
7 gram may include a consideration of more than one
8 biometric mode, and shall be implemented to deter-
9 mine the following:

10 “(A) How a nationwide implementation of
11 such biometric exit data system at land ports of
12 entry shall be carried out.

13 “(B) The infrastructure required to carry
14 out subparagraph (A).

15 “(C) The effects of such pilot program
16 on—

17 “(i) legitimate travel and trade;

18 “(ii) wait times, including processing
19 times, for such non-pedestrian traffic;

20 “(iii) combating terrorism; and

21 “(iv) identifying visa holders who vio-
22 late the terms of their visas.

23 “(2) AT LAND PORTS OF ENTRY.—

24 “(A) IN GENERAL.—Not later than five
25 years after the date of the enactment of this

1 section, the Secretary shall expand to all land
2 ports of entry the biometric exit data system es-
3 tablished pursuant to subsection (a)(2).

4 “(B) EXTENSION.—The Secretary may ex-
5 tend for a single two-year period the date speci-
6 fied in subparagraph (A) if the Secretary cer-
7 tifies to the Committee on Homeland Security
8 and the Committee on the Judiciary of the
9 House of Representatives and the Committee
10 on Homeland Security and Governmental Af-
11 fairs and the Committee on the Judiciary of the
12 Senate that the 15 land ports of entry that sup-
13 port the highest volume of vehicle, pedestrian,
14 and cargo crossings, as determined by available
15 Federal border crossing data, do not have the
16 physical infrastructure or characteristics to in-
17 stall the systems necessary to implement a bio-
18 metric exit data system. Such extension shall
19 apply only in the case of nonpedestrian out-
20 bound traffic at such land ports of entry.

21 “(3) AT AIR AND SEA PORTS OF ENTRY.—Not
22 later than five years after the date of the enactment
23 of this section, the Secretary shall expand to all air
24 and sea ports of entry the biometric exit data system
25 referred to in subsection (a)(2).

1 “(c) EFFECTS ON AIR, SEA, AND LAND TRANSPOR-
2 TATION.—The Secretary, in consultation with appropriate
3 industry stakeholders, shall ensure that the collection of
4 biometric data under this section causes the least possible
5 disruption to the movement of people or cargo in air, sea,
6 or land transportation, while fulfilling the goals of improv-
7 ing counterterrorism efforts and identifying visa holders
8 who violate the terms of their visas.

9 “(d) TERMINATION OF PROCEEDING.—Notwith-
10 standing any other provision of law, the Secretary shall,
11 on the date of the enactment of this section, terminate
12 the proceeding entitled ‘Collection of Alien Biometric Data
13 Upon Exit From the United States at Air and Sea Ports
14 of Departure; United States Visitor and Immigrant Status
15 Indicator Technology Program (“US-VISIT”)', issued on
16 April 24, 2008 (73 Fed. Reg. 22065).

17 “(e) DATA MATCHING.—The biometric exit data sys-
18 tem established under this section shall—

19 “(1) match biometric information for an indi-
20 vidual, regardless of nationality, citizenship, or im-
21 migration status, who is departing the United States
22 against biometric data previously provided to the
23 United States Government by such individual for the
24 purposes of international travel;

1 “(2) leverage the infrastructure and databases
2 of the current biometric entry and exit system estab-
3 lished pursuant to section 7208 of the Intelligence
4 Reform and Terrorism Prevention Act of 2004 (8
5 U.S.C. 1365b) for the purpose described in para-
6 graph (1); and

7 “(3) be interoperable with, and allow matching
8 against, other Federal databases that—

9 “(A) store biometrics of known or sus-
10 pected terrorists; and

11 “(B) identify visa holders who violate the
12 terms of their visas.

13 “(f) SCOPE.—

14 “(1) IN GENERAL.—The biometric exit data
15 system established under this section shall include a
16 requirement for the collection of biometric exit data
17 at the time of departure for all categories of individ-
18 uals who are required by the Secretary to provide bi-
19 ometric entry data.

20 “(2) EXCEPTION FOR CERTAIN OTHER INDIVID-
21 UALS.—This section shall not apply in the case of an
22 individual who exits and then enters the United
23 States on a passenger vessel (as such term is defined
24 in section 2101 of title 46, United States Code) the

1 itinerary of which originates and terminates in the
2 United States.

3 “(3) EXCEPTION FOR LAND PORTS OF
4 ENTRY.—This section shall not apply in the case of
5 a United States or Canadian citizen who exits the
6 United States through a land port of entry.

7 “(g) COLLECTION OF DATA.—The Secretary may not
8 require any non-Federal person to collect biometric data,
9 or contribute to the costs of collecting or administering
10 the biometric exit data system established under this sec-
11 tion, except through a mutual agreement.

12 “(h) MULTIMODAL COLLECTION.—In carrying out
13 subsections (a)(1) and (b), the Secretary shall make every
14 effort to collect biometric data using multiple modes of
15 biometrics.

16 “(i) FACILITIES.—

17 “(1) IN GENERAL.—All facilities at which the
18 biometric exit data system established under this
19 section is implemented shall provide and maintain
20 space for Federal use that is adequate to support bi-
21 ometric data collection and other inspection-related
22 activity.

23 “(2) NON-FEDERAL FACILITIES.—With respect
24 to each non-Federal facility at which the biometric
25 exit data system is implemented pursuant to para-

1 graph (1), the space required under such paragraph
2 shall be provided and maintained at no cost to the
3 Federal Government.

