H. R. 3548

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

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2017

Mr. McCaul (for himself, Mr. Thornberry, Mr. Sessions, Mr. Bishop of Utah, Mr. Shuster, Mr. Smith of Texas, Mr. Brady of Texas, Mr. Conaway, Mr. Hensarling, Mr. Carter of Texas, Ms. Granger, Mr. Calvert, Mr. King of New York, Ms. McSally, Mr. Katko, Mr. Donovan, Mr. Ratcliffe, Mr. Higgins of Louisiana, Mr. Estes of Kansas, Mr. Poe of Texas, Mr. Olson, Mr. Burgess, Mr. Marchant, Mr. Farenthold, Mr. Sam Johnson of Texas, Mr. Arrington, Mr. Boustead, Mr. Weber of Texas, Mr. Williams, Mr. Babin, Mr. Barton, Mr. Flores, Mr. Meadows, Mr. Hunter, Mr. Cook, Mr. Bridenstine, Mr. Palazzo, Mr. Bergman, Mr. Kelly of Mississippi, Mr. Collins of New York, Mr. Poliquin, Mr. Franks of Arizona, Mr. Goodlatte, Mr. Cramer, and Mr. Loudermilk) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Armed Services, Foreign Affairs, Natural Resources, Agriculture, Transportation and Infrastructure, Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To make certain improvements to the security of the international borders of the United States, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the “Border Security for America Act of 2017”.
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

TITLE I—BORDER SECURITY

Sec. 101. Definitions.

Subtitle A—Infrastructure and Equipment

Sec. 102. Strengthening the requirements for barriers along the southern bor-
der.
Sec. 103. Air and Marine Operations flight hours.
Sec. 104. Capability deployment to specific sectors and regions.
Sec. 105. U.S. Border Patrol physical infrastructure improvements.
Sec. 106. U.S. Border Patrol activities.
Sec. 107. U.S. Border Patrol forward operating bases.
Sec. 108. Border security technology program management.
Sec. 109. National Guard support to secure the southern border and reimburs-
ment of States for deployment of the National Guard at the southern border.
Sec. 110. Operation Phalanx.
Sec. 111. Merida Initiative.
Sec. 112. Prohibitions on actions that impede border security on certain Fed-
eral land.
Sec. 113. Landowner and rancher security enhancement.
Sec. 114. Eradication of carrizo cane and salt cedar.
Sec. 115. Southern border threat analysis.

Subtitle B—Personnel

Sec. 131. Additional U.S. Customs and Border Protection agents and officers.
Sec. 132. U.S. Customs and Border Protection retention incentives.
Sec. 133. Anti-Border Corruption Reauthorization Act.

Subtitle C—Grants

Sec. 141. Operation Stonegarden.

Subtitle D—Authorization of Appropriations

Sec. 151. Authorization of appropriations.
TITLE II—EMERGENCY PORT OF ENTRY PERSONNEL AND INFRASTRUCTURE FUNDING

Sec. 201. Ports of entry infrastructure.
Sec. 203. Border security deployment program.
Sec. 204. Pilot and upgrade of license plate readers at ports of entry.
Sec. 205. Biometric exit data system.
Sec. 206. Sense of Congress on cooperation between agencies.
Sec. 207. Authorization of appropriations.

TITLE I—BORDER SECURITY

SEC. 101. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term “appropriate congressional committee” has the meaning given the term in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).

(2) COMMISSIONER.—The term “Commissioner” means the Commissioner of U.S. Customs and Border Protection.

(3) HIGH TRAFFIC AREAS.—The term “high traffic areas” has the meaning given the term in section 102(c)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 102 of this Act.

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

(5) SITUATIONAL AWARENESS.—The term “situational awareness” has the meaning given the term in section 1092(a)(7) of the National Defense Au-
Subtitle A—Infrastructure and Equipment

SEC. 102. STRENGTHENING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER.

