

# Union Calendar No. 471

115TH CONGRESS  
2D SESSION

# H. R. 3548

**[Report No. 115–505, Part I]**

To make certain improvements to the security of the international borders  
of the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2017

Mr. MCCAUL (for himself, Mr. THORNBERRY, Mr. SESSIONS, Mr. BISHOP of Utah, Mr. SHUSTER, Mr. SMITH of Texas, Mr. BRADY of Texas, Mr. CONAWAY, Mr. HENSARLING, Mr. CARTER of Texas, Ms. GRANGER, Mr. CALVERT, Mr. KING of New York, Ms. MCSALLY, Mr. KATKO, Mr. DONOVAN, Mr. RATCLIFFE, Mr. HIGGINS of Louisiana, Mr. ESTES of Kansas, Mr. POE of Texas, Mr. OLSON, Mr. BURGESS, Mr. MARCHANT, Mr. FARENTHOLD, Mr. SAM JOHNSON of Texas, Mr. ARRINGTON, Mr. CULBERSON, Mr. WEBER of Texas, Mr. WILLIAMS, Mr. BABIN, Mr. BARTON, Mr. FLORES, Mr. MEADOWS, Mr. HUNTER, Mr. COOK, Mr. BRIDENSTINE, Mr. PALAZZO, Mr. BERGMAN, Mr. KELLY of Mississippi, Mr. COLLINS of New York, Mr. POLIQUIN, Mr. FRANKS of Arizona, Mr. GOODLATTE, Mr. CRAMER, and Mr. LOUDERMILK) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Armed Services, Foreign Affairs, Natural Resources, Agriculture, Transportation and Infrastructure, Ways and Means, and Oversight and Government Reform, 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

JANUARY 10, 2018

Reported from the Committee on Homeland Security with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JANUARY 10, 2018

The Committees on Foreign Affairs, Natural Resources, Agriculture, Transportation and Infrastructure, Ways and Means, and Oversight and Government Reform discharged

JANUARY 10, 2018

Referral to the Committee on Armed Services extended for a period ending  
not later than March 23, 2018

MARCH 23, 2018

Additional sponsors: Mr. PITTENGER, Mr. DESJARLAIS, Mr. LANCE, Mr. CHABOT, Mr. JODY B. HICE of Georgia, Mr. FLEISCHMANN, Mr. GALLAGHER, Mr. BYRNE, Mr. WITTMAN, Mr. RENACCI, Mr. ZELDIN, Mr. GROTHMAN, Mr. LAMALFA, Mr. HARPER, Mr. GARRETT, Mr. ABRAHAM, Mr. MCCLINTOCK, Mr. BISHOP of Michigan, Mr. RUSSELL, Mr. RUTHERFORD, Mrs. BROOKS of Indiana, Mr. BACON, Mr. KINZINGER, Mrs. NOEM, Mr. ROTHFUS, Mr. NORMAN, Mr. ROKITA, Mr. BARR, Mr. HUDSON, Mr. BUCSHON, Mr. BANKS of Indiana, Mr. GAETZ, and Mr. FRANCIS ROONEY of Florida

MARCH 23, 2018

The Committee on Armed Services discharged; committed to the Committee  
of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on July 28, 2017]

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## A BILL

To make certain improvements to the security of 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.**

4        (a) *SHORT TITLE.*—*This Act may be cited as the*  
 5        *“Border Security for America Act of 2017”.*

6        (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 7        *this Act is as follows:*

*Sec. 1. Short title.*

**TITLE I—BORDER SECURITY**

*Sec. 101. Definitions.*

*Subtitle A—Infrastructure and Equipment*

*Sec. 111. Strengthening the requirements for barriers along the southern border.*

*Sec. 112. Air and Marine Operations flight hours.*

*Sec. 113. Capability deployment to specific sectors and transit zone.*

*Sec. 114. U.S. Border Patrol physical infrastructure improvements.*

*Sec. 115. U.S. Border Patrol activities.*

*Sec. 116. Border security technology program management.*

*Sec. 117. National Guard support to secure the southern border and reimburse-*  
*ment of States for deployment of the National Guard at the*  
*southern border.*

*Sec. 118. Operation Phalanx.*

*Sec. 119. Merida Initiative.*

*Sec. 120. Prohibitions on actions that impede border security on certain Federal*  
*land.*

*Sec. 121. Landowner and rancher security enhancement.*

*Sec. 122. Eradication of carrizo cane and salt cedar.*

*Sec. 123. Southern border threat analysis.*

*Sec. 124. Amendments to U.S. Customs and Border Protection.*

*Sec. 125. Agent and officer technology use.*

*Sec. 126. Integrated Border Enforcement Teams.*

*Sec. 127. Tunnel Task Forces.*

*Subtitle B—Personnel*

*Sec. 131. Additional U.S. Customs and Border Protection agents and officers.*

*Sec. 132. U.S. Customs and Border Protection retention incentives.*

*Sec. 133. Anti-Border Corruption Reauthorization Act.*

*Sec. 134. Training for officers and agents of U.S. Customs and Border Protection.*

*Subtitle C—Grants*

*Sec. 141. Operation Stonegarden.*

*Subtitle D—Authorization of Appropriations**Sec. 151. Authorization of appropriations.****TITLE II—EMERGENCY PORT OF ENTRY PERSONNEL AND  
INFRASTRUCTURE FUNDING****Sec. 201. Ports of entry infrastructure.**Sec. 202. Secure communications.**Sec. 203. Border security deployment program.**Sec. 204. Pilot and upgrade of license plate readers at ports of entry.**Sec. 205. Non-intrusive inspection operational demonstration.**Sec. 206. Biometric exit data system.**Sec. 207. Sense of Congress on cooperation between agencies.**Sec. 208. Authorization of appropriations.**Sec. 209. Definition.****1 TITLE I—BORDER SECURITY******2 SEC. 101. DEFINITIONS.****3 In this title:*

*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 discern*  
*8 between vehicles, humans, and animals, and ulti-*  
*9 mately filter false positives prior to transmission.*

*10 (2) APPROPRIATE CONGRESSIONAL COM-*  
*11 MITTEE.—The term “appropriate congressional com-*  
*12 mittee” has the meaning given the term in section*  
*13 2(2) of the Homeland Security Act of 2002 (6 U.S.C.*  
*14 101(2)).*

*15 (3) COMMISSIONER.—The term “Commissioner”*  
*16 means the Commissioner of U.S. Customs and Border*  
*17 Protection.*

1           (4) *HIGH TRAFFIC AREAS.*—*The term “high traf-*  
2 *fic areas” has the meaning given such term in section*  
3 *102(e)(1) of the Illegal Immigration Reform and Im-*  
4 *migrant Responsibility Act of 1996, as amended by*  
5 *section 111 of this Act.*

6           (5) *OPERATIONAL CONTROL.*—*The term “oper-*  
7 *ational control” has the meaning given such term in*  
8 *section 2(b) of the Secure Fence Act of 2006 (8 U.S.C.*  
9 *1701 note; Public Law 109–367).*

10          (5) *SECRETARY.*—*The term “Secretary” means*  
11 *the Secretary of Homeland Security.*

12          (6) *SITUATIONAL AWARENESS.*—*The term “situa-*  
13 *tional awareness” has the meaning given such term*  
14 *in section 1092(a)(7) of the National Defense Author-*  
15 *ization Act for Fiscal Year 2017 (Public Law 114–*  
16 *328; 6 U.S.C. 223(a)(7)).*

17          (7) *TRANSIT ZONE.*—*The term “transit zone”*  
18 *has the meaning given such term in section*  
19 *1092(a)(8) of the National Defense Authorization Act*  
20 *for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C.*  
21 *223(a)(7)).*

***Subtitle A—Infrastructure and  
Equipment***

***SEC. 111. STRENGTHENING THE REQUIREMENTS FOR BAR-  
RIERS ALONG THE SOUTHERN BORDER.***

*Section 102 of the Illegal Immigration Reform and  
Immigrant Responsibility Act of 1996 (Division C of Public  
Law 104–208; 8 U.S.C. 1103 note) is amended—*

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

*“(a) IN GENERAL.—The Secretary of Homeland Secu-  
rity shall take such actions as may be necessary (including  
the removal of obstacles to detection of illegal entrants) to  
construct, install, deploy, operate, and maintain tactical  
infrastructure and technology in the vicinity of the United  
States border to achieve situational awareness and oper-  
ational control of the border and deter, impede, and detect  
illegal activity in high traffic areas.”;*

*(2) in subsection (b)—*

*(A) in the subsection heading, by striking  
“FENCING” and inserting “PHYSICAL BAR-  
RIERS”;*

*(B) in paragraph (1)—*

*(i) in subparagraph (A), by inserting  
“situational awareness and” before “oper-  
ational control”; and*

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

“(B) *TACTICAL INFRASTRUCTURE*.—

“(i) *IN GENERAL*.—Not later than January 20, 2021, the Secretary of Homeland Security, in carrying out subsection (a), shall deploy along the United States border the most practical and effective tactical infrastructure available for achieving situational awareness and operational control of the border.

“(ii) *EXCEPTION FOR CERTAIN TACTICAL INFRASTRUCTURE*.—The deployment of tactical infrastructure under this subparagraph shall not apply in areas along the border where natural terrain features, natural barriers, or the remoteness of such area would make deployment ineffective, as determined by the Secretary, for the purposes of gaining situational awareness or operational control of such areas.”; and

(iii) in subparagraph (C)—

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

1           “(i) *IN GENERAL.—In carrying out*  
2           *this section, the Secretary of Homeland Se-*  
3           *curity shall, before deploying tactical infra-*  
4           *structure in a specific area or region, con-*  
5           *sult with the Secretary of the Interior, the*  
6           *Secretary of Agriculture, the Governors for*  
7           *each State on the southern land border and*  
8           *northern land border, other States, local*  
9           *governments, Indian tribes, representatives*  
10           *of the U.S. Border Patrol and U.S. Customs*  
11           *and Border Protection, relevant Federal,*  
12           *State, local, and tribal agencies that have*  
13           *jurisdiction on the southern land border or*  
14           *in the maritime environment along the*  
15           *southern border, and private property own-*  
16           *ers in the United States to minimize the*  
17           *impact on the environment, culture, com-*  
18           *merce, quality of life for the communities*  
19           *and residents located near the sites at which*  
20           *physical barriers, tactical infrastructure,*  
21           *and technology are to be constructed.”;*

22                       *(II) by redesignating clause (ii)*  
23                       *as clause (iii); and*

24                       *(III) by inserting after clause (i),*  
25                       *as amended, the following new clause:*



1                   “(ii) *NOTIFICATION.*—*Not later than*  
2                   *60 days after the consultation required*  
3                   *under clause (i), the Secretary of Homeland*  
4                   *Security shall notify the Committee on*  
5                   *Homeland Security of the House of Rep-*  
6                   *resentatives and the Committee on Home-*  
7                   *land Security and Governmental Affairs of*  
8                   *the Senate of the type of tactical infrastruc-*  
9                   *ture and technology the Secretary has deter-*  
10                  *mined is most practical and effective to*  
11                  *achieve operational control and situational*  
12                  *awareness in a specific area and the other*  
13                  *alternatives the Secretary considered before*  
14                  *making such a determination.”;*

15                  *(C) in paragraph (2)—*

16                         *(i) by striking “Attorney General” and*  
17                         *inserting “Secretary of Homeland Secu-*  
18                         *rity”; and*

19                         *(ii) by striking “construction of fences”*  
20                         *and inserting “the construction of physical*  
21                         *barriers”; and*

22                         *(D) by amending paragraph (3) to read as*  
23                         *follows:*

24                         “(3) *AGENT SAFETY.*—*In carrying out this sec-*  
25                         *tion, the Secretary of Homeland Security, when con-*

1        *structing tactical infrastructure, shall incorporate*  
2        *such safety features into the design of such tactical in-*  
3        *frastructure that the Secretary determines, in the Sec-*  
4        *retary's sole discretion, are necessary to maximize the*  
5        *safety and effectiveness of officers or agents of the De-*  
6        *partment of Homeland Security or of any other Fed-*  
7        *eral agency.'";*

8                *(3) in subsection (c), by amending paragraph*  
9        *(1) to read as follows:*

10                *“(1) IN GENERAL.—Notwithstanding any other*  
11        *provision of law, the Secretary of Homeland Security*  
12        *is authorized to waive all legal requirements the Sec-*  
13        *retary, in the Secretary's sole discretion, determines*  
14        *necessary to ensure the expeditious construction, in-*  
15        *stallation, operation, and maintenance of the tactical*  
16        *infrastructure and technology under this section. Any*  
17        *such decision by the Secretary shall be effective upon*  
18        *publication in the Federal Register.'"; and*

19                *(4) by adding after subsection (d) the following*  
20        *new subsections:*

21                *“(e) CONSTRUCTION, INSTALLATION, AND MAINTEN-*  
22        *NANCE OF TECHNOLOGY.—Not later than January 20,*  
23        *2021, the Secretary of Homeland Security, in carrying out*  
24        *subsection (a), shall deploy along the United States border*  
25        *the most practical and effective technology available for*

1 *achieving situational awareness and operational control of*  
2 *the border.*

3 “(f) *DEFINITIONS.—In this section:*

4 “(1) *HIGH TRAFFIC AREAS.—The term ‘high*  
5 *traffic areas’ means areas in the vicinity of the*  
6 *United States border that—*

7 “(A) *are within the responsibility of U.S.*  
8 *Customs and Border Protection; and*

9 “(B) *have significant unlawful cross-border*  
10 *activity.*

11 “(2) *OPERATIONAL CONTROL.—The term ‘oper-*  
12 *ational control’ has the meaning given such term in*  
13 *section 2(b) of the Secure Fence Act of 2006 (8 U.S.C.*  
14 *1701 note; Public Law 109–367).*

15 “(3) *SITUATIONAL AWARENESS DEFINED.—The*  
16 *term ‘situational awareness’ has the meaning given*  
17 *such term in section 1092(a)(7) of the National De-*  
18 *fense Authorization Act for Fiscal Year 2017 (Public*  
19 *Law 114–328).*

20 “(4) *TACTICAL INFRASTRUCTURE.—The term*  
21 *‘tactical infrastructure’ means—*

22 “(A) *boat ramps, access gates, checkpoints,*  
23 *lighting, and roads; and*

24 “(B) *physical barriers (including fencing,*  
25 *border wall system, and levee walls).*

1           “(5) *TECHNOLOGY DEFINED.*—*The term ‘tech-*  
2           *nology’ includes border surveillance and detection*  
3           *technology, including the following:*

4                     “(A) *Tower-based surveillance technology.*

5                     “(B) *Deployable, lighter-than-air ground*  
6                     *surveillance equipment.*

7                     “(C) *Vehicle and Dismount Exploitation*  
8                     *Radars (VADER).*

9                     “(D) *3-dimensional, seismic acoustic detec-*  
10                    *tion and ranging border tunneling detection*  
11                    *technology.*

12                    “(E) *Advanced unattended surveillance sen-*  
13                    *sors.*

14                    “(F) *Mobile vehicle-mounted and man-port-*  
15                    *able surveillance capabilities.*

16                    “(G) *Unmanned aerial vehicles.*”.

17   **SEC. 112. AIR AND MARINE OPERATIONS FLIGHT HOURS.**

18           (a) *INCREASED FLIGHT HOURS.*—*The Secretary shall*  
19           *ensure that not fewer than 95,000 annual flight hours are*  
20           *carried out by Air and Marine Operations of U.S. Customs*  
21           *and Border Protection.*

22           (b) *UNMANNED AERIAL SYSTEM.*—*The Secretary shall*  
23           *ensure that Air and Marine Operations operate unmanned*  
24           *aerial systems on the southern border of the United States*  
25           *for not less than 24 hours per day for five days per week.*

1       (c) *CONTRACT AIR SUPPORT AUTHORIZATION.*—The  
2       Commissioner shall contract for the unfulfilled identified  
3       air support mission critical hours, as identified by the Chief  
4       of the U.S. Border Patrol.

5       (d) *PRIMARY MISSION.*—The Commissioner shall en-  
6       sure that—

7               (1) *the primary missions for Air and Marine*  
8       *Operations are to directly support U.S. Border Patrol*  
9       *activities along the southern border of the United*  
10       *States and Joint Interagency Task Force South oper-*  
11       *ations in the transit zone; and*

12              (2) *the Executive Assistant Commissioner of Air*  
13       *and Marine Operations assigns the greatest priority*  
14       *to support missions established by the Commissioner*  
15       *to carry out the requirements under this Act.*

16       (e) *HIGH-DEMAND FLIGHT HOUR REQUIREMENTS.*—  
17       In accordance with subsection (d), the Commissioner shall  
18       ensure that U.S. Border Patrol Sector Chiefs—

19              (1) *identify critical flight hour requirements;*  
20       *and*

21              (2) *direct Air and Marine Operations to support*  
22       *requests from Sector Chiefs as their primary mission.*

23       (f) *SMALL UNMANNED AERIAL VEHICLES.*—

24              (1) *IN GENERAL.*—The Chief of the U.S. Border  
25       Patrol shall be the operational lead for U.S. Customs

1       *and Border Protection’s use of small unmanned aerial*  
2       *vehicles for the purpose of meeting the U.S. Border*  
3       *Patrol’s unmet flight hour operational requirements*  
4       *and to achieve situational awareness and operational*  
5       *control.*

6               (2) *COORDINATION.—In carrying out paragraph*  
7       *(1), the Chief of the U.S. Border Patrol shall coordi-*  
8       *nate with the Executive Assistant Commissioner for*  
9       *Air and Marine Operations of U.S. Customs and Bor-*  
10       *der Protection to ensure the safety of other aircraft*  
11       *flying in the vicinity of small unmanned aerial vehi-*  
12       *cles operated by the U.S. Border Patrol.*

13              (3) *DEFINITION.—In this subsection, the term*  
14       *“small unmanned aerial vehicle” means any un-*  
15       *manned aerial vehicle operated by U.S. Customs and*  
16       *Border Protection weighing less than 55 pounds.*

17              (4) *CONFORMING AMENDMENT.—Paragraph (3)*  
18       *of section 411(e) of the Homeland Security Act of*  
19       *2002 (6 U.S.C. 211(e)) is amended—*

20                      (A) *in subparagraph (B), by striking “and”*  
21                      *after the semicolon at the end;*

22                      (B) *by redesignating subparagraph (C) as*  
23                      *subparagraph (D); and*

24                      (C) *by inserting after subparagraph (B) the*  
25                      *following new subparagraph:*

1           “(C) carry out the small unmanned aerial  
 2           vehicle requirements pursuant to subsection (f) of  
 3           section 112 of the Border Security for America  
 4           Act of 2017; and”.

5   **SEC. 113. CAPABILITY DEPLOYMENT TO SPECIFIC SECTORS**  
 6           **AND TRANSIT ZONE.**

7           (a) *IN GENERAL*.—Not later than January 20, 2021,  
 8   the Secretary, in implementing section 102 of the Illegal  
 9   Immigration Reform and Immigrant Responsibility Act of  
 10  1996 (as amended by section 111 of this Act), and acting  
 11  through the appropriate component of the Department of  
 12  Homeland Security, shall deploy to each sector or region  
 13  of the southern border and the northern border, in a  
 14  prioritized manner to achieve situational awareness and  
 15  operational control of such borders, the following additional  
 16  capabilities:

17           (1) *SAN DIEGO SECTOR*.—For the San Diego sec-  
 18   tor, the following:

19                   (A) *Tower-based surveillance technology.*

20                   (B) *Subterranean surveillance and detection*  
 21                   *technologies.*

22                   (C) *To increase coastal maritime domain*  
 23                   *awareness, the following:*

24                           (i) *Deployable, lighter-than-air surface*  
 25                           *surveillance equipment.*

1                   (ii) *Unmanned aerial vehicles with*  
2                   *maritime surveillance capability.*

3                   (iii) *Maritime patrol aircraft.*

4                   (iv) *Coastal radar surveillance sys-*  
5                   *tems.*

6                   (v) *Maritime signals intelligence capa-*  
7                   *bilities.*

8                   (D) *Ultralight aircraft detection capabili-*  
9                   *ties.*

10                  (E) *Advanced unattended surveillance sen-*  
11                  *sors.*

12                  (F) *A rapid reaction capability supported*  
13                  *by aviation assets.*

14                  (G) *Mobile vehicle-mounted and man-port-*  
15                  *able surveillance capabilities.*

16                  (H) *Man-portable unmanned aerial vehi-*  
17                  *cles.*

18                  (I) *Improved agent communications capa-*  
19                  *bilities.*

20                  (2) *EL CENTRO SECTOR.—For the El Centro sec-*  
21                  *tor, the following:*

22                         (A) *Tower-based surveillance technology.*

23                         (B) *Deployable, lighter-than-air ground sur-*  
24                         *veillance equipment.*

25                         (C) *Man-portable unmanned aerial vehicles.*



1                   (D) *Ultralight aircraft detection capabili-*  
2                   *ties.*

3                   (E) *Advanced unattended surveillance sen-*  
4                   *sors.*

5                   (F) *A rapid reaction capability supported*  
6                   *by aviation assets.*

7                   (G) *Man-portable unmanned aerial vehicles.*

8                   (H) *Improved agent communications capa-*  
9                   *bilities.*

10                  (3) *YUMA SECTOR.—For the Yuma sector, the*  
11                  *following:*

12                   (A) *Tower-based surveillance technology.*

13                   (B) *Deployable, lighter-than-air ground sur-*  
14                   *veillance equipment.*

15                   (C) *Ultralight aircraft detection capabili-*  
16                   *ties.*

17                   (D) *Advanced unattended surveillance sen-*  
18                   *sors.*

19                   (E) *A rapid reaction capability supported*  
20                   *by aviation assets.*

21                   (F) *Mobile vehicle-mounted and man-port-*  
22                   *able surveillance systems.*

23                   (G) *Man-portable unmanned aerial vehicles.*

24                   (H) *Improved agent communications capa-*  
25                   *bilities.*

1           (4) *TUCSON SECTOR.*—*For the Tucson sector, the*  
2     *following:*

3                     (A) *Tower-based surveillance technology.*

4                     (B) *Increased flight hours for aerial detec-*  
5     *tion, interdiction, and monitoring operations ca-*  
6     *pability.*

7                     (C) *Deployable, lighter-than-air ground sur-*  
8     *veillance equipment.*

9                     (D) *Ultralight aircraft detection capabili-*  
10    *ties.*

11                    (E) *Advanced unattended surveillance sen-*  
12    *sors.*

13                    (F) *A rapid reaction capability supported*  
14    *by aviation assets.*

15                    (G) *Man-portable unmanned aerial vehicles.*

16                    (H) *Improved agent communications capa-*  
17    *bilities.*

18           (5) *EL PASO SECTOR.*—*For the El Paso sector,*  
19    *the following:*

20                    (A) *Tower-based surveillance technology.*

21                    (B) *Deployable, lighter-than-air ground sur-*  
22    *veillance equipment.*

23                    (C) *Ultralight aircraft detection capabili-*  
24    *ties.*

1                   (D) *Advanced unattended surveillance sen-*  
2                   *sors.*

3                   (E) *Mobile vehicle-mounted and man-port-*  
4                   *able surveillance systems.*

5                   (F) *A rapid reaction capability supported*  
6                   *by aviation assets.*

7                   (G) *Mobile vehicle-mounted and man-port-*  
8                   *able surveillance capabilities.*

9                   (H) *Man-portable unmanned aerial vehi-*  
10                  *cles.*

11                  (I) *Improved agent communications capa-*  
12                  *bilities.*

13                  (6) *BIG BEND SECTOR.—For the Big Bend sec-*  
14                  *tor, the following:*

15                         (A) *Tower-based surveillance technology.*

16                         (B) *Deployable, lighter-than-air ground sur-*  
17                         *veillance equipment.*

18                         (C) *Improved agent communications capa-*  
19                         *bilities.*

20                         (D) *Ultralight aircraft detection capabili-*  
21                         *ties.*

22                         (E) *Advanced unattended surveillance sen-*  
23                         *sors.*

24                         (F) *A rapid reaction capability supported*  
25                         *by aviation assets.*

1                   (G) *Mobile vehicle-mounted and man-port-*  
2                   *able surveillance capabilities.*

3                   (H) *Man-portable unmanned aerial vehi-*  
4                   *cles.*

5                   (I) *Improved agent communications capa-*  
6                   *bilities.*

7                   (7) *DEL RIO SECTOR.—For the Del Rio sector,*  
8                   *the following:*

9                   (A) *Tower-based surveillance technology.*

10                  (B) *Increased monitoring for cross-river*  
11                  *dams, culverts, and footpaths.*

12                  (C) *Improved agent communications capa-*  
13                  *bilities.*

14                  (D) *Improved maritime capabilities in the*  
15                  *Amistad National Recreation Area.*

16                  (E) *Advanced unattended surveillance sen-*  
17                  *sors.*

18                  (F) *A rapid reaction capability supported*  
19                  *by aviation assets.*

20                  (G) *Mobile vehicle-mounted and man-port-*  
21                  *able surveillance capabilities.*

22                  (H) *Man-portable unmanned aerial vehi-*  
23                  *cles.*

24                  (I) *Improved agent communications capa-*  
25                  *bilities.*

1           (8) *LAREDO SECTOR.—For the Laredo sector, the*  
2     *following:*

3                     (A) *Tower-based surveillance technology.*

4                     (B) *Maritime detection resources for the*  
5     *Falcon Lake region.*

6                     (C) *Increased flight hours for aerial detec-*  
7     *tion, interdiction, and monitoring operations ca-*  
8     *pability.*

9                     (D) *Increased monitoring for cross-river*  
10    *dams, culverts, and footpaths.*

11                    (E) *Ultralight aircraft detection capability.*

12                    (F) *Advanced unattended surveillance sen-*  
13    *sors.*

14                    (G) *A rapid reaction capability supported*  
15    *by aviation assets.*

16                    (H) *Man-portable unmanned aerial vehi-*  
17    *cles.*

18                    (I) *Improved agent communications capa-*  
19    *bilities.*

20           (9) *RIO GRANDE VALLEY SECTOR.—For the Rio*  
21    *Grande Valley sector, the following:*

22                     (A) *Tower-based surveillance technology.*

23                     (B) *Deployable, lighter-than-air ground sur-*  
24    *veillance equipment.*

1                   (C) *Increased flight hours for aerial detec-*  
2                   *tion, interdiction, and monitoring operations ca-*  
3                   *pability.*

4                   (D) *Ultralight aircraft detection capability.*

5                   (E) *Advanced unattended surveillance sen-*  
6                   *sors.*

7                   (F) *Increased monitoring for cross-river*  
8                   *dams, culverts, footpaths.*

9                   (G) *A rapid reaction capability supported*  
10                  *by aviation assets.*

11                  (H) *Increased maritime interdiction capa-*  
12                  *bilities.*

13                  (I) *Mobile vehicle-mounted and man-port-*  
14                  *able surveillance capabilities.*

15                  (J) *Man-portable unmanned aerial vehicles.*

16                  (K) *Improved agent communications capa-*  
17                  *bilities.*

18                  (10) *BLAINE SECTOR.—For the Blaine sector, the*  
19                  *following:*

20                       (A) *Increased flight hours for aerial detec-*  
21                       *tion, interdiction, and monitoring operations ca-*  
22                       *pability.*

23                       (B) *Coastal radar surveillance systems.*

24                       (C) *Increased maritime interdiction capa-*  
25                       *bilities.*

1                   (D) *Mobile vehicle-mounted and man-port-*  
2                   *able surveillance capabilities.*

3                   (E) *Advanced unattended surveillance sen-*  
4                   *sors.*

5                   (F) *Ultralight aircraft detection capabili-*  
6                   *ties.*

7                   (G) *Man-portable unmanned aerial vehicles.*

8                   (H) *Improved agent communications capa-*  
9                   *bilities.*

10                  (11) *SPOKANE SECTOR.—For the Spokane sector,*  
11                  *the following:*

12                   (A) *Increased flight hours for aerial detec-*  
13                   *tion, interdiction, and monitoring operations ca-*  
14                   *pability.*

15                   (B) *Increased maritime interdiction capa-*  
16                   *bilities.*

17                   (C) *Mobile vehicle-mounted and man-port-*  
18                   *able surveillance capabilities.*

19                   (D) *Advanced unattended surveillance sen-*  
20                   *sors.*

21                   (E) *Ultralight aircraft detection capabili-*  
22                   *ties.*

23                   (F) *Completion of six miles of the Bog*  
24                   *Creek road.*

25                   (G) *Man-portable unmanned aerial vehicles.*

1                   (H) *Improved agent communications sys-*  
2                   *tems.*

3                   (12) *HAVRE SECTOR.—For the Havre sector, the*  
4                   *following:*

5                   (A) *Increased flight hours for aerial detec-*  
6                   *tion, interdiction, and monitoring operations ca-*  
7                   *pability.*

8                   (B) *Mobile vehicle-mounted and man-port-*  
9                   *able surveillance capabilities.*

10                  (C) *Advanced unattended surveillance sen-*  
11                  *sors.*

12                  (D) *Ultralight aircraft detection capabili-*  
13                  *ties.*

14                  (E) *Man-portable unmanned aerial vehicles.*

15                  (F) *Improved agent communications sys-*  
16                  *tems.*

17                  (13) *GRAND FORKS SECTOR.—For the Grand*  
18                  *Forks sector, the following:*

19                  (A) *Increased flight hours for aerial detec-*  
20                  *tion, interdiction, and monitoring operations ca-*  
21                  *pability.*

22                  (B) *Mobile vehicle-mounted and man-port-*  
23                  *able surveillance capabilities.*

24                  (C) *Advanced unattended surveillance sen-*  
25                  *sors.*



1                   (D) *Ultralight aircraft detection capabili-*  
2                   *ties.*

3                   (E) *Man-portable unmanned aerial vehicles.*

4                   (F) *Improved agent communications sys-*  
5                   *tems.*

6                   (14) *DETROIT SECTOR.—For the Detroit sector,*  
7                   *the following:*

8                   (A) *Increased flight hours for aerial detec-*  
9                   *tion, interdiction, and monitoring operations ca-*  
10                  *pability.*

11                  (B) *Coastal radar surveillance systems.*

12                  (C) *Increased maritime interdiction capa-*  
13                  *bilities.*

14                  (D) *Mobile vehicle-mounted and man-port-*  
15                  *able surveillance capabilities.*

16                  (E) *Advanced unattended surveillance sen-*  
17                  *sors.*

18                  (F) *Ultralight aircraft detection capabili-*  
19                  *ties.*

20                  (G) *Man-portable unmanned aerial vehicles.*

21                  (H) *Improved agent communications sys-*  
22                  *tems.*

23                  (15) *BUFFALO SECTOR.—For the Buffalo sector,*  
24                  *the following:*

1                   (A) *Increased flight hours for aerial detec-*  
2                   *tion, interdiction, and monitoring operations ca-*  
3                   *pability.*

4                   (B) *Coastal radar surveillance systems.*

5                   (C) *Increased maritime interdiction capa-*  
6                   *bilities.*

7                   (D) *Mobile vehicle-mounted and man-port-*  
8                   *able surveillance capabilities.*

9                   (E) *Advanced unattended surveillance sen-*  
10                  *sors.*

11                  (F) *Ultralight aircraft detection capabili-*  
12                  *ties.*

13                  (G) *Man-portable unmanned aerial vehicles.*

14                  (H) *Improved agent communications sys-*  
15                  *tems.*

16                  (16) *SWANTON SECTOR.—For the Swanton sec-*  
17                  *tor, the following:*

18                       (A) *Increased flight hours for aerial detec-*  
19                       *tion, interdiction, and monitoring operations ca-*  
20                       *pability.*

21                       (B) *Mobile vehicle-mounted and man-port-*  
22                       *able surveillance capabilities.*

23                       (C) *Advanced unattended surveillance sen-*  
24                       *sors.*

1                   (D) *Ultralight aircraft detection capabili-*  
2                   *ties.*

3                   (E) *Man-portable unmanned aerial vehicles.*

4                   (F) *Improved agent communications sys-*  
5                   *tems.*

6                   (17) *HOULTON SECTOR.—For the Houlton sector,*  
7                   *the following:*

8                   (A) *Increased flight hours for aerial detec-*  
9                   *tion, interdiction, and monitoring operations ca-*  
10                  *pability.*

11                  (B) *Mobile vehicle-mounted and man-port-*  
12                  *able surveillance capabilities.*

13                  (C) *Advanced unattended surveillance sen-*  
14                  *sors.*

15                  (D) *Ultralight aircraft detection capabili-*  
16                  *ties.*

17                  (E) *Man-portable unmanned aerial vehicles.*

18                  (F) *Improved agent communications sys-*  
19                  *tems.*

20                  (18) *TRANSIT ZONE.—For the transit zone, the*  
21                  *following:*

22                  (A) *Not later than two years after the date*  
23                  *of the enactment of this Act, an increase in the*  
24                  *number of overall cutter, boat, and aircraft hours*  
25                  *spent conducting interdiction operations over the*

average number of such hours during the preceding three fiscal years.

(B) Increased maritime signals intelligence capabilities.

(C) To increase maritime domain awareness, the following:

(i) Unmanned aerial vehicles with maritime surveillance capability.

(ii) Increased maritime aviation patrol hours.

(D) Increased operational hours for maritime security components dedicated to joint counter-smuggling and interdiction efforts with other Federal agencies, including the Deployable Specialized Forces of the Coast Guard.

(E) Coastal radar surveillance systems with long range day and night cameras capable of providing full maritime domain awareness of the United States territorial waters surrounding Puerto Rico, Mona Island, Desecheo Island, Vieques Island, Culebra Island, Saint Thomas, Saint John, and Saint Croix.

(b) TACTICAL FLEXIBILITY.—

(1) SOUTHERN AND NORTHERN LAND BORDERS.—

1           (A) *IN GENERAL.*—Beginning on January  
2           20, 2020, or after the Secretary has deployed at  
3           least 25 percent of the capabilities required in  
4           each sector specified in subsection (a), whichever  
5           comes later, the Secretary may deviate from such  
6           capability deployments if the Secretary deter-  
7           mines that such deviation is required to achieve  
8           situational awareness or operational control.

9           (B) *NOTIFICATION.*—If the Secretary exer-  
10          cises the authority described in subparagraph  
11          (A), the Secretary shall, not later than 90 days  
12          after such exercise, notify the Committee on  
13          Homeland Security and Governmental Affairs of  
14          the Senate and the Committee on Homeland Se-  
15          curity of the House of Representatives regarding  
16          the deviation under such subparagraph that is  
17          the subject of such exercise. If the Secretary  
18          makes any changes to such deviation, the Sec-  
19          retary shall, not later than 90 days after any  
20          such change, notify such committees regarding  
21          such change.

22          (2) *TRANSIT ZONE.*—

23                (A) *NOTIFICATION.*—The Secretary shall no-  
24                tify the Committee on Homeland Security and  
25                Governmental Affairs of the Senate, the Com-

1        *mittee on Commerce, Science, and Transpor-*  
2        *tation of the Senate, the Committee on Home-*  
3        *land Security of the House of Representatives,*  
4        *and the Committee on Transportation and Infra-*  
5        *structure of the House of Representatives regard-*  
6        *ing the capability deployments for the transit*  
7        *zone specified in paragraph (18) of subsection*  
8        *(a), including information relating to—*

9                *(i) the number and types of assets and*  
10              *personnel deployed; and*

11              *(ii) the impact such deployments have*  
12              *on the capability of the Coast Guard to con-*  
13              *duct its mission in the transit zone referred*  
14              *to in paragraph (18) of subsection (a).*

15              *(B) ALTERATION.—The Secretary may alter*  
16        *the capability deployments referred to in this*  
17        *section if the Secretary—*

18              *(i) determines, after consultation with*  
19              *the committees referred to in subparagraph*  
20              *(A), that such alteration is necessary; and*

21              *(ii) not later than 30 days after mak-*  
22              *ing a determination under clause (i), noti-*  
23              *fies the committees referred to in such sub-*  
24              *paragraph regarding such alteration, in-*  
25              *cluding information relating to—*

1                   (I) *the number and types of assets*  
2                   *and personnel deployed pursuant to*  
3                   *such alteration; and*

4                   (II) *the impact such alteration*  
5                   *has on the capability of the Coast*  
6                   *Guard to conduct its mission in the*  
7                   *transit zone referred to in paragraph*  
8                   *(18) of subsection (a).*

9           (c) *EXIGENT CIRCUMSTANCES.—*

10           (1) *IN GENERAL.—Notwithstanding subsection*  
11           *(b), the Secretary may deploy the capabilities referred*  
12           *to in subsection (a) in a manner that is inconsistent*  
13           *with the requirements specified in such subsection if,*  
14           *after the Secretary has deployed at least 25 percent*  
15           *of such capabilities, the Secretary determines that exi-*  
16           *gent circumstances demand such an inconsistent de-*  
17           *ployment or that such an inconsistent deployment is*  
18           *vital to the national security interests of the United*  
19           *States.*

20           (2) *NOTIFICATION.—The Secretary shall notify*  
21           *the Committee on Homeland Security of the House of*  
22           *Representative and the Committee on Homeland Se-*  
23           *curity and Governmental Affairs of the Senate not*  
24           *later than 30 days after making a determination*

1        *under paragraph (1). Such notification shall include*  
 2        *a detailed justification regarding such determination.*

3        **SEC. 114. U.S. BORDER PATROL PHYSICAL INFRASTRUC-**  
 4        **TURE IMPROVEMENTS.**

5        *The Secretary shall upgrade existing physical infra-*  
 6        *structure of the Department of Homeland Security, and*  
 7        *construct and acquire additional physical infrastructure,*  
 8        *including—*

- 9                *(1) U.S. Border Patrol stations;*
- 10              *(2) U.S. Border Patrol checkpoints;*
- 11              *(3) mobile command centers; and*
- 12              *(4) other necessary facilities, structures, and*  
 13        *properties.*

14        **SEC. 115. U.S. BORDER PATROL ACTIVITIES.**

15        *The Chief of the U.S. Border Patrol shall prioritize*  
 16        *the deployment of U.S. Border Patrol agents to as close to*  
 17        *the physical land border as possible, consistent with border*  
 18        *security enforcement priorities and accessibility to such*  
 19        *areas.*

20        **SEC. 116. BORDER SECURITY TECHNOLOGY PROGRAM MAN-**  
 21        **AGEMENT.**

22        *(a) IN GENERAL.—Subtitle C of title IV of the Home-*  
 23        *land Security Act of 2002 (6 U.S.C. 231 et seq.) is amended*  
 24        *by adding at the end the following new section:*



1 **“SEC. 434. BORDER SECURITY TECHNOLOGY PROGRAM**  
 2 **MANAGEMENT.**

3 “(a) *MAJOR ACQUISITION PROGRAM DEFINED.*—In  
 4 *this section, the term ‘major acquisition program’ means*  
 5 *an acquisition program of the Department that is estimated*  
 6 *by the Secretary to require an eventual total expenditure*  
 7 *of at least \$300,000,000 (based on fiscal year 2017 constant*  
 8 *dollars) over its life cycle cost.*

9 “(b) *PLANNING DOCUMENTATION.*—For each border se-  
 10 *curity technology acquisition program of the Department*  
 11 *that is determined to be a major acquisition program, the*  
 12 *Secretary shall—*

13 “(1) *ensure that each such program has a writ-*  
 14 *ten acquisition program baseline approved by the rel-*  
 15 *evant acquisition decision authority;*

16 “(2) *document that each such program is meet-*  
 17 *ing cost, schedule, and performance thresholds as spec-*  
 18 *ified in such baseline, in compliance with relevant de-*  
 19 *partmental acquisition policies and the Federal Ac-*  
 20 *quisition Regulation; and*

21 “(3) *have a plan for meeting program implemen-*  
 22 *tation objectives by managing contractor performance.*

23 “(c) *ADHERENCE TO STANDARDS.*—The Secretary,  
 24 *acting through the Under Secretary for Management and*  
 25 *the Commissioner of U.S. Customs and Border Protection,*  
 26 *shall ensure border security technology acquisition program*

1 *managers who are responsible for carrying out this section*  
 2 *adhere to relevant internal control standards identified by*  
 3 *the Comptroller General of the United States. The Commis-*  
 4 *sioner shall provide information, as needed, to assist the*  
 5 *Under Secretary in monitoring management of border secu-*  
 6 *rity technology acquisition programs under this section.*

7       “(d) *PLAN.—The Secretary, acting through the Under*  
 8 *Secretary for Management, in coordination with the Under*  
 9 *Secretary for Science and Technology and the Commis-*  
 10 *sioner of U.S. Customs and Border Protection, shall submit*  
 11 *to the appropriate congressional committees a plan for test-*  
 12 *ing, evaluating, and using independent verification and*  
 13 *validation resources for border security technology. Under*  
 14 *the plan, new border security technologies shall be evaluated*  
 15 *through a series of assessments, processes, and audits to en-*  
 16 *sure—*

17               “(1) *compliance with relevant departmental ac-*  
 18 *quisition policies and the Federal Acquisition Regula-*  
 19 *tion; and*

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

21       “(b) *CLERICAL AMENDMENT.—The table of contents in*  
 22 *section 1(b) of the Homeland Security Act of 2002 is*  
 23 *amended by inserting after the item relating to section 433*  
 24 *the following new item:*

“Sec. 434. *Border security technology program management.”.*

1       (c) *PROHIBITION ON ADDITIONAL AUTHORIZATION OF*  
 2 *APPROPRIATIONS.*—No additional funds are authorized to  
 3 be appropriated to carry out section 434 of the Homeland  
 4 Security Act of 2002, as added by subsection (a). Such sec-  
 5 tion shall be carried out using amounts otherwise author-  
 6 ized for such purposes.

7 **SEC. 117. NATIONAL GUARD SUPPORT TO SECURE THE**  
 8 **SOUTHERN BORDER AND REIMBURSEMENT**  
 9 **OF STATES FOR DEPLOYMENT OF THE NA-**  
 10 **TIONAL GUARD AT THE SOUTHERN BORDER.**

11       (a) *IN GENERAL.*—With the approval of the Secretary  
 12 and the Secretary of Defense, the Governor of a State may  
 13 order any units or personnel of the National Guard of such  
 14 State to perform operations and missions under section  
 15 502(f) of title 32, United States Code, along the southern  
 16 border for the purposes of assisting U.S. Customs and Bor-  
 17 der Protection to achieve situational awareness and oper-  
 18 ational control of the border.

19       (b) *ASSIGNMENT OF OPERATIONS AND MISSIONS.*—

20       (1) *IN GENERAL.*—National Guard units and  
 21 personnel deployed under subsection (a) may be as-  
 22 signed such operations and missions specified in sub-  
 23 section (c) as may be necessary to secure the southern  
 24 border.

1           (2) *NATURE OF DUTY.*—*The duty of National*  
2       *Guard personnel performing operations and missions*  
3       *described in paragraph (1) shall be full-time duty*  
4       *under title 32, United States Code.*

5           (c) *RANGE OF OPERATIONS AND MISSIONS.*—*The oper-*  
6       *ations and missions assigned under subsection (b) shall in-*  
7       *clude the temporary authority to—*

8               (1) *construct reinforced fencing or other barriers;*

9               (2) *operate ground-based surveillance systems;*

10              (3) *operate unmanned and manned aircraft;*

11              (4) *provide radio communications interoper-*  
12       *ability between U.S. Customs and Border Protection*  
13       *and State, local, and tribal law enforcement agencies;*

14              (5) *construct checkpoints along the Southern bor-*  
15       *der to bridge the gap to long-term permanent check-*  
16       *points; and*

17              (6) *provide intelligence support.*

18           (d) *MATERIEL AND LOGISTICAL SUPPORT.*—*The Sec-*  
19       *retary of Defense shall deploy such materiel, equipment,*  
20       *and logistical support as may be necessary to ensure success*  
21       *of the operations and missions conducted by the National*  
22       *Guard under this section.*

23           (e) *EXCLUSION FROM NATIONAL GUARD PERSONNEL*  
24       *STRENGTH LIMITATIONS.*—*National Guard personnel de-*  
25       *ployed under subsection (a) shall not be included in—*

1           (1) *the calculation to determine compliance with*  
 2           *limits on end strength for National Guard personnel;*  
 3           *or*

4           (2) *limits on the number of National Guard per-*  
 5           *sonnel that may be placed on active duty for oper-*  
 6           *ational support under section 115 of title 10, United*  
 7           *States Code.*

8           (f) *REIMBURSEMENT REQUIRED.—*

9           (1) *IN GENERAL.—The Secretary of Defense shall*  
 10          *reimburse States for the cost of the deployment of any*  
 11          *units or personnel of the National Guard to perform*  
 12          *operations and missions in full-time State Active*  
 13          *Duty in support of a southern border mission. The*  
 14          *Secretary of Defense may not seek reimbursement*  
 15          *from the Secretary for any reimbursements paid to*  
 16          *States for the costs of such deployments.*

17          (2) *LIMITATION.—The total amount of reim-*  
 18          *bursements under this section may not exceed*  
 19          *\$35,000,000 for any fiscal year.*

20       **SEC. 118. OPERATION PHALANX.**

21          (a) *IN GENERAL.—The Secretary of Defense, with the*  
 22          *concurrence of the Secretary, shall provide assistance to*  
 23          *U.S. Customs and Border Protection for purposes of in-*  
 24          *creasing ongoing efforts to secure the southern border.*

1       (b) *TYPES OF ASSISTANCE AUTHORIZED.*—*The assist-*  
2 *ance provided under subsection (a) may include—*

3           (1) *deployment of manned aircraft, unmanned*  
4 *aerial surveillance systems, and ground-based surveil-*  
5 *lance systems to support continuous surveillance of*  
6 *the southern border; and*

7           (2) *intelligence analysis support.*

8       (c) *MATERIEL AND LOGISTICAL SUPPORT.*—*The Sec-*  
9 *retary of Defense may deploy such materiel, equipment, and*  
10 *logistics support as may be necessary to ensure the effective-*  
11 *ness of the assistance provided under subsection (a).*

12       (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
13 *authorized to be appropriated for the Department of Defense*  
14 *\$75,000,000 to provide assistance under this section. The*  
15 *Secretary of Defense may not seek reimbursement from the*  
16 *Secretary for any assistance provided under this section.*

17       (e) *REPORTS.*—

18           (1) *IN GENERAL.*—*Not later than 90 days after*  
19 *the date of the enactment of this Act and annually*  
20 *thereafter, the Secretary of Defense shall submit a re-*  
21 *port to the appropriate congressional defense commit-*  
22 *tees (as defined in section 101(a)(16) of title 10,*  
23 *United States Code) regarding any assistance pro-*  
24 *vided under subsection (a) during the period specified*  
25 *in paragraph (3).*

1           (2) *ELEMENTS.*—*Each report under paragraph*  
 2           (1) *shall include, for the period specified in para-*  
 3           *graph (3), a description of—*

4                     (A) *the assistance provided;*

5                     (B) *the sources and amounts of funds used*  
 6           *to provide such assistance; and*

7                     (C) *the amounts obligated to provide such*  
 8           *assistance.*

9           (3) *PERIOD SPECIFIED.*—*The period specified in*  
 10          *this paragraph is—*

11                    (A) *in the case of the first report required*  
 12                    *under paragraph (1), the 90-day period begin-*  
 13                    *ning on the date of the enactment of this Act;*  
 14                    *and*

15                    (B) *in the case of any subsequent report*  
 16                    *submitted under paragraph (1), the calendar*  
 17                    *year for which the report is submitted.*

18 **SEC. 119. MERIDA INITIATIVE.**

19           (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*  
 20           *that assistance to Mexico, including assistance from the De-*  
 21           *partment of State and the Department of Defense and any*  
 22           *aid related to the Merida Initiative should—*

23                    (1) *focus on providing enhanced border security*  
 24                    *at Mexico's northern and southern borders, judicial*

1        *reform, and support for Mexico’s anti-drug efforts;*  
2        *and*

3                *(2) return to its original focus and prioritize se-*  
4        *curity, training, and acquisition of equipment for*  
5        *Mexican security forces involved in anti-drug efforts*  
6        *as well as be used to train prosecutors in ongoing jus-*  
7        *tice reform efforts.*

8        *(b) ASSISTANCE FOR MEXICO.—The Secretary of*  
9        *State, in coordination with the Secretary and the Secretary*  
10       *of Defense, shall provide level and consistent assistance to*  
11       *Mexico to—*

12                *(1) combat drug production and trafficking and*  
13        *related violence, transnational organized criminal or-*  
14        *ganizations, and corruption;*

15                *(2) build a secure, modern border security system*  
16        *capable of preventing illegal migration;*

17                *(3) support border security and cooperation with*  
18        *United States military, intelligence, and law enforce-*  
19        *ment agencies on border incursions;*

20                *(4) support judicial reform, institution building,*  
21        *and rule of law activities to build judicial capacity,*  
22        *address corruption and impunity, and support*  
23        *human rights; and*



1           (5) *provide for training and equipment for Mexi-*  
2           *can security forces involved in efforts to eradicate and*  
3           *interdict drugs.*

4           (c) *ALLOCATION OF FUNDS; REPORT.—*

5           (1) *IN GENERAL.—Notwithstanding any other*  
6           *provision of law, 50 percent of any assistance appro-*  
7           *priated in any appropriations Act to implement this*  
8           *section shall be withheld until after the Secretary of*  
9           *State submits a written report to the congressional*  
10          *committees specified in paragraph (3) certifying that*  
11          *the Government of Mexico is—*

12                 (A) *significantly reducing illegal migration,*  
13                 *drug trafficking, and cross-border criminal ac-*  
14                 *tivities on Mexico’s northern and southern bor-*  
15                 *ders;*

16                 (B) *taking significant action to address cor-*  
17                 *ruption, impunity, and human rights abuses;*  
18                 *and*

19                 (C) *improving the transparency and ac-*  
20                 *countability of Mexican Federal police forces and*  
21                 *working with Mexican State and municipal au-*  
22                 *thorities to improve the transparency and ac-*  
23                 *countability of Mexican State and municipal po-*  
24                 *lice forces.*

1           (2) *MATTERS TO INCLUDE.*—*The report required*  
2           *under paragraph (1) shall include a description of—*

3                   (A) *actions taken by the Government of*  
4                   *Mexico to address the matters described in such*  
5                   *paragraph;*

6                   (B) *any relevant assessments by civil soci-*  
7                   *ety and non-government organizations in Mexico*  
8                   *relating to such matters; and*

9                   (C) *any instances in which the Secretary*  
10                  *determines that the actions taken by the Govern-*  
11                  *ment of Mexico are inadequate to address such*  
12                  *matters.*

13          (3) *CONGRESSIONAL COMMITTEES SPECIFIED.*—  
14          *The congressional committees specified in this para-*  
15          *graph are—*

16                  (A) *the Committee on Appropriations of the*  
17                  *Senate;*

18                  (B) *the Committee on Homeland Security*  
19                  *and Governmental Affairs of the Senate;*

20                  (C) *the Committee on the Judiciary of the*  
21                  *Senate;*

22                  (D) *the Committee on Foreign Relations of*  
23                  *the Senate;*

24                  (E) *the Committee on Appropriations of the*  
25                  *House of Representatives;*

1                   (F) the Committee on Homeland Security of  
2                   the House of Representatives;

3                   (G) the Committee on the Judiciary of the  
4                   House of Representatives; and

5                   (H) the Committee on Foreign Affairs of the  
6                   House of Representatives.

7           (d) NOTIFICATIONS.—Any assistance made available  
8           by the Secretary of State under this section shall be subject  
9           to—

10                   (1) the notification procedures set forth in sec-  
11                   tion 634A of the Foreign Assistance Act of 1961 (22  
12                   U.S.C. 2394–1); and

13                   (2) the notification requirements of—

14                               (A) the Committee on Homeland Security  
15                               and Governmental Affairs of the Senate;

16                               (B) the Committee on the Judiciary of the  
17                               Senate;

18                               (C) the Committee on Foreign Relations of  
19                               the Senate;

20                               (D) the Committee on Homeland Security  
21                               of the House of Representatives;

22                               (E) the Committee on the Judiciary of the  
23                               House of Representatives; and

24                               (F) the Committee on Foreign Affairs in the  
25                               House of Representatives.

1       (e) *SPENDING PLAN.*—

2               (1) *IN GENERAL.*—Not later than 45 days after  
3       the date of the enactment of this Act, the Secretary of  
4       State shall submit to the congressional committees  
5       specified in paragraph (2) a detailed spending plan  
6       for assistance to Mexico under this section, which  
7       shall include a strategy, developed after consulting  
8       with relevant authorities of the Government of Mex-  
9       ico, for—

10               (A) combating drug trafficking and related  
11       violence and organized crime; and

12               (B) anti-corruption and rule of law activi-  
13       ties, which shall include concrete goals, actions to  
14       be taken, budget proposals, and a description of  
15       anticipated results.

16               (2) *CONGRESSIONAL COMMITTEES SPECIFIED.*—  
17       The congressional committees specified in this para-  
18       graph are—

19               (A) the Committee on Appropriations of the  
20       Senate;

21               (B) the Committee on Foreign Relations of  
22       the Senate;

23               (C) the Committee on Homeland Security  
24       and Governmental Affairs of the Senate;

1                   (D) the Committee on the Judiciary of the  
2                   Senate;

3                   (E) the Committee on Appropriations of the  
4                   House of Representatives;

5                   (F) the Committee on Foreign Affairs of the  
6                   House of Representatives;

7                   (G) the Committee on Homeland Security  
8                   of the House of Representatives; and

9                   (H) the Committee on the Judiciary of the  
10                  House of Representatives.

11 **SEC. 120. PROHIBITIONS ON ACTIONS THAT IMPEDE BOR-**  
12 **DER SECURITY ON CERTAIN FEDERAL LAND.**

13               (a) *PROHIBITION ON INTERFERENCE WITH U.S. CUS-*  
14 *TOMS AND BORDER PROTECTION.—*

15               (1) *IN GENERAL.—The Secretary concerned shall*  
16 *not impede, prohibit, or restrict activities of U.S.*  
17 *Customs and Border Protection on covered Federal*  
18 *land to execute search and rescue operations or to*  
19 *prevent all unlawful entries into the United States,*  
20 *including entries by terrorists, other unlawful aliens,*  
21 *instruments of terrorism, narcotics, and other contra-*  
22 *band through the southern border or the northern bor-*  
23 *der.*

24               (2) *APPLICABILITY.—The authority of U.S. Cus-*  
25 *toms and Border Protection to conduct activities de-*

1       scribed in paragraph (1) on covered Federal land ap-  
2       plies without regard to whether a state of emergency  
3       exists.

4       (b) *AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND*  
5 *BORDER PROTECTION.*—

6           (1) *IN GENERAL.*—U.S. Customs and Border  
7       Protection shall have immediate access to covered  
8       Federal land to conduct the activities described in  
9       paragraph (2) on such land to prevent all unlawful  
10      entries into the United States, including entries by  
11      terrorists, other unlawful aliens, instruments of ter-  
12      rorism, narcotics, and other contraband through the  
13      southern border or the northern border.

14          (2) *ACTIVITIES DESCRIBED.*—The activities de-  
15      scribed in this paragraph are—

16           (A) The use of motorized vehicles, foot pa-  
17      trols, and horseback to patrol the border area,  
18      apprehend illegal entrants, and rescue individ-  
19      uals; and

20           (B) the construction, installation, operation  
21      and maintenance of tactical infrastructure and  
22      border technology described in section 102 of the  
23      Illegal Immigration Reform and Immigrant Re-  
24      sponsibility Act of 1996 (as amended by section  
25      111 of this Act).

1       (c) *CLARIFICATION RELATING TO WAIVER AUTHOR-*  
2 *ITY.*—

3           (1) *IN GENERAL.*—*The activities of U.S. Customs*  
4 *and Border Protection described in subsection (b)(2)*  
5 *may be carried out without regard to the provisions*  
6 *of law specified in paragraph (2).*

7           (2) *PROVISIONS OF LAW SPECIFIED.*—*The provi-*  
8 *sions of law specified in this section are all Federal,*  
9 *State, or other laws, regulations, and legal require-*  
10 *ments of, deriving from, or related to the subject of,*  
11 *the following laws:*

12           (A) *The National Environmental Policy Act*  
13 *of 1969 (42 U.S.C. 4321 et seq.).*

14           (B) *The Endangered Species Act of 1973*  
15 *(16 U.S.C. 1531 et seq.).*

16           (C) *The Federal Water Pollution Control*  
17 *Act (33 U.S.C. 1251 et seq.) (commonly referred*  
18 *to as the “Clean Water Act”).*

19           (D) *Division A of subtitle III of title 54,*  
20 *United States Code (54 U.S.C. 300301 et seq.)*  
21 *(formerly known as the “National Historic Pres-*  
22 *ervation Act”).*

23           (E) *The Migratory Bird Treaty Act (16*  
24 *U.S.C. 703 et seq.).*

1                   (F) *The Clean Air Act* (42 U.S.C. 7401 et  
2                   seq.).

3                   (G) *The Archaeological Resources Protection*  
4                   *Act of 1979* (16 U.S.C. 470aa et seq.).

5                   (H) *The Safe Drinking Water Act* (42  
6                   U.S.C. 300f et seq.).

7                   (I) *The Noise Control Act of 1972* (42  
8                   U.S.C. 4901 et seq.).

9                   (J) *The Solid Waste Disposal Act* (42  
10                  U.S.C. 6901 et seq.).

11                  (K) *The Comprehensive Environmental Re-*  
12                  *sponse, Compensation, and Liability Act of 1980*  
13                  *(42 U.S.C. 9601 et seq.)*.

14                  (L) *Chapter 3125 of title 54, United States*  
15                  *Code (formerly known as the “Archaeological*  
16                  *and Historic Preservation Act”)*.

17                  (M) *The Antiquities Act* (16 U.S.C. 431 et  
18                  seq.).

19                  (N) *Chapter 3203 of title 54, United States*  
20                  *Code (formerly known as the “Historic Sites,*  
21                  *Buildings, and Antiquities Act”)*.

22                  (O) *The Wild and Scenic Rivers Act* (16  
23                  U.S.C. 1271 et seq.).

24                  (P) *The Farmland Protection Policy Act* (7  
25                  U.S.C. 4201 et seq.).



1           (Q) *The Coastal Zone Management Act of*  
2           1972 (16 U.S.C. 1451 et seq.).

3           (R) *The Wilderness Act* (16 U.S.C. 1131 et  
4           seq.).

5           (S) *The Federal Land Policy and Manage-*  
6           *ment Act of 1976* (43 U.S.C. 1701 et seq.).

7           (T) *The National Wildlife Refuge System*  
8           *Administration Act of 1966* (16 U.S.C. 668dd et  
9           seq.).

10          (U) *The Fish and Wildlife Act of 1956* (16  
11          U.S.C. 742a et seq.).

12          (V) *The Fish and Wildlife Coordination Act*  
13          (16 U.S.C. 661 et seq.).

14          (W) *Subchapter II of chapter 5, and chap-*  
15          *ter 7, of title 5, United States Code (commonly*  
16          *known as the “Administrative Procedure Act”).*

17          (X) *The Otoy Mountain Wilderness Act of*  
18          1999 (Public Law 106–145).

19          (Y) *Sections 102(29) and 103 of the Cali-*  
20          *fornia Desert Protection Act of 1994 (Public*  
21          *Law 103–433).*

22          (Z) *Division A of subtitle I of title 54,*  
23          *United States Code (formerly known as the “Na-*  
24          *tional Park Service Organic Act”).*

1           (AA) *The National Park Service General*  
2           *Authorities Act (Public Law 91–383, 16 U.S.C.*  
3           *1a–1 et seq.)*.

4           (BB) *Sections 401(7), 403, and 404 of the*  
5           *National Parks and Recreation Act of 1978*  
6           *(Public Law 95–625)*.

7           (CC) *Sections 301(a) through (f) of the Ari-*  
8           *zona Desert Wilderness Act (Public Law 101–*  
9           *628)*.

10          (DD) *The Rivers and Harbors Act of 1899*  
11          *(33 U.S.C. 403)*.

12          (EF) *The Eagle Protection Act (16 U.S.C.*  
13          *668 et seq.)*.

14          (FG) *The Native American Graves Protec-*  
15          *tion and Repatriation Act (25 U.S.C. 3001 et*  
16          *seq.)*.

17          (GG) *The American Indian Religious Free-*  
18          *dom Act (42 U.S.C. 1996)*.

19          (HH) *The Religious Freedom Restoration*  
20          *Act (42 U.S.C. 2000bb)*.

21          (II) *The National Forest Management Act*  
22          *of 1976 (16 U.S.C. 1600 et seq.)*.

23          (JJ) *The Multiple Use and Sustained Yield*  
24          *Act of 1960 (16 U.S.C. 528 et seq.)*.

1           (3) *APPLICABILITY OF WAIVER TO SUCCESSOR*  
2           *LAWS.—If a provision of law specified in paragraph*  
3           *(2) was repealed and incorporated into title 54,*  
4           *United States Code, after April 1, 2008, and before*  
5           *the date of the enactment of this Act, the waiver de-*  
6           *scribed in paragraph (1) shall apply to the provision*  
7           *of such title that corresponds to the provision of law*  
8           *specified in paragraph (2) to the same extent the*  
9           *waiver applied to that provision of law.*

10          (4) *SAVINGS CLAUSE.—The waiver authority*  
11          *under this subsection may not be construed as affect-*  
12          *ing, negating, or diminishing in any manner the ap-*  
13          *plicability of section 552 of title 5, United States*  
14          *Code (commonly referred to as the “Freedom of Infor-*  
15          *mation Act”), in any relevant matter.*

16          (d) *PROTECTION OF LEGAL USES.—This section may*  
17          *not be construed to provide—*

18               (1) *authority to restrict legal uses, such as graz-*  
19               *ing, hunting, mining, or recreation or the use of*  
20               *backcountry airstrips, on land under the jurisdiction*  
21               *of the Secretary of the Interior or the Secretary of Ag-*  
22               *riculture; or*

23               (2) *any additional authority to restrict legal ac-*  
24               *cess to such land.*

1       (e) *EFFECT ON STATE AND PRIVATE LAND.*—*This sec-*  
 2       *tion shall—*

3               (1) *have no force or effect on State lands or pri-*  
 4       *vate lands; and*

5               (2) *not provide authority on or access to State*  
 6       *lands or private lands.*

7       (f) *TRIBAL SOVEREIGNTY.*—*Nothing in this section*  
 8       *may be construed to supersede, replace, negate, or diminish*  
 9       *treaties or other agreements between the United States and*  
 10       *Indian tribes.*

11       (g) *MEMORANDA OF UNDERSTANDING.*—*The require-*  
 12       *ments of this section shall not apply to the extent that such*  
 13       *requirements are incompatible with any memorandum of*  
 14       *understanding or similar agreement entered into between*  
 15       *the Commissioner of U.S. Customs and Border Protection*  
 16       *and a National Park Unit before, on, or after the date of*  
 17       *the enactment of this Act.*

18       (h) *DEFINITIONS.*—*In this section:*

19               (1) *COVERED FEDERAL LAND.*—*The term “cov-*  
 20       *ered Federal land” includes all land under the control*  
 21       *of the Secretary concerned that is located within 100*  
 22       *miles of the southern border or the northern border.*

23               (2) *SECRETARY CONCERNED.*—*The term “Sec-*  
 24       *retary concerned” means—*

(A) with respect to land under the jurisdiction of the Department of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Department of the Interior, the Secretary of the Interior.

**SEC. 121. LANDOWNER AND RANCHER SECURITY ENHANCEMENT.**

(a) *ESTABLISHMENT OF NATIONAL BORDER SECURITY ADVISORY COMMITTEE.*—The Secretary shall establish a National Border Security Advisory Committee, which—

(1) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to border security matters, including—

(A) verifying security claims and the border security metrics established by the Department of Homeland Security under section 1092 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223); and

(B) discussing ways to improve the security of high traffic areas along the northern border and the southern border; and

(2) may provide, through the Secretary, recommendations to Congress.

1       (b) *CONSIDERATION OF VIEWS.*—*The Secretary shall*  
 2 *consider the information, advice, and recommendations of*  
 3 *the National Border Security Advisory Committee in for-*  
 4 *mulating policy regarding matters affecting border security.*

5       (c) *MEMBERSHIP.*—*The National Border Security Ad-*  
 6 *visory Committee shall consist of at least one member from*  
 7 *each State who—*

8               (1) *has at least five years practical experience in*  
 9 *border security operations; or*

10              (2) *lives and works in the United States within*  
 11 *80 miles from the southern border or the northern bor-*  
 12 *der.*

13       (d) *NONAPPLICABILITY OF FEDERAL ADVISORY COM-*  
 14 *MITTEE ACT.*—*The Federal Advisory Committee Act (5*  
 15 *U.S.C. App.) shall not apply to the National Border Secu-*  
 16 *rity Advisory Committee.*

17 **SEC. 122. ERADICATION OF CARRIZO CANE AND SALT**  
 18 **CEDAR.**

19       *Not later than January 20, 2021, the Secretary, after*  
 20 *coordinating with the heads of the relevant Federal, State,*  
 21 *and local agencies, shall begin eradicating the carrizo cane*  
 22 *plant and any salt cedar along the Rio Grande River.*

23 **SEC. 123. SOUTHERN BORDER THREAT ANALYSIS.**

24       (a) *THREAT ANALYSIS.*—

1           (1) *REQUIREMENT.*—Not later than 180 days  
2     *after the date of the enactment of this Act, the Sec-*  
3     *retary shall submit to the Committee on Homeland*  
4     *Security of the House of Representatives and the*  
5     *Committee on Homeland Security and Governmental*  
6     *Affairs of the Senate a Southern border threat anal-*  
7     *ysis.*

8           (2) *CONTENTS.*—*The analysis submitted under*  
9     *paragraph (1) shall include an assessment of—*

10           (A) *current and potential terrorism and*  
11     *criminal threats posed by individuals and orga-*  
12     *nized groups seeking—*

13                 (i) *to unlawfully enter the United*  
14     *States through the Southern border; or*

15                 (ii) *to exploit security vulnerabilities*  
16     *along the Southern border;*

17           (B) *improvements needed at and between*  
18     *ports of entry along the Southern border to pre-*  
19     *vent terrorists and instruments of terror from*  
20     *entering the United States;*

21           (C) *gaps in law, policy, and coordination*  
22     *between State, local, or tribal law enforcement,*  
23     *international agreements, or tribal agreements*  
24     *that hinder effective and efficient border security,*

1           *counterterrorism, and anti-human smuggling*  
2           *and trafficking efforts;*

3           *(D) the current percentage of situational*  
4           *awareness achieved by the Department along the*  
5           *Southern border;*

6           *(E) the current percentage of operational*  
7           *control achieved by the Department on the*  
8           *Southern border; and*

9           *(F) traveler crossing times and any poten-*  
10          *tial security vulnerability associated with pro-*  
11          *longed wait times.*

12          (3) *ANALYSIS REQUIREMENTS.—In compiling*  
13          *the Southern border threat analysis required under*  
14          *this subsection, the Secretary shall consider and ex-*  
15          *amine—*

16                *(A) the technology needs and challenges, in-*  
17                *cluding such needs and challenges identified as a*  
18                *result of previous investments that have not fully*  
19                *realized the security and operational benefits*  
20                *that were sought;*

21                *(B) the personnel needs and challenges, in-*  
22                *cluding such needs and challenges associated*  
23                *with recruitment and hiring;*

24                *(C) the infrastructure needs and challenges;*



1           (D) the roles and authorities of State, local,  
2           and tribal law enforcement in general border se-  
3           curity activities;

4           (E) the status of coordination among Fed-  
5           eral, State, local, tribal, and Mexican law en-  
6           forcement entities relating to border security;

7           (F) the terrain, population density, and cli-  
8           mate along the Southern border; and

9           (G) the international agreements between  
10          the United States and Mexico related to border  
11          security.