4 “(3) LAND PORTS OF ENTRY.—With respect to
5 each facility at a land port of entry at which the bio-
6 metric exit data system is implemented pursuant to
7 paragraph (1), the space required under such para-
8 graph shall be coordinated with the Administrator of
9 General Services.

10 “(j) NORTHERN LAND BORDER.—With respect to
11 the northern land border, the requirements under sub-
12 sections (a)(2)(C), (b)(2)(A), and (b)(3) may be achieved
13 through the sharing of biometric data provided to the De-
14 partment by the Canadian Border Services Agency pursu-
15 ant to the 2011 Beyond the Border agreement.

16 “(k) FULL AND OPEN COMPETITION.—The Sec-
17 retary shall procure goods and services to implement this
18 section through full and open competition in accordance
19 with the Federal Acquisition Regulation.

20 “(l) OTHER BIOMETRIC INITIATIVES.—Nothing in
21 this section may be construed as limiting the authority of
22 the Secretary to collect biometric information in cir-
23 cumstances other than as specified in this section.

24 “(m) CONGRESSIONAL REVIEW.—Not later than 90
25 days after the date of the enactment of this section, the

1 Secretary shall submit to the Committee on Homeland Se-
2 curity and the Committee on the Judiciary of the House
3 of Representatives and the Committee on Homeland Secu-
4 rity and Governmental Affairs and the Committee on the
5 Judiciary of the Senate reports and recommendations re-
6 garding the Directorate of Science and Technology’s Air
7 Entry and Exit Re-Engineering Program and the U.S.
8 Customs and Border Protection entry and exit mobility
9 program demonstrations.

10 “(n) SAVINGS CLAUSE.—Nothing in this section may
11 prohibit the collection of user fees permitted by section
12 13031 of the Consolidated Omnibus Budget Reconciliation
13 Act of 1985 (19 U.S.C. 58c).”.

14 (2) AUTHORIZATION OF APPROPRIATIONS.—
15 There is authorized to be appropriated \$50,000,000
16 for each of fiscal years 2022 and 2023 to carry out
17 section 420 of the Homeland Security Act of 2002,
18 as added by this subsection.

19 (3) CLERICAL AMENDMENT.—The table of con-
20 tents in section 1(b) of the Homeland Security Act
21 of 2002 is amended by inserting after the item relat-
22 ing to section 419 the following new item:

“Sec. 420. Biometric exit data system.”.

1 **SEC. 9. NONINTRUSIVE INSPECTION OPERATIONS.**

2 The Secretary shall fully implement the requirements
3 of the Securing America's Ports Act (Public Law 116–
4 299; 6 U.S.C. 211 note).

5 **SEC. 10. ADDITIONAL U.S. CUSTOMS AND BORDER PROTEC-**
6 **TION PERSONNEL.**

7 (a) **BORDER PATROL AGENTS.**—Not later than Sep-
8 tember 30, 2025, the Commissioner shall hire, train, and
9 assign agents to maintain an active duty presence of—

10 (1) not fewer than 22,478 full-time equivalent
11 CBP agents; and

12 (2) not fewer than 1,200 CBP processing coor-
13 dinators.

14 (b) **CBP OFFICERS.**—In addition to positions author-
15 ized before the date of the enactment of this section and
16 any existing officer vacancies within CBP as of such date,
17 the Commissioner shall, not later than September 30,
18 2025, hire, train, and assign to duty sufficient CBP offi-
19 cers to maintain an active duty presence of—

20 (1) not fewer than 27,725 full-time equivalent
21 officers; and

22 (2) the required associated full-time support
23 staff distributed among all United States ports of
24 entry.

25 (c) **AIR AND MARINE OPERATIONS.**—Not later than
26 September 30, 2025, the Commissioner shall hire, train,

1 and assign agents for Air and Marine Operations of CBP
2 to maintain not fewer than 1,675 full-time equivalent
3 agents.

4 (d) CBP K–9 UNITS AND HANDLERS.—

5 (1) K–9 UNITS.—Not later than September 30,
6 2025, the Commissioner shall deploy not fewer than
7 200 new K–9 units, with supporting officers of CBP
8 and other required staff, at land ports of entry and
9 checkpoints, along the northern and southern bor-
10 ders of the United States.

11 (2) USE OF CANINES.—The Commissioner shall
12 prioritize the use of K–9 units at the primary in-
13 spection lanes at land ports of entry and check-
14 points.

15 (e) CBP TUNNEL DETECTION AND REMEDIATION.—
16 Not later than September 30, 2025, the Commissioner
17 shall increase by not fewer than 50 the number of CBP
18 officers assisting task forces and activities related to—

19 (1) the deployment and operation of border tun-
20 nel detection technology;

21 (2) the apprehension of individuals using such
22 tunnels for—

23 (A) unlawfully entering the United States;

24 (B) drug trafficking; or

25 (C) human smuggling; and

1 (3) the remediation of such illicit tunnels.

2 (f) AGRICULTURAL SPECIALISTS.—In addition to the
3 officers and agents authorized under subsections (a)
4 through (e), by September 30, 2025, the Commissioner
5 shall carry out section 4 of the Protecting America’s Food
6 and Agriculture Act of 2019 (Public Law 116–122; 6
7 U.S.C. 211 note).