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

(1) by amending subsection (a) to read as follows:

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

(2) in subsection (b)—

(A) in the subsection heading, by striking “FENCING” and inserting “PHYSICAL BARRIERS”;

(B) in paragraph (1)—
(i) in subparagraph (A), by inserting “situational awareness and” before “oper-
tional control”;

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

“(B) TACTICAL INFRASTRUCTURE.—

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

“(ii) TACTICAL INFRASTRUCTURE DE-
FINED.—In this subparagraph, the term ‘tactical infrastructure’ includes—

“(I) boat ramps, access gates, forward operating bases, checkpoints,
lighting, and roads; and

“(II) physical barriers (including fencing, border wall system, and levee
walls).”; and
(iii) in subparagraph (C)(i), by striking “fencing is” and inserting “physical barriers are”;

(C) in paragraph (2)—

(i) by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

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

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

“(3) AGENT SAFETY.—In carrying out this section, the Secretary of Homeland Security may not construct reinforced fencing or tactical infrastructure, as the case may be, that would, in any manner, impede or negatively affect the safety of any officer or agent of the Department of Homeland Security or of any other Federal agency.”;

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

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security is authorized to waive all legal requirements the Secretary, in the Secretary’s sole discretion, determines
necessary to ensure the expeditious construction, installation, operation, and maintenance of the tactical infrastructure and technology under this section. Any such decision by the Secretary shall be effective upon publication in the Federal Register.”; and

(4) by adding after subsection (c) the following new subsections:

“(d) Construction, Installation, and Maintenance of Technology.—

“(1) In general.—Not later than January 20, 2021, the Secretary of Homeland Security, in carrying out subsection (a), shall deploy the most practical and effective technology available along the United States border for achieving situational awareness and operational control of the border.

“(2) Technology defined.—In this subsection, the term ‘technology’ includes border surveillance and detection technology, including—

“(A) radar surveillance systems;

“(B) Vehicle and Dismount Exploitation Radars (VADER);

“(C) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology;

“(D) sensors;
“(E) unmanned cameras; and
“(F) man-portable and mobile vehicle-
mounted unmanned aerial vehicles.
“(e) DEFINITIONS.—In this section:
“(1) HIGH TRAFFIC AREAS.—The term ‘high
traffic areas’ means sectors along the northern,
southern, or coastal border that—
“(A) are within the responsibility of U.S.
Customs and Border Protection; and
“(B) have significant unlawful cross-border
activity.
“(2) SITUATIONAL AWARENESS DEFINED.—The
term ‘situational awareness’ has the meaning given
the term in section 1092(a)(7) of the National De-
fense Authorization Act for Fiscal Year 2017 (Pub-
ic Law 114–328).”.

SEC. 103. AIR AND MARINE OPERATIONS FLIGHT HOURS.
(a) INCREASED FLIGHT HOURS.—The Secretary
shall ensure that not fewer than 95,000 annual flight
hours are carried out by Air and Marine Operations of
U.S. Customs and Border Protection.
(b) UNMANNED AERIAL SYSTEM.—The Secretary
shall ensure that Air and Marine Operations operate un-
manned aerial systems for not less than 24 hours per day
for five days per week.
(c) CONTRACT AIR SUPPORT AUTHORIZATION.—The Commissioner shall contract for the unfulfilled identified air support mission critical hours, as identified by the Chief of the U.S. Border Patrol.

(d) PRIMARY MISSION.—The Commissioner shall ensure that—

(1) the primary mission for Air and Marine Operations is to directly support U.S. Border Patrol activities along the southern border of the United States; and

(2) the Executive Associate Commissioner of Air and Marine Operations assigns the greatest priority to support missions established by the Commissioner to carry out the requirements under this Act.

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

(1) identify critical flight hour requirements; and

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

(f) STUDY AND REPORT.—
(1) **STUDY.**—Not later than 60 days after the date of the enactment of this Act, the Secretary shall commence a comprehensive study on the realignment of the Air and Marine Office as a directorate of U.S. Border Patrol.

(2) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing the results of the study under paragraph (1), including recommendations and timeframes for implementing the realignment described in such paragraph.

**SEC. 104. CAPABILITY DEPLOYMENT TO SPECIFIC SECTORS AND REGIONS.**

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

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

(A) Subterranean surveillance and detection technologies.

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

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

(ii) Unmanned aerial vehicles with maritime surveillance capability.

(iii) Maritime patrol aircraft.

(iv) Coastal radar surveillance systems.

(v) Maritime signals intelligence capabilities.

(C) Ultralight aircraft detection capabilities.

(D) Advanced unattended surveillance sensors.

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

(F) Mobile vehicle-mounted and man-portable surveillance capabilities.
(2) **El Centro Sector.**—For the El Centro sector, the following:

(A) Tower-based surveillance technology.

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

(C) Man-portable unmanned aerial vehicles.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

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

(3) **Yuma Sector.**—For the Yuma sector, the following:

(A) Tower-based surveillance technology.

(B) Mobile vehicle-mounted and man-portable surveillance systems.