12          (4) *CLASSIFIED FORM.*—To the extent possible,  
13          the Secretary shall submit the Southern border threat  
14          analysis required under this subsection in unclassified  
15          form, but may submit a portion of the threat analysis  
16          in classified form if the Secretary determines such ac-  
17          tion is appropriate.

18          (b) *U.S. BORDER PATROL STRATEGIC PLAN.*—

19               (1) *IN GENERAL.*—Not later than 180 days after  
20          the submission of the threat analysis required under  
21          subsection (a) or June 30, 2018, and every five years  
22          thereafter, the Secretary, acting through the Chief of  
23          the U.S. Border Patrol, shall issue a Border Patrol  
24          Strategic Plan.

1           (2) *CONTENTS.—The Border Patrol Strategic*  
2           *Plan required under this subsection shall include a*  
3           *consideration of—*

4                   (A) *the Southern border threat analysis re-*  
5                   *quired under subsection (a), with an emphasis*  
6                   *on efforts to mitigate threats identified in such*  
7                   *threat analysis;*

8                   (B) *efforts to analyze and disseminate bor-*  
9                   *der security and border threat information be-*  
10                  *tween border security components of the Depart-*  
11                  *ment and other appropriate Federal departments*  
12                  *and agencies with missions associated with the*  
13                  *Southern border;*

14                  (C) *efforts to increase situational awareness,*  
15                  *including—*

16                          (i) *surveillance capabilities, including*  
17                          *capabilities developed or utilized by the De-*  
18                          *partment of Defense, and any appropriate*  
19                          *technology determined to be excess by the*  
20                          *Department of Defense; and*

21                          (ii) *the use of manned aircraft and un-*  
22                          *manned aerial systems, including camera*  
23                          *and sensor technology deployed on such as-*  
24                          *sets;*

1           (D) efforts to detect and prevent terrorists  
2           and instruments of terrorism from entering the  
3           United States;

4           (E) efforts to detect, interdict, and disrupt  
5           aliens and illicit drugs at the earliest possible  
6           point;

7           (F) efforts to focus intelligence collection to  
8           disrupt transnational criminal organizations  
9           outside of the international and maritime bor-  
10          ders of the United States;

11          (G) efforts to ensure that any new border se-  
12          curity technology can be operationally integrated  
13          with existing technologies in use by the Depart-  
14          ment;

15          (H) any technology required to maintain,  
16          support, and enhance security and facilitate  
17          trade at ports of entry, including nonintrusive  
18          detection equipment, radiation detection equip-  
19          ment, biometric technology, surveillance systems,  
20          and other sensors and technology that the Sec-  
21          retary determines to be necessary;

22          (I) operational coordination unity of effort  
23          initiatives of the border security components of  
24          the Department, including any relevant task  
25          forces of the Department;

1           (J) lessons learned from Operation  
2           *Jumpstart and Operation Phalanx*;

3           (K) cooperative agreements and information  
4           *sharing with State, local, tribal, territorial, and*  
5           *other Federal law enforcement agencies that have*  
6           *jurisdiction on the Northern border or the South-*  
7           *ern border*;

8           (L) border security information received  
9           *from consultation with State, local, tribal, terri-*  
10          *torial, and Federal law enforcement agencies*  
11          *that have jurisdiction on the Northern border or*  
12          *the Southern border, or in the maritime environ-*  
13          *ment, and from border community stakeholders*  
14          *(including through public meetings with such*  
15          *stakeholders), including representatives from bor-*  
16          *der agricultural and ranching organizations and*  
17          *representatives from business and civic organiza-*  
18          *tions along the Northern border or the Southern*  
19          *border*;

20          (M) staffing requirements for all depart-  
21          *mental border security functions*;

22          (N) a prioritized list of departmental re-  
23          *search and development objectives to enhance the*  
24          *security of the Southern border*;

(O) an assessment of training programs, including training programs for—

(i) identifying and detecting fraudulent documents;

(ii) understanding the scope of enforcement authorities and the use of force policies; and

(iii) screening, identifying, and addressing vulnerable populations, such as children and victims of human trafficking; and

(P) an assessment of how border security operations affect border crossing times.

**SEC. 124. AMENDMENTS TO U.S. CUSTOMS AND BORDER PROTECTION.**

(a) *DUTIES*.—Subsection (c) of section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211) is amended—

(1) in paragraph (17), by striking “and” after the semicolon at the end;

(2) by redesignating paragraph (18) as paragraph (20); and

(3) by inserting after paragraph (17) the following new paragraphs:

1           “(18) *administer the U.S. Customs and Border*  
 2           *Protection public private partnerships under subtitle*  
 3           *G;*

4           “(19) *administer preclearance operations under*  
 5           *the Preclearance Authorization Act of 2015 (19*  
 6           *U.S.C. 4431 et seq.; enacted as subtitle B of title VIII*  
 7           *of the Trade Facilitation and Trade Enforcement Act*  
 8           *of 2015; 19 U.S.C. 4301 et seq.); and”.*

9           **(b) OFFICE OF FIELD OPERATIONS STAFFING.**—Sub-  
 10          *paragraph (A) of section 411(g)(5) of the Homeland Secu-*  
 11          *rity Act of 2002 (6 U.S.C. 211(g)(5)) is amended by insert-*  
 12          *ing before the period at the end the following: “compared*  
 13          *to the number indicated by the current fiscal year work flow*  
 14          *staffing model”.*

15          **(c) IMPLEMENTATION PLAN.**—Subparagraph (B) of  
 16          *section 814(e)(1) of the Preclearance Authorization Act of*  
 17          *2015 (19 U.S.C. 4433(e)(1); enacted as subtitle B of title*  
 18          *VIII of the Trade Facilitation and Trade Enforcement Act*  
 19          *of 2015; 19 U.S.C. 4301 et seq.) is amended to read as fol-*  
 20          *lows:*

21                       “(B) *a port of entry vacancy rate which*  
 22                       *compares the number of officers identified in*  
 23                       *subparagraph (A) with the number of officers at*  
 24                       *the port at which such officer is currently as-*  
 25                       *signed.”.*

1 **SEC. 125. AGENT AND OFFICER TECHNOLOGY USE.**

2 *In carrying out section 102 of the Illegal Immigration*  
3 *Reform and Immigrant Responsibility Act of 1996 (as*  
4 *amended by section 111 of this Act) and section 113 of this*  
5 *Act, the Secretary shall, to the greatest extent practicable,*  
6 *ensure that technology deployed to gain situational aware-*  
7 *ness and operational control of the border be provided to*  
8 *front-line officers and agents of the Department of Home-*  
9 *land Security.*

10 **SEC. 126. INTEGRATED BORDER ENFORCEMENT TEAMS.**

11 *(a) IN GENERAL.—Subtitle C of title IV of the Home-*  
12 *land Security Act of 2002 (6 U.S.C. 231 et seq.), as amend-*  
13 *ed by section 116 of this Act, is further amended by adding*  
14 *at the end the following new section:*

15 **“SEC. 435. INTEGRATED BORDER ENFORCEMENT TEAMS.**

16 *“(a) ESTABLISHMENT.—The Secretary shall establish*  
17 *within the Department a program to be known as the Inte-*  
18 *grated Border Enforcement Team program (referred to in*  
19 *this section as ‘IBET’).*

20 *“(b) PURPOSE.—The Secretary shall administer the*  
21 *IBET program in a manner that results in a cooperative*  
22 *approach between the United States and Canada to—*

23 *“(1) strengthen security between designated ports*  
24 *of entry;*

1           “(2) *detect, prevent, investigate, and respond to*  
2           *terrorism and violations of law related to border secu-*  
3           *rity;*

4           “(3) *facilitate collaboration among components*  
5           *and offices within the Department and international*  
6           *partners;*

7           “(4) *execute coordinated activities in furtherance*  
8           *of border security and homeland security; and*

9           “(5) *enhance information-sharing, including the*  
10          *dissemination of homeland security information*  
11          *among such components and offices.*

12          “(c) *COMPOSITION AND LOCATION OF IBETS.—*

13               “(1) *COMPOSITION.—IBETs shall be led by the*  
14               *United States Border Patrol and may be comprised*  
15               *of personnel from the following:*

16                       “(A) *Other subcomponents of U.S. Customs*  
17                       *and Border Protection.*

18                       “(B) *U.S. Immigration and Customs En-*  
19                       *forcement, led by Homeland Security Investiga-*  
20                       *tions.*

21                       “(C) *The Coast Guard, for the purpose of*  
22                       *securing the maritime borders of the United*  
23                       *States.*

24                       “(D) *Other Department personnel, as ap-*  
25                       *propriate.*



1           “(E) Other Federal departments and agen-  
2           cies, as appropriate.

3           “(F) Appropriate State law enforcement  
4           agencies.

5           “(G) Foreign law enforcement partners.

6           “(H) Local law enforcement agencies from  
7           affected border cities and communities.

8           “(I) Appropriate tribal law enforcement  
9           agencies.

10          “(2) LOCATION.—The Secretary is authorized to  
11          establish IBETs in regions in which such teams can  
12          contribute to IBET missions, as appropriate. When  
13          establishing an IBET, the Secretary shall consider the  
14          following:

15               “(A) Whether the region in which the IBET  
16               would be established is significantly impacted by  
17               cross-border threats.

18               “(B) The availability of Federal, State,  
19               local, tribal, and foreign law enforcement re-  
20               sources to participate in an IBET.

21               “(C) Whether, in accordance with para-  
22               graph (3), other joint cross-border initiatives al-  
23               ready take place within the region in which the  
24               IBET would be established, including other De-  
25               partment cross-border programs such as the Inte-

1        *grated Cross-Border Maritime Law Enforcement*  
2        *Operation Program established under section 711*  
3        *of the Coast Guard and Maritime Transpor-*  
4        *tation Act of 2012 (46 U.S.C. 70101 note) or the*  
5        *Border Enforcement Security Task Force estab-*  
6        *lished under section 432.*

7        “(3) *DUPLICATION OF EFFORTS.—In deter-*  
8        *mining whether to establish a new IBET or to expand*  
9        *an existing IBET in a given region, the Secretary*  
10       *shall ensure that the IBET under consideration does*  
11       *not duplicate the efforts of other existing interagency*  
12       *task forces or centers within such region, including*  
13       *the Integrated Cross-Border Maritime Law Enforce-*  
14       *ment Operation Program established under section*  
15       *711 of the Coast Guard and Maritime Transportation*  
16       *Act of 2012 (46 U.S.C. 70101 note) or the Border En-*  
17       *forcement Security Task Force established under sec-*  
18       *tion 432.*

19       “(d) *OPERATION.—*

20       “(1) *IN GENERAL.—After determining the re-*  
21       *gions in which to establish IBETs, the Secretary*  
22       *may—*

23                “(A) *direct the assignment of Federal per-*  
24                *sonnel to such IBETs; and*

1                   “(B) take other actions to assist Federal,  
2                   State, local, and tribal entities to participate in  
3                   such IBETs, including providing financial as-  
4                   sistance, as appropriate, for operational, admin-  
5                   istrative, and technological costs associated with  
6                   such participation.

7                   “(2) *LIMITATION.*—Coast Guard personnel as-  
8                   signed under paragraph (1) may be assigned only for  
9                   the purposes of securing the maritime borders of the  
10                  United States, in accordance with subsection  
11                  (c)(1)(C).

12                  “(e) *COORDINATION.*—The Secretary shall coordinate  
13                  the IBET program with other similar border security and  
14                  antiterrorism programs within the Department in accord-  
15                  ance with the strategic objectives of the Cross-Border Law  
16                  Enforcement Advisory Committee.

17                  “(f) *MEMORANDA OF UNDERSTANDING.*—The Sec-  
18                  retary may enter into memoranda of understanding with  
19                  appropriate representatives of the entities specified in sub-  
20                  section (c)(1) necessary to carry out the IBET program.

21                  “(g) *REPORT.*—Not later than 180 days after the date  
22                  on which an IBET is established and biannually thereafter  
23                  for the following six years, the Secretary shall submit to  
24                  the appropriate congressional committees, including the  
25                  Committee on Homeland Security of the House of Rep-

1 *representatives and the Committee on Homeland Security and*  
 2 *Governmental Affairs of the Senate, and in the case of Coast*  
 3 *Guard personnel used to secure the maritime borders of the*  
 4 *United States, additionally to the Committee on Transpor-*  
 5 *tation and Infrastructure of the House of Representatives,*  
 6 *a report that—*

7           “(1) *describes the effectiveness of IBETs in ful-*  
 8 *filling the purposes specified in subsection (b);*

9           “(2) *assess the impact of certain challenges on*  
 10 *the sustainment of cross-border IBET operations, in-*  
 11 *cluding challenges faced by international partners;*

12           “(3) *addresses ways to support joint training for*  
 13 *IBET stakeholder agencies and radio interoperability*  
 14 *to allow for secure cross-border radio communica-*  
 15 *tions; and*

16           “(4) *assesses how IBETs, Border Enforcement*  
 17 *Security Task Forces, and the Integrated Cross-Bor-*  
 18 *der Maritime Law Enforcement Operation Program*  
 19 *can better align operations, including interdiction*  
 20 *and investigation activities.”.*

21       (b) *CLERICAL AMENDMENT.—The table of contents in*  
 22 *section 1(b) of the Homeland Security Act of 2002 is*  
 23 *amended by adding after the item relating to section 434*  
 24 *the following new item:*

“Sec. 435. *Integrated Border Enforcement Teams.”.*

1 **SEC. 127. TUNNEL TASK FORCES.**

2       *The Secretary is authorized to establish Tunnel Task*  
 3 *Forces for the purposes of detecting and remediating tunnels*  
 4 *that breach the international borders of the United States.*

5                   **Subtitle B—Personnel**

6 **SEC. 131. ADDITIONAL U.S. CUSTOMS AND BORDER PROTEC-**  
 7 **TION AGENTS AND OFFICERS.**

8       (a) *BORDER PATROL AGENTS.*—*Not later than Sep-*  
 9 *tember 30, 2021, the Commissioner of U.S. Customs and*  
 10 *Border Protection shall hire, train, and assign sufficient*  
 11 *agents to maintain an active duty presence of not fewer*  
 12 *than 26,370 full-time equivalent agents.*

13       (b) *CBP OFFICERS.*—*In addition to positions author-*  
 14 *ized before the date of the enactment of this Act and any*  
 15 *existing officer vacancies within U.S. Customs and Border*  
 16 *Protection as of such date, the Commissioner shall hire,*  
 17 *train, and assign to duty, not later than September 30,*  
 18 *2021—*

19               (1) *sufficient U.S. Customs and Border Protec-*  
 20 *tion officers to maintain an active duty presence of*  
 21 *not fewer than 27,725 full-time equivalent officers;*  
 22 *and*

23               (2) *350 full-time support staff distributed among*  
 24 *all United States ports of entry.*

25       (c) *AIR AND MARINE OPERATIONS.*—*Not later than*  
 26 *September 30, 2021, the Commissioner of U.S. Customs and*

1 *Border Protection shall hire, train, and assign sufficient*  
2 *agents for Air and Marine Operations of U.S. Customs and*  
3 *Border Protection to maintain not fewer than 1,675 full-*  
4 *time equivalent agents and not fewer than 264 Marine and*  
5 *Air Interdiction Agents for southern border air and mari-*  
6 *time operations.*

7 (d) *U.S. CUSTOMS AND BORDER PROTECTION K-9*  
8 *UNITS AND HANDLERS.—*

9 (1) *K-9 UNITS.—Not later than September 30,*  
10 *2021, the Commissioner shall deploy not fewer than*  
11 *300 new K-9 units, with supporting officers of U.S.*  
12 *Customs and Border Protection and other required*  
13 *staff, at land ports of entry and checkpoints, on the*  
14 *southern border and the northern border.*

15 (2) *USE OF CANINES.—The Commissioner shall*  
16 *prioritize the use of canines at the primary inspection*  
17 *lanes at land ports of entry and checkpoints.*

18 (e) *U.S. CUSTOMS AND BORDER PROTECTION HORSE-*  
19 *BACK UNITS.—*

20 (1) *INCREASE.—Not later than September 30,*  
21 *2021, the Commissioner shall increase the number of*  
22 *horseback units, with supporting officers of U.S. Cus-*  
23 *toms and Border Protection and other required staff,*  
24 *by not fewer than 100 officers and 50 horses for secu-*  
25 *rity patrol along the Southern border.*

1           (2) *FUNDING LIMITATION.*—Of the amounts au-  
2           thorized to be appropriated for U.S. Customs and  
3           Border Protection under this Act, not more than one  
4           percent may be used for the purchase of additional  
5           horses, the construction of new stables, maintenance  
6           and improvements of existing stables, and for feed,  
7           medicine, and other resources needed to maintain the  
8           health and well-being of the horses that serve in the  
9           horseback units.

10          (f) *U.S. CUSTOMS AND BORDER PROTECTION SEARCH*  
11          *TRAUMA AND RESCUE TEAMS.*—Not later than September  
12          30, 2021, the Commissioner shall increase by not fewer than  
13          50 the number of officers engaged in search and rescue ac-  
14          tivities along the southern border.

15          (g) *U.S. CUSTOMS AND BORDER PROTECTION TUNNEL*  
16          *DETECTION AND TECHNOLOGY PROGRAM.*—Not later than  
17          September 30, 2021, the Commissioner shall increase by not  
18          fewer than 50 the number of officers assisting task forces  
19          and activities related to deployment and operation of border  
20          tunnel detection technology and apprehensions of individ-  
21          uals using such tunnels for crossing into the United States,  
22          drug trafficking, or human smuggling.

23          (h) *AGRICULTURAL SPECIALISTS.*—Not later than  
24          September 30, 2021, the Secretary shall hire, train, and as-  
25          sign to duty, in addition to the officers and agents author-

1 ized under subsections (a) through (g), 631 U.S. Customs  
 2 and Border Protection agricultural specialists to ports of  
 3 entry along the southern border and the northern border.

4 (i) *OFFICE OF PROFESSIONAL RESPONSIBILITY.*—Not  
 5 later than September 30, 2021, the Commissioner shall hire,  
 6 train, and assign sufficient Office of Professional Responsi-  
 7 bility special agents to maintain an active duty presence  
 8 of not fewer than 550 full-time equivalent special agents.

9 (j) *GAO REPORT.*—If the staffing levels required under  
 10 this section are not achieved by September 30, 2021, the  
 11 Comptroller General of the United States shall conduct a  
 12 review of the reasons why such levels were not achieved.

13 **SEC. 132. U.S. CUSTOMS AND BORDER PROTECTION RETEN-**  
 14 **TION INCENTIVES.**

15 (a) *DEFINITIONS.*—In this section:

16 (1) *COVERED AREA.*—The term “covered area”  
 17 means a geographic area that the Secretary deter-  
 18 mines is in a remote location or is an area for which  
 19 it is difficult to find full-time permanent covered  
 20 CBP employees, as compared to other ports of entry  
 21 or Border Patrol sectors.

22 (2) *COVERED CBP EMPLOYEE.*—The term “cov-  
 23 ered CBP employee” means an employee of U.S. Cus-  
 24 toms and Border Protection performing activities that



1        *are critical to border security or customs enforcement,*  
2        *as determined by the Commissioner.*

3            (3) *RATE OF BASIC PAY.*—*The term “rate of*  
4        *basic pay”*—

5            (A) *means the rate of pay fixed by law or*  
6        *administrative action for the position to which*  
7        *an employee is appointed before deductions and*  
8        *including any special rate under subpart C of*  
9        *part 530 of title 5, Code of Federal Regulations,*  
10       *or similar payment under other legal authority,*  
11       *and any locality-based comparability payment*  
12       *under subpart F of part 531 of title 5, Code of*  
13       *Federal Regulations, or similar payment under*  
14       *other legal authority, but excluding additional*  
15       *pay of any other kind; and*

16           (B) *does not include additional pay, such*  
17        *as night shift differentials under section 5343(f)*  
18        *of title 5, United States Code, or environmental*  
19        *differentials under section 5343(c)(4) of such*  
20        *title.*

21           (4) *SPECIAL RATE OF PAY.*—*The term “special*  
22        *rate of pay” means a higher than normal rate of pay*  
23        *that exceeds the otherwise applicable rate of basic pay*  
24        *for a similar covered CBP employee at a land port*  
25        *of entry.*

1       **(b) *HIRING INCENTIVES.***—

2               **(1) *IN GENERAL.***—*To the extent necessary for*  
3       *U.S. Customs and Border Protection to hire, train,*  
4       *and deploy qualified officers and employees, and to*  
5       *the extent necessary to meet the requirements set forth*  
6       *in section 131, the Commissioner, with the approval*  
7       *of the Secretary, may pay a hiring bonus of \$10,000*  
8       *to a covered CBP employee, after the covered CBP*  
9       *completes initial basic training and executes a writ-*  
10       *ten agreement required under paragraph (2).*

11              **(2) *WRITTEN AGREEMENT.***—*The payment of a*  
12       *hiring bonus to a covered CBP employee under para-*  
13       *graph (1) is contingent upon the covered CBP em-*  
14       *ployee entering into a written agreement with U.S.*  
15       *Customs and Border Protection to complete more*  
16       *than two years of employment with U.S. Customs and*  
17       *Border Protection beginning on the date on which the*  
18       *agreement is signed. Such agreement shall include—*

19                      **(A)** *the amount of the hiring bonus;*

20                      **(B)** *the conditions under which the agree-*  
21       *ment may be terminated before the required pe-*  
22       *riod of service is completed and the effect of such*  
23       *termination;*

24                      **(C)** *the length of the required service period;*

25                      *and*

1           (D) any other terms and conditions under  
2           which the hiring bonus is payable, subject to the  
3           requirements under this section.

4           (3) *FORM OF PAYMENT.*—A signing bonus paid  
5           to a covered CBP employee under paragraph (1) shall  
6           be paid in a single payment after the covered CBP  
7           employee completes initial basic training and enters  
8           on duty and executed the agreement under paragraph  
9           (2).

10          (4) *EXCLUSION OF SIGNING BONUS FROM RATE*  
11          *OF PAY.*—A signing bonus paid to a covered CBP em-  
12          ployee under paragraph (1) shall not be considered  
13          part of the rate of basic pay of the covered CBP em-  
14          ployee for any purpose.

15          (5) *EFFECTIVE DATE AND SUNSET.*—This sub-  
16          section shall take effect on the date of the enactment  
17          of this Act and shall remain in effect until the earlier  
18          of—

19                (A) September 30, 2019; or

20                (B) the date on which U.S. Customs and  
21                Border Protection has 26,370 full-time equiva-  
22                lent agents.

23          (c) *RETENTION INCENTIVES.*—

24                (1) *IN GENERAL.*—To the extent necessary for  
25                U.S. Customs and Border Protection to retain quali-

1 *fied employees, and to the extent necessary to meet the*  
2 *requirements set forth in section 131, the Commis-*  
3 *sioner, with the approval of the Secretary, may pay*  
4 *a retention incentive to a covered CBP employee who*  
5 *has been employed with U.S. Customs and Border*  
6 *Protection for a period of longer than two consecutive*  
7 *years, and the Commissioner determines that, in the*  
8 *absence of the retention incentive, the covered CBP*  
9 *employee would likely—*

10 *(A) leave the Federal service; or*

11 *(B) transfer to, or be hired into, a different*  
12 *position within the Department (other than an-*  
13 *other position in CBP).*

14 *(2) WRITTEN AGREEMENT.—The payment of a*  
15 *retention incentive to a covered CBP employee under*  
16 *paragraph (1) is contingent upon the covered CBP*  
17 *employee entering into a written agreement with U.S.*  
18 *Customs and Border Protection to complete more*  
19 *than two years of employment with U.S. Customs and*  
20 *Border Protection beginning on the date on which the*  
21 *CBP employee enters on duty and the agreement is*  
22 *signed. Such agreement shall include—*

23 *(A) the amount of the retention incentive;*

24 *(B) the conditions under which the agree-*  
25 *ment may be terminated before the required pe-*

1            *riod of service is completed and the effect of such*  
 2            *termination;*

3            *(C) the length of the required service period;*  
 4            *and*

5            *(D) any other terms and conditions under*  
 6            *which the retention incentive is payable, subject*  
 7            *to the requirements under this section.*

8            *(3) CRITERIA.—When determining the amount of*  
 9            *a retention incentive paid to a covered CBP employee*  
 10           *under paragraph (1), the Commissioner shall con-*  
 11           *sider—*

12           *(A) the length of the Federal service and ex-*  
 13           *perience of the covered CBP employee;*

14           *(B) the salaries for law enforcement officers*  
 15           *in other Federal agencies; and*

16           *(C) the costs of replacing the covered CBP*  
 17           *employee, including the costs of training a new*  
 18           *employee.*

19           *(4) AMOUNT OF RETENTION INCENTIVE.—A re-*  
 20           *tention incentive paid to a covered CBP employee*  
 21           *under paragraph (1)—*

22           *(A) shall be approved by the Secretary and*  
 23           *the Commissioner;*

1           (B) shall be stated as a percentage of the  
 2           employee's rate of basic pay for the service pe-  
 3           riod associated with the incentive; and

4           (C) may not exceed \$25,000 for each year of  
 5           the written agreement.

6           (5) *FORM OF PAYMENT.*—A retention incentive  
 7           paid to a covered CBP employee under paragraph (1)  
 8           shall be paid as a single payment at the end of the  
 9           fiscal year in which the covered CBP employee en-  
 10          tered into an agreement under paragraph (2), or in  
 11          equal installments during the life of the service agree-  
 12          ment, as determined by the Commissioner.

13          (6) *EXCLUSION OF RETENTION INCENTIVE FROM*  
 14          *RATE OF PAY.*—A retention incentive paid to a cov-  
 15          ered CBP employee under paragraph (1) shall not be  
 16          considered part of the rate of basic pay of the covered  
 17          CBP employee for any purpose.

18          (d) *PILOT PROGRAM ON SPECIAL RATES OF PAY IN*  
 19          *COVERED AREAS.*—

20               (1) *IN GENERAL.*—The Commissioner may estab-  
 21               lish a pilot program to assess the feasibility and ad-  
 22               visability of using special rates of pay for covered  
 23               CBP employees in covered areas, as designated on the  
 24               date of the enactment of this Act, to help meet the re-  
 25               quirements set forth in section 131.

1           (2) *MAXIMUM AMOUNT.*—*The rate of basic pay of*  
2           *a covered CBP employee paid a special rate of pay*  
3           *under the pilot program may not exceed 125 percent*  
4           *of the otherwise applicable rate of basic pay of the*  
5           *covered CBP employee.*

6           (3) *TERMINATION.*—

7                 (A) *IN GENERAL.*—*Except as provided in*  
8                 *subparagraph (B), the pilot program shall termi-*  
9                 *nate on the date that is two years after the date*  
10                *of the enactment of this Act.*

11               (B) *EXTENSION.*—*If the Secretary deter-*  
12                *mines that the pilot program is performing sat-*  
13                *isfactorily and there are metrics that prove its*  
14                *success in meeting the requirements set forth in*  
15                *section 131, the Secretary may extend the pilot*  
16                *program until the date that is four years after*  
17                *the date of the enactment of this Act.*

18           (4) *REPORT TO CONGRESS.*—*Shortly after the*  
19           *pilot program terminates under paragraph (3), the*  
20           *Commissioner shall submit a report to the Committee*  
21           *on Homeland Security and Governmental Affairs of*  
22           *the Senate, the Committee on the Judiciary of the*  
23           *Senate, the Committee on Homeland Security of the*  
24           *House of Representatives, and the Committee on the*

1       *Judiciary of the House of Representatives that de-*  
2       *tails—*

3               *(A) the total amount paid to covered CBP*  
4               *employees under the pilot program; and*

5               *(B) the covered areas in which the pilot*  
6               *program was implemented.*

7       *(e) SALARIES.—*

8               *(1) IN GENERAL.—Section 101(b) of the En-*  
9       *hanced Border Security and Visa Entry Reform Act*  
10       *of 2002 (8 U.S.C. 1711(b)) is amended to read as fol-*  
11       *lows:*

12       *“(b) AUTHORIZATION OF APPROPRIATIONS FOR CBP*  
13       *EMPLOYEES.—There are authorized to be appropriated to*  
14       *U.S. Customs and Border Protection such sums as may be*  
15       *necessary to increase, effective January 1, 2018, the annual*  
16       *rate of basic pay for U.S. Customs and Border Protection*  
17       *employees who have completed at least one year of service—*

18               *“(1) to the annual rate of basic pay payable for*  
19       *positions at GS–12, step 1 of the General Schedule*  
20       *under subchapter III of chapter 53 of title 5, United*  
21       *States Code, for officers and agents who are receiving*  
22       *the annual rate of basic pay payable for a position*  
23       *at GS–5, GS–6, GS–7, GS–8, or GS–9 of the General*  
24       *Schedule;*



1           “(2) to the annual rate of basic pay payable for  
2           positions at GS–12, step 10 of the General Schedule  
3           under such subchapter for supervisory CBP officers  
4           and supervisory agents who are receiving the annual  
5           rate of pay payable for a position at GS–10 of the  
6           General Schedule;

7           “(3) to the annual rate of basic pay payable for  
8           positions at GS–14, step 1 of the General Schedule  
9           under such subchapter for supervisory CBP officers  
10          and supervisory agents who are receiving the annual  
11          rate of pay payable for a position at GS–11 of the  
12          General Schedule;

13          “(4) to the annual rate of basic pay payable for  
14          positions at GS–12, step 10 of the General Schedule  
15          under such subchapter for supervisory CBP officers  
16          and supervisory Border Patrol agents who are receiv-  
17          ing the annual rate of pay payable for a position at  
18          GS–12 or GS–13 of the General Schedule; and

19          “(5) to the annual rate of basic pay payable for  
20          positions at GS–8, GS–9, or GS–10 of the General  
21          Schedule for assistants who are receiving an annual  
22          rate of pay payable for positions at GS–5, GS–6, or  
23          GS–7 of the General Schedule, respectively.”.

24               (2) *HARDSHIP DUTY PAY.*—In addition to com-  
25          pensation to which Border Patrol agents are other-

1        *wise entitled, Border Patrol agents who are assigned*  
 2        *to rural areas shall be entitled to receive hardship*  
 3        *duty pay, in lieu of a retention incentive under sub-*  
 4        *section (b), in an amount determined by the Commis-*  
 5        *sioner, which may not exceed the rate of special pay*  
 6        *to which members of a uniformed service are entitled*  
 7        *under section 310 of title 37, United States Code.*

8            (3) *OVERTIME LIMITATION.*—Section 5(c)(1) of  
 9        *the Act of February 13, 1911 (19 U.S.C. 267(c)(1))*  
 10        *is amended by striking “\$25,000” and inserting*  
 11        *“\$45,000”.*

12    **SEC. 133. ANTI-BORDER CORRUPTION REAUTHORIZATION**  
 13            **ACT.**

14        (a) *SHORT TITLE.*—This section may be cited as the  
 15        *“Anti-Border Corruption Reauthorization Act of 2017”.*

16        (b) *HIRING FLEXIBILITY.*—Section 3 of the *Anti-Bor-*  
 17        *der Corruption Act of 2010 (6 U.S.C. 221)* is amended by  
 18        *striking subsection (b) and inserting the following new sub-*  
 19        *sections:*

20            “(b) *WAIVER AUTHORITY.*—The Commissioner of U.S.  
 21        *Customs and Border Protection may waive the application*  
 22        *of subsection (a)(1)—*

23            *“(1) to a current, full-time law enforcement offi-*  
 24        *cer employed by a State or local law enforcement*  
 25        *agency who—*

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

3           “(B) is authorized by law to engage in or  
4           supervise the prevention, detection, investigation,  
5           or prosecution of, or the incarceration of any  
6           person for, any violation of law, and has statu-  
7           tory powers for arrest or apprehension;

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

15          “(D) has, within the past ten years, success-  
16          fully completed a polygraph examination as a  
17          condition of employment with such officer’s cur-  
18          rent law enforcement agency;

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

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

23                 “(B) is authorized to make arrests, conduct  
24                 investigations, conduct searches, make seizures,

1       *carry firearms, and serve orders, warrants, and*  
2       *other processes;*

3               *“(C) is not currently under investigation,*  
4       *has not been found to have engaged in criminal*  
5       *activity or serious misconduct, has not resigned*  
6       *from a law enforcement officer position under*  
7       *investigation or in lieu of termination, and has*  
8       *not been dismissed from a law enforcement offi-*  
9       *cer position; and*

10              *“(D) holds a current Tier 4 background in-*  
11       *vestigation or current Tier 5 background inves-*  
12       *tigation; and*

13              *“(3) to a member of the Armed Forces (or a re-*  
14       *serve component thereof) or a veteran, if such indi-*  
15       *vidual—*

16              *“(A) has served in the Armed Forces for not*  
17       *fewer than three years;*

18              *“(B) holds, or has held within the past five*  
19       *years, a Secret, Top Secret, or Top Secret/Sen-*  
20       *sitive Compartmented Information clearance;*

21              *“(C) holds, or has undergone within the*  
22       *past five years, a current Tier 4 background in-*  
23       *vestigation or current Tier 5 background inves-*  
24       *tigation;*

1           “(D) received, or is eligible to receive, an  
 2           honorably discharge from service in the Armed  
 3           Forces and has not engaged in criminal activity  
 4           or committed a serious military or civil offense  
 5           under the Uniform Code of Military Justice; and

6           “(E) was not granted any waivers to obtain  
 7           the clearance referred to subparagraph (B).