8 (g) U.S. CUSTOMS AND BORDER PROTECTION OF-
9 FICE OF INTELLIGENCE.—Not later than September 30,
10 2025, the Commissioner shall hire, train, and assign suffi-
11 cient Office of Intelligence personnel to maintain not fewer
12 than 500 full-time equivalent employees.

13 (h) GAO REPORT.—If the staffing levels required
14 under this section are not achieved by September 30,
15 2025, the Comptroller General of the United States shall
16 conduct a review of the reasons why such levels were not
17 achieved.

18 **SEC. 11. ANTI-BORDER CORRUPTION ACT REAUTHORIZA-**
19 **TION.**

20 (a) HIRING FLEXIBILITY.—Section 3 of the Anti-
21 Border Corruption Act of 2010 (6 U.S.C. 221; Public Law
22 111–376) is amended by striking subsection (b) and in-
23 serting the following new subsections:

1 “(b) WAIVER AUTHORITY.—The Commissioner of
2 U.S. Customs and Border Protection may waive the appli-
3 cation of subsection (a)(1)—

4 “(1) to a current, full-time law enforcement of-
5 ficer employed by a State or local law enforcement
6 agency who—

7 “(A) has continuously served as a law en-
8 forcement officer for not fewer than three
9 years;

10 “(B) is authorized by law to engage in or
11 supervise the prevention, detection, investiga-
12 tion, or prosecution of, or the incarceration of
13 any person for, any violation of law, and has
14 statutory powers for arrest or apprehension;

15 “(C) is not currently under investigation,
16 has not been found to have engaged in criminal
17 activity or serious misconduct, has not resigned
18 from a law enforcement officer position under
19 investigation or in lieu of termination, and has
20 not been dismissed from a law enforcement offi-
21 cer position; and

22 “(D) has, within the past ten years, suc-
23 cessfully completed a polygraph examination as
24 a condition of employment with such officer’s
25 current law enforcement agency;

1 “(2) to a current, full-time Federal law enforce-
2 ment officer who—

3 “(A) has continuously served as a law en-
4 forcement officer for not fewer than three
5 years;

6 “(B) is authorized to make arrests, con-
7 duct investigations, conduct searches, make sei-
8 zures, carry firearms, and serve orders, war-
9 rants, and other processes;

10 “(C) is not currently under investigation,
11 has not been found to have engaged in criminal
12 activity or serious misconduct, has not resigned
13 from a law enforcement officer position under
14 investigation or in lieu of termination, and has
15 not been dismissed from a law enforcement offi-
16 cer position; and

17 “(D) holds a current Tier 4 background
18 investigation or current Tier 5 background in-
19 vestigation; and

20 “(3) to a member of the Armed Forces (or a re-
21 serve component thereof) or a veteran, if such indi-
22 vidual—

23 “(A) has served in the Armed Forces for
24 not fewer than three years;

1 “(B) holds, or has held within the past five
2 years, a Secret, Top Secret, or Top Secret/Sen-
3 sitive Compartmented Information clearance;

4 “(C) holds, or has undergone within the
5 past five years, a current Tier 4 background in-
6 vestigation or current Tier 5 background inves-
7 tigation;

8 “(D) received, or is eligible to receive, an
9 honorable discharge from service in the Armed
10 Forces and has not engaged in criminal activity
11 or committed a serious military or civil offense
12 under the Uniform Code of Military Justice;
13 and

14 “(E) was not granted any waivers to ob-
15 tain the clearance referred to in subparagraph
16 (B).

17 “(c) TERMINATION OF WAIVER AUTHORITY.—The
18 authority to issue a waiver under subsection (b) shall ter-
19minate on the date that is four years after the date of
20 the enactment of the Border Security for America Act of
21 2021.”.

22 (b) SUPPLEMENTAL COMMISSIONER AUTHORITY AND
23 DEFINITIONS.—

24 (1) SUPPLEMENTAL COMMISSIONER AUTHOR-
25 ITY.—The Anti-Border Corruption Act of 2010 is

1 amended by adding at the end the following new sec-
2 tion:

3 **“SEC. 5. SUPPLEMENTAL COMMISSIONER AUTHORITY.**

4 “(a) NONEXEMPTION.—An individual who receives a
5 waiver under section 3(b) is not exempt from other hiring
6 requirements relating to suitability for employment and
7 eligibility to hold a national security designated position,
8 as determined by the Commissioner of U.S. Customs and
9 Border Protection.

10 “(b) BACKGROUND INVESTIGATIONS.—Any indi-
11 vidual who receives a waiver under section 3(b) who holds
12 a current Tier 4 background investigation shall be subject
13 to a Tier 5 background investigation.

14 “(c) ADMINISTRATION OF POLYGRAPH EXAMINA-
15 TION.—The Commissioner of U.S. Customs and Border
16 Protection is authorized to administer a polygraph exam-
17 ination to an applicant or employee who is eligible for or
18 receives a waiver under section 3(b) if information is dis-
19 covered before the completion of a background investiga-
20 tion that results in a determination that a polygraph ex-
21 amination is necessary to make a final determination re-
22 garding suitability for employment or continued employ-
23 ment, as the case may be.”.

24 (2) REPORT.—The Anti-Border Corruption Act
25 of 2010, as amended by paragraph (1), is further

1 amended by adding at the end the following new sec-
2 tion:

3 **“SEC. 6. REPORTING.**

4 “(a) ANNUAL REPORT.—Not later than one year
5 after the date of the enactment of this section and annu-
6 ally thereafter while the waiver authority under section
7 3(b) is in effect, the Commissioner of U.S. Customs and
8 Border Protection shall submit to Congress a report that
9 includes, with respect to each such reporting period—

10 “(1) the number of waivers requested, granted,
11 and denied under such section 3(b);

12 “(2) the reasons for any denials of such waiver;

13 “(3) the percentage of applicants who were
14 hired after receiving a waiver;

15 “(4) the number of instances that a polygraph
16 was administered to an applicant who initially re-
17 ceived a waiver and the results of such polygraph;

18 “(5) an assessment of the current impact of the
19 polygraph waiver program on filling law enforcement
20 positions at U.S. Customs and Border Protection;
21 and

22 “(6) additional authorities needed by U.S. Cus-
23 toms and Border Protection to better utilize the
24 polygraph waiver program for its intended goals.

1 “(b) ADDITIONAL INFORMATION.—The first report
2 submitted under subsection (a) shall include—

3 “(1) an analysis of other methods of employ-
4 ment suitability tests that detect deception and could
5 be used in conjunction with traditional background
6 investigations to evaluate potential employees for
7 suitability; and

8 “(2) a recommendation regarding whether a
9 test referred to in paragraph (1) should be adopted
10 by U.S. Customs and Border Protection when the
11 polygraph examination requirement is waived pursu-
12 ant to section 3(b).”.

13 (3) DEFINITIONS.—The Anti-Border Corrup-
14 tion Act of 2010, as amended by paragraphs (1) and
15 (2), is further amended by adding at the end the fol-
16 lowing new section:

17 **“SEC. 7. DEFINITIONS.**

18 “**In this Act:**

19 “(1) FEDERAL LAW ENFORCEMENT OFFICER.—
20 The term ‘Federal law enforcement officer’ means a
21 ‘law enforcement officer’, as such term is defined in
22 section 8331(20) or 8401(17) of title 5, United
23 States Code.

1 “(2) SERIOUS MILITARY OR CIVIL OFFENSE.—
2 The term ‘serious military or civil offense’ means an
3 offense for which—

4 “(A) a member of the Armed Forces may
5 be discharged or separated from service in the
6 Armed Forces; and

7 “(B) a punitive discharge is, or would be,
8 authorized for the same or a closely related of-
9 fense under the Manual for Court-Martial, as
10 pursuant to Army Regulation 635–200, chapter
11 14–12.

12 “(3) TIER 4; TIER 5.—The terms ‘Tier 4’ and
13 ‘Tier 5’ with respect to background investigations
14 have the meaning given such terms under the 2012
15 Federal Investigative Standards.

16 “(4) VETERAN.—The term ‘veteran’ has the
17 meaning given such term in section 101(2) of title
18 38, United States Code.”.

19 (c) POLYGRAPH EXAMINERS.—Not later than Sep-
20 tember 30, 2025, the Secretary shall increase to not fewer
21 than 150 the number of trained full-time equivalent poly-
22 graph examiners for administering polygraphs under the
23 Anti-Border Corruption Act of 2010, as amended by this
24 section.

1 **SEC. 12. ESTABLISHMENT OF WORKLOAD STAFFING MOD-**
2 **ELS FOR U.S. BORDER PATROL AND AIR AND**
3 **MARINE OPERATIONS OF CBP.**

4 (a) IN GENERAL.—Not later than one year after the
5 date of the enactment of this Act, the Commissioner, in
6 coordination with the Under Secretary for Management,
7 the Chief Human Capital Officer, and the Chief Financial
8 Officer of the Department, shall implement a workload
9 staffing model for each of the following:

10 (1) The U.S. Border Patrol.

11 (2) Air and Marine Operations of CBP.

12 (b) RESPONSIBILITIES OF THE COMMISSIONER OF
13 CBP.—Subsection (c) of section 411 of the Homeland Se-
14 curity Act of 2002 (6 U.S.C. 211), is amended—

15 (1) by redesignating paragraphs (18) and (19)
16 as paragraphs (20) and (21), respectively; and

17 (2) by inserting after paragraph (17) the fol-
18 lowing new paragraphs:

19 “(18) implement a staffing model that includes
20 consideration for essential frontline operator activi-
21 ties and functions, variations in operating environ-
22 ments, present and planned infrastructure, present
23 and planned technology, and required operations
24 support levels for the U.S. Border Patrol, Air and
25 Marine Operations, and the Office of Field Oper-
26 ations, to manage and assign personnel of such enti-

1 ties to ensure field and support posts possess ade-
2 quate resources to carry out duties specified in this
3 section;

4 “(19) develop standard operating procedures
5 for a workforce tracking system within the U.S.
6 Border Patrol, Air and Marine Operations, and the
7 Office of Field Operations, train the workforce of
8 each of such entities on the use, capabilities, and
9 purpose of such system, and implement internal con-
10 trols to ensure timely and accurate scheduling and
11 reporting of actual completed work hours and activi-
12 ties;”.

13 (c) REPORT.—

14 (1) IN GENERAL.—Not later than one year
15 after the date of the enactment of this section with
16 respect to subsection (a) and paragraphs (18) and
17 (19) of section 411(c) of the Homeland Security Act
18 of 2002 (as amended by subsection (b)), and annu-
19 ally thereafter with respect to such paragraphs (18)
20 and (19), the Secretary shall submit to the appro-
21 priate congressional committees a report that in-
22 cludes a status update on—

23 (A) the implementation of such subsection

24 (a) and such paragraphs (18) and (19); and

25 (B) each relevant workload staffing model.