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

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.
(F) A rapid reaction capability supported by aviation assets.

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

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

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Man-portable unmanned aerial vehicles.

(C) Tower-based surveillance technology.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

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

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

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

(A) Tower-based surveillance technology.
(B) Ultralight aircraft detection capabilities.

(C) Advanced unattended surveillance sensors.

(D) Mobile vehicle-mounted and man-portable surveillance systems.

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

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

(G) Man-portable surveillance capabilities.

(6) BIG BEND SECTOR.—For the Big Bend sector, the following:

(A) Tower-based surveillance technology.

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

(C) Improved agent communications capabilities.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.
(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

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

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

(B) Improved agent communications capabilities.

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

(D) Advanced unattended surveillance sensors.

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

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

(G) Man-portable unmanned aerial vehicles.

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

(A) Maritime detection resources for the Falcon Lake region.
(B) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

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

(D) Ultralight aircraft detection capability.

(E) Advanced unattended surveillance sensors.

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

(G) Man-portable unmanned aerial vehicles.

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

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

(B) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(C) Ultralight aircraft detection capability.

(D) Advanced unattended surveillance sensors.

(E) Increased monitoring for cross-river dams, culverts, footpaths.
(F) A rapid reaction capability supported by aviation assets.

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(10) EASTERN PACIFIC MARITIME REGION.—For the Eastern Pacific Maritime region, the following:

(A) Not later than two years after the date of the enactment of this Act, an increase of not less than ten percent in the number of overall cutter, boat, and aircraft hours spent conducting interdiction operations over the average number of such hours during the preceding three fiscal years.

(B) Increased maritime signals intelligence capabilities.

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

(i) Unmanned aerial vehicles with maritime surveillance capability.

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

(11) CARIBBEAN AND GULF MARITIME REGION.—For the Caribbean and Gulf Maritime region, the following:

(A) Not later than two years after the date of the enactment of this Act, an increase of not less than ten percent in the number of overall cutter, boat, and aircraft hours spent conducting interdiction operations over the average number of such hours during the preceding three fiscal years.

(B) Increased maritime signals intelligence capabilities.

(C) Increased maritime domain awareness and surveillance capabilities, including the following:

(i) Unmanned aerial vehicles with maritime surveillance capability.

(ii) Increased maritime aviation patrol hours.
(iii) Coastal radar surveillance systems with long range day and night cameras capable of providing 100 percent maritime domain awareness of the United States territorial waters surrounding Puerto Rico, Mona Island, Desecheo Island, Vieques Island, Culebra Island, Saint Thomas, Saint John, and Saint Croix.

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

(12) BLAINE SECTOR.—For the Blaine sector, the following:

(A) Coastal radar surveillance systems.

(B) Mobile vehicle-mounted and man-portable surveillance capabilities.

(C) Advanced unattended surveillance sensors.

(D) Improved agent communications systems.
(E) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(F) Man-portable unmanned aerial vehicles.

(G) Ultralight aircraft detection capabilities.

(H) Modernized port of entry surveillance capabilities.

(I) Increased maritime interdiction capabilities.

(13) SPOKANE SECTOR.—For the Spokane sector, the following:

(A) Mobile vehicle-mounted and man-portable surveillance capabilities.

(B) Advanced unattended surveillance sensors.

(C) Improved agent communications systems.

(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(E) Man-portable unmanned aerial vehicles.
(F) Completion of six miles of the Bog Creek road.

(G) Ultralight aircraft detection capabilities.

(H) Modernized port of entry surveillance capabilities.

(I) Increased maritime interdiction capabilities.

(14) HAVRE SECTOR.—For the Havre sector, the following:

(A) Mobile vehicle-mounted and man-portable surveillance capabilities.

(B) Advanced unattended surveillance sensors.

(C) Improved agent communications systems.

(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(E) Man-portable unmanned aerial vehicles.

(F) Ultralight aircraft detection capabilities.

(G) Modernized port of entry surveillance capabilities.
(15) GRAND FORKS SECTOR.—For the Grand Forks sector, the following:

(A) Mobile vehicle-mounted and man-portable surveillance capabilities.

(B) Advanced unattended surveillance sensors.

(C) Improved agent communications systems.

(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(E) Man-portable unmanned aerial vehicles.

(F) Ultralight aircraft detection capabilities.

(G) Modernized port of entry surveillance capabilities.

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

(A) Coastal radar surveillance systems.

(B) Mobile vehicle-mounted and man-portable surveