

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 399
OFFERED BY MRS. MILLER OF MICHIGAN**

Strike all after the enacting clause and insert the
following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

4 (b) TABLE OF CONTENTS.—The table of contents for
5 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. Patrol by the Border Patrol of physical land border.
- Sec. 7. Tactical flexibility.
- Sec. 8. Deployment of certain aviation assets to the southern land border.
- Sec. 9. U.S. Customs and Border Protection officer and agent authorization.
- Sec. 10. Office of Air and Marine flight hours.
- Sec. 11. Air and Marine prioritization.
- Sec. 12. Border Patrol flexibility.
- Sec. 13. Prohibition on actions that impede border security on certain Federal
land.
- Sec. 14. Biometric exit data system.
- Sec. 15. Northern border threat analysis.
- Sec. 16. Operation Stonegarden program.
- Sec. 17. Sale or donation of excess personal property for border security activi-
ties.
- Sec. 18. Reimbursement of States for deployment of National Guard to the
southern border.
- Sec. 19. Definitions.
- Sec. 20. Operation of the Border Patrol.
- Sec. 21. 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.

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

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

21 (B) During the two-year period beginning
22 on the date of the submission of such first re-
23 port, such reports shall be submitted every 180
24 days.

25 (C) During the period beginning on the
26 date that is 180 days after the date of the sub-

1 mission of last report under subparagraph (B),
2 such reports shall be submitted every 360 days.

3 (b) GAO REPORT.—Not later than 90 days after re-
4 ceiving the initial report required under subsection (a), the
5 Comptroller General of the United States shall report to
6 the appropriate congressional committees and the BSVC
7 regarding the verification of the data and methodology
8 used to determine high traffic areas and the unlawful bor-
9 der crossing effectiveness rate.

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

11 (a) SECURING THE BORDER.—The Secretary of
12 Homeland Security shall gain and maintain situational
13 awareness, and operational control of high traffic areas,
14 by the date that is not later than two years after the date
15 of the enactment of this Act, and operational control and
16 situational awareness along the southern border of the
17 United States by the date that is not later than five years
18 after such date of enactment.

19 (b) REQUIRED CAPABILITY DEPLOYMENT.—Not
20 later than one year after the date of the enactment of this
21 Act, the Secretary of Homeland Security, acting through
22 the appropriate component of the Department of Home-
23 land Security, shall, at a minimum, deploy to each sector
24 or region, as the case may be, of the southern border, in
25 a prioritized, risk-based manner to achieve situational

1 awareness and operational control of the border the fol-
2 lowing additional capabilities:

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

5 (A) Subterranean surveillance and detec-
6 tion technologies.

7 (B) To increase coastal maritime domain
8 awareness, the following:

9 (i) Deployable, lighter than air surface
10 surveillance equipment.

11 (ii) Unmanned aerial vehicles with
12 maritime surveillance capability.

13 (iii) Maritime patrol aircraft.

14 (iv) Coastal radar surveillance sys-
15 tems.

16 (v) Maritime signals intelligence capa-
17 bilities.

18 (C) Ultralight aircraft detection capabili-
19 ties.

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

22 (E) A rapid reaction capability supported
23 by aviation assets.

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

- 1 (A) Tower-based surveillance technology.
- 2 (B) Deployable, lighter than air ground
- 3 surveillance equipment.
- 4 (C) Man-portable unmanned aerial vehi-
- 5 cles.
- 6 (D) Ultralight aircraft detection capabili-
- 7 ties.
- 8 (E) Advanced unattended surveillance sen-
- 9 sors.
- 10 (F) A rapid reaction capability supported
- 11 by aviation assets.
- 12 (3) YUMA SECTOR.—For the Yuma sector, the
- 13 following:
- 14 (A) Tower-based surveillance technology.
- 15 (B) Mobile vehicle-mounted and man-port-
- 16 able surveillance systems.
- 17 (C) Deployable, lighter-than-air ground
- 18 surveillance equipment.
- 19 (D) Ultralight aircraft detection capabili-
- 20 ties.
- 21 (E) Advanced unattended surveillance sen-
- 22 sors.
- 23 (F) A rapid reaction capability supported
- 24 by aviation assets.

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

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

6 (B) Man-portable unmanned aerial vehi-
7 cles.

8 (C) Tower-based surveillance technology.

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

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

13 (F) Deployable, lighter than air ground
14 surveillance equipment.

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

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

19 (A) Tower-based surveillance technology.

20 (B) Ultralight aircraft detection capabili-
21 ties.

22 (C) Advanced unattended surveillance sen-
23 sors.

24 (D) Mobile vehicle-mounted and man-port-
25 able surveillance systems.

1 (E) Deployable, lighter than air ground
2 surveillance equipment.

3 (F) A rapid reaction capability supported
4 by aviation assets.

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 (F) A rapid reaction capability supported
17 by aviation assets.

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

20 (A) Increased monitoring for cross-river
21 dams, culverts, and footpaths.

22 (B) Improved agent communications capa-
23 bilities.

24 (C) Improved maritime capabilities in the
25 Amistad Recreation Area.

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

3 (E) A rapid reaction capability supported
4 by aviation assets.

5 (8) LAREDO SECTOR.—For the Laredo sector,
6 the following:

7 (A) Maritime detection resources for Fal-
8 con Lake region.

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

12 (C) Increased monitoring for cross-river
13 dams, culverts, and footpaths.

14 (D) Ultralight aircraft detection capability.

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

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

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

21 (A) Deployable, lighter than air ground
22 surveillance equipment.

23 (B) Increased flight hours for aerial detec-
24 tion, interdiction and monitoring operations ca-
25 pability.

1 (C) Ultralight aircraft detection capability.

2 (D) Advanced unattended surveillance sen-
3 sors.

4 (E) Increased monitoring for cross-river
5 dams, culverts, footpaths.

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

8 (10) EASTERN PACIFIC MARITIME REGION.—

9 For the Eastern Pacific Maritime region, the fol-
10 lowing:

11 (A) Increased cutter and boat hours and
12 operation platforms to conduct interdiction op-
13 erations.

14 (B) Increased maritime signals intelligence
15 capabilities.

16 (C) To increase maritime domain aware-
17 ness, the following:

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

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

22 (iii) Increased maritime aviation pa-
23 trol hours.

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

1 (D) Increased operational hours for mari-
2 time security components dedicated to joint
3 counter-smuggling and interdiction efforts with
4 other Federal agencies, including the Joint
5 Interagency Task Forces, and the United
6 States Coast Guard Deployable Specialized
7 Forces.

8 (11) CARIBBEAN AND GULF MARITIME RE-
9 GION.—For the Caribbean and Gulf Maritime re-
10 gion, the following:

11 (A) Increased cutter and boat hours and
12 operation platforms to conduct interdiction op-
13 erations.

14 (B) Increased maritime signals intelligence
15 capabilities.

16 (C) Increased maritime domain awareness
17 and surveillance capabilities, including the fol-
18 lowing:

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

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

23 (iii) Increased maritime aviation pa-
24 trol hours.

1 (iv) Coastal radar surveillance sys-
2 tems.

3 (D) Increased operational hours for mari-
4 time security components dedicated to joint
5 counter-smuggling and interdiction efforts with
6 other Federal agencies, including the Joint
7 Interagency Task Forces, and the United
8 States Coast Guard Deployable Specialized
9 Forces.

10 (c) FENCING AND INFRASTRUCTURE.—

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

15 (A) Seven miles of double layer fencing in
16 the Border Patrol's San Diego sector in addi-
17 tion to such fencing in existence as of the date
18 of the enactment of this Act.

19 (B) Twenty-one miles of double layer pe-
20 destrian fencing in the Border Patrol's Tucson
21 sector in addition to such fencing in existence
22 as of the date of the enactment of this Act.

23 (C) Ten miles of double layer pedestrian
24 fencing in the Border Patrol's Rio Grande Val-
25 ley sector in addition to such fencing in exist-

1 ence as of the date of the enactment of this
2 Act.

3 (D) Ten miles of double layer pedestrian
4 fencing in the Border Patrol's Del Rio sector in
5 addition to such fencing in existence as of the
6 date of the enactment of this Act.

7 (2) FENCE REPAIR AND REPLACEMENT.—Not
8 later than 18 months after the date of the enact-
9 ment of this Act, the Secretary of Homeland Secu-
10 rity shall replace, at a minimum, each of the fol-
11 lowing:

12 (A) Thirty-one miles of landing mat fenc-
13 ing with bollard style fencing in the Border Pa-
14 trol's San Diego sector.

15 (B) Five miles of landing mat fencing with
16 bollard style fencing in the Border Patrol's El
17 Centro sector.

18 (C) Three miles of landing mat fencing
19 with bollard style fencing in the Border Patrol's
20 Yuma sector.

21 (D) Twenty-five miles of landing mat fenc-
22 ing with bollard style fencing in the Border Pa-
23 trol's Tucson sector.

1 (E) Two miles of landing mat fencing with
2 bollard style fencing in the Border Patrol's El
3 Paso sector.

4 (3) ROAD CONSTRUCTION.—Not later than 18
5 months after the date of the enactment of this Act,
6 the Secretary of Homeland Security shall complete,
7 at a minimum, each of the following road construc-
8 tion projects to allow greater access for the Border
9 Patrol:

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

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

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

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

18 (E) One hundred ninety-two miles of road
19 construction in the Border Patrol's Big Bend
20 sector.

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

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

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

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

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

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

11 (B) One thousand two hundred miles of
12 road maintenance in the Border Patrol's Del
13 Rio sector.

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

16 (D) Ninety-four miles of road maintenance
17 in the Border Patrol's Rio Grande Valley sec-
18 tor.

19 (5) NEW VEHICLE FENCE.—Not later than one
20 year after the date of the enactment of this Act, the
21 Secretary of Homeland Security shall complete six
22 miles of vehicle fencing in the Border Patrol's Big
23 Bend sector in addition to such fencing in existence
24 of as of the date of the enactment of this Act.

1 (6) VEHICLE FENCE REPLACEMENT.—Not later
2 than one year after the date of the enactment of this
3 Act, the Secretary of Homeland Security shall re-
4 place five miles of vehicle fencing with new vehicle
5 fencing in the Border Patrol's Tucson sector in addi-
6 tion to such fencing in existence as of the date of
7 the enactment of this Act.

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

12 (A) Eight boat ramps in the Border Pa-
13 trol's Del Rio sector in addition to such ramps
14 in existence as of the date of the enactment of
15 this Act.

16 (B) One boat ramp in the Border Patrol's
17 Laredo sector in addition to such ramps in ex-
18 istence as of the date of the enactment of this
19 Act.

20 (C) Twenty-one boat ramps in the Border
21 Patrol's Rio Grande Valley sector in addition to
22 such ramps in existence as of the date of the
23 enactment of this Act.

24 (8) ACCESS GATES.—Not later than 180 days
25 after the date of the enactment of this Act, the Sec-

1 retary of Homeland Security shall construct 34 ac-
2 cess gates in the Border Patrol's Rio Grande Valley
3 sector in addition to such gates in existence as of
4 the date of the enactment of this Act.

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

10 (A) One forward operating base in the
11 Border Patrol's El Paso sector in addition to
12 such bases in existence as of the date of the en-
13 actment of this Act.

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

18 (C) Three forward operating bases in the
19 Border Patrol's Big Bend sector in addition to
20 such bases in existence as of the date of the en-
21 actment of this Act.

22 (D) Two forward operating bases in the
23 Border Patrol's Del Rio sector in addition to
24 such bases in existence as of the date of the en-
25 actment of this Act.

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

5 (F) Two forward operating bases in the
6 Border Patrol's Rio Grande Valley sector in ad-
7 dition to such bases in existence as of the date
8 of the enactment of this Act.

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

13 (11) MINIMUM FORWARD OPERATING BASE RE-
14 QUIREMENTS.—The forward operating bases re-
15 ferred to in paragraph (9) shall be equipped with
16 each of the following:

17 (A) Perimeter security.

18 (B) Temporary detention space.

19 (C) An interview room.

20 (D) Water.

21 (E) Power.

22 (F) Adequate communications, including
23 wide area network connectivity.

24 (G) Helicopter landing zone.

25 (d) CARRIZO CANE ERADICATION.—

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

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

6 (B) According to U.S. Customs and Bor-
7 der Protection, “the [Carrizo cane] plant causes
8 serious officer safety issues and operational
9 concerns because it hampers enforcement along
10 the [Rio Grande] river. The plant also provides
11 concealment to criminals, drug smugglers, ille-
12 gal aliens, and potential terrorists who could
13 use it as an advantage to enter the Unites
14 States illegally. The obvious officer safety haz-
15 ards created by this situation are of grave con-
16 cern to the Border Patrol and need to be rem-
17 edied”.

18 (2) ERADICATION.—The Chief of the Border
19 Patrol shall coordinate with the heads of each rel-
20 evant Federal and State agency to eradicate, to the
21 greatest extent practicable, the Carrizo cane plant
22 along the Rio Grande River.

23 (e) CONSULTATION.—The Secretary of Homeland Se-
24 curity shall consult with the governors of each southern
25 border State, including southern border maritime States,

1 representatives of the Border Patrol and U.S. Customs
2 and Border Protection, and relevant Federal, State, local,
3 and tribal agencies that have jurisdiction on the southern
4 border, or in the maritime environment, to develop the
5 operational plan required under subsection (f) and the
6 metrics required under subsections (h), (i), (j), and (k).

7 (f) OPERATIONAL PLAN.—

8 (1) IN GENERAL.—Not later than 120 days
9 after the date of the enactment of this Act, the Sec-
10 retary of Homeland Security shall submit to the ap-
11 propriate congressional committees, the BSVC, and
12 the Comptroller General of the United States a com-
13 prehensive operational plan for each of the compo-
14 nents of the Department of Homeland Security re-
15 sponsible for border or maritime security to gain and
16 maintain situational awareness, operational control
17 of high traffic areas, and operational control along
18 the southern land border of the United States by the
19 dates, respectively, referred to in subsection (a).

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

22 (A) An assessment of principal border se-
23 curity threats, including threats relating to the
24 smuggling and trafficking of humans, weapons,
25 and illicit drugs.

1 (B) A description of the required capability
2 deployment under subsection (b).

3 (C) A plan to analyze and disseminate bor-
4 der security and border threat information
5 among the border security components of the
6 Department of Homeland Security, and be-
7 tween the Department and other appropriate
8 Federal departments and agencies with mis-
9 sions associated with the border.

10 (D) A plan to achieve situational aware-
11 ness using the capabilities deployed under sub-
12 section (b).

13 (E) A plan to ensure that any new border
14 security assets will be operationally integrated
15 with assets in use by the Department of Home-
16 land Security as of the date of the enactment
17 of this Act.

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

20 (G) Lessons learned from Operation
21 Jumpstart and Operation Phalanx.

22 (H) A description of border security infor-
23 mation received from consultation with border
24 community stakeholders, including representa-
25 tives from agricultural and ranching organiza-

1 tions and business and civic organizations along
2 the northern or southern border.

3 (I) A description of the staffing require-
4 ments for all border security functions of the
5 border security components of the Department
6 of Homeland Security.

7 (J) A prioritized list of research and devel-
8 opment objectives to enhance the security of the
9 international land and maritime borders of the
10 United States.

11 (K) An assessment of the relationship be-
12 tween border security operations and crossing
13 times.

14 (L) Metrics required under subsections (h),
15 (i), (j), and (k).

16 (M) An integrated master schedule and
17 cost estimate, including lifecycle costs, for the
18 activities contained in such operational plan.

19 (N) A documented justification and ration-
20 ale for technology choices.

21 (O) Deployment locations.

22 (P) A timetable for procurement and de-
23 ployment.

24 (Q) Estimates of operation and mainte-
25 nance costs.

1 (R) An identification of any impediments
2 to the deployment of such technologies.

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

8 (4) IMPLEMENTATION.—

9 (A) IN GENERAL.—The Secretary of
10 Homeland Security shall commence the imple-
11 mentation of the operational plan under para-
12 graph (1) not later than 30 days after the sub-
13 mission to the appropriate congressional com-
14 mittees of the report by the Comptroller Gen-
15 eral of the United States under subparagraph
16 (C).

17 (B) COMPTROLLER GENERAL REVIEW.—
18 Not later than 90 days after receiving the oper-
19 ational plan under paragraph (1), the Comp-
20 troller General of the United States shall sub-
21 mit to the appropriate congressional committees
22 and the BSVC a report on the operational plan
23 required under paragraph (1) and such congres-
24 sional justification.

1 (g) PERIODIC UPDATES.—Not later than 180 days
2 after the submission of each Quadrennial Homeland Secu-
3 rity Review required under section 707 of the Homeland
4 Security Act of 2002 (6 U.S.C. 347) beginning with the
5 first such Review that is due after the operational plan
6 is submitted under subsection (f), the Secretary of Home-
7 land Security shall submit to the appropriate congres-
8 sional committees, the BSVC, and the Comptroller Gen-
9 eral of the United States an updated operational plan
10 under paragraph (1) of subsection (f).

11 (h) METRICS FOR SECURING THE BORDER BETWEEN
12 PORTS OF ENTRY.—

13 (1) IN GENERAL.—Not later than 120 days
14 after the date of the enactment of this Act and an
15 annually thereafter, the Chief of the Border Patrol
16 shall develop metrics, informed by situational aware-
17 ness, to measure the effectiveness of security be-
18 tween ports of entry, which shall include, at a min-
19 imum, the following:

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

22 (B) A probability of detection that meas-
23 ures the estimated total unlawful border cross-
24 ing attempts not detected by the Border Patrol

1 against the unlawful border crossing effective-
2 ness rate referred to in subparagraph (A).

3 (C) A weight-to-frequency rate which
4 measures the average weight of marijuana
5 seized per seizure by the Border Patrol in any
6 fiscal year compared to such a weight-to-fre-
7 quency rate for the immediately preceding five
8 fiscal years.

9 (D) A situational awareness achievement
10 metric that measures the amount of situational
11 awareness achieved in each Border Patrol sec-
12 tor.

13 (E) An illicit drugs seizure rate which
14 measures the amount and type of illicit drugs
15 seized by the Border Patrol in any fiscal year
16 compared to an average of the amount and type
17 of illicit drugs seized by the Border Patrol for
18 the immediately preceding five fiscal years.

19 (F) In consultation the Office of National
20 Drug Control Policy and the United States
21 Southern Command, a cocaine seizure effective-
22 ness rate measured as a percentage that results
23 from dividing the amount of cocaine seized by
24 the Border Patrol by the total documented co-

1 caine flow rate between ports of entry along the
2 southern land border.

3 (G) Estimates, using alternative meth-
4 odologies, including recidivism data, survey
5 data, known-flow data, and technologically
6 measured data, of total attempted unlawful bor-
7 der crossings, the rate of apprehension of at-
8 tempted unlawful border crossers, and the in-
9 flow into the United States of unlawful border
10 crossers who evade apprehension.

11 (H) Estimates of the impact of the Border
12 Patrol's Consequence Delivery System on the
13 rate of recidivism of unlawful border crossers.

14 (2) METRICS CONSULTATION.—In developing
15 the metrics required under paragraph (1), the Chief
16 of the Border Patrol shall consult with staff mem-
17 bers of the Office of Policy at the Department of
18 Homeland Security and staff members of the Office
19 of the Chief Financial Officer of the Department of
20 Homeland Security. Such staff members may not be
21 political appointees.

22 (3) METRICS NOT REVIEWABLE.—The metrics
23 required under paragraph (1) may not be reviewed
24 or otherwise amended by the President, any staff
25 employed by the Executive Office of the President,

1 the Secretary of Homeland Security, the Deputy
2 Secretary of Homeland Security, the Commissioner
3 of U.S. Customs and Border Protection, or the Dep-
4 uty Commissioner of U.S. Customs and Border Pro-
5 tection before the submission of such metrics to the
6 appropriate congressional committees, the BSVC,
7 and Comptroller General of the United States, as re-
8 quired under subsection (m). The prohibition de-
9 scribed in this paragraph does not apply to the Of-
10 fice of National Drug Control Policy.

11 (i) METRICS FOR SECURING THE BORDER AT PORTS
12 OF ENTRY.—

13 (1) IN GENERAL.—Not later than 120 days
14 after the date of the enactment of this Act and an-
15 nually thereafter, the Assistant Commissioner for
16 the Office of Field Operations in U.S. Customs and
17 Border Protection shall develop metrics, informed by
18 situational awareness, to measure the effectiveness
19 of security at ports of entry, which shall include, at
20 a minimum, the following:

21 (A) An inadmissible border crossing rate
22 which measures the number of known inadmis-
23 sible border crossers who are denied entry, ex-
24 cluding those border crossers who voluntarily
25 withdraw their applications for admission, di-

1 vided by the total estimated number of inadmis-
2 sible border crossers who attempt entry.

3 (B) An illicit drugs seizure rate which
4 measures the amount and type of illicit drugs
5 seized by the Office of Field Operations of U.S.
6 Customs and Border Protection in any fiscal
7 year compared to an average of the amount and
8 type of illicit drugs seized by U.S. Customs and
9 Border Protection for the immediately pre-
10 ceding five fiscal years.

11 (C) In consultation with the Office of Na-
12 tional Drug Control Policy and the United
13 States Southern Command, a cocaine seizure
14 effectiveness rate measured as a percentage
15 that results from dividing the amount of co-
16 caine seized by the Office of Field Operations
17 of U.S. Customs and Border Protection by the
18 total documented cocaine flow rate at ports of
19 entry along the southern land border.

20 (D) Estimates, using alternative meth-
21 odologies, including survey data and random-
22 ized secondary screening data, of total at-
23 tempted inadmissible border crossers, the rate
24 of apprehension of attempted inadmissible bor-
25 der crossers, and the inflow into the United

1 States of inadmissible border crossers who
2 evade apprehension.

3 (E) The number of infractions related to
4 personnel and cargo committed by major viola-
5 tors who are apprehended by the Office of Field
6 Operations of U.S. Customs and Border Protec-
7 tion at ports of entry, and the estimated num-
8 ber of such infractions committed by major vio-
9 lators who are not apprehended.

10 (F) A measurement of how border security
11 operations affect crossing times.

12 (G) The amount and type of illicit drugs
13 seized by the Office of Field Operations of U.S.
14 Customs and Border Protection at United
15 States seaports during the previous fiscal year.

16 (H) A cargo scanning rate that measures
17 the number of cargo containers scanned by the
18 Office of Field Operations of U.S. Customs and
19 Border Protection at each United States sea-
20 port during the previous fiscal year against the
21 total number of cargo containers entering the
22 United States at each seaport during the pre-
23 vious fiscal year.

24 (2) METRICS CONSULTATION.—In developing
25 the metrics required under paragraph (1), the As-

1 sistant Commissioner for the Office of Field Oper-
2 ations shall consult with staff members of the Office
3 of Policy at the Department of Homeland Security
4 and staff members of the Office of the Chief Finan-
5 cial Officer of the Department of Homeland Secu-
6 rity. Such staff members may not be political ap-
7 pointees.

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

22 (j) METRICS FOR SECURING THE MARITIME BOR-
23 DER.—

24 (1) IN GENERAL.—Not later than 120 days
25 after the date of the enactment of this Act and an-

1 nually thereafter, the Commandant of the United
2 States Coast Guard and the Assistant Commissioner
3 for the Office of Air and Marine for U.S. Customs
4 and Border Protection shall jointly implement
5 metrics, informed by situational awareness, to meas-
6 ure the effectiveness of security in the maritime en-
7 vironment, which shall include, at a minimum, the
8 following:

9 (A) An estimate of the total number of un-
10 documented migrants the Department of Home-
11 land Security's maritime security components
12 fail to interdict.

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

19 (C) An illicit drugs removal rate which
20 measures the amount and type of illicit drugs
21 removed by the Department of Homeland Secu-
22 rity's maritime security components inside a
23 transit zone in any fiscal year compared to an
24 average of 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 for the immediately preceding five
3 fiscal years.

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

14 (E) A cocaine removal effectiveness rate
15 inside a transit zone.

16 (F) A cocaine removal effectiveness rate
17 outside a transit zone.

18 (G) A response rate which measures the
19 ability of the maritime security components of
20 the Department of Homeland Security to re-
21 spond to and resolve known maritime threats,
22 both inside and outside a transit zone, by plac-
23 ing assets on-scene, compared to the total num-
24 ber of events with respect to which the Depart-
25 ment has known threat information.

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

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

24 (k) AIR AND MARINE SECURITY METRICS IN THE
25 LAND DOMAIN.—

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

9 (A) A requirement effectiveness rate which
10 measures U.S. Customs and Border Protec-
11 tion's Office of Air and Marine flight hours re-
12 quirements against the number of flight hours
13 actually flown by such Office.

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

20 (C) A readiness rate which measures the
21 number of aviation missions flown by U.S. Cus-
22 toms and Border Protection's Office of Air and
23 Marine against the number of aviation missions
24 cancelled by such Office due to weather, main-
25 tenance, operations, or other causes.

1 (D) The number of subjects detected by
2 U.S. Customs and Border Protection's Office of
3 Air and Marine through the use of unmanned
4 aerial systems.

5 (E) The number of apprehensions assisted
6 by U.S. Customs and Border Protection's Of-
7 fice of Air and Marine through the use of un-
8 manned aerial systems.

9 (F) The number and quantity of illicit
10 drug seizures assisted by U.S. Customs and
11 Border Protection's Office of Air and Marine
12 through the use of unmanned aerial systems.

13 (G) A detailed description of how, where,
14 and for how long data and images collected
15 through the use of unmanned aerial systems by
16 U.S. Customs and Border Protection is col-
17 lected and stored.

18 (2) METRICS CONSULTATION.—In developing
19 the metrics required under paragraph (1), the As-
20 sistant Commissioner for Air and Marine shall con-
21 sult with staff members of the Office of Policy at the
22 Department of Homeland Security and staff mem-
23 bers of the Office of the Chief Financial Officer of
24 the Department of Homeland Security. Such staff
25 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 subsection (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, rep-
24 resentatives of the ranching industry in
25 each southern land border State, and rel-

1 evant State and local government agencies
2 that have jurisdiction on the southern bor-
3 der.

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

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

12 (1) PENALTIES.—

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

1 any function described in subparagraph (B)
2 until the BSVC certifies that the Secretary has
3 achieved such situational awareness, operational
4 control, or both, as the case may be.

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

8 (i) Travel using Government aircraft.

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

11 (iii) Receipt of bonus 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 congres-
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 (q) ADHERENCE TO CERTAIN STANDARDS.—The
21 Under Secretary for Management of the Department of
22 Homeland Security, in coordination with the Assistant
23 Commissioner of the Office of Administration of U.S. Cus-
24 toms and Border Protection, shall ensure component pro-
25 gram managers who are responsible for carrying out sub-

1 sections (b) and (c) adhere to internal control standards
2 identified by the Comptroller General of the United
3 States. The Assistant Commissioner shall provide infor-
4 mation, as needed, to assist the Under Secretary for Man-
5 agement in monitoring proper program management of
6 border security programs carried out pursuant to such
7 subsections.

8 **SEC. 4. ESTABLISHMENT OF BORDER SECURITY**
9 **VERIFICATION COMMISSION.**

10 (a) **IN GENERAL.**—There is established a Border Se-
11 curity Verification Commission (in this Act referred to as
12 the “BSVC”).

13 (b) **PURPOSE.**—The BSVC shall certify the accuracy
14 of the notifications regarding situational awareness and
15 operational control required from the Secretary pursuant
16 to section 3(n).

17 (c) **COMPOSITION.**—The BSVC shall be composed
18 of—

19 (1) the head of a national laboratory within the
20 Department of Homeland Security laboratory net-
21 work with prior expertise in border security, ap-
22 pointed by the President, in coordination with the
23 Speaker and minority leader of the House of Rep-
24 resentatives and the majority and minority leaders
25 of the Senate;

1 (2) the head of a border security university-
2 based center within the Department of Homeland
3 Security Centers of Excellence network, appointed
4 by the President, in coordination with the Speaker
5 and minority leader of the House of Representatives
6 and the majority and minority leaders of the Senate;
7 and

8 (3) three individuals, appointed by the Presi-
9 dent, based on the recommendations of the special
10 congressional commission on border security estab-
11 lished pursuant to subsection (d).

12 (d) SPECIAL CONGRESSIONAL COMMISSION ON BOR-
13 DER SECURITY.—

14 (1) ESTABLISHMENT.—There is established a
15 special congressional commission on border security
16 (in this subsection referred to as the “commission”).
17 The commission shall determine the criteria for
18 making recommendations for the individuals to be
19 appointed by the President under subsection (c)(3),
20 and shall recommend not more than five individuals
21 for such appointments. The commission shall consist
22 of—

23 (A) the Speaker and minority leader of the
24 House of Representatives;

1 (B) the majority and minority leaders of
2 the Senate;

3 (C) the chairman and ranking member of
4 the Committee on Homeland Security of the
5 House of Representatives; and

6 (D) the chairman and ranking member of
7 the Committee on Homeland Security and Gov-
8 ernmental Affairs of the Senate.

9 (2) VOTING PROCEDURES.—

10 (A) IN GENERAL.—The commission may
11 make a recommendation to the President con-
12 cerning an individual referred to in subsection
13 (c)(3) only if such recommendation is approved
14 by a majority vote of the full membership of the
15 commission.

16 (B) TIE VOTE.—In the event of a tie vote
17 of the commission during its consideration of
18 whether or not to recommend an individual to
19 the President under paragraph (1), the Speaker
20 of the House of Representatives shall cast the
21 deciding vote.

22 (e) QUALIFICATIONS.—The individuals referred to in
23 subsection (c)(3) shall have a minimum of five years pro-
24 fessional experience in law enforcement and border secu-
25 rity.

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

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

6 (h) PROHIBITION ON COMPENSATION.—Members of
7 the BSVC may not receive pay, allowances, or benefits
8 from the Federal Government by reason of their service
9 on the BSVC.

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

13 (j) SECURITY CLEARANCES.—A member or employee
14 of the BSVC shall receive an appropriate security clear-
15 ance, as determined by the BSVC in consultation with the
16 Secretary of Homeland Security, that is commensurate
17 with the sensitivity of the classified information to which
18 such member or employee will be given access by reason
19 of membership in or employment by the BSVC.

20 (k) MEETINGS.—The BSVC shall meet on the call
21 of the chairperson. The BSVC shall meet and begin oper-
22 ations not later than 180 days after the date of the enact-
23 ment of this Act.

24 (l) PUBLIC HEARINGS.—

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

3 (2) WITNESS TESTIMONY.—In holding the
4 hearings required under paragraph (1), the BSVC
5 shall request the public testimony of Federal, State,
6 and local officials, and any private citizen or organi-
7 zation the BSVC determines is relevant to carrying
8 out its mission.

9 (m) QUORUM.—Four members of the BSVC shall
10 constitute a quorum to conduct business, but the BSVC
11 may establish a lesser quorum for conducting hearings
12 scheduled by the BSVC.

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

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

19 (p) PERSONNEL MATTERS.—

20 (1) TRAVEL EXPENSES.—The members of the
21 BSVC shall be allowed travel expenses, including per
22 diem in lieu of subsistence, at rates authorized for
23 employees of agencies under subchapter I of chapter
24 57 of title 5, United States Code, while away from

1 their homes or regular places of business in the per-
2 formance of service for the BSVC.

3 (2) **DETAIL OF FEDERAL EMPLOYEES.**—With
4 the affirmative vote of four of the members of the
5 BSVC, any Federal Government employee, with the
6 approval of the head of the appropriate Federal
7 agency or congressional office, may be detailed to
8 the BSVC without reimbursement, and such detail
9 shall be without interruption or loss of civil service
10 status, salary, benefits, or privileges.

11 (3) **OFFICE SPACE AND ASSISTANCE.**—Upon
12 the request of the BSVC, the Secretary of Homeland
13 Security shall provide reasonable and appropriate of-
14 fice space, supplies, and administrative assistance.

15 (q) **TERMINATION.**—The BSVC shall terminate after
16 determining the accuracy of the tenth annual metrics sub-
17 mission required under subsection (n)(2) of section 3.

18 **SEC. 5. REQUIRED CONSEQUENCE.**

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

22 **SEC. 6. PATROL BY THE BORDER PATROL OF PHYSICAL**
23 **LAND BORDER.**

24 (a) **IN GENERAL.**—The Chief of the Border Patrol
25 shall direct agents of the Border Patrol to patrol as close

1 to the physical land border as possible, consistent with the
2 accessibility to such areas.

3 (b) FORWARD OPERATING BASE PERSONNEL.—The
4 Chief of the Border Patrol shall deploy the maximum
5 practicable number of Border Patrol agents to forward op-
6 erating bases along the southern land border of the United
7 States to meet the requirements of this section.

8 **SEC. 7. TACTICAL FLEXIBILITY.**

9 (a) SOUTHERN BORDER.—The Chief of the Border
10 Patrol may alter the capability deployment referred to in
11 subsection (b) of section 3 if the Chief determines, after
12 consultation with the appropriate congressional commit-
13 tees, that the principal border security threats referred to
14 in subsection (f)(2)(A) of such section require such alter-
15 ation.

16 (b) NORTHERN BORDER.—The Chief of the Border
17 Patrol may alter the capability deployment referred to in
18 subsection (c) of section 15 if the Chief determines, after
19 consultation with the appropriate congressional commit-
20 tees, that the threat analysis referred to in subsection (a)
21 of such section requires such alteration.

22 **SEC. 8. DEPLOYMENT OF CERTAIN AVIATION ASSETS TO**
23 **THE SOUTHERN LAND BORDER.**

24 (a) IN GENERAL.—The Secretary of Defense, in col-
25 laboration with the Secretary of Homeland Security, may

1 allocate additional aviation assets of the Department of
2 Defense to the southern land border of the United States
3 to assist the Secretary of Homeland Security in achieving
4 situational awareness and operational control in accord-
5 ance with section 3(a).

6 (b) ADDITIONAL REQUIREMENTS.—

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

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

21 **SEC. 9. U.S. CUSTOMS AND BORDER PROTECTION OFFICER**
22 **AND AGENT AUTHORIZATION.**

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

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

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

8 **SEC. 10. OFFICE OF AIR AND MARINE FLIGHT HOURS.**

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

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

17 (c) UNMANNED AERIAL SYSTEMS REPORT.—The Of-
18 fice of Air and Marine of U.S. Customs and Border Pro-
19 tection shall annually submit to the appropriate congres-
20 sional committees a report regarding the requirement re-
21 ferred to in subsection (b). Such report shall describe the
22 number of hours the Office of Air and Marine operated
23 unmanned aerial systems—

24 (1) in a transit zone;

25 (2) on a land border;

1 (3) on a maritime border; and

2 (4) to assist other Federal, State, local, and
3 tribal law enforcement agencies.

4 **SEC. 11. AIR AND MARINE PRIORITIZATION.**

5 The Assistant Commissioner for the Office of Air and
6 Marine of U.S. Customs and Border Protection shall as-
7 sign the greatest prioritization to support requests from
8 the Chief of the Border Patrol to carry out the require-
9 ments of section 3(a).

10 **SEC. 12. BORDER PATROL FLEXIBILITY.**

11 (a) **TRANSFER.**—The Chief of the Border Patrol may
12 transfer Border Patrol agents, on a voluntary basis, to
13 high traffic areas, as determined by the Chief.

14 (b) **INCENTIVE BONUS.**—At the discretion of the
15 Chief of the Border Patrol, a Border Patrol agent may
16 be eligible for an incentive bonus for any transfer carried
17 out pursuant to subsection (a) if the Chief determines that
18 such transfer is critical to the risk-based approach of the
19 Border Patrol to patrolling the international borders of
20 the United States.

21 (c) **AUTHORIZATION OF APPROPRIATIONS.**—There is
22 authorized to be appropriated to carry out this section
23 \$30,000,000 for each fiscal year.

1 **SEC. 13. PROHIBITION ON ACTIONS THAT IMPEDE BORDER**
2 **SECURITY ON CERTAIN FEDERAL LAND.**

3 (a) PROHIBITION ON SECRETARIES OF THE INTE-
4 RIOR AND AGRICULTURE.—The Secretary of the Interior
5 or the Secretary of Agriculture shall not impede, prohibit,
6 or restrict activities of U.S. Customs and Border Protec-
7 tion on Federal land located within 100 miles of the
8 United States border with Mexico and the United States
9 border with Canada that is under the jurisdiction of the
10 Secretary of the Interior or the Secretary of Agriculture,
11 to execute search and rescue operations, and to prevent
12 all unlawful entries into the United States, including en-
13 tries by terrorists, other unlawful aliens, instruments of
14 terrorism, narcotics, and other contraband through such
15 international borders. These authorities of U.S. Customs
16 and Border Protection on such Federal land apply wheth-
17 er or not a state of emergency exists.

18 (b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND
19 BORDER PROTECTION.—U.S. Customs and Border Pro-
20 tection shall have immediate access to Federal land within
21 100 miles of the United States borders with Mexico and
22 Canada that are under the jurisdiction of the Secretary
23 of the Interior or the Secretary of Agriculture for purposes
24 of conducting the following activities on such land to pre-
25 vent all unlawful entries into the United States, including
26 entries by terrorists, other unlawful aliens, instruments of

1 terrorism, narcotics, and other contraband through such
2 international border:

3 (1) Construction and maintenance of roads.

4 (2) Construction and maintenance of barriers.

5 (3) Use of vehicles to patrol, apprehend, or res-
6 cue.

7 (4) Installation, maintenance, and operation of
8 communications and surveillance equipment and sen-
9 sors.

10 (5) Deployment of temporary tactical infra-
11 structure.

12 (c) CLARIFICATION RELATING TO WAIVER AUTHOR-
13 ITY.—

14 (1) IN GENERAL.—Notwithstanding any other
15 provision of law (including any termination date re-
16 lating to the waiver referred to in this subsection),
17 the waiver by the Secretary of Homeland Security
18 on April 1, 2008, under section 102(c)(1) of the Ille-
19 gal Immigration Reform and Immigrant Responsi-
20 bility Act of 1996 (8 U.S.C. 1103 note; Public Law
21 104–208) of the laws described in paragraph (2)
22 with respect to certain sections of the international
23 borders between the United States and Mexico and
24 the United States and Canada shall be considered to
25 apply to all Federal land under the jurisdiction of

1 the Secretary of the Interior or the Secretary of Ag-
2 riculture within 100 miles of such international bor-
3 ders for the activities of U.S. Customs and Border
4 Protection described in subsection (b).

5 (2) DESCRIPTION OF LAWS WAIVED.—The laws
6 referred to in paragraph (1) are limited to the Wil-
7 derness Act (16 U.S.C. 1131 et seq.), the National
8 Environmental Policy Act of 1969 (42 U.S.C. 4321
9 et seq.), the Endangered Species Act of 1973 (16
10 U.S.C. 1531 et seq.), the National Historic Preser-
11 vation Act (16 U.S.C. 470 et seq.), Public Law 86-
12 523 (16 U.S.C. 469 et seq.), the Act of June 8,
13 1906 (commonly known as the “Antiquities Act of
14 1906”; 16 U.S.C. 431 et seq.), the Wild and Scenic
15 Rivers Act (16 U.S.C. 1271 et seq.), the Federal
16 Land Policy and Management Act of 1976 (43
17 U.S.C. 1701 et seq.), the National Wildlife Refuge
18 System Administration Act of 1966 (16 U.S.C.
19 668dd et seq.), the Fish and Wildlife Act of 1956
20 (16 U.S.C. 742a et seq.), the Fish and Wildlife Co-
21 ordination Act (16 U.S.C. 661 et seq.), subchapter
22 II of chapter 5, and chapter 7, of title 5, United
23 States Code (commonly known as the “Administra-
24 tive Procedure Act”), the National Park Service Or-
25 ganic Act (16 U.S.C. 1 et seq.), the General Au-

1 thorities Act of 1970 (Public Law 91-383) (16
2 U.S.C. 1a-1 et seq.), sections 401(7), 403, and 404
3 of the National Parks and Recreation Act of 1978
4 (Public Law 95-625, 92 Stat. 3467), and the Ari-
5 zona Desert Wilderness Act of 1990 (16 U.S.C.
6 1132 note; Public Law 101-628).

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

9 (1) authority to restrict legal uses, such as
10 grazing, hunting, mining, or public-use recreational
11 and backcountry airstrips on land under the jurisdic-
12 tion of the Secretary of the Interior or the Secretary
13 of Agriculture; or

14 (2) any additional authority to restrict legal ac-
15 cess to such land.

16 (e) EFFECT ON STATE AND PRIVATE LAND.—This
17 section shall—

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

20 (2) not provide authority on or access to State
21 or private lands.

22 (f) TRIBAL SOVEREIGNTY.—Nothing in this section
23 supersedes, replaces, negates, or diminishes treaties or
24 other agreements between the United States and Indian
25 tribes.

1 **SEC. 14. BIOMETRIC EXIT DATA SYSTEM.**

2 (a) ESTABLISHMENT.—The Secretary of Homeland
3 Security shall—

4 (1) not later than 180 days after the date of
5 the enactment of this Act, submit to the Committee
6 on Homeland Security and the Committee on the
7 Judiciary of the House of Representatives and the
8 Committee on Homeland Security and Governmental
9 Affairs and the Committee on the Judiciary of the
10 Senate an implementation plan to establish a bio-
11 metric exit data system to complete the integrated
12 biometric entry and exit data system required under
13 section 7208 of the Intelligence Reform and Ter-
14 rorism Prevention Act of 2004 (8 U.S.C. 1365b), in-
15 cluding—

16 (A) an integrated master schedule and cost
17 estimate, including requirements and design,
18 development, operational, and maintenance
19 costs, of such a system that takes into account
20 prior reports on such matters issued by the
21 Government Accountability Office and the De-
22 partment of Homeland Security;

23 (B) cost-effective staffing and personnel
24 requirements of such a system that leverages
25 existing resources of the Department of Home-
26 land Security that takes into account prior re-

1 ports on such matters issued by the Govern-
2 ment Accountability Office and the Department
3 of Homeland Security;

4 (C) a consideration of training programs
5 necessary to establish such a system that takes
6 into account prior reports on such matters
7 issued by the Government Accountability Office
8 and the Department of Homeland Security;

9 (D) a consideration of how such a system
10 will affect wait times that takes into account
11 prior reports on such matter issued by the Gov-
12 ernment Accountability Office and the Depart-
13 ment of Homeland Security;

14 (E) information received after consultation
15 with private sector stakeholders, including—

16 (i) the trucking industry;

17 (ii) the airport industry;

18 (iii) the airline industry;

19 (iv) the seaport industry;

20 (v) the travel industry; and

21 (vi) the biometric technology industry;

22 (F) a consideration of how trusted traveler
23 programs in existence as of the date of the en-
24 actment of this Act may be impacted by, or in-
25 corporated into, such a system;

1 (G) defined metrics of success and mile-
2 stones;

3 (H) identified risks and mitigation strate-
4 gies to address such risks; and

5 (I) a consideration of how other countries
6 have implemented a biometric exit data system;
7 and

8 (2) not later than two years after the date of
9 the enactment of this Act, establish a biometric exit
10 data system at—

11 (A) the 15 United States airports that
12 support the highest volume of international air
13 travel, as determined by available Federal flight
14 data;

15 (B) the 15 United States seaports that
16 support the highest volume of international sea
17 travel, as determined by available Federal travel
18 data; and

19 (C) the 15 United States land ports of
20 entry that support the highest volume of pedes-
21 trian crossings, as determined by available Fed-
22 eral border crossing data.

23 (b) IMPLEMENTATION.—

24 (1) PILOT PROGRAM AT LAND PORTS OF ENTRY
25 FOR NON-PEDESTRIAN OUTBOUND TRAFFIC.—Not

1 later than one year after the date of the enactment
2 of this Act, the Secretary of Homeland Security, in
3 collaboration with industry stakeholders, shall estab-
4 lish a six-month pilot program to test the biometric
5 exit data system referred to in subsection (a)(2) on
6 non-pedestrian outbound traffic at not fewer than
7 three land ports of entry with significant cross-bor-
8 der traffic, including at not fewer than two land
9 ports of entry on the southern border and at least
10 one land port of entry on the northern border. Such
11 pilot program may include a consideration of more
12 than one biometric mode, and shall be implemented
13 to determine the following:

14 (A) How a nationwide implementation of
15 such biometric exit data system at land ports of
16 entry shall be carried out.

17 (B) The infrastructure required to carry
18 out subparagraph (A).

19 (C) The effects of such pilot program on
20 legitimate travel and trade.

21 (D) The effects of such pilot program on
22 wait times, including processing times, for such
23 non-pedestrian traffic.

24 (E) Its effectiveness in combating ter-
25 rorism.

1 (F) Its effectiveness in identifying visa
2 holders who violate the terms of their visas.

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

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

12 (B) EXTENSION.—The Secretary of Home-
13 land Security may extend for a single two year
14 period the date specified in subparagraph (A) if
15 the Secretary certifies to the appropriate con-
16 gressional committees that the 15 land ports of
17 entry that support the highest volume of pas-
18 senger vehicles, as determined by available Fed-
19 eral data, do not have the physical infrastruc-
20 ture or characteristics to install the systems
21 necessary to implement a biometric exit data
22 system.

23 (3) AT AIR AND SEA PORTS OF ENTRY.—Not
24 later than five years after the date of the enactment
25 of this Act, the Secretary of Homeland Security

1 shall expand the biometric exit data system referred
2 to in subsection (a)(2) to all air and sea ports of
3 entry.

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

11 (c) EFFECTS ON AIR, SEA, AND LAND TRANSPOR-
12 TATION.—The Secretary of Homeland Security, in con-
13 sultation with appropriate private sector stakeholders,
14 shall ensure that the collection of biometric data under
15 this section causes the least possible disruption to the
16 movement of people or cargo in air, sea, or land transpor-
17 tation, while fulfilling the goals of improving counterter-
18 rorism efforts and identifying visa holders who violate the
19 terms of their visas.

20 (d) TERMINATION OF PROCEEDING.—Notwith-
21 standing any other provision of law, the Secretary of
22 Homeland Security shall, on the date of the enactment
23 of this Act, terminate the proceeding entitled “Collection
24 of Alien Biometric Data Upon Exit From the United
25 States at Air and Sea Ports of Departure”, issued on

1 April 24, 2008 (73 C.F.R. 22065; DHS Docket No. 2008–
2 0039).

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

5 (1) require that the biometric data that is ob-
6 tained for a person upon entry to the United States
7 is matched against the biometric data of such person
8 when such person exits the United States;

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

14 (3) be interoperable with, and allow matching
15 against, other Federal databases that store bio-
16 metrics of known or suspected terrorists, and visa
17 holders who have violated the terms of their visas.

18 (f) SCOPE.—

19 (1) IN GENERAL.—The biometric exit data sys-
20 tem established under this section shall include a re-
21 quirement for the collection of biometric exit data
22 for all categories of individuals who are required to
23 provide biometric entry data.

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

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

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

10 (i) PENALTIES FOR FAILURE TO MEET DEAD-
11 LINES.—

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

19 (A) The submission of the implementation
20 plan under subsection (a)(1).

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

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

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

3 (E) Any extension of the deadline for such
4 expansion authorized by the Secretary under
5 subsection (b)(2)(B)(ii).

6 (2) FUNCTIONS DESCRIBED.—The functions de-
7 scribed in this subparagraph are each of the fol-
8 lowing:

9 (A) Travel using government aircraft.

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

11 (C) Receipt of bonus pay.

12 (D) Receipt of any salary increase.

13 (j) CONGRESSIONAL REVIEW.—Not later than 90
14 days after the date of the enactment of this Act, the Sec-
15 retary of Homeland Security shall submit to the Com-
16 mittee on Homeland Security and the Committee on the
17 Judiciary of the House of Representatives and the Com-
18 mittee on Homeland Security and Governmental Affairs
19 and the Committee on the Judiciary of the Senate reports
20 and recommendations of the Department of Homeland Se-
21 curity Science and Technology Directorate's Air Entry
22 and Exit Re-Engineering Program and the reports and
23 recommendations of the U.S. Customs and Border Protec-
24 tion entry and exit mobility program demonstrations.

1 **SEC. 15. NORTHERN BORDER THREAT ANALYSIS.**

2 (a) **IN GENERAL.**—Not later than six months after
3 the date of the enactment of this Act, the Secretary of
4 Homeland Security shall submit to the appropriate con-
5 gressional committees a northern border threat analysis.
6 Such analysis, at a minimum, shall include the following:

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

10 (2) An analysis of improvements needed at
11 ports of entry along the northern border to prevent
12 terrorists and instruments of terror from entering
13 the United States.

14 (3) An analysis of gaps in law, policy, inter-
15 national agreements, or tribal agreements that
16 hinder the border security and counter-terrorism ef-
17 forts along the northern border.

18 (4) An analysis of unlawful cross border activity
19 between ports of entry, including the maritime bor-
20 ders of the Great Lakes.

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

25 (c) **REQUIRED NORTHERN BORDER CAPABILITY DE-**
26 **PLOYMENT.**—Not later than 18 months after the date of

1 the enactment of this Act, the Secretary of Homeland Se-
2 curity, acting through the appropriate component of the
3 Department of Homeland Security, shall, at a minimum,
4 deploy to each sector of the northern border, in a
5 prioritized, risk-based manner, the following additional ca-
6 pabilities:

7 (1) BLAINE SECTOR.—For the Blaine sector,
8 the following:

9 (A) Coastal radar surveillance systems.

10 (B) Mobile vehicle-mounted and man-port-
11 able surveillance systems.

12 (C) Advanced unattended surveillance sen-
13 sors.

14 (D) Improved agent communications capa-
15 bilities.

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

19 (F) Man-portable unmanned aerial vehi-
20 cles.

21 (G) Ultralight aircraft detection capability.

22 (H) Modernized port of entry surveillance
23 capabilities.

24 (I) Increased maritime interdiction capa-
25 bilities.

1 (2) SPOKANE SECTOR.—For the Spokane sec-
2 tor, the following:

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

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

7 (C) Improved agent communications capa-
8 bilities.

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

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

14 (F) Completion of six miles of the Bog
15 Creek road.

16 (G) Ultralight aircraft detection capabili-
17 ties.

18 (H) Modernized port of entry surveillance
19 capabilities.

20 (3) HAVRE SECTOR.—For the Havre sector, the
21 following:

22 (A) Mobile vehicle-mounted and man-port-
23 able surveillance systems.

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

1 (C) Improved agent communications capa-
2 bilities.

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

6 (E) Man-portable unmanned aerial vehi-
7 cles.

8 (F) Ultralight aircraft detection capabili-
9 ties.

10 (G) Modernized port of entry surveillance
11 capabilities.

12 (4) GRAND FORKS SECTOR.—For the Grand
13 Forks sector, the following:

14 (A) Mobile vehicle-mounted and man-port-
15 able surveillance systems.

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

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

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

23 (E) Man-portable unmanned aerial vehi-
24 cles.

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

3 (G) Modernized port of entry surveillance
4 capabilities.

5 (5) DETROIT SECTOR.—For the Detroit sector,
6 the following:

7 (A) Coastal radar surveillance systems.

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

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

12 (D) Improved agent communications capa-
13 bilities.

14 (E) Increased flight hours for aerial detec-
15 tion, interdiction, and monitoring operations ca-
16 pability.

17 (F) Man-portable unmanned aerial vehi-
18 cles.

19 (G) Ultralight aircraft detection capabili-
20 ties.

21 (H) Modernized port of entry surveillance
22 capabilities.

23 (I) Increased maritime interdiction capa-
24 bilities.

1 (6) BUFFALO SECTOR.—For the Buffalo sector,
2 the following:

3 (A) Coastal radar surveillance systems.

4 (B) Mobile vehicle-mounted and man-port-
5 able surveillance systems.

6 (C) Advanced unattended surveillance sen-
7 sors.

8 (D) Improved agent communications capa-
9 bilities.

10 (E) Increased flight hours for aerial detec-
11 tion, interdiction, and monitoring operations ca-
12 pability.

13 (F) Man-portable unmanned aerial vehi-
14 cles.

15 (G) Ultralight aircraft detection capabili-
16 ties.

17 (H) Modernized port of entry surveillance
18 capabilities.

19 (I) Increased maritime interdiction capa-
20 bilities.

21 (7) SWANTON SECTOR.—For the Swanton sec-
22 tor, the following:

23 (A) Mobile vehicle-mounted and man-port-
24 able surveillance systems.

1 (B) Advanced unattended surveillance sen-
2 sors.

3 (C) Improved agent communications capa-
4 bilities.

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

8 (E) Man-portable unmanned aerial vehi-
9 cles.

10 (F) Ultralight aircraft detection capabili-
11 ties.

12 (G) Modernized port of entry surveillance
13 capabilities.

14 (8) HOULTON SECTOR.—For the Houlton sec-
15 tor, the following:

16 (A) Mobile vehicle-mounted and man-port-
17 able surveillance systems.

18 (B) Advanced unattended surveillance sen-
19 sors.

20 (C) Improved agent communications capa-
21 bilities.

22 (D) Increased flight hours for aerial detec-
23 tion, interdiction, and monitoring operations ca-
24 pability.

1 (E) Man-portable unmanned aerial vehi-
2 cles.

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

5 (G) Modernized port of entry surveillance
6 capabilities.

7 (d) ADHERENCE TO CERTAIN STANDARDS.—The
8 Under Secretary for Management of the Department of
9 Homeland Security, in coordination with the Assistant
10 Commissioner of the Office of Administration of U.S. Cus-
11 toms and Border Protection, shall ensure component pro-
12 gram managers who are responsible for carrying out this
13 section adhere to internal control standards identified by
14 the Comptroller General of the United States. The Assist-
15 ant Commissioner shall provide information, as needed, to
16 assist the Under Secretary for Management in monitoring
17 proper program management of border security programs
18 carried out pursuant to this section.

19 **SEC. 16. 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 **SEC. 17. 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. 18. REIMBURSEMENT OF STATES FOR DEPLOYMENT**
21 **OF NATIONAL GUARD TO THE SOUTHERN**
22 **BORDER.**

23 Of the amounts authorized to be appropriate pursu-
24 ant to section 21, not more than \$35,000,000 may be used
25 for any fiscal year to reimburse States for the cost of the
26 deployment of any units or personnel of the National

1 Guard to perform operations and missions under State Ac-
2 tive Duty status in support of a southern land border mis-
3 sion.

4 **SEC. 19. DEFINITIONS.**

5 In this Act:

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

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

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

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

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

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

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

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

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

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

23 (11) TRANSIT ZONE.—The term “transit zone”
24 means the sea corridors of the western Atlantic
25 Ocean, the Gulf of Mexico, the Caribbean Sea, and

1 the eastern Pacific Ocean through which undocu-
2 mented migrants and illicit drugs transit, either di-
3 rectly or indirectly, to the United States.

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

8 **SEC. 20. OPERATION OF THE BORDER PATROL.**

9 The Border Patrol shall operate using intelligence-
10 based operations to combat terrorist and transnational
11 criminal threats along the international borders of the
12 United States. In carrying out this section, the Border Pa-
13 trol shall coordinate with international, Federal, State,
14 local, and tribal law enforcement partners.

15 **SEC. 21. AUTHORIZATION OF APPROPRIATIONS.**

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