1 (2) DATA SOURCES AND METHODOLOGY RE-
2 QUIRED.—Each report required under paragraph (1)
3 shall include information relating to the data sources
4 and methodology used to generate such staffing
5 models.

6 (d) INSPECTOR GENERAL REVIEW.—Not later than
7 120 days after the Commissioner develops the workload
8 staffing models pursuant to subsection (a), the Inspector
9 General of the Department shall review such model and
10 provide feedback to the Secretary and the appropriate con-
11 gressional committees with respect to the degree to which
12 such model is responsive to the recommendations of the
13 Inspector General, including—

14 (1) recommendations from the Inspector Gen-
15 eral’s February 2019 audit; and

16 (2) any further recommendations to improve
17 such model.

18 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
19 FINED.—In this section, the term “appropriate congres-
20 sional committees” means—

21 (1) the Committee on Homeland Security of the
22 House of Representatives; and

23 (2) the Committee on Homeland Security and
24 Governmental Affairs of the Senate.

1 **SEC. 13. OPERATION STONEGARDEN.**

2 (a) IN GENERAL.—Subtitle A of title XX of the
3 Homeland Security Act of 2002 (6 U.S.C. 601 et seq.)
4 is amended by adding at the end the following new section:

5 **“SEC. 2009A. OPERATION STONEGARDEN.**

6 “(a) ESTABLISHMENT.—There is established in the
7 Department a program to be known as ‘Operation
8 Stonegarden’, under which the Secretary, acting through
9 the Administrator, shall make grants to eligible law en-
10 forcement agencies, through the State administrative
11 agency, to enhance border security in accordance with this
12 section.

13 “(b) ELIGIBLE RECIPIENTS.—To be eligible to re-
14 ceive a grant under this section, a law enforcement agen-
15 cy—

16 “(1) shall be located in—

17 “(A) a State bordering Canada or Mexico;

18 or

19 “(B) a State or territory with a maritime
20 border; and

21 “(2) shall be involved in an active, ongoing,
22 U.S. Customs and Border Protection operation co-
23 ordinated through a U.S. Border Patrol sector of-
24 fice.

25 “(c) PERMITTED USES.—The recipient of a grant
26 under this section may use such grant for—

1 “(1) equipment, including maintenance and
2 sustainment costs;

3 “(2) personnel, including overtime and backfill,
4 in support of enhanced border law enforcement ac-
5 tivities;

6 “(3) any activity permitted for Operation
7 Stonegarden under the most recent fiscal year De-
8 partment of Homeland Security’s Homeland Secu-
9 rity Grant Program Notice of Funding Opportunity;
10 and

11 “(4) any other appropriate activity, as deter-
12 mined by the Administrator, in consultation with the
13 Commissioner of U.S. Customs and Border Protec-
14 tion.

15 “(d) PERIOD OF PERFORMANCE.—The Secretary
16 shall award grants under this section to grant recipients
17 for a period of not less than 36 months.

18 “(e) REPORT.—For each of fiscal years 2022 through
19 2026, the Administrator shall submit to the Committee
20 on Homeland Security of the House of Representatives
21 and the Committee on Homeland Security and Govern-
22 mental Affairs of the Senate a report that contains infor-
23 mation on the expenditure of grants made under this sec-
24 tion by each grant recipient.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated \$110,000,000 for each
3 of fiscal years 2022 through 2026 for grants under this
4 section.”.

5 (b) CONFORMING AMENDMENT.—Subsection (a) of
6 section 2002 of the Homeland Security Act of 2002 (6
7 U.S.C. 603) is amended to read as follows:

8 “(a) GRANTS AUTHORIZED.—The Secretary, through
9 the Administrator, may award grants under sections 2003,
10 2004, 2009, and 2009A to State, local, and Tribal govern-
11 ments, as appropriate.”.

12 (c) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Homeland Security Act of 2002 is
14 amended by inserting after the item relating to section
15 2009 the following new item:

“Sec. 2009A. Operation Stonegarden.”.

16 **SEC. 14. AIR AND MARINE OPERATIONS FLIGHT HOURS.**

17 (a) AIR AND MARINE OPERATIONS FLIGHT
18 HOURS.—The Secretary shall ensure that not fewer than
19 95,000 annual flight hours are carried out by Air and Ma-
20 rine Operations of CBP.

21 (b) UNMANNED AIRCRAFT SYSTEMS.—The Sec-
22 retary, after coordination with the Administrator of the
23 Federal Aviation Administration, shall ensure that Air and
24 Marine Operations operate unmanned aircraft systems on

1 the southern border of the United States for not less than
2 24 hours per day for 7 days per week.

3 (c) PRIMARY MISSIONS.—The Commissioner shall
4 ensure that—

5 (1) the primary missions for Air and Marine
6 Operations are to directly support—

7 (A) U.S. Border Patrol activities along the
8 borders of the United States; and

9 (B) Joint Interagency Task Force South
10 operations in the transit zone; and

11 (2) the Executive Assistant Commissioner of
12 Air and Marine Operations assigns the greatest pri-
13 ority to support missions outlined under paragraph
14 (1).

15 (d) HIGH DEMAND FLIGHT HOUR REQUIRE-
16 MENTS.—The Commissioner shall ensure that U.S. Bor-
17 der Patrol Sector Chiefs—

18 (1) identify air support mission-critical hours;
19 and

20 (2) direct Air and Marine Operations to sup-
21 port requests from Sector Chiefs as their primary
22 mission.

23 (e) CONTRACT AIR SUPPORT AUTHORIZATIONS.—
24 The Commissioner shall contract for the unfulfilled air

1 support mission-critical hours, as identified pursuant to
2 subsection (d).

3 (f) SMALL UNMANNED AIRCRAFT SYSTEMS.—

4 (1) IN GENERAL.—The Chief of the U.S. Bor-
5 der Patrol shall be the executive agent with respect
6 to the use of small unmanned aircraft systems by
7 CBP for the purpose of—

8 (A) meeting the unmet flight hour oper-
9 ational requirements of the U.S. Border Patrol;
10 and

11 (B) achieving situational awareness and
12 operational control (as such term is defined in
13 section 2(b) of the Secure Fence Act of 2006
14 (Public Law 109–367; 8 U.S.C. 1701 note)).

15 (2) COORDINATION.—In carrying out para-
16 graph (1), the Chief of the U.S. Border Patrol shall
17 coordinate—

18 (A) flight operations with the Adminis-
19 trator of the Federal Aviation Administration to
20 ensure the safe and efficient operation of the
21 National Airspace System; and

22 (B) with the Executive Assistant Commis-
23 sioner for Air and Marine Operations of CBP
24 to—

1 (i) ensure the safety of other CBP
2 aircraft flying in the vicinity of small un-
3 manned aircraft systems operated by the
4 U.S. Border Patrol; and

5 (ii) establish a process to include data
6 from flight hours in the calculation of got
7 away statistics.

8 (3) CONFORMING AMENDMENT.—Paragraph (3)
9 of section 411(e) of the Homeland Security Act of
10 2002 (6 U.S.C. 211(e)) is amended—

11 (A) in subparagraph (B), by striking
12 “and” after the semicolon at the end;

13 (B) by redesignating subparagraph (C) as
14 subparagraph (D); and

15 (C) by inserting after subparagraph (B)
16 the following new subparagraph:

17 “(C) carry out the small unmanned air-
18 craft system (as such term is defined in section
19 44801 of title 49, United States Code) require-
20 ments pursuant to subsection (f) of section 14
21 of the Border Security for America Act of
22 2021; and”.

23 (g) SAVINGS CLAUSE.—Nothing in this section shall
24 confer, transfer, or delegate to the Secretary, the Commis-
25 sioner, the Executive Assistant Commissioner for Air and

1 Marine Operations of CBP, or the Chief of the U.S. Bor-
2 der Patrol any authority of the Secretary of Transpor-
3 tation or the Administrator of the Federal Aviation Ad-
4 ministration relating to the use of airspace or aviation
5 safety.

6 (h) DEFINITIONS.—In this section:

7 (1) GOT AWAY.—The term “got away” has the
8 meaning given such term in section 1092(a)(3) of
9 the National Defense Authorization Act for Fiscal
10 Year 2017 (Public Law 114–328; 6 U.S.C.
11 223(a)(3)).

12 (2) TRANSIT ZONE.—The term “transit zone”
13 has the meaning given such term in section
14 1092(a)(8) of the National Defense Authorization
15 Act for Fiscal Year 2017 (Public Law 114–328; 6
16 U.S.C. 223(a)(8)).

17 **SEC. 15. ERADICATION OF CARRIZO CANE AND SALT**
18 **CEDAR.**

19 (a) IN GENERAL.—Not later than September 30,
20 2026, the Secretary, in coordination with the heads of the
21 relevant Federal, State, and local agencies, shall begin
22 eradicating the carrizo cane plant and any salt cedar along
23 the Rio Grande River that impedes border security oper-
24 ations.

1 (b) EXTENT.—The waiver authority under subsection
2 (c) of section 102 of the Illegal Immigration Reform and
3 Immigrant Responsibility Act of 1996 (8 U.S.C. 1103
4 note), as amended by section 4 of this Act, shall extend
5 to activities carried out pursuant to subsection (a).

6 **SEC. 16. BORDER PATROL STRATEGIC PLAN.**

7 (a) IN GENERAL.—Not later than one year after the
8 date of enactment of this section and every five years
9 thereafter, the Secretary, acting through the Chief of the
10 U.S. Border Patrol, shall issue a Border Patrol Strategic
11 Plan (referred to in this section as the “plan”) to enhance
12 the security of the international borders of the United
13 States.

14 (b) ELEMENTS.—The plan shall include the fol-
15 lowing:

16 (1) A consideration of Border Patrol Capability
17 Gap Analysis reporting, Border Security Improve-
18 ment Plans, and any other strategic document au-
19 thored by the U.S. Border Patrol to address security
20 gaps with respect to ports of entry, including efforts
21 to mitigate threats identified in such analyses, plans,
22 and documents.

23 (2) Information relating to the dissemination of
24 information relating to border security or border

1 threats with respect to the efforts of the Department
2 and other appropriate Federal agencies.

3 (3) Information relating to efforts by U.S. Bor-
4 der Patrol to—

5 (A) increase situational awareness, includ-
6 ing—

7 (i) surveillance capabilities, such as
8 capabilities developed or utilized by the
9 Department of Defense, and any appro-
10 priate technology determined to be excess
11 by the Department of Defense; and

12 (ii) the use of manned aircraft and
13 unmanned aircraft systems;

14 (B) detect and prevent terrorists and in-
15 struments of terrorism from entering the
16 United States;

17 (C) detect, interdict, and disrupt human
18 smuggling, human trafficking, drug trafficking
19 and other illicit cross-border activity;

20 (D) focus intelligence collection to disrupt
21 transnational criminal organizations outside of
22 the international and maritime borders of the
23 United States; and

1 (E) ensure that any new border security
2 technology can be operationally integrated with
3 existing technologies in use by the Department.

4 (4) Information relating to initiatives of the De-
5 partment with respect to operational coordination,
6 including any relevant task forces of the Depart-
7 ment.

8 (5) Information gathered from the lessons
9 learned by the deployments of the National Guard to
10 the southern border of the United States.

11 (6) A description of cooperative agreements re-
12 lating to information sharing with State, local, Trib-
13 al, territorial, and other Federal law enforcement
14 agencies that have jurisdiction on the border.

15 (7) Information relating to border security in-
16 formation received from—

17 (A) State, local, Tribal, territorial, and
18 other Federal law enforcement agencies that
19 have jurisdiction on the border or in the mari-
20 time environment; and

21 (B) border community stakeholders, in-
22 cluding representatives from—

23 (i) border agricultural and ranching
24 organizations; and

25 (ii) business and civic organizations.

1 (8) Information relating to the staffing require-
2 ments with respect to border security for the De-
3 partment.

4 (9) A prioritized list of Department research
5 and development objectives to enhance the security
6 of the southern border.

7 (10) An assessment of training programs, in-
8 cluding such programs relating to—

9 (A) identifying and detecting fraudulent
10 documents;

11 (B) understanding the scope of CBP en-
12 forcement authorities and appropriate use of
13 force policies; and

14 (C) screening, identifying, and addressing
15 vulnerable populations, such as children and
16 victims of human trafficking.

17 **SEC. 17. HOMELAND SECURITY INVESTIGATIONS INNOVA-**
18 **TION LAB.**

19 (a) IN GENERAL.—Subtitle E of title IV of the
20 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)
21 is amended by adding at the end the following new section:

22 **“SEC. 463. INNOVATION LAB.**

23 “(a) ESTABLISHMENT.—

24 “(1) IN GENERAL.—There is established within
25 the Department a program to be known as the

1 ‘Homeland Security Investigations Innovation Lab’
2 (referred to in this section as the ‘Innovation Lab’).

3 “(2) ASSISTANT DIRECTOR.—The Innovation
4 Lab shall be headed by an Assistant Director, who
5 shall be appointed by the Executive Associate Direc-
6 tor of United States Immigration and Customs En-
7 forcement, Homeland Security Investigations.

8 “(b) PURPOSE.—The purpose of the Innovation Lab
9 shall be to improve investigative efficiency and mission-
10 critical outcomes by enhancing and streamlining data
11 processing, agility, assessment, visualization, and analysis
12 of homeland security data, using innovative and emerging
13 technologies and best practices for design principles. Inno-
14 vation Lab efforts shall be informed by designated field
15 agents and analysts with relevant experience.

16 “(c) CO-LOCATION.—The Secretary shall, if prac-
17 ticable, co-locate Innovation Lab personnel and office
18 space with other existing assets of—

19 “(1) the Department, where possible; or

20 “(2) Federal facilities, where appropriate.

21 “(d) COMPOSITION.—The Innovation Lab shall be
22 comprised of personnel from the following:

23 “(1) Homeland Security Investigations of U.S.
24 Immigration and Customs Enforcement.

1 “(2) Other appropriate agencies as determined
2 by the Secretary.

3 “(3) The private sector (through advisory part-
4 nerships), including developers with specializations
5 in innovative and emerging technology, backend ar-
6 chitecture, or user interface design.

7 “(4) Academic institutions (through advisory
8 partnerships), including members from the Depart-
9 ment of Homeland Security Centers of Excellence.

10 “(e) PRIORITIZATION.—The Innovation Lab shall
11 prioritize new projects based on communicated investiga-
12 tive challenges experienced by each Homeland Security In-
13 vestigations field office. Such communication may be in-
14 corporated in existing annual threat analyses conducted
15 by Homeland Security Investigations.

16 “(f) NONAPPLICABILITY OF FACA.—The Federal
17 Advisory Committee Act (5 U.S.C. App.) shall not apply
18 to the Innovation Lab.

19 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated \$24,700,000 for fiscal
21 year 2022 and \$27,700,000 for fiscal year 2023 to carry
22 out this section.”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 in section 1(b) of the Homeland Security Act of 2002 is

1 amended by inserting after the item relating to section
2 462 the following new item:

“Sec. 463. Innovation lab.”.

3 **SEC. 18. INTEGRATED BORDER ENFORCEMENT TEAMS.**

4 (a) IN GENERAL.—Subtitle D of title IV of the
5 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)
6 is amended by adding at the end the following new section:

7 **“SEC. 447. INTEGRATED BORDER ENFORCEMENT TEAMS.**

8 “(a) ESTABLISHMENT.—There is established within
9 the Department a program to be known as the Integrated
10 Border Enforcement Team program (referred to in this
11 section as ‘IBET’) for the purposes described in sub-
12 section (b).

13 “(b) PURPOSES.—The purposes described in this
14 subsection are the following:

15 “(1) Enhance cooperation between the United
16 States and Canada with respect to border security.

17 “(2) Enhance security between designated ports
18 of entry.

19 “(3) Detect, investigate, prevent, and respond
20 to terrorism, transnational criminal organizations,
21 and other violations of law related to border secu-
22 rity.

23 “(4) Facilitate collaboration among components
24 and offices within the Department and international
25 partners.

1 “(5) Execute coordinated activities in further-
2 ance of border security and homeland security.

3 “(6) Enhance information sharing, including
4 the dissemination of homeland security information
5 among such components and offices of the Depart-
6 ment and international partners.

7 “(c) COMPOSITION AND ESTABLISHMENT OF
8 UNITS.—

9 “(1) COMPOSITION.—IBET units may be com-
10 posed of personnel from the following:

11 “(A) U.S. Customs and Border Protection.

12 “(B) U.S. Immigration and Customs En-
13 forcement, led by Homeland Security Investiga-
14 tions.

15 “(C) Other Department personnel, as ap-
16 propriate.

17 “(D) Other Federal, State, local, Tribal,
18 and foreign law enforcement agencies, as appro-
19 priate.

20 “(E) Other appropriate personnel at the
21 discretion of the Secretary.

22 “(2) ESTABLISHMENT OF UNITS.—

23 “(A) IN GENERAL.—The Secretary may es-
24 tablish IBET units in regions in which such
25 units can contribute to the purpose of IBET.

1 “(B) ASSESSMENT.—Prior to establishing
2 an IBET unit pursuant to subparagraph (A),
3 the Secretary shall assess the establishment of
4 such unit in a particular region with the fol-
5 lowing criteria:

6 “(i) The likelihood that the establish-
7 ment of such unit in such region would sig-
8 nificantly mitigate cross-border threats, in-
9 cluding such threats posed by
10 transnational criminal organizations and
11 terrorist groups.

12 “(ii) The availability of Federal,
13 State, local, Tribal, and foreign law en-
14 forcement resources to participate in such
15 unit.

16 “(iii) Whether the establishment of
17 such unit would duplicate the efforts of ex-
18 isting interagency task forces or centers
19 within such region, including the Border
20 Enforcement Security Task Force estab-
21 lished under section 432.

22 “(d) OPERATION.—After establishing an IBET unit
23 pursuant to paragraph (2) of subsection (c), the Secretary
24 may—

1 “(1) direct the assignment of Federal personnel
2 to such unit;

3 “(2) take other actions to assist Federal, State,
4 local, and Tribal entities to participate in such unit,
5 including providing financial assistance for oper-
6 ational, administrative, and technological costs asso-
7 ciated with such participation;

8 “(3) direct the development of policy and guid-
9 ance necessary to identify, assess, and integrate the
10 available partner resources in relevant border sector
11 security assessments and resource planning docu-
12 ments;

13 “(4) establish targets and performance meas-
14 ures for such unit; and

15 “(5) direct leadership of such unit to monitor
16 the progress with respect to such targets and per-
17 formance measures.

18 “(e) COORDINATION.—The Secretary shall coordinate
19 IBET activities with other similar border security and
20 antiterrorism programs within the Department in accord-
21 ance with the strategic objectives of the Cross-Border Law
22 Enforcement Advisory Committee.

23 “(f) MEMORANDA OF UNDERSTANDING.—The Sec-
24 retary may enter into memoranda of understanding with
25 appropriate representatives of the entities specified in

1 paragraph (1) of subsection (c), as necessary, to carry out
2 this section.

3 “(g) REPORT.—Not later than 180 days after the
4 date on which IBET is established and biannually there-
5 after for the following six years, the Secretary shall submit
6 to the Committee on Homeland Security of the House of
7 Representatives and the Committee on Homeland Security
8 and Governmental Affairs of the Senate a report that—

9 “(1) describes the effectiveness of IBET units
10 in fulfilling the purposes specified in subsection (b);

11 “(2) identifies challenges on the sustainment of
12 cross-border IBET operations, including challenges
13 faced by international partners, and planned correc-
14 tive actions;

15 “(3) identifies costs associated with IBET units
16 disaggregated by relevant categories designated at
17 the discretion of the Secretary;

18 “(4) identifies ways to support joint training
19 for IBET stakeholder agencies and radio interoper-
20 ability to allow for secure cross-border radio commu-
21 nications; and

22 “(5) identifies and assesses ways IBET, Border
23 Tunnel Task Forces, Border Enforcement Security
24 Task Forces, and the Integrated Cross-Border Mari-
25 time Law Enforcement Operation Program can bet-

1 ter align operations, including interdiction and inves-
2 tigation activities.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) of the Homeland Security Act of 2002 is
5 amended by inserting after the item relating to section
6 446 the following new item:

“Sec. 447. Integrated Border Enforcement Teams.”.

7 **SEC. 19. DNA COLLECTION CONSISTENT WITH FEDERAL**
8 **LAW.**

9 Not later than 14 days after the date of the enact-
10 ment of this section, the Secretary shall ensure and certify
11 to the Committee on Homeland Security of the House of
12 Representatives and the Committee on Homeland Security
13 and Governmental Affairs of the Senate that CBP is fully
14 compliant with the DNA Fingerprint Act of 2005 (Public
15 Law 109–162; 119 Stat. 3084) at all border facilities that
16 process adults, including as part of a family unit, in the
17 custody of CBP at the border.

○