8           “(c) *TERMINATION OF WAIVER AUTHORITY.*—The au-  
 9           thority to issue a waiver under subsection (b) shall termi-  
 10          nate on the date that is four years after the date of the  
 11          enactment of the Border Security for America Act of 2017.”.

12          (c) *SUPPLEMENTAL COMMISSIONER AUTHORITY AND*  
 13          *DEFINITIONS.*—

14               (1) *SUPPLEMENTAL COMMISSIONER AUTHOR-*  
 15          *ITY.*—Section 4 of the Anti-Border Corruption Act of  
 16          2010 is amended to read as follows:

17          **“SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.**

18               “(a) *NON-EXEMPTION.*—An individual who receives a  
 19          waiver under section 3(b) is not exempt from other hiring  
 20          requirements relating to suitability for employment and eli-  
 21          gibility to hold a national security designated position, as  
 22          determined by the Commissioner of U.S. Customs and Bor-  
 23          der Protection.

24               “(b) *BACKGROUND INVESTIGATIONS.*—Any individual  
 25          who receives a waiver under section 3(b) who holds a cur-

1 *rent Tier 4 background investigation shall be subject to a*  
 2 *Tier 5 background investigation.*

3       “(c) *ADMINISTRATION OF POLYGRAPH EXAMINA-*  
 4 *TION.—The Commissioner of U.S. Customs and Border*  
 5 *Protection is authorized to administer a polygraph exam-*  
 6 *ination to an applicant or employee who is eligible for or*  
 7 *receives a waiver under section 3(b) if information is dis-*  
 8 *covered before the completion of a background investigation*  
 9 *that results in a determination that a polygraph examina-*  
 10 *tion is necessary to make a final determination regarding*  
 11 *suitability for employment or continued employment, as the*  
 12 *case may be.”.*

13       (2) *REPORT.—The Anti-Border Corruption Act*  
 14 *of 2010, as amended by paragraph (1), is further*  
 15 *amended by adding at the end the following new sec-*  
 16 *tion:*

17 **“SEC. 5. REPORTING.**

18       “(a) *ANNUAL REPORT.—Not later than one year after*  
 19 *the date of the enactment of this section and annually there-*  
 20 *after while the waiver authority under section 3(b) is in*  
 21 *effect, the Commissioner of U.S. Customs and Border Pro-*  
 22 *tection shall submit to Congress a report that includes, with*  
 23 *respect to each such reporting period—*

24       “(1) *the number of waivers requested, granted,*  
 25 *and denied under section 3(b);*

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

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

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

7           “(5) an assessment of the current impact of the  
8 polygraph waiver program on filling law enforcement  
9 positions at U.S. Customs and Border Protection; and

10          “(6) additional authorities needed by U.S. Cus-  
11 toms and Border Protection to better utilize the poly-  
12 graph waiver program for its intended goals.

13          “(b) *ADDITIONAL INFORMATION.*—The first report sub-  
14 mitted under subsection (a) shall include—

15               “(1) an analysis of other methods of employment  
16 suitability tests that detect deception and could be  
17 used in conjunction with traditional background in-  
18 vestigations to evaluate potential employees for suit-  
19 ability; and

20               “(2) a recommendation regarding whether a test  
21 referred to in paragraph (1) should be adopted by  
22 U.S. Customs and Border Protection when the poly-  
23 graph examination requirement is waived pursuant  
24 to section 3(b).”.

1           (3) *DEFINITIONS.—The Anti-Border Corruption*  
 2           *Act of 2010, as amended by paragraphs (1) and (2),*  
 3           *is further amended by adding at the end the following*  
 4           *new section:*

5   **“SEC. 6. DEFINITIONS.**

6           *“In this Act:*

7                   “(1) *FEDERAL LAW ENFORCEMENT OFFICER.—*  
 8           *The term ‘Federal law enforcement officer’ means a*  
 9           *‘law enforcement officer’ defined in section 8331(20)*  
 10           *or 8401(17) of title 5, United States Code.*

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

14                           “(A) *a member of the Armed Forces may be*  
 15                           *discharged or separated from service in the*  
 16                           *Armed Forces; and*

17                           “(B) *a punitive discharge is, or would be,*  
 18                           *authorized for the same or a closely related of-*  
 19                           *fense under the Manual for Court-Martial, as*  
 20                           *pursuant to Army Regulation 635-200 chapter*  
 21                           *14–12.*

22                   “(3) *TIER 4; TIER 5.—The terms ‘Tier 4’ and*  
 23           *‘Tier 5’ with respect to background investigations*  
 24           *have the meaning given such terms under the 2012*  
 25           *Federal Investigative Standards.*



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

4           (d) *POLYGRAPH EXAMINERS*.—Not later than Sep-  
5           tember 30, 2021, the Secretary shall increase to not fewer  
6           than 150 the number of trained full-time equivalent poly-  
7           graph examiners for administering polygraphs under the  
8           *Anti-Border Corruption Act of 2010*, as amended by this  
9           subtitle.

10   **SEC. 134. TRAINING FOR OFFICERS AND AGENTS OF U.S.**

11                   **CUSTOMS AND BORDER PROTECTION.**

12           (a) *IN GENERAL*.—Subsection (l) of section 411 of the  
13           *Homeland Security Act of 2002* (6 U.S.C. 211) is amended  
14           to read as follows:

15           “(l) *TRAINING AND CONTINUING EDUCATION*.—

16                   “(1) *MANDATORY TRAINING AND CONTINUING*  
17                   *EDUCATION*.—The Commissioner shall ensure that  
18                   every agent and officer of U.S. Customs and Border  
19                   Protection receives a minimum of 21 weeks of train-  
20                   ing that are directly related to the mission of the U.S.  
21                   Border Patrol, Air and Marine, and the Office of  
22                   Field Operations before the initial assignment of such  
23                   agents and officers.

24                   “(2) *FLETC*.—The Commissioner shall work in  
25                   consultation with the Director of the Federal Law

1       *Enforcement Training Centers to establish guidelines*  
2       *and curriculum for the training of agents and officers*  
3       *of U.S. Customs and Border Protection under sub-*  
4       *section (a).*

5               “(3) *CONTINUING EDUCATION.*—*The Commis-*  
6       *sioner shall annually require all agents and officers*  
7       *of U.S. Customs and Border Protection who are re-*  
8       *quired to undergo training under subsection (a) to*  
9       *participate in not fewer than eight hours of con-*  
10       *tinuing education annually to maintain and update*  
11       *understanding of Federal legal rulings, court deci-*  
12       *sions, and Department policies, procedures, and*  
13       *guidelines related to relevant subject matters.*

14               “(4) *LEADERSHIP TRAINING.*—*Not later than one*  
15       *year after the date of the enactment of this subsection,*  
16       *the Commissioner shall develop and require training*  
17       *courses geared towards the development of leadership*  
18       *skills for mid- and senior-level career employees not*  
19       *later than one year after such employees assume du-*  
20       *ties in supervisory roles.”.*

21       “(b) *REPORT.*—*Not later than 180 days after the date*  
22       *of the enactment of this Act, the Commissioner shall submit*  
23       *to the Committee on Homeland Security and the Committee*  
24       *on Ways and Means of the House of Representatives and*  
25       *the Committee on Homeland Security and Governmental*

1 *Affairs and the Committee on Finance of the Senate a re-*  
 2 *port identifying the guidelines and curriculum established*  
 3 *to carry out subsection (l) of section 411 of the Homeland*  
 4 *Security Act of 2002, as amended by subsection (a) of this*  
 5 *section.*

6       (c) *ASSESSMENT.*—Not later than four years after the  
 7 date of the enactment of this Act, the Comptroller General  
 8 of the United States shall submit to the Committee on  
 9 Homeland Security of the House of Representatives and the  
 10 Committee on Homeland Security and Governmental Af-  
 11 fairs of the Senate a report that assesses the training and  
 12 education, including continuing education, required under  
 13 subsection (l) of section 411 of the Homeland Security Act  
 14 of 2002, as amended by subsection (a) of this section.

### 15                   ***Subtitle C—Grants***

16 ***SEC. 141. OPERATION STONEGARDEN.***

17       (a) *IN GENERAL.*—Subtitle A of title XX of the Home-  
 18 land Security Act of 2002 (6 U.S.C. 601 et seq.) is amended  
 19 by adding at the end the following new section:

20 ***“SEC. 2009. OPERATION STONEGARDEN.***

21       “(a) *ESTABLISHMENT.*—There is established in the De-  
 22 partment a program to be known as ‘Operation  
 23 Stonegarden’, under which the Secretary, acting through the  
 24 Administrator, shall make grants to eligible law enforce-

1 ment agencies, through the State administrative agency, to  
2 enhance border security in accordance with this section.

3 “(b) *ELIGIBLE RECIPIENTS.*—To be eligible to receive  
4 a grant under this section, a law enforcement agency—

5 “(1) shall be located in—

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

7 or

8 “(B) a State or territory with a maritime  
9 border; and

10 “(2) shall be involved in an active, ongoing, U.S.  
11 Customs and Border Protection operation coordinated  
12 through a U.S. Border Patrol sector office.

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

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

17 “(2) personnel, including overtime and backfill,  
18 in support of enhanced border law enforcement activi-  
19 ties;

20 “(3) any activity permitted for Operation  
21 Stonegarden under the Department of Homeland Se-  
22 curity’s Fiscal Year 2017 Homeland Security Grant  
23 Program Notice of Funding Opportunity; and

24 “(4) any other appropriate activity, as deter-  
25 mined by the Administrator, in consultation with the

1        *Commissioner of U.S. Customs and Border Protec-*  
2        *tion.*

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

6        “(e) *REPORT.*—*For each of the fiscal years 2018*  
7        *through 2022, the Administrator shall submit to the Com-*  
8        *mittee on Homeland Security and Governmental Affairs of*  
9        *the Senate and the Committee on Homeland Security of the*  
10       *House of Representatives a report that contains informa-*  
11       *tion on the expenditure of grants made under this section*  
12       *by each grant recipient.*

13       “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
14       *authorized to be appropriated \$110,000,000 for each of the*  
15       *fiscal years 2018 through 2022 for grants under this sec-*  
16       *tion.”.*

17       (b) *CONFORMING AMENDMENT.*—*Subsection (a) of sec-*  
18       *tion 2002 of the Homeland Security Act of 2002 (6 U.S.C.*  
19       *603) is amended to read as follows:*

20       “(a) *GRANTS AUTHORIZED.*—*The Secretary, through*  
21       *the Administrator, may award grants under sections 2003,*  
22       *2004, and 2009 to State, local, and tribal governments, as*  
23       *appropriate.”.*

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

1 *amended by inserting after the item relating to section 2008*  
 2 *the following:*

*“Sec. 2009. Operation Stonegarden.”.*

3           ***Subtitle D—Authorization of***  
 4                           ***Appropriations***

5 ***SEC. 151. AUTHORIZATION OF APPROPRIATIONS.***

6           *In addition to amounts otherwise authorized to be ap-*  
 7 *propriated, there are authorized to be appropriated for each*  
 8 *of the fiscal years 2018 through 2021, \$2,500,000,000 to im-*  
 9 *plement this title and the amendments made by this title,*  
 10 *of which—*

11                   (1) *\$10,000,000 shall be used by the Department*  
 12 *of Homeland Security to implement Vehicle and Dis-*  
 13 *mount Exploitation Radars (VADER) in border secu-*  
 14 *rity operations;*

15                   (2) *\$200,000,000 shall be used by the Depart-*  
 16 *ment of State to implement section 119; and*

17                   (3) *\$200,000,000 shall be used by the United*  
 18 *States Coast Guard to implement paragraph (18) of*  
 19 *section 113(a).*

20 ***TITLE II—EMERGENCY PORT OF***  
 21 ***ENTRY PERSONNEL AND IN-***  
 22 ***FRASTRUCTURE FUNDING***

23 ***SEC. 201. PORTS OF ENTRY INFRASTRUCTURE.***

24           (a) *ADDITIONAL PORTS OF ENTRY.—*

1           (1) *AUTHORITY.*—*The Secretary may construct*  
2           *new ports of entry along the northern border and*  
3           *southern border and determine the location of any*  
4           *such new ports of entry.*

5           (2) *CONSULTATION.*—

6                   (A) *REQUIREMENT TO CONSULT.*—*The Sec-*  
7                   *retary shall consult with the Secretary of State,*  
8                   *the Secretary of the Interior, the Secretary of Ag-*  
9                   *riculture, the Secretary of Transportation, the*  
10                  *Administrator of General Services, and appro-*  
11                  *priate representatives of State and local govern-*  
12                  *ments, and Indian tribes, and property owners*  
13                  *in the United States prior to selecting a location*  
14                  *for any new port constructed pursuant to para-*  
15                  *graph (1).*

16                  (B) *CONSIDERATIONS.*—*The purpose of the*  
17                  *consultations required by subparagraph (A) shall*  
18                  *be to minimize any negative impacts of such a*  
19                  *new port on the environment, culture, commerce,*  
20                  *and quality of life of the communities and resi-*  
21                  *dents located near such new port.*

22           (b) *EXPANSION AND MODERNIZATION OF HIGH-VOL-*  
23           *UME SOUTHERN BORDER PORTS OF ENTRY.*—*Not later*  
24           *than September 30, 2021, the Secretary shall expand or*  
25           *modernize the primary and secondary inspection lanes for*

1 *vehicle, cargo, and pedestrian inbound and outbound in-*  
2 *spection lanes at ports of entry on the southern border, as*  
3 *determined by the Secretary, for the purposes of reducing*  
4 *wait times and enhancing security, as determined by the*  
5 *Secretary.*

6 (c) *PORT OF ENTRY PRIORITIZATION.*—*Prior to con-*  
7 *structing any new ports of entry pursuant to subsection (a),*  
8 *the Secretary shall complete the expansion and moderniza-*  
9 *tion of ports of entry pursuant to subsection (b) to the extent*  
10 *practicable.*

11 (d) *NOTIFICATIONS.*—

12 (1) *RELATING TO NEW PORTS OF ENTRY.*—*Not*  
13 *later than 15 days after determining the location of*  
14 *any new port of entry for construction pursuant to*  
15 *subsection (a), the Secretary shall notify the Members*  
16 *of Congress who represent the State or congressional*  
17 *district in which such new port of entry will be lo-*  
18 *cated, as well as the Committee on Homeland Secu-*  
19 *rity and Governmental Affairs, the Committee on Fi-*  
20 *nance, and the Committee on the Judiciary of the*  
21 *Senate, and the Committee on Homeland Security,*  
22 *the Committee on Ways and Means, and the Com-*  
23 *mittee on the Judiciary of the House of Representa-*  
24 *tives. Such notification shall include information re-*  
25 *lating to the location of such new port of entry, a de-*



1 *scription of the need for such new port of entry and*  
2 *associated anticipated benefits, a description of the*  
3 *consultations undertaken by the Secretary pursuant*  
4 *to paragraph (2) of such subsection, any actions that*  
5 *will be taken to minimize negative impacts of such*  
6 *new port of entry, and the anticipated time-line for*  
7 *construction and completion of such new port of*  
8 *entry.*

9 (2) *RELATING TO HIGH VOLUME.*—Not later  
10 *than 180 days after enactment of this Act, the Sec-*  
11 *retary shall notify the Committee on Homeland Secu-*  
12 *rity and Governmental Affairs, the Committee on Fi-*  
13 *nance, and the Committee on the Judiciary of the*  
14 *Senate, and the Committee on Homeland Security,*  
15 *the Committee on Ways and Means, and the Com-*  
16 *mittee on the Judiciary of the House of Representa-*  
17 *tives of the top ten high-volume ports of entry on the*  
18 *southern border pursuant to subsection (b) and the*  
19 *Secretary’s plan for expanding or modernizing the*  
20 *primary and secondary inspection lanes at each such*  
21 *port of entry.*

22 **SEC. 202. SECURE COMMUNICATIONS.**

23 (a) *IN GENERAL.*—The Secretary shall ensure that  
24 *each U.S. Customs and Border Protection and U.S. Immi-*  
25 *gration and Customs Enforcement officer or agent, if appro-*

1 *priate, is equipped with a secure two-way communication*  
 2 *device, supported by system interoperability, that allows*  
 3 *each such officer to communicate—*

4 *(1) between ports of entry and inspection sta-*  
 5 *tions; and*

6 *(2) with other Federal, State, tribal, and local*  
 7 *law enforcement entities.*

8 *(b) LAND BORDER AGENTS AND OFFICERS.—The Sec-*  
 9 *retary shall ensure that each U.S. Customs and Border Pro-*  
 10 *tection agent or officer assigned or required to patrol on*  
 11 *foot, by horseback, or with a canine unit, in remote mission*  
 12 *critical locations, and at border checkpoints, has a multi-*  
 13 *or dual-band encrypted portable radio.*

14 **SEC. 203. BORDER SECURITY DEPLOYMENT PROGRAM.**

15 *(a) EXPANSION.—Not later than September 30, 2021,*  
 16 *the Secretary shall fully implement the Border Security De-*  
 17 *ployment Program of the U.S. Customs and Border Protec-*  
 18 *tion and expand the integrated surveillance and intrusion*  
 19 *detection system at land ports of entry along the southern*  
 20 *border and the northern border.*

21 *(b) AUTHORIZATION OF APPROPRIATIONS.—In addi-*  
 22 *tion to amounts otherwise authorized to be appropriated for*  
 23 *such purpose, there is authorized to be appropriated*  
 24 *\$33,000,000 for fiscal year 2018 to carry out subsection (a).*

1 **SEC. 204. PILOT AND UPGRADE OF LICENSE PLATE READ-**  
2 **ERS AT PORTS OF ENTRY.**

3       (a) *UPGRADE*.—Not later than one year after the date  
4 of the enactment of this Act, the Commissioner of U.S. Cus-  
5 toms and Border Protection shall upgrade all existing li-  
6 cense plate readers on the northern and southern borders  
7 on incoming and outgoing vehicle lanes.

