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(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R. 399

To require the Secretary of Homeland Security to gain and maintain operational control of the international borders of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MCCAUL introduced the following bill; which was referred to the Committee on _____

A BILL

To require the Secretary of Homeland Security to gain and maintain operational control 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Secure Our Borders First Act of 2015”.

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

Sec. 1. Short title; table of contents.

- Sec. 2. Reports on current border security status.
- Sec. 3. Operational control of the border.
- Sec. 4. Establishment of Border Security Verification Commission.
- Sec. 5. Required consequence.
- Sec. 6. Tactical flexibility.
- Sec. 7. Deployment of certain aviation assets to the southern land border.
- Sec. 8. U.S. Customs and Border Protection officer and agent authorization.
- Sec. 9. Office of Air and Marine flight hours.
- Sec. 10. Air and Marine prioritization.
- Sec. 11. Border Patrol flexibility.
- Sec. 12. Prohibition on actions that impede border security on certain federal land.
- Sec. 13. Biometric exit data system.
- Sec. 14. Northern border threat analysis.
- Sec. 15. Operation Stonegarden program.
- Sec. 16. Sale or donation of excess personal property for border security activities.
- Sec. 17. Reimbursement of States for deployment of National Guard to the southern border.
- Sec. 18. Definitions.
- Sec. 19. Authorization of appropriations.

1 **SEC. 2. REPORTS ON CURRENT BORDER SECURITY STATUS.**

2 (a) IN GENERAL.—

3 (1) REPORTS.—The Secretary of Homeland Se-
4 curity shall submit to the appropriate congressional
5 committees, the Border Security Verification Com-
6 mission (BSVC), and the Government Accountability
7 Office reports that assess and describe the state of
8 situational awareness and operational control along
9 the northern and southern borders of the United
10 States. Such reports shall include an identification
11 of the high traffic areas and the unlawful border
12 crossing effectiveness rate for each sector along the
13 northern and southern borders of the United States
14 that are within the responsibility of the Border Pa-
15 trol.

1 (2) DEADLINES.—The reports required under
2 paragraph (1) shall be submitted as follows:

3 (A) The first such report shall be sub-
4 mitted by not later than 30 days after the date
5 of the enactment of this Act.

6 (B) During the two-year period beginning
7 on the date of the submission of such first re-
8 port, such reports shall be submitted every 180
9 days.

10 (C) During the period beginning on the
11 date that is 180 days after the date of the sub-
12 mission of last report under subparagraph (B),
13 such reports shall be submitted every 360 days.

14 (b) GAO REPORT.—Not later than 90 days after re-
15 ceiving the initial report required under subsection (a), the
16 Comptroller General of the United States shall report to
17 the appropriate congressional committees and the BSVC
18 regarding the verification of the data and methodology
19 used to determine high traffic areas and the unlawful bor-
20 der crossing effectiveness rate.

21 **SEC. 3. OPERATIONAL CONTROL OF THE BORDER.**

22 (a) SECURING THE BORDER.—The Secretary of
23 Homeland Security shall gain and maintain situational
24 awareness, and operational control of high traffic areas,
25 by the date that is not later than two years after the date

1 of the enactment of this Act, and operational control and
2 situational awareness along the southern land border of
3 the United States by the date that is not later than five
4 years after such date of enactment.

5 (b) REQUIRED CAPABILITY DEPLOYMENT.—The
6 Secretary of Homeland Security, acting through the ap-
7 propriate component of the Department of Homeland Se-
8 curity, shall, at a minimum, deploy to each sector or re-
9 gion, as the case may be, of the southern border, in a
10 prioritized, risk-based manner to achieve situational
11 awareness and operational control of the border the fol-
12 lowing additional capabilities:

13 (1) SAN DIEGO SECTOR.—For the San Diego
14 sector, the following:

15 (A) Subterranean surveillance and detec-
16 tion technologies;

17 (B) To increase coastal maritime domain
18 awareness, the following:

19 (i) Deployable, lighter than air surface
20 surveillance equipment.

21 (ii) Unmanned aerial vehicles with
22 maritime surveillance capability.

23 (iii) Maritime patrol aircraft.

24 (iv) Coastal radar surveillance sys-
25 tems.

1 (v) Maritime signals intelligence capa-
2 bilities.

3 (C) Ultralight aircraft detection capabili-
4 ties.

5 (D) Advanced unattended surveillance sen-
6 sors.

7 (2) EL CENTRO SECTOR.—For the El Centro
8 sector, the following:

9 (A) Tower-based surveillance technology.

10 (B) Deployable, lighter than air ground
11 surveillance equipment.

12 (C) Man-portable unmanned aerial vehi-
13 cles.

14 (D) Ultralight aircraft detection capabili-
15 ties.

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

18 (3) YUMA SECTOR.—For the Yuma sector, the
19 following:

20 (A) Tower-based surveillance technology.

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

23 (C) Deployable, lighter-than-air ground
24 surveillance equipment.

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

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

5 (4) TUCSON SECTOR.—For the Tucson sector,
6 the following:

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

10 (B) Man-portable unmanned aerial vehi-
11 cles.

12 (C) Tower-based surveillance technology.

13 (D) Ultralight aircraft detection capabili-
14 ties.

15 (E) Advanced unattended surveillance sen-
16 sors.

17 (F) Deployable, lighter than air ground
18 surveillance equipment.

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

21 (A) Tower-based surveillance technology.

22 (B) Ultralight aircraft detection capabili-
23 ties.

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

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

3 (E) Deployable, lighter than air ground
4 surveillance equipment.

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

7 (A) Tower-based surveillance technology.

8 (B) Deployable, lighter than air ground
9 surveillance equipment.

10 (C) Improved agent communications capa-
11 bilities.

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

14 (E) Advanced unattended surveillance sen-
15 sors.

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

18 (A) Increased monitoring for cross-river
19 dams, culverts, and footpaths.

20 (B) Improved communications capabilities.

21 (C) Improved maritime capabilities in the
22 Amistad Recreation Area.

23 (D) Advanced unattended surveillance sen-
24 sors.

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

3 (A) Maritime detection resources for Fal-
4 con Lake region.

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

8 (C) Increased monitoring for cross-river
9 dams, culverts, and footpaths.

10 (D) Ultralight aircraft detection capability.

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

13 (9) RIO GRANDE VALLEY SECTOR.—For the Rio
14 Grande Valley sector, the following:

15 (A) Deployable, lighter than air ground
16 surveillance equipment.

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

20 (C) Ultralight aircraft detection capability.

21 (D) Advanced unattended surveillance sen-
22 sors.

23 (E) Increased monitoring for cross-river
24 dams, culverts, footpaths.

1 (10) EASTERN PACIFIC MARITIME REGION.—

2 For the Eastern Pacific Maritime region, the fol-
3 lowing:

4 (A) Increased cutter and boat hours and
5 operation platforms to conduct interdiction op-
6 erations.

7 (B) Increased maritime signals intelligence
8 capabilities.

9 (C) To increase maritime domain aware-
10 ness, the following:

11 (i) Deployable, lighter than air surface
12 surveillance equipment.

13 (ii) Unmanned aerial vehicles with
14 maritime surveillance capability.

15 (iii) Increased maritime aviation pa-
16 trol hours.

17 (iv) Coastal radar surveillance sys-
18 tems.

19 (D) Increased operational hours for mari-
20 time security components dedicated to joint
21 counter-smuggling and interdiction efforts with
22 other Federal agencies, including the Joint
23 Interagency Task Forces, and the United
24 States Coast Guard Deployable Law Enforce-
25 ment Teams.

1 (11) CARIBBEAN AND GULF MARITIME RE-
2 GION.—For the Caribbean and Gulf Maritime re-
3 gion, the following:

4 (A) Increased cutter and boat hours and
5 operation platforms to conduct interdiction op-
6 erations.

7 (B) Increased maritime signals intelligence
8 capabilities.

9 (C) Increased maritime domain awareness
10 and surveillance capabilities, including the fol-
11 lowing:

12 (i) Deployable, lighter than air surface
13 surveillance equipment.

14 (ii) Unmanned aerial vehicles with
15 maritime surveillance capability.

16 (iii) Increased maritime aviation pa-
17 trol hours.

18 (iv) Coastal radar surveillance sys-
19 tems.

20 (D) Increased operational hours for mari-
21 time security components dedicated to joint
22 counter-smuggling and interdiction efforts with
23 other Federal agencies, including the Joint
24 Interagency Task Forces, and the United

1 States Coast Guard Tactical Law Enforcement
2 Teams.

3 (c) FENCING AND INFRASTRUCTURE.—

4 (1) NEW FENCING.—Not later than 18 months
5 after the date of the enactment of this Act, the Sec-
6 retary of Homeland Security shall construct, at a
7 minimum, each of the following:

8 (A) Seven miles of double layer fencing in
9 the Border Patrol's San Diego sector in addi-
10 tion to such fencing in existence as of the date
11 of the enactment of this Act.

12 (B) Ten miles of double layer pedestrian
13 fencing in the Border Patrol's Tucson sector in
14 addition to such fencing in existence as of the
15 date of the enactment of this Act.

16 (C) Ten miles of double layer pedestrian
17 fencing in the Border Patrol's Rio Grande Val-
18 ley sector in addition to such fencing in exist-
19 ence as of the date of the enactment of this
20 Act.

21 (2) FENCE REPAIR AND REPLACEMENT.—Not
22 later than 18 months after the date of the enact-
23 ment of this Act, the Secretary of Homeland Secu-
24 rity shall replace, at a minimum, each of the fol-
25 lowing:

1 (A) Thirty-one miles of landing mat fence-
2 ing with bollard style fencing in the Border Pa-
3 trol's San Diego sector.

4 (B) Five miles of landing mat fencing with
5 bollard style fencing in the Border Patrol's El
6 Centro sector.

7 (C) Three miles of landing mat fencing
8 with bollard style fencing in the Border Patrol's
9 Yuma sector.

10 (D) Twenty-five miles of landing mat fence-
11 ing with bollard style fencing in the Border Pa-
12 trol's Tucson sector.

13 (E) Two miles of landing mat fencing with
14 bollard style fencing in the Border Patrol's El
15 Paso sector.

16 (3) ROAD CONSTRUCTION.—Not later than 18
17 months after the date of the enactment of this Act,
18 the Secretary of Homeland Security shall complete,
19 at a minimum, each of the following road construc-
20 tion projects to allow greater access for the Border
21 Patrol:

22 (A) Seven miles of road construction in the
23 Border Patrol's San Diego sector.

24 (B) Ten miles of road construction in the
25 Border Patrol's El Centro sector.

1 (C) Sixteen miles of road construction in
2 the Border Patrol's Yuma sector.

3 (D) Fifty-four miles of road construction
4 in the Border Patrol's Tucson sector.

5 (E) One hundred ninety-two miles of road
6 construction in the Border Patrol's Big Bend
7 sector.

8 (F) Two miles of road construction in the
9 Border Patrol's El Paso sector.

10 (G) Forty-two miles of road construction
11 in the Border Patrol's Del Rio sector.

12 (H) Sixty-five miles of road construction in
13 the Border Patrol's Laredo sector.

14 (I) Fifteen miles of road construction in
15 the Border Patrol's Rio Grande Valley sector.

16 (4) ROAD MAINTENANCE.—Not later than 18
17 months after the date of the enactment of this Act,
18 the Secretary of Homeland Security shall complete,
19 at a minimum, each of the following:

20 (A) Thirty-seven miles of road mainte-
21 nance in the Border Patrol's San Diego sector.

22 (B) One thousand two hundred miles of
23 road maintenance in the Border Patrol's Del
24 Rio sector.

1 (C) Twenty-six miles of road maintenance
2 in the Border Patrol's Laredo sector.

3 (D) Ninety-four miles of road maintenance
4 in the Border Patrol's Rio Grande Valley sec-
5 tor.

6 (5) NEW VEHICLE FENCE.—Not later than one
7 year after the date of the enactment of this Act, the
8 Secretary of Homeland Security shall complete six
9 miles of vehicle fencing in the Border Patrol's Big
10 Bend sector in addition to such fencing in existence
11 of as of the date of the enactment of this Act.

12 (6) VEHICLE FENCE REPLACEMENT.—Not later
13 than one year after the date of the enactment of this
14 Act, the Secretary of Homeland Security shall re-
15 place five miles of vehicle fencing with new vehicle
16 fencing in the Border Patrol's Tucson sector in addi-
17 tion to such fencing in existence as of the date of
18 the enactment of this Act.

19 (7) BOAT RAMPS.—Not later than 180 days
20 after the date of the enactment of this Act, the Sec-
21 retary of Homeland Security shall complete, at a
22 minimum, the construction of each of the following:

23 (A) Eight boat ramps in the Border Pa-
24 trol's Del Rio sector in addition to such ramps

1 in existence as of the date of the enactment of
2 this Act.

3 (B) One boat ramp in the Border Patrol's
4 Laredo sector in addition to such ramps in ex-
5 istence as of the date of the enactment of this
6 Act.

7 (C) Twenty-one boat ramps in the Border
8 Patrol's Rio Grande Valley sector in addition to
9 such ramps in existence as of the date of the
10 enactment of this Act.

11 (8) ACCESS GATES.—Not later than 180 days
12 after the date of the enactment of this Act, the Sec-
13 retary of Homeland Security shall construct 34 ac-
14 cess gates in the Border Patrol's Rio Grande Valley
15 sector in addition to such gates in existence as of
16 the date of the enactment of this Act.

17 (9) FORWARD OPERATING BASES.—Not later
18 than one year after the date of enactment of this
19 Act, the Secretary of Homeland Security shall com-
20 plete, at a minimum, construction of each of the fol-
21 lowing:

22 (A) One forward operating base in the
23 Border Patrol's El Paso sector in addition to
24 such bases in existence as of the date of the en-
25 actment of this Act.

1 (B) Two forward operating bases in the
2 Border Patrol's Tucson sector in addition to
3 such bases in existence as of the date of the en-
4 actment of this Act.

5 (C) Three forward operating bases in the
6 Border Patrol's Big Bend sector in addition to
7 such bases in existence as of the date of the en-
8 actment of this Act.

9 (D) Two forward operating bases in the
10 Border Patrol's Del Rio sector in addition to
11 such bases in existence as of the date of the en-
12 actment of this Act.

13 (E) Two forward operating bases in the
14 Border Patrol's Laredo sector in addition to
15 such bases in existence as of the date of the en-
16 actment of this Act.

17 (F) Two forward operating bases in the
18 Border Patrol's Rio Grande Valley sector in ad-
19 dition to such bases in existence as of the date
20 of the enactment of this Act.

21 (10) ROADS.—The roads referred to in para-
22 graphs (3) and (4) shall include border roads, patrol
23 roads, access roads, and Federal, State, local, and
24 privately owned roads.

1 (11) MINIMUM FORWARD OPERATING BASE RE-
2 QUIREMENTS.—The forward operating bases re-
3 ferred to in paragraph (9) shall be equipped with
4 each of the following:

5 (A) Perimeter security.

6 (B) Temporary detention space.

7 (C) An interview room.

8 (D) Water.

9 (E) Power.

10 (F) Adequate communications, including
11 local area network connectivity.

12 (G) Helicopter landing zone.

13 (d) CARRIZO CANE ERADICATION.—

14 (1) FINDINGS.—Congress makes the following
15 findings:

16 (A) Carrizo cane is a non-native, invasive
17 plant growing along the Rio Grande River in
18 Texas, with heights of up to 27 feet tall.

19 (B) According to U.S. Customs and Bor-
20 der Protection, “the [Carrizo cane] plant causes
21 serious officer safety issues and operational
22 concerns because it hampers enforcement along
23 the [Rio Grande] river. The plant also provides
24 concealment to criminals, drug smugglers, ille-
25 gal aliens, and potential terrorists who could

1 use it as an advantage to enter the Unites
2 States illegally. The obvious officer safety haz-
3 ards created by this situation are of grave con-
4 cern to the Border Patrol and need to be rem-
5 edied”.

6 (2) ERADICATION.—The Chief of the Border
7 Patrol shall coordinate with the heads of each rel-
8 evant Federal and State agency to eradicate, to the
9 greatest extent practicable, the Carrizo cane plant
10 along the Rio Grande River.

11 (e) CONSULTATION.—The Secretary of Homeland Se-
12 curity shall consult with the governors of each southern
13 border State, including southern border maritime States,
14 representatives of the Border Patrol and U.S. Customs
15 and Border Protection, and relevant Federal, State, local,
16 and tribal agencies that have jurisdiction on the southern
17 border, or in the maritime environment, to develop the
18 operational plan required under subsection (f) and the
19 metrics required under subsections (h), (i), (j), and (k).

20 (f) OPERATIONAL PLAN.—

21 (1) IN GENERAL.—Not later than 120 days
22 after the date of the enactment of this Act, the Sec-
23 retary of Homeland Security shall submit to the ap-
24 propriate congressional committees, the BSVC, and
25 the Comptroller General of the United States a com-

1 prehensive operational plan for each of the compo-
2 nents of the Department of Homeland Security re-
3 sponsible for border or maritime security to gain and
4 maintain situational awareness, operational control
5 of high traffic areas, and operational control along
6 the southern land border of the United States by the
7 dates, respectively, referred to in subsection (a).

8 (2) CONTENTS OF PLAN.—The plan required
9 under paragraph (1) shall include the following:

10 (A) An assessment of principal border se-
11 curity threats, including threats relating to the
12 smuggling and trafficking of humans, weapons,
13 and illicit drugs.

14 (B) A description of the required capability
15 deployment under subsection (b).

16 (C) A plan to analyze and disseminate bor-
17 der security and border threat information
18 among the border security components of the
19 Department of Homeland Security, and be-
20 tween the Department and other appropriate
21 Federal departments and agencies with mis-
22 sions associated with the border.

23 (D) A plan to achieve situational aware-
24 ness using the capabilities deployed under sub-
25 section (b).

1 (E) A plan to ensure that any new border
2 security assets will be operationally integrated
3 with assets in use by the Department of Home-
4 land Security as of the date of the enactment
5 of this Act.

6 (F) A plan to eradicate the Carrizo cane
7 plant, as required under subsection (d).

8 (G) Lessons learned from Operation
9 Jumpstart and Operation Phalanx.

10 (H) A description of border security infor-
11 mation received from consultation with border
12 community stakeholders, including representa-
13 tives from agricultural and ranching organiza-
14 tions and business and civic organizations along
15 the northern or southern border.

16 (I) A description of the staffing require-
17 ments for all border security functions of the
18 border security components of the Department
19 of Homeland Security.

20 (J) A prioritized list of research and devel-
21 opment objectives to enhance the security of the
22 international land and maritime borders of the
23 United States.

1 (K) An assessment of the relationship be-
2 tween border security operations and crossing
3 times.

4 (L) Metrics required under subsections (h),
5 (i), (j), and (k).

6 (M) An integrated master schedule and
7 cost estimate, including lifecycle costs, for the
8 activities contained in such operational plan.

9 (N) A documented justification and ration-
10 ale for technology choices.

11 (O) Deployment locations.

12 (P) A timetable for procurement and de-
13 ployment.

14 (Q) Estimates of operation and mainte-
15 nance costs.

16 (R) An identification of any impediments
17 to the deployment of such technologies.

18 (3) CLASSIFIED ASSESSMENT.—The assessment
19 required to be included in the report under para-
20 graph (2)(A) may be submitted in classified form, if
21 the Secretary of Homeland Security determines that
22 such is appropriate.

23 (4) IMPLEMENTATION.—

24 (A) IN GENERAL.—The Secretary of
25 Homeland Security shall commence the imple-

1 mentation of the operational plan under para-
2 graph (1) not later than 30 days after the sub-
3 mission to the appropriate congressional com-
4 mittees of the report by the Comptroller Gen-
5 eral of the United States under subparagraph
6 (C) .

7 (B) COMPTROLLER GENERAL REVIEW.—
8 Not later than 90 days after receiving the oper-
9 ational plan under paragraph (1), the Comp-
10 troller General of the United States shall sub-
11 mit to the appropriate congressional committees
12 and the BSVC a report on the operational plan
13 required under paragraph (1) and such congress-
14 sional justification.

15 (g) PERIODIC UPDATES.—Not later than 180 days
16 after the submission of each Quadrennial Homeland Secu-
17 rity Review required under section 707 of the Homeland
18 Security Act of 2002 (6 U.S.C. 347) beginning with the
19 first such Review that is due after the operational plan
20 is submitted under subsection (f), the Secretary of Home-
21 land Security shall submit to the appropriate congress-
22 sional committees, the BSVC, and the Comptroller Gen-
23 eral of the United States an updated operational plan
24 under paragraph (1) of subsection (f).

1 (h) METRICS FOR SECURING THE BORDER BETWEEN
2 PORTS OF ENTRY.—

3 (1) IN GENERAL.—Not later than 120 days
4 after the date of the enactment of this Act and an
5 annually thereafter, the Chief of the Border Patrol
6 shall develop metrics, informed by situational aware-
7 ness, to measure the effectiveness of security be-
8 tween ports of entry, which shall include, at a min-
9 imum, the following:

10 (A) An unlawful border crossing effective-
11 ness rate, informed by situational awareness.

12 (B) A probability of detection that meas-
13 ures the estimated total unlawful border cross-
14 ing attempts not detected by the Border Patrol
15 against the unlawful border crossing effective-
16 ness rate referred to in subparagraph (A).

17 (C) A weight-to-frequency rate which
18 measures the average weight of marijuana
19 seized per seizure by the Border Patrol in any
20 fiscal year compared to such a weight-to-fre-
21 quency rate for the immediately preceding five
22 fiscal years.

23 (D) A situational awareness achievement
24 metric that measures the amount of situational

1 awareness achieved in each Border Patrol sec-
2 tor.

3 (E) An illicit drugs seizure rate which
4 measures the amount and type of illicit drugs
5 seized by the Border Patrol in any fiscal year
6 compared to an average of the amount and type
7 of illicit drugs seized by the Border Patrol for
8 the immediately preceding five fiscal years.

9 (F) In consultation the Office of National
10 Drug Control Policy and the United States
11 Southern Command, a cocaine seizure effective-
12 ness rate measured as a percentage that results
13 from dividing the amount of cocaine seized by
14 the Border Patrol by the total documented co-
15 caine flow rate between ports of entry along the
16 southern land border.

17 (G) Estimates, using alternative meth-
18 odologies, including recidivism data, survey
19 data, known-flow data, and technologically-
20 measured data, of total attempted unlawful bor-
21 der crossings, the rate of apprehension of at-
22 tempted unlawful border crossers, and the in-
23 flow into the United States of unlawful border
24 crossers who evade apprehension.

1 (H) Estimates of the impact of the Border
2 Patrol's Consequence Delivery System on the
3 rate of recidivism of unlawful border crossers.

4 (2) METRICS CONSULTATION.—In developing
5 the metrics required under paragraph (1), the Chief
6 of the Border Patrol shall consult with staff mem-
7 bers of the Office of Policy at the Department of
8 Homeland Security and staff members of the Office
9 of the Chief Financial Officer of the Department of
10 Homeland Security. Such staff members may not be
11 political appointees.

12 (3) METRICS NOT REVIEWABLE.—The metrics
13 required under paragraph (1) may not be reviewed
14 or otherwise amended by the President, any staff
15 employed by the Executive Office of the President,
16 the Secretary of Homeland Security, the Deputy
17 Secretary of Homeland Security, the Commissioner
18 of U.S. Customs and Border Protection, or the Dep-
19 uty Commissioner of U.S. Customs and Border Pro-
20 tection before the submission of such metrics to the
21 appropriate congressional committees, the BSVC,
22 and Comptroller General of the United States, as re-
23 quired under subsection (m). The prohibition de-
24 scribed in this paragraph does not apply to the Of-
25 fice of National Drug Control Policy.

1 (i) METRICS FOR SECURING THE BORDER AT PORTS
2 OF ENTRY.—

3 (1) IN GENERAL.—Not later than 120 days
4 after the date of the enactment of this Act and an-
5 nually thereafter, the Assistant Commissioner for
6 the Office of Field Operations in U.S. Customs and
7 Border Protection shall develop metrics, informed by
8 situational awareness, to measure the effectiveness
9 of security at ports of entry, which shall include, at
10 a minimum, the following:

11 (A) An inadmissible border crossing rate
12 which measures the number of known inadmis-
13 sible border crossers who are denied entry, ex-
14 cluding those border crossers who voluntarily
15 withdraw their applications for admission, di-
16 vided by the total estimated number of inadmis-
17 sible border crossers who attempt entry.

18 (B) An illicit drugs seizure rate which
19 measures the amount and type of illicit drugs
20 seized by the Office of Field Operations of U.S.
21 Customs and Border Protection in any fiscal
22 year compared to an average of the amount and
23 type of illicit drugs seized by U.S. Customs and
24 Border Protection for the immediately pre-
25 ceding five fiscal years.

1 (C) In consultation with the Office of Na-
2 tional Drug Control Policy and the United
3 States Southern Command, a cocaine seizure
4 effectiveness rate measured as a percentage
5 that results from dividing the amount of co-
6 caine seized by the Office of Field Operations
7 of U.S. Customs and Border Protection by the
8 total documented cocaine flow rate at ports of
9 entry along the southern land border.

10 (D) Estimates, using alternative meth-
11 odologies, including survey data and random-
12 ized secondary screening data, of total at-
13 tempted inadmissible border crossers, the rate
14 of apprehension of attempted inadmissible bor-
15 der crossers, and the inflow into the United
16 States of inadmissible border crossers who
17 evade apprehension.

18 (E) The number of infractions related to
19 personnel and cargo committed by major viola-
20 tors who are apprehended by the Office of Field
21 Operations of U.S. Customs and Border Protec-
22 tion at ports of entry, and the estimated num-
23 ber of such infractions committed by major vio-
24 lators who are not apprehended.

1 (F) A measurement of how border security
2 operations affect crossing times.

3 (2) METRICS CONSULTATION.—In developing
4 the metrics required under paragraph (1), the As-
5 sistant Commissioner for the Office of Field Oper-
6 ations shall consult with staff members of the Office
7 of Policy at the Department of Homeland Security
8 and staff members of the Office of the Chief Finan-
9 cial Officer of the Department of Homeland Secu-
10 rity. Such staff members may not be political ap-
11 pointees.

12 (3) METRICS NOT REVIEWABLE.—The metrics
13 required under paragraph (1) may not be reviewed
14 or otherwise amended by the President, any staff
15 employed by the Executive Office of the President,
16 the Secretary of Homeland Security, the Deputy
17 Secretary of Homeland Security, the Commissioner
18 of U.S. Customs and Border Protection, or the Dep-
19 uty Commissioner of U.S. Customs and Border Pro-
20 tection before the submission of such metrics to the
21 appropriate congressional committees, the BSVC,
22 and the Comptroller General of the United States,
23 as required under subsection (m). The prohibition
24 described in this paragraph does not apply to the
25 Office of National Drug Control Policy.

1 (j) METRICS FOR SECURING THE MARITIME BOR-
2 DER.—

3 (1) IN GENERAL.—Not later than 120 days
4 after the date of the enactment of this Act and an-
5 nually thereafter, the Commandant of the United
6 States Coast Guard and the Assistant Commissioner
7 for the Office of Air and Marine for U.S. Customs
8 and Border Protection shall jointly implement
9 metrics, informed by situational awareness, to meas-
10 ure the effectiveness of security in the maritime en-
11 vironment, which shall include, at a minimum, the
12 following:

13 (A) An estimate of the total number of un-
14 documented migrants the Department of Home-
15 land Security's maritime security components
16 fail to interdict.

17 (B) An undocumented migrant interdiction
18 rate which measures the flow of undocumented
19 migrants interdicted against the total estimated
20 number of undocumented migrants the Depart-
21 ment of Homeland Security's maritime security
22 components fail to interdict.

23 (C) An illicit drugs removal rate which
24 measures the amount and type of illicit drugs
25 removed by the Department of Homeland Secu-

1 rity's maritime security components inside a
2 transit zone in any fiscal year compared to an
3 average of the amount and type of illicit drugs
4 removed by the Department of Homeland Secu-
5 rity's maritime security components inside a
6 transit zone for the immediately preceding five
7 fiscal years.

8 (D) An illicit drugs removal rate which
9 measures the amount and type of illicit drugs
10 removed by the Department of Homeland Secu-
11 rity's maritime security components outside a
12 transit zone in any fiscal year compared to an
13 average of the amount and type of illicit drugs
14 removed by the Department of Homeland Secu-
15 rity's maritime security components outside a
16 transit zone for the immediately preceding five
17 fiscal years.

18 (E) A cocaine removal effectiveness rate
19 inside a transit zone.

20 (F) A cocaine removal effectiveness rate
21 outside a transit zone.

22 (G) A response rate which measures the
23 ability of the maritime security components of
24 the Department of Homeland Security to re-
25 spond to and resolve known maritime threats,

1 both inside and outside a transit zone, by plac-
2 ing assets on-scene, compared to the total num-
3 ber of events with respect to which the Depart-
4 ment has known threat information.

5 (2) METRICS CONSULTATION.—In developing
6 the metrics required under paragraph (1), the Com-
7 mandant of the Coast Guard and the Assistant
8 Commissioner for Air and Marine shall consult with
9 staff members of the Office of Policy at the Depart-
10 ment of Homeland Security and staff members of
11 the Office of the Chief Financial Officer of the De-
12 partment of Homeland Security. Such staff members
13 may not be political appointees.

14 (3) METRICS NOT REVIEWABLE.—The metrics
15 required under paragraph (1) may not be reviewed
16 or otherwise amended by the President, any staff
17 employed by the Executive Office of the President,
18 the Secretary of Homeland Security, the Deputy
19 Secretary of Homeland Security, the Commissioner
20 of U.S. Customs and Border Protection, or the Dep-
21 uty Commissioner of U.S. Customs and Border Pro-
22 tection before the submission of such metrics to the
23 appropriate congressional committees, the BSVC,
24 and the Comptroller General of the United States,
25 as required under subsection (m). The prohibition

1 described in this paragraph does not apply to the
2 Office of National Drug Control Policy.

3 (k) AIR AND MARINE SECURITY METRICS IN THE
4 LAND DOMAIN.—

5 (1) IN GENERAL.—Not later than 120 days
6 after the date of the enactment of this Act and an-
7 nually thereafter, the Assistant Commissioner for
8 the Office of Air and Marine for U.S. Customs and
9 Border Protection shall implement metrics, informed
10 by situational awareness, to measure the effective-
11 ness of security in the aviation environment, which
12 shall include, at a minimum, the following:

13 (A) A requirement effectiveness rate which
14 measures U.S. Custom and Border Protection's
15 Office of Air and Marine flight hours require-
16 ments against the number of flight hours actu-
17 ally flown by such Office.

18 (B) A funded flight hours effectiveness
19 rate which measures the number of funded
20 flight hours appropriated to U.S. Customs and
21 Border Protection's Office of Air and Marine
22 against the number of actual flight hours flown
23 by such Office.

24 (C) A readiness rate which measures the
25 number of aviation missions flown by U.S. Cus-

1 toms and Border Protection's Office of Air and
2 Marine against the number of aviation missions
3 cancelled by such Office due to weather, main-
4 tenance, operations, or other causes.

5 (D) The number of subjects detected by
6 U.S. Customs and Border Protection's Office of
7 Air and Marine through the use of unmanned
8 aerial systems.

9 (E) The number of apprehensions assisted
10 by U.S. Customs and Border Protection's Of-
11 fice of Air and Marine through the use of un-
12 manned aerial systems.

13 (F) The number and quantity of illicit
14 drug seizures assisted by U.S. Customs and
15 Border Protection's Office of Air and Marine
16 through the use of unmanned aerial systems.

17 (2) METRICS CONSULTATION.—In developing
18 the metrics required under paragraph (1), the As-
19 sistant Commissioner for Air and Marine shall con-
20 sult with staff members of the Office of Policy at the
21 Department of Homeland Security and staff mem-
22 bers of the Office of the Chief Financial Officer of
23 the Department of Homeland Security. Such staff
24 members may not be political appointees.

1 (3) METRICS NOT REVIEWABLE.—The metrics
2 required under paragraph (1) may not be reviewed
3 or otherwise amended by the President, any staff
4 employed by the Executive Office of the President,
5 the Secretary of Homeland Security, the Deputy
6 Secretary of Homeland Security, the Commissioner
7 of U.S. Customs and Border Protection, or the Dep-
8 uty Commissioner of U.S. Customs and Border Pro-
9 tection before the submission to the appropriate con-
10 gressional committees, the BSVC, and the Comp-
11 troller General of the United States, as required
12 under subsection (m). The prohibition described in
13 this paragraph does not apply to the Office of Na-
14 tional Drug Control Policy.

15 (1) PENALTIES FOR FAILURE TO SUBMIT
16 METRICS.—

17 (1) IN GENERAL.—If any of the officials re-
18 ferred to in subsections (h), (i), (j), or (k) fail to
19 meet any of the deadlines required under any of
20 such subsections, no political appointee of the De-
21 partment of Homeland Security may perform any
22 function described in paragraph (2) until all such of-
23 ficials have meet all of such deadlines.

24 (2) FUNCTIONS DESCRIBED.—The functions de-
25 scribed in this paragraph are the following:

1 (A) Travel using Government aircraft.

2 (B) Receipt of any non-essential training.

3 (C) Receipt of bonus pay, excluding over-
4 time pay.

5 (D) Receipt of any salary increase.

6 (m) EVALUATION BY THE GOVERNMENT ACCOUNT-
7 ABILITY OFFICE.—

8 (1) IN GENERAL.—The metrics required under
9 subsections (h), (i), (j), and (k) shall be made avail-
10 able to the appropriate congressional committees,
11 the BSVC, and the Comptroller General of the
12 United States, together with the data and method-
13 ology used to develop such metrics.

14 (2) REPORT.—Not later than 270 days after re-
15 ceiving the data and methodology referred to in
16 paragraph (1), the Comptroller General of the
17 United States shall submit to the appropriate con-
18 gressional committees and the BSVC a report on the
19 suitability and statistical validity of such data and
20 methodology, and shall make recommendations to
21 the Secretary of Homeland Security for other suit-
22 able metrics that may be used to measure the effec-
23 tiveness of border security. Such report shall inform
24 the BSVC in reviewing the notifications required
25 under subsection (n)(2).

1 (n) BSVC CERTIFICATION OF METRICS AND OPER-
2 TIONAL CONTROL.—

3 (1) SECRETARY OF HOMELAND SECURITY NOTI-
4 FICATIONS.—

5 (A) TWO YEARS.—If the Secretary of
6 Homeland Security determines that situational
7 awareness and operational control of high traf-
8 fic areas have been achieved by the date that is
9 not later than two years after the date of the
10 enactment of this Act, the Secretary shall,
11 under penalty of perjury, submit to the appro-
12 priate congressional committees and the BSVC
13 a notification that so attests.

14 (B) FIVE YEARS.—If the Secretary of
15 Homeland Security determines that operational
16 control along the southern land border of the
17 United States has been achieved by the date
18 that is not later than five years after the date
19 of the enactment of this Act, the Secretary
20 shall, under penalty of perjury, submit to the
21 appropriate congressional committees and the
22 BSVC a notification that so attests.

23 (C) ANNUAL UPDATES.—Every year begin-
24 ning with the year after the Secretary of Home-
25 land Security submits the notification under

1 subparagraph (B), if the Secretary determines
2 that operational control along the southern land
3 border of the United States is being main-
4 tained, the Secretary shall submit to the appro-
5 priate congressional committees and the BSVC
6 a notification that so attests.

7 (2) BSVC CERTIFICATION.—

8 (A) OPERATIONAL CONTROL REVIEWS.—

9 The BSVC shall review the notifications of the
10 Secretary of Homeland Security under subpara-
11 graphs (A), (B), and (C) of paragraph (1) to
12 assess such notifications relating to the achieve-
13 ment of situational awareness, operational con-
14 trol, or both, as the case may be, in accordance
15 with such subparagraphs.

16 (B) REVIEW OF METRICS.—Beginning with
17 the second annual submission of each of the
18 metrics required under subsection (m) and pur-
19 suant to subsections (h), (i), (j), and (k) and
20 annually thereafter until the termination of the
21 BSVC under section 4(q), the BSVC shall re-
22 view such metrics to assess the statistical valid-
23 ity and methodology of the data used to imple-
24 ment such metrics.

25 (C) REPORTS.—

1 (i) OPERATIONAL CONTROL.—Not
2 later than 120 days after conducting a re-
3 view described in subparagraph (A), the
4 BSVC shall submit to the appropriate con-
5 gressional committees a report on the re-
6 sults of each such review and a certifi-
7 cation of the accuracy of the notification
8 reviewed, in accordance with subparagraph
9 (D).

10 (ii) OPERATIONAL CONTROL NOT
11 ACHIEVED.—If the BSVC determines that
12 any notification required under subpara-
13 graph (A), (B), or (C) of paragraph (1) is
14 not accurate, the BSVC shall include in
15 the report under clause (i) an explanation
16 of why situational awareness, operational
17 control, or both, as the case may be, was
18 not achieved. Such explanation shall in-
19 clude, at a minimum—

20 (I) impediments incurred;
21 (II) potential remedies; and
22 (III) recommendations to achieve
23 situational awareness, operational
24 control, or both, as the case may be.

1 (iii) METRICS.—Not later than 120
2 days after conducting a review described in
3 subparagraph (B), the BSVC shall submit
4 to the appropriate congressional commit-
5 tees a report on the results of each such
6 review and a determination of the accuracy
7 of the metrics implemented under sub-
8 sections (h), (i), (j), and (k).

9 (D) OPERATIONAL CONTROL CERTIFI-
10 CATION.—

11 (i) IN GENERAL.—For purposes of
12 subparagraph (C)(i), the BSVC shall cer-
13 tify the accuracy of a notification of the
14 Secretary if four members of the BSVC
15 vote that such certification is accurate.

16 (ii) PUBLIC VOTING.—A vote referred
17 to under clause (i) shall be conducted in
18 public.

19 (iii) CONSULTATION.—Before con-
20 ducting a vote referred to in clause (i), the
21 BSVC shall consult with the governors of
22 each southern border State, representatives
23 of the National Border Patrol Council, and
24 relevant State and local government agen-

1 cies that have jurisdiction on the southern
2 border.

3 (E) METRICS DETERMINATION.—For pur-
4 poses of subparagraph (C)(iii), the BSVC shall
5 concur in the accuracy of the metrics required
6 under subsections (h), (i), (j), and (k) if four
7 members of the BSVC vote that such certifi-
8 cation is accurate.

9 (o) FAILURE TO ACHIEVE OPERATIONAL CON-
10 TROL.—

11 (1) PENALTIES.—

12 (A) IN GENERAL.—If the Secretary of
13 Homeland Security determines that situational
14 awareness, operational control, or both, as the
15 case may be, has not been achieved by the dates
16 referred to in subsection (n)(1) (and thus fails
17 to submit a notification to the BSVC), or if the
18 BSVC determines pursuant to subsection (n)(2)
19 that the Secretary has failed to achieve situa-
20 tional awareness and operational control of high
21 traffic areas or has failed to achieve operational
22 control along the southern border by such re-
23 spective dates, no political appointee of the De-
24 partment of Homeland Security may perform
25 any function described in subparagraph (B)

1 until the BSVC certifies that the Secretary has
2 achieved such situational awareness, operational
3 control, or both, as the case may be.

4 (B) FUNCTIONS DESCRIBED.—The func-
5 tions described in this subparagraph are each of
6 the following:

7 (i) Travel using Government aircraft.

8 (ii) Receipt of any non-essential train-
9 ing, including conferences.

10 (iii) Receipt of bonus pay, excluding
11 overtime pay.

12 (iv) Receipt of any salary increase.

13 (2) NATIONAL SECURITY EXCEPTION.—The
14 Secretary of Homeland Security may waive the trav-
15 el prohibition in paragraph (1)(B)(i) if the Secretary
16 determines and notifies the appropriate congress-
17 sional committees that—

18 (A) such a waiver is in the national secu-
19 rity interests of the United States; or

20 (B) such travel is being carried out to
21 achieve operational control of the southern bor-
22 der of the United States.

23 (3) FURTHER ACTION REQUIRED.—If the Sec-
24 retary of Homeland Security determines that situa-
25 tion awareness, operational control, or both, as the

1 case may be, has not been achieved by the dates re-
2 ferred to in subsection (n)(1) (and thus fails to sub-
3 mit a notification to the BSVC), or if the BSVC de-
4 termines pursuant to subsection (n)(2) that the Sec-
5 retary has failed to achieve situational awareness
6 and operational control of high traffic areas or fails
7 to achieve operational control along the southern
8 border by such respective dates, the Secretary of
9 Homeland Security shall, within 180 days, submit to
10 the appropriate congressional committees and the
11 BSVC and implement a revised plan to achieve situ-
12 ational awareness, operational control, or both, as
13 the case may be, that adopts the recommendations
14 of the BSVC referred to in subsection
15 (n)(2)(C)(ii)(III).

16 (p) REPORTS.—Not later than 60 days after the date
17 of the enactment of this Act and annually thereafter, the
18 Secretary of Homeland Security shall submit to the appro-
19 priate congressional committees a report that includes
20 each of the following:

21 (1) A resource allocation model for current and
22 future year staffing requirements that includes opti-
23 mal staffing levels at all land, air, and sea ports of
24 entry, and an explanation of U.S. Customs and Bor-
25 der Protection methodology for aligning staffing lev-

1 els and workload to threats and vulnerabilities and
2 their effects on cross border trade and passenger
3 travel across all mission areas.

4 (2) Detailed information on the level of man-
5 power available at all land, air, and sea ports of
6 entry and between ports of entry, including the num-
7 ber of canine and agricultural specialists assigned to
8 each such port of entry.

9 (3) Detailed information describing the dif-
10 ference between the staffing the model suggests and
11 the actual staffing at each port of entry and between
12 the ports of entry.

13 (4) Monthly per passenger wait times, including
14 data on per passenger processing wait times at all
15 land, air, and sea ports of entry.

16 (5) A description of the infrastructure, security
17 resources, and other measures that are necessary to
18 achieve substantial reductions in the average wait
19 times of vehicles at land border ports of entry.

20 **SEC. 4. ESTABLISHMENT OF BORDER SECURITY**
21 **VERIFICATION COMMISSION.**

22 (a) IN GENERAL.—There is established a Border Se-
23 curity Verification Commission (in this Act referred to as
24 the “BSVC”).

1 (b) PURPOSE.—The BSVC shall certify the accuracy
2 of the notifications regarding situational awareness and
3 operational control required from the Secretary pursuant
4 to section 3(n).

5 (c) COMPOSITION.—The BSVC shall be composed
6 of—

7 (1) the head of a national laboratory within the
8 Department of Homeland Security laboratory net-
9 work with prior expertise in border security, ap-
10 pointed by the President, in coordination with the
11 Speaker and minority leader of the House of Rep-
12 resentatives and the majority and minority leaders
13 of the Senate;

14 (2) the head of a border security university-
15 based center within the Department of Homeland
16 Security Centers of Excellence network, appointed
17 by the President, in coordination with the Speaker
18 and minority leader of the House of Representatives
19 and the majority and minority leaders of the Senate;
20 and

21 (3) three individuals, appointed by the Presi-
22 dent, based on the recommendations of the special
23 congressional commission on border security estab-
24 lished pursuant to subsection (d).

1 (d) SPECIAL CONGRESSIONAL COMMISSION ON BOR-
2 DER SECURITY.—

3 (1) ESTABLISHMENT.—There is established a
4 special congressional commission on border security
5 (in this subsection referred to as the “commission”).
6 The commission shall determine the criteria for
7 making recommendations for the individuals to be
8 appointed by the President under subsection (c)(3),
9 and shall recommend not more than five individuals
10 for such appointments. The commission shall consist
11 of—

12 (A) the Speaker and minority leader of the
13 House of Representatives;

14 (B) the majority and minority leaders of
15 the Senate;

16 (C) the chairman and ranking member of
17 the Committee on Homeland Security of the
18 House of Representatives; and

19 (D) the chairman and ranking member of
20 the Committee on Homeland Security and Gov-
21 ernmental Affairs of the Senate.

22 (2) VOTING PROCEDURES.—

23 (A) IN GENERAL.—The commission may
24 make a recommendation to the President con-
25 cerning an individual referred to in subsection

1 (c)(3) only if such recommendation is approved
2 by a majority vote of the full membership of the
3 commission.

4 (B) TIE VOTE.—In the event of a tie vote
5 of the commission during its consideration of
6 whether or not to recommend an individual to
7 the President under paragraph (1), the Speaker
8 of the House of Representatives shall cast the
9 deciding vote.

10 (e) QUALIFICATIONS.—The individuals referred to in
11 subsection (c)(3) shall have a minimum of five years pro-
12 fessional experience in law enforcement and border secu-
13 rity.

14 (f) CHAIR.—The BSVC shall be chaired by the indi-
15 vidual referred to in subsection (c)(1).

16 (g) APPOINTMENT.—The members of the BSVC shall
17 be appointed not later than 60 days after the date of the
18 enactment of this Act.

19 (h) PROHIBITION ON COMPENSATION.—Members of
20 the BSVC may not receive pay, allowances, or benefits
21 from the Federal Government by reason of their service
22 on the BSVC.

23 (i) PROHIBITION ON CERTAIN MEMBERSHIP.—Mem-
24 bers of the BSVC may not be current Federal employees
25 or current Members of Congress.

1 (j) SECURITY CLEARANCES.—A member or employee
2 of the BSVC shall receive an appropriate security clear-
3 ance, as determined by the BSVC in consultation with the
4 Secretary of Homeland Security, that is commensurate
5 with the sensitivity of the classified information to which
6 such member or employee will be given access by reason
7 of membership in or employment by the BSVC.

8 (k) MEETINGS.—The BSVC shall meet on the call
9 of the chairperson. The BSVC shall meet and begin oper-
10 ations not later than 180 days after the date of the enact-
11 ment of this Act.

12 (l) PUBLIC HEARINGS.—

13 (1) IN GENERAL.—The BSVC shall hold not
14 fewer than two public hearings each calendar year.

15 (2) WITNESS TESTIMONY.—In holding the
16 hearings required under paragraph (1), the BSVC
17 shall request the public testimony of Federal, State,
18 and local officials, and any private citizen or organi-
19 zation the BSVC determines is relevant to carrying
20 out its mission.

21 (m) QUORUM.—Four members of the BSVC shall
22 constitute a quorum to conduct business, but the BSVC
23 may establish a lesser quorum for conducting hearings
24 scheduled by the BSVC.

1 (n) RULES.—The BSVC may establish by majority
2 vote any other rules for the conduct of business, if such
3 rules are not inconsistent with this Act.

4 (o) VACANCIES.—Any vacancy in the membership of
5 the BSVC shall be filled within 60 days and in the same
6 manner as the original appointment.

7 (p) PERSONNEL MATTERS.—

8 (1) TRAVEL EXPENSES.—The members of the
9 BSVC shall be allowed travel expenses, including per
10 diem in lieu of subsistence, at rates authorized for
11 employees of agencies under subchapter I of chapter
12 57 of title 5, United States Code, while away from
13 their homes or regular places of business in the per-
14 formance of service for the BSVC.

15 (2) DETAIL OF FEDERAL EMPLOYEES.—With
16 the affirmative vote of four of the members of the
17 BSVC, any Federal Government employee, with the
18 approval of the head of the appropriate Federal
19 agency or congressional office, may be detailed to
20 the BSVC without reimbursement, and such detail
21 shall be without interruption or loss of civil service
22 status, salary, benefits, or privileges.

23 (3) OFFICE SPACE AND ASSISTANCE.—Upon
24 the request of the BSVC, the Secretary of Homeland

1 Security shall provide reasonable and appropriate of-
2 fice space, supplies, and administrative assistance.

3 (q) TERMINATION.—The BSVC shall terminate after
4 determining the accuracy of the seventh annual metrics
5 submission required under subsection (n)(2) of section 3.

6 **SEC. 5. REQUIRED CONSEQUENCE.**

7 The Chief of the Border Patrol shall impose a con-
8 sequence for each alien apprehended pursuant to the Bor-
9 der Patrol's Consequence Delivery System.

10 **SEC. 6. TACTICAL FLEXIBILITY.**

11 The Chief of the Border Patrol may alter the capa-
12 bility deployment referred to in subsection (b) of section
13 3 if the Chief determines, after consultation with the ap-
14 propriate congressional committees, that the principal bor-
15 der security threats referred to in subsection (f)(2)(A) of
16 such section require such alteration.

17 **SEC. 7. DEPLOYMENT OF CERTAIN AVIATION ASSETS TO**
18 **THE SOUTHERN LAND BORDER.**

19 (a) IN GENERAL.—The Secretary of Defense, in col-
20 laboration with the Secretary of Homeland Security, may
21 allocate additional aviation assets of the Department of
22 Defense to the southern land border of the United States
23 to assist the Secretary of Homeland Security in achieving
24 situational awareness and operational control in accord-
25 ance with section 3(a).

1 (b) ADDITIONAL REQUIREMENTS.—

2 (1) PLAN.—Not later than 180 days after the
3 date of the enactment of this Act, the Secretary of
4 Homeland Security shall submit to the appropriate
5 congressional committees and the BSVC a plan for
6 the Department of Homeland Security to acquire
7 and deploy aviation capabilities of the Department
8 along the southern land border of the United States.

9 (2) DHS DEPLOYMENT.—Not later than 180
10 days after the submission of the plan under para-
11 graph (1), the Secretary of Homeland Security shall
12 begin acquiring and deploying to the southern land
13 border of the United States aviation capabilities of
14 the Department of Homeland Security acquired in
15 accordance with such plan.

16 **SEC. 8. U.S. CUSTOMS AND BORDER PROTECTION OFFICER**
17 **AND AGENT AUTHORIZATION.**

18 (a) BORDER PATROL.—The Border Patrol shall
19 maintain an active duty presence of not fewer than 21,370
20 full time equivalent agents.

21 (b) OFFICE OF FIELD OPERATIONS.—The Office of
22 Field Operations of U.S. Customs and Border Protection
23 shall maintain not fewer than 23,775 full time equivalent
24 officers.

1 (c) OFFICE OF AIR AND MARINE.—The Office of Air
2 and Marine of U.S. Customs and Border Protection shall
3 maintain not fewer than 1,675 full time equivalent agents.

4 **SEC. 9. OFFICE OF AIR AND MARINE FLIGHT HOURS.**

5 (a) INCREASED FLIGHT HOURS.—The Secretary of
6 Homeland Security shall ensure not fewer than 130,000
7 annual flight hours of the Office of Air and Marine of U.S.
8 Customs and Border Protection.

9 (b) UNMANNED AERIAL SYSTEMS.—The Office of
10 Air and Marine of U.S. Customs and Border Protection
11 shall operate unmanned aerial systems not less than 16
12 hours per day, seven days per week.

13 **SEC. 10. AIR AND MARINE PRIORITIZATION.**

14 The Assistant Commissioner for the Office of Air and
15 Marine of U.S. Customs and Border Protection shall as-
16 sign the greatest prioritization to support requests from
17 the Chief of the Border Patrol to carry out the require-
18 ments of section 3(a).

19 **SEC. 11. BORDER PATROL FLEXIBILITY.**

20 (a) TRANSFER.—The Chief of the Border Patrol may
21 transfer Border Patrol agents, on a voluntary basis, to
22 high traffic areas, as determined by the Chief.

23 (b) INCENTIVE BONUS.—At the discretion of the
24 Chief of the Border Patrol, a Border Patrol agent may
25 be eligible for an incentive bonus for any transfer carried

1 out pursuant to subsection (a) if the Chief determines that
2 such transfer is critical to the risk-based approach of the
3 Border Patrol to patrolling the international borders of
4 the United States.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section
7 \$30,000,000 for each fiscal year.

8 **SEC. 12. PROHIBITION ON ACTIONS THAT IMPEDE BORDER**
9 **SECURITY ON CERTAIN FEDERAL LAND.**

10 (a) PROHIBITION ON SECRETARIES OF THE INTE-
11 RIOR AND AGRICULTURE.—The Secretary of the Interior
12 or the Secretary of Agriculture shall not impede, prohibit,
13 or restrict activities of U.S. Customs and Border Protec-
14 tion on Federal land located within 100 miles of the
15 United States border with Mexico that is under the juris-
16 diction of the Secretary of the Interior or the Secretary
17 of Agriculture, to execute search and rescue operations,
18 and to prevent all unlawful entries into the United States,
19 including entries by terrorists, other unlawful aliens, in-
20 struments of terrorism, narcotics, and other contraband
21 through such international border. These authorities of
22 U.S. Customs and Border Protection on such Federal land
23 apply whether or not a state of emergency exists.

24 (b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND
25 BORDER PROTECTION.—U.S. Customs and Border Pro-

1 tection shall have immediate access to Federal land within
2 100 miles of the United States border with Mexico that
3 is under the jurisdiction of the Secretary of the Interior
4 or the Secretary of Agriculture for purposes of conducting
5 the following activities on such land to prevent all unlawful
6 entries into the United States, including entries by terror-
7 ists, other unlawful aliens, instruments of terrorism, nar-
8 cotics, and other contraband through such international
9 border:

10 (1) Construction and maintenance of roads.

11 (2) Construction and maintenance of barriers.

12 (3) Use of vehicles to patrol, apprehend, or res-
13 cue.

14 (4) Installation, maintenance, and operation of
15 communications and surveillance equipment and sen-
16 sors.

17 (5) Deployment of temporary tactical infra-
18 structure.

19 (c) CLARIFICATION RELATING TO WAIVER AUTHOR-
20 ITY.—

21 (1) IN GENERAL.—Notwithstanding any other
22 provision of law (including any termination date re-
23 lating to the waiver referred to in this subsection),
24 the waiver by the Secretary of Homeland Security
25 on April 1, 2008, under section 102(e)(1) of the Ille-

1 gal Immigration Reform and Immigrant Responsi-
2 bility Act of 1996 (8 U.S.C. 1103 note; Public Law
3 104–208) of the laws described in paragraph (2)
4 with respect to certain sections of the international
5 border between the United States and Mexico shall
6 be considered to apply to all Federal land under the
7 jurisdiction of the Secretary of the Interior or the
8 Secretary of Agriculture within 100 miles of such
9 international border for the activities of U.S. Cus-
10 toms and Border Protection described in subsection
11 (b).

12 (2) DESCRIPTION OF LAWS WAIVED.—The laws
13 referred to in paragraph (1) are limited to the Wil-
14 derness Act (16 U.S.C. 1131 et seq.), the National
15 Environmental Policy Act of 1969 (42 U.S.C. 4321
16 et seq.), the Endangered Species Act of 1973 (16
17 U.S.C. 1531 et seq.), the National Historic Preser-
18 vation Act (16 U.S.C. 470 et seq.), Public Law 86–
19 523 (16 U.S.C. 469 et seq.), the Act of June 8,
20 1906 (commonly known as the “Antiquities Act of
21 1906”; 16 U.S.C. 431 et seq.), the Wild and Scenic
22 Rivers Act (16 U.S.C. 1271 et seq.), the Federal
23 Land Policy and Management Act of 1976 (43
24 U.S.C. 1701 et seq.), the National Wildlife Refuge
25 System Administration Act of 1966 (16 U.S.C.

1 668dd et seq.), the Fish and Wildlife Act of 1956
2 (16 U.S.C. 742a et seq.), the Fish and Wildlife Co-
3 ordination Act (16 U.S.C. 661 et seq.), subchapter
4 II of chapter 5, and chapter 7, of title 5, United
5 States Code (commonly known as the “Administra-
6 tive Procedure Act”), the National Park Service Or-
7 ganic Act (16 U.S.C. 1 et seq.), the General Au-
8 thorities Act of 1970 (Public Law 91–383) (16
9 U.S.C. 1a–1 et seq.), sections 401(7), 403, and 404
10 of the National Parks and Recreation Act of 1978
11 (Public Law 95–625, 92 Stat. 3467), and the Ari-
12 zona Desert Wilderness Act of 1990 (16 U.S.C.
13 1132 note; Public Law 101–628).

14 (d) PROTECTION OF LEGAL USES.—This section may
15 not be construed to provide—

16 (1) authority to restrict legal uses, such as
17 grazing, hunting, mining, or public-use recreational
18 and backcountry airstrips on land under the jurisdic-
19 tion of the Secretary of the Interior or the Secretary
20 of Agriculture; or

21 (2) any additional authority to restrict legal ac-
22 cess to such land.

23 (e) EFFECT ON STATE AND PRIVATE LAND.—This
24 section shall—

1 (1) have no force or effect on State or private
2 lands; and

3 (2) not provide authority on or access to State
4 or private lands.

5 (f) TRIBAL SOVEREIGNTY.—Nothing in this section
6 supersedes, replaces, negates, or diminishes treaties or
7 other agreements between the United States and Indian
8 tribes.

9 **SEC. 13. BIOMETRIC EXIT DATA SYSTEM.**

10 (a) ESTABLISHMENT.—The Secretary of Homeland
11 Security shall—

12 (1) not later than 180 days after the date of
13 the enactment of this Act, submit to the appropriate
14 congressional committees an implementation plan to
15 establish a biometric exit data system to complete
16 the integrated biometric entry and exit data system
17 required under section 7208 of the Intelligence Re-
18 form and Terrorism Prevention Act of 2004 (8
19 U.S.C. 1365b), including—

20 (A) an integrated master schedule and cost
21 estimate, including requirements and design,
22 development, operational, and maintenance
23 costs, of such a system that takes into account
24 prior reports on such matters issued by the

1 Government Accountability Office and the De-
2 partment of Homeland Security;

3 (B) cost-effective staffing and personnel
4 requirements of such a system that leverages
5 existing resources of the Department of Home-
6 land Security that takes into account prior re-
7 ports on such matters issued by the Govern-
8 ment Accountability Office and the Department
9 of Homeland Security;

10 (C) a consideration of training programs
11 necessary to establish such a system that takes
12 into account prior reports on such matters
13 issued by the Government Accountability Office
14 and the Department of Homeland Security;

15 (D) a consideration of how such a system
16 will affect wait times that takes into account
17 prior reports on such matter issued by the Gov-
18 ernment Accountability Office and the Depart-
19 ment of Homeland Security;

20 (E) information received after consultation
21 with private sector stakeholders, including—

22 (i) the trucking industry;

23 (ii) the airport industry;

24 (iii) the airline industry;

25 (iv) the seaport industry;

- 1 (v) the travel industry; and
- 2 (vi) the biometric technology industry;
- 3 (F) a consideration of how trusted traveler
- 4 programs in existence as of the date of the en-
- 5 actment of this Act may be impacted by, or in-
- 6 corporated into, such a system;
- 7 (G) defined metrics of success and mile-
- 8 stones;
- 9 (H) identified risks and mitigation strate-
- 10 gies to address such risks; and
- 11 (I) a consideration of how other countries
- 12 have implemented a biometric exit data system;
- 13 and
- 14 (2) not later than two years after the date of
- 15 the enactment of this Act, establish a biometric exit
- 16 data system at—
- 17 (A) the 15 United States airports that
- 18 support the highest volume of international air
- 19 travel, as determined by available Federal flight
- 20 data;
- 21 (B) the 15 United States seaports that
- 22 support the highest volume of international sea
- 23 travel, as determined by available Federal travel
- 24 data; and

1 (C) the 15 United States land ports of
2 entry that support the highest volume of pedes-
3 trian crossings, as determined by available Fed-
4 eral 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 one year after the date of the enactment
9 of this Act, the Secretary of Homeland Security, in
10 collaboration with industry stakeholders, shall estab-
11 lish a six-month pilot program to test the biometric
12 exit data system referred to in subsection (a)(2) on
13 non-pedestrian outbound traffic at not fewer than
14 three land ports of entry with significant cross-bor-
15 der traffic, including at not fewer than two land
16 ports of entry on the southern border and at least
17 one land port of entry on the northern border. Such
18 pilot program may include a consideration of more
19 than one biometric mode, and shall be implemented
20 to determine 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
2 legitimate 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) Its effectiveness in combating ter-
7 rorism.

8 (2) AT LAND PORTS OF ENTRY FOR NON-PE-
9 DESTRIAN OUTBOUND TRAFFIC.—

10 (A) IN GENERAL.—Not later than five
11 years after the date of the enactment of this
12 Act, the Secretary of Homeland Security shall
13 expand the biometric exit data system referred
14 to in subsection (a)(2) to all land ports of
15 entry, and such system shall apply only in the
16 case of non-pedestrian outbound traffic.

17 (B) EXTENSION.—The Secretary of Home-
18 land Security may extend by two years the ini-
19 tial date specified in subparagraph (A), and
20 may renew such extension for a single addi-
21 tional two-year period, if the Secretary certifies
22 to the appropriate congressional committees
23 that the 15 land ports of entry that support the
24 highest volume of passenger vehicles, as deter-
25 mined by available Federal data, do not have

1 the physical infrastructure or characteristics to
2 install the systems necessary to implement a bi-
3 ometric exit data system.

4 (3) AT AIR AND SEA PORTS OF ENTRY.—Not
5 later than five years after the date of the enactment
6 of this Act, the Secretary of Homeland Security
7 shall expand the biometric exit data system referred
8 to in subsection (a)(2) to all air and sea ports of
9 entry.

10 (4) AT LAND PORTS OF ENTRY FOR PEDES-
11 TRIANS.—Not later than five years after the date of
12 the enactment of this Act, the Secretary of Home-
13 land Security shall expand the biometric exit data
14 system referred to in subsection (a)(2) to all land
15 ports of entry, and such system shall apply only in
16 the case of pedestrians.

17 (c) EFFECTS ON AIR, SEA, AND LAND TRANSPOR-
18 TATION.—The Secretary of Homeland Security, in con-
19 sultation with appropriate private sector stakeholders,
20 shall ensure that the collection of biometric data under
21 this section causes the least possible disruption to the
22 movement of people or cargo in air, sea, or land transpor-
23 tation.

24 (d) TERMINATION OF PROCEEDING.—Notwith-
25 standing any other provision of law, the Secretary of

1 Homeland Security shall, on the date of the enactment
2 of this Act, terminate the proceeding entitled “Collection
3 of Alien Biometric Data Upon Exit From the United
4 States at Air and Sea Ports of Departure”, issued on
5 April 24, 2008 (73 C.F.R. 22065; DHS Docket No. 2008–
6 0039).

7 (e) DATA-MATCHING.—The biometric exit data sys-
8 tem established under this section shall—

9 (1) require that the biometric data that is ob-
10 tained for a person upon entry to the United States
11 is matched against the biometric data of such person
12 when such person exits the United States;

13 (2) leverage the infrastructure and databases of
14 the current entry system established pursuant to
15 section 7208 of the Intelligence Reform and Ter-
16 rorism Prevention Act of 2004 (8 U.S.C. 1365b) for
17 the purpose described in paragraph (1); and

18 (3) be interoperable with, and allow matching
19 against, other Federal databases that store bio-
20 metrics of known or suspected terrorists.

21 (f) SCOPE.—

22 (1) IN GENERAL.—The biometric exit data sys-
23 tem established under this section shall include a re-
24 quirement for the collection of biometric exit data

1 for all categories of individuals who are required to
2 provide biometric entry data.

3 (2) EXCEPTION.—This section shall not apply
4 in the case of a citizen of the United States.

5 (g) COLLECTION OF DATA.—The Secretary of Home-
6 land Security may not require any non-Federal person to
7 collect biometric data pursuant to the biometric exit data
8 system established under this section, except through a
9 contractual agreement.

10 (h) MULTI-MODAL COLLECTION.—In carrying out
11 subsections (a)(1) and (b), the Secretary of Homeland Se-
12 curity shall make every effort to collect biometric data
13 using additional modes of biometric technology.

14 (i) PENALTIES FOR FAILURE TO MEET DEAD-
15 LINES.—

16 (1) BIOMETRIC EXIT DATA SYSTEM.—If the
17 Secretary fails to meet any of the following require-
18 ments by the applicable deadline, no political ap-
19 pointee of the Department of Homeland Security
20 may perform any function described in paragraph
21 (2) until the Secretary has complied with the re-
22 quirement:

23 (A) The submission of the implementation
24 plan under subsection (a)(1).

1 (B) The establishment of a biometric exit
2 data system under subsection (a)(2).

3 (C) The establishment a six-month pilot
4 program to test such biometric exit data system
5 under subsection (b)(1)(A).

6 (D) The expansion of such biometric exit
7 data system under subsection (b)(2)(A).

8 (E) Any extension of the deadline for such
9 expansion authorized by the Secretary under
10 subsection (b)(2)(B)(ii).

11 (2) FUNCTIONS DESCRIBED.—The functions de-
12 scribed in this subparagraph are each of the fol-
13 lowing:

14 (A) Travel using government aircraft.

15 (B) Receipt of any non-essential training.

16 (C) Receipt of bonus pay, excluding over-
17 time pay.

18 (D) Receipt of any salary increase.

19 **SEC. 14. NORTHERN BORDER THREAT ANALYSIS.**

20 (a) IN GENERAL.—Not later than six months after
21 the date of the enactment of this Act, the Secretary of
22 Homeland Security shall submit to the appropriate con-
23 gressional committees a northern border threat analysis.
24 Such analysis, at a minimum, shall include the following:

1 (1) An analysis of current and potential ter-
2 rorism threats posed by individuals seeking to enter
3 the United States through the northern border.

4 (2) An analysis of improvements needed at
5 ports of entry along the northern border to prevent
6 terrorists and instruments of terror from entering
7 the United States.

8 (3) An analysis of gaps in law, policy, inter-
9 national agreements, or tribal agreements that
10 hinder the border security and counter-terrorism ef-
11 forts along the northern border.

12 (4) An analysis of unlawful cross border activity
13 between ports of entry, including the maritime bor-
14 ders of the Great Lakes.

15 (b) **CLASSIFIED THREAT ANALYSIS.**—The threat
16 analysis required under subsection (a) may be submitted
17 in classified form, if the Secretary of Homeland Security
18 determines that such is appropriate.

19 **SEC. 15. OPERATION STONEGARDEN PROGRAM.**

20 (a) **IN GENERAL.**— Title XX of the Homeland Secu-
21 rity Act of 2002 (6 U.S.C. 601 et. seq.) is amended by
22 adding the following new subtitle:

1 **“Subtitle C—Other Grant Programs**

2 **“SEC. 2031. OPERATION STONEGARDEN.**

3 “(a) **ESTABLISHMENT.**—There is established in the
4 Department a program to be known as ‘Operation
5 Stonegarden’. Under such program, the Secretary, acting
6 through the Administrator, shall make grants to eligible
7 law enforcement agencies to enhance border security in ac-
8 cordance with this section.

9 “(b) **ELIGIBLE RECIPIENTS.**—To be eligible to re-
10 ceive a grant under this section, a law enforcement agency
11 shall—

12 “(1) be located in—

13 “(A) a State bordering either Canada or
14 Mexico; or

15 “(B) a State or territory with a maritime
16 border; and

17 “(2) be involved in an active ongoing U.S. Cus-
18 toms and Border Protection operation coordinated
19 through a sector office.

20 “(c) **PERMITTED USES.**—The recipient of a grant
21 under this section may use the grant for any of the fol-
22 lowing activities:

23 “(1) Equipment, including maintenance and
24 sustainment costs.

1 “(2) Personnel, including overtime and backfill,
2 in support of enhanced border law enforcement ac-
3 tivities.

4 “(3) Any activity permitted under the Depart-
5 ment of Homeland Security’s Fiscal Year 2014
6 Funding Opportunity Announcement for Operation
7 Stonegarden.

8 “(4) Any other appropriate activity, as deter-
9 mined by the Administrator.

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
11 is authorized to be appropriated \$110,000,000 for each
12 of fiscal years 2015 through 2019 for grants under this
13 section.

14 “(e) REPORT.—The Administrator shall annually
15 submit to the Committee on Homeland Security and Gov-
16 ernmental Affairs of the Senate and the Committee on
17 Homeland Security of the House of Representatives a re-
18 port containing information on the expenditure of grants
19 made under this section by each grant recipient.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in section 1(b) of such Act is amended by inserting after
22 the items relating to subtitle B of title XX the following
23 new items:

 “Subtitle C—Other Grant Programs

 “Sec. 2031. Operation Stonegarden”.

1 **SEC. 16. SALE OR DONATION OF EXCESS PERSONAL PROP-**
2 **ERTY FOR BORDER SECURITY ACTIVITIES.**

3 Section 2576a of title 10, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1)(A), by striking
7 “counter-drug and counter-terrorism activities”
8 and inserting “counterdrug, counterterrorism,
9 and border security activities”; and

10 (B) in paragraph (2), by striking “the At-
11 torney General and the Director of National
12 Drug Control Policy” and inserting “the Attor-
13 ney General, the Director of National Drug
14 Control Policy, and the Secretary of Homeland
15 Security, as appropriate.”; and

16 (2) in subsection (d), by striking “counter-drug
17 or counter-terrorism activities” and inserting
18 “counterdrug, counterterrorism, or border security
19 activities”.

20 **SEC. 17. REIMBURSEMENT OF STATES FOR DEPLOYMENT**
21 **OF NATIONAL GUARD TO THE SOUTHERN**
22 **BORDER.**

23 (a) REIMBURSEMENT AUTHORIZED.—The Secretary
24 of Defense shall reimburse States for the cost of the de-
25 ployment of any units or personnel of the National Guard

1 to perform operations and missions under State Active
2 Duty status in support of a southern border mission.

3 (b) LIMITATION.—The total amount of reimburse-
4 ments under subsection (a) for any fiscal year may not
5 exceed \$35,000,000.

6 **SEC. 18. DEFINITIONS.**

7 In this Act:

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

14 (2) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means the Committee on Homeland Secu-
17 rity of the House of Representatives and the Com-
18 mittee on Homeland Security and Governmental Af-
19 fairs of the Senate.

20 (3) COCAINE REMOVAL EFFECTIVENESS
21 RATE.—The term “cocaine removal effectiveness
22 rate” means the percentage that results from divid-
23 ing the amount of cocaine removed by the Depart-
24 ment of Homeland Security’s maritime security com-
25 ponents inside or outside a transit zone, as the case

1 may be, by the total documented cocaine flow rate
2 as contained in Federal drug databases.

3 (4) CONSEQUENCE DELIVERY SYSTEM.—The
4 term “Consequence Delivery System” means the se-
5 ries of consequences applied to persons unlawfully
6 entering the United States by the Border Patrol to
7 prevent unlawful border crossing recidivism.

8 (5) GOT AWAY.—The term “got away” means
9 an unlawful border crosser who, after making an un-
10 lawful entry into the United States, is not turned
11 back or apprehended.

12 (6) HIGH TRAFFIC AREAS.—The term “high
13 traffic areas” means sectors along the northern and
14 southern borders of the United States that are with-
15 in the responsibility of the Border Patrol that have
16 significant unlawful cross-border activity, informed
17 through situational awareness.

18 (7) UNLAWFUL BORDER CROSSING EFFECTIVE-
19 NESS RATE.—The term “unlawful border crossing
20 effectiveness rate” means the percentage that results
21 from dividing the number of apprehensions and turn
22 backs by the number of apprehensions, turn backs,
23 and got aways. The data used by the Secretary of
24 Homeland Security to determine such rate shall be
25 collected and reported in a consistent and standard-

1 ized manner across all Border Patrol sectors, in-
2 formed by situational awareness.

3 (8) MAJOR VIOLATOR.—The term “major viola-
4 tor” means a person or entity that has engaged in
5 serious criminal activities at any land, air, or sea
6 port of entry, including possession of illicit drugs,
7 smuggling of prohibited products, human smuggling,
8 weapons possession, use of fraudulent United States
9 documents, or other offenses serious enough to re-
10 result in arrest.

11 (9) 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
14 U.S.C. 1701 note; Public Law 109–367).

15 (10) SITUATIONAL AWARENESS.—The term
16 “situational awareness” means knowledge and an
17 understanding of current unlawful cross-border ac-
18 tivity, including cross-border threats and trends con-
19 cerning illicit trafficking and unlawful crossings
20 along the international borders of the United States,
21 the ability to forecast future shifts in such threats
22 and trends, and the operational capability to conduct
23 continuous and integrated surveillance of the inter-
24 national borders of the United States.

1 (11) TRANSIT ZONE.—The term “transit zone”
2 means the sea corridors of the western Atlantic
3 Ocean, the Gulf of Mexico, the Caribbean Sea, and
4 the eastern Pacific Ocean through which undocu-
5 mented migrants and illicit drugs transit, either di-
6 rectly or indirectly, to the United States.

7 (12) TURN BACK.—The term “turn back”
8 means an unlawful border crosser who, after making
9 an unlawful entry into the United States, returns to
10 the country from which such crosser entered.

11 **SEC. 19. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated for each of
13 fiscal years 2016 through 2025 \$1,000,000,000 to carry
14 out this Act and the amendments made by this Act.