8       (b) *PILOT PROGRAM*.—Not later than 90 days after the  
9 date of the enactment of this Act, the Commissioner of U.S.  
10 Customs and Border Protection shall conduct a one-month  
11 pilot program on the southern border using license plate  
12 readers for one to two cargo lanes at the top three high-  
13 volume land ports of entry or checkpoints to determine their  
14 effectiveness in reducing cross-border wait times for com-  
15 mercial traffic and tractor-trailers.

16       (c) *REPORT*.—Not later than 180 days after the date  
17 of the enactment of this Act, the Secretary shall report to  
18 the Committee on Homeland Security and Governmental  
19 Affairs, the Committee on the Judiciary, and the Committee  
20 on Finance of the Senate, and the Committee on Homeland  
21 Security, and Committee on the Judiciary, and the Com-  
22 mittee on Ways and Means of the House of Representatives  
23 the results of the pilot program under subsection (b) and  
24 make recommendations for implementing use of such tech-  
25 nology on the southern border.

1       (d) *AUTHORIZATION OF APPROPRIATIONS.*—*In addi-*  
2 *tion to amounts otherwise authorized to be appropriated for*  
3 *such purpose, there is authorized to be appropriated*  
4 *\$125,000,000 for fiscal year 2018 to carry out subsection*  
5 *(a).*

6 **SEC. 205. NON-INTRUSIVE INSPECTION OPERATIONAL DEM-**  
7 **ONSTRATION.**

8       (a) *IN GENERAL.*—*Not later than six months after the*  
9 *date of the enactment of this Act, the Commissioner shall*  
10 *establish a six-month operational demonstration to deploy*  
11 *a high-throughput non-intrusive passenger vehicle inspec-*  
12 *tion system at not fewer than three land ports of entry*  
13 *along the United States-Mexico border with significant*  
14 *cross-border traffic. Such demonstration shall be located*  
15 *within the pre-primary traffic flow and should be scalable*  
16 *to span up to 26 contiguous in-bound traffic lanes without*  
17 *re-configuration of existing lanes.*

18       (b) *REPORT.*—*Not later than 90 days after the conclu-*  
19 *sion of the operational demonstration under subsection (a),*  
20 *the Commissioner shall submit to the Committee on Home-*  
21 *land Security and the Committee on Ways and Means of*  
22 *the House of Representatives and the Committee on Home-*  
23 *land Security and Governmental Affairs and the Committee*  
24 *on Finance of the Senate a report that describes the fol-*  
25 *lowing:*

1           (1) *The effects of such demonstration on legiti-*  
 2           *mate travel and trade.*

3           (2) *The effects of such demonstration on wait*  
 4           *times, including processing times, for non-pedestrian*  
 5           *traffic.*

6           (3) *The effectiveness of such demonstration in*  
 7           *combating terrorism and smuggling.*

8   **SEC. 206. BIOMETRIC EXIT DATA SYSTEM.**

9           (a) *IN GENERAL.*—Subtitle B of title IV of the Home-  
 10   *land Security Act of 2002 (6 U.S.C. 211 et seq.) is amended*  
 11   *by inserting after section 417 the following new section:*

12   **“SEC. 418. BIOMETRIC ENTRY-EXIT.**

13           “(a) *ESTABLISHMENT.*—*The Secretary shall—*

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

1           “(A) an integrated master schedule and cost  
2           estimate, including requirements and design, de-  
3           velopment, operational, and maintenance costs of  
4           such a system, that takes into account prior re-  
5           ports on such matters issued by the Government  
6           Accountability Office and the Department;

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

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

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

23          “(E) information received after consultation  
24          with private sector stakeholders, including the—

25               “(i) trucking industry;

1                   “(ii) airport industry;

2                   “(iii) airline industry;

3                   “(iv) seaport industry;

4                   “(v) travel industry; and

5                   “(vi) biometric technology industry;

6                   “(F) a consideration of how trusted traveler  
7                   programs in existence as of the date of the enact-  
8                   ment of this Act may be impacted by, or incor-  
9                   porated into, such a system;

10                  “(G) defined metrics of success and mile-  
11                  stones;

12                  “(H) identified risks and mitigation strate-  
13                  gies to address such risks; and

14                  “(I) a consideration of how other countries  
15                  have implemented a biometric exit data system;  
16                  and

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

20                  “(A) 15 United States airports that support  
21                  the highest volume of international air travel, as  
22                  determined by available Federal flight data;

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

1           “(C) 15 United States land ports of entry  
2           that support the highest volume of vehicle, pedes-  
3           trian, and cargo crossings, as determined by  
4           available Federal border crossing data.

5           “(b) IMPLEMENTATION.—

6           “(1) PILOT PROGRAM AT LAND PORTS OF ENTRY  
7           FOR NON-PEDESTRIAN OUTBOUND TRAFFIC.—Not  
8           later than six months after the date of the enactment  
9           of this section, the Secretary, in collaboration with in-  
10          dustry stakeholders, shall establish a six-month pilot  
11          program to test the biometric exit data system re-  
12          ferred to in subsection (a)(2) on non-pedestrian out-  
13          bound traffic at not fewer than three land ports of  
14          entry with significant cross-border traffic, including  
15          at not fewer than two land ports of entry on the  
16          southern land border and at least one land port of  
17          entry on the northern land border. Such pilot pro-  
18          gram may include a consideration of more than one  
19          biometric mode, and shall be implemented to deter-  
20          mine the following:

21               “(A) How a nationwide implementation of  
22               such biometric exit data system at land ports of  
23               entry shall be carried out.

24               “(B) The infrastructure required to carry  
25               out subparagraph (A).



1           “(C) *The effects of such pilot program on le-*  
2           *gitimate travel and trade.*

3           “(D) *The effects of such pilot program on*  
4           *wait times, including processing times, for such*  
5           *non-pedestrian traffic.*

6           “(E) *The effects of such pilot program on*  
7           *combating terrorism.*

8           “(F) *The effects of such pilot program on*  
9           *identifying visa holders who violate the terms of*  
10          *their visas.*

11          “(2) *AT LAND PORTS OF ENTRY FOR NON-PEDES-*  
12          *TRIAN OUTBOUND TRAFFIC.—*

13               “(A) *IN GENERAL.—Not later than five*  
14               *years after the date of the enactment of this sec-*  
15               *tion, the Secretary shall expand the biometric*  
16               *exit data system referred to in subsection (a)(2)*  
17               *to all land ports of entry, and such system shall*  
18               *apply only in the case of non-pedestrian out-*  
19               *bound traffic.*

20               “(B) *EXTENSION.—The Secretary may ex-*  
21               *tend for a single two-year period the date speci-*  
22               *fied in subparagraph (A) if the Secretary cer-*  
23               *tifies to the Committee on Homeland Security*  
24               *and Governmental Affairs and the Committee on*  
25               *the Judiciary of the Senate and the Committee*

1           *on Homeland Security and the Committee on the*  
2           *Judiciary of the House of Representatives that*  
3           *the 15 land ports of entry that support the high-*  
4           *est volume of passenger vehicles, as determined*  
5           *by available Federal data, do not have the phys-*  
6           *ical infrastructure or characteristics to install*  
7           *the systems necessary to implement a biometric*  
8           *exit data system.*

9           “(3) *AT AIR AND SEA PORTS OF ENTRY.*—Not  
10          *later than five years after the date of the enactment*  
11          *of this section, the Secretary shall expand the biomet-*  
12          *ric exit data system referred to in subsection (a)(2)*  
13          *to all air and sea ports of entry.*

14          “(4) *AT LAND PORTS OF ENTRY FOR PEDES-*  
15          *TRIANs.*—Not later than five years after the date of  
16          *the enactment of this section, the Secretary shall ex-*  
17          *pand the biometric exit data system referred to in*  
18          *subsection (a)(2) to all land ports of entry, and such*  
19          *system shall apply only in the case of pedestrians.*

20          “(c) *EFFECTS ON AIR, SEA, AND LAND TRANSPOR-*  
21          *TATION.*—The Secretary, in consultation with appropriate  
22          *private sector stakeholders, shall ensure that the collection*  
23          *of biometric data under this section causes the least possible*  
24          *disruption to the movement of people or cargo in air, sea,*  
25          *or land transportation, while fulfilling the goals of improv-*

1 *ing counterterrorism efforts and identifying visa holders*  
2 *who violate the terms of their visas.*

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

11 “(e) *DATA-MATCHING.*—*The biometric exit data system*  
12 *established under this section shall—*

13 “(1) *match biometric information for an indi-*  
14 *vidual who is departing the United States against bi-*  
15 *ometric data previously provided to the United States*  
16 *Government by such individual for the purposes of*  
17 *international travel;*

18 “(2) *leverage the infrastructure and databases of*  
19 *the current biometric entry and exit system estab-*  
20 *lished pursuant to section 7208 of the Intelligence Re-*  
21 *form and Terrorism Prevention Act of 2004 (8 U.S.C.*  
22 *1365b) for the purpose described in paragraph (1);*  
23 *and*

24 “(3) *be interoperable with, and allow matching*  
25 *against, other Federal databases that—*

1           “(A) store biometrics of known or suspected  
2           terrorists; and

3           “(B) identify visa holders who violate the  
4           terms of their visas.

5           “(f) SCOPE.—

6           “(1) IN GENERAL.—The biometric exit data sys-  
7           tem established under this section shall include a re-  
8           quirement for the collection of biometric exit data at  
9           the time of departure for all categories of individuals  
10          who are required by the Secretary to provide biomet-  
11          ric entry data.

12          “(2) EXCEPTION FOR CERTAIN OTHER INDIVID-  
13          UALS.—This section shall not apply in the case of an  
14          individual who exits and then enters the United  
15          States on a passenger vessel (as such term is defined  
16          in section 2101 of title 46, United States Code) the  
17          itinerary of which originates and terminates in the  
18          United States.

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

23          “(g) COLLECTION OF DATA.—The Secretary may not  
24          require any non-Federal person to collect biometric data,  
25          or contribute to the costs of collecting or administering the

1 *biometric exit data system established under this section,*  
2 *except through a mutual agreement.*

3       “(h) *MULTI-MODAL COLLECTION.*—*In carrying out*  
4 *subsections (a)(1) and (b), the Secretary shall make every*  
5 *effort to collect biometric data using multiple modes of bio-*  
6 *metrics.*

7       “(i) *FACILITIES.*—*All facilities at which the biometric*  
8 *exit data system established under this section is imple-*  
9 *mented shall provide and maintain space for Federal use*  
10 *that is adequate to support biometric data collection and*  
11 *other inspection-related activity. For non-federally owned*  
12 *facilities, such space shall be provided and maintained at*  
13 *no cost to the Government.*

14       “(j) *NORTHERN LAND BORDER.*—*In the case of the*  
15 *northern land border, the requirements under subsections*  
16 *(a)(2)(C), (b)(2)(A), and (b)(4) may be achieved through*  
17 *the sharing of biometric data provided to U.S. Customs and*  
18 *Border Protection by the Canadian Border Services Agency*  
19 *pursuant to the 2011 Beyond the Border agreement.*

20       “(k) *FAIR AND OPEN COMPETITION.*—*The Secretary*  
21 *shall procure goods and services to implement this section*  
22 *via fair and open competition in accordance with the Fed-*  
23 *eral Acquisition Regulations.*

24       “(l) *OTHER BIOMETRIC INITIATIVES.*—*The Secretary*  
25 *may pursue biometric initiatives at air, land, and sea ports*

1 *of entry for the purposes of border security and trade facili-*  
2 *tation distinct from the biometric exit data system described*  
3 *in this section.*

4 “(m) CONGRESSIONAL REVIEW.—Not later than 90  
5 days after the date of the enactment of this section, the Sec-  
6 retary shall submit to the Committee on Homeland Security  
7 and Governmental Affairs of the Senate, the Committee on  
8 the Judiciary of the Senate, the Committee on Homeland  
9 Security of the House of Representatives, and Committee  
10 on the Judiciary of the House of Representatives reports  
11 and recommendations regarding the Science and Tech-  
12 nology Directorate’s Air Entry and Exit Re-Engineering  
13 Program of the Department and the U.S. Customs and Bor-  
14 der Protection entry and exit mobility program demonstra-  
15 tions.

16 “(n) SAVINGS CLAUSE.—Nothing in this section shall  
17 prohibit the collection of user fees permitted by section  
18 13031 of the Consolidated Omnibus Budget Reconciliation  
19 Act of 1985 (19 U.S.C. 58c).”.

20 (b) CLERICAL AMENDMENT.—The table of contents in  
21 section 1(b) of the Homeland Security Act of 2002 is  
22 amended by inserting after the item relating to section 417  
23 the following new item:

“Sec. 418. Biometric entry-exit.”.

1 **SEC. 207. SENSE OF CONGRESS ON COOPERATION BE-**  
2 **TWEEN AGENCIES.**

3 (a) *FINDING.*—Congress finds that personnel con-  
4 straints exist at land ports of entry with regard to sanitary  
5 and phytosanitary inspections for exported goods.

6 (b) *SENSE OF CONGRESS.*—It is the sense of Congress  
7 that, in the best interest of cross-border trade and the agri-  
8 cultural community—

9 (1) any lack of certified personnel for inspection  
10 purposes at ports of entry should be addressed by  
11 seeking cooperation between agencies and departments  
12 of the United States, whether in the form of a memo-  
13 randum of understanding or through a certification  
14 process, whereby additional existing agents are au-  
15 thorized for additional hours to facilitate the crossing  
16 and trade of perishable goods in a manner consistent  
17 with rules of the Department of Agriculture; and

18 (2) cross designation should be available for per-  
19 sonnel who will assist more than one agency or de-  
20 partment at land ports of entry to facilitate increased  
21 trade and commerce.

22 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

23 In addition to any amounts otherwise authorized to  
24 be appropriated for such purpose, there is authorized to be  
25 appropriated \$1,250,000,000 for each of fiscal years 2018  
26 through 2021 to carry out this title, of which—

1           (1) \$2,000,000 shall be used by the Secretary for  
2           hiring additional Uniform Management Center sup-  
3           port personnel, purchasing uniforms for CBP officers  
4           and agents, acquiring additional motor vehicles to  
5           support vehicle mounted surveillance systems, hiring  
6           additional motor vehicle program support personnel,  
7           and for contract support for customer service, vendor  
8           management, and operations management; and

9           (2) \$250,000,000 per year shall be used to imple-  
10          ment the biometric exit data system described in sec-  
11          tion 418 of the Homeland Security Act of 2002, as  
12          added by section 206 of this Act.

13 **SEC. 209. DEFINITION.**

14          In this title, the term “Secretary” means the Secretary  
15          of Homeland Security.





Union Calendar No. 471

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 3548**

[Report No. 115-505, Part I]

**A BILL**

To make certain improvements to the security of  
the international borders of the United States,  
and for other purposes.

MARCH 23, 2018

The Committee on Armed Services discharged; committed  
to the Committee of the Whole House on the State of  
the Union and ordered to be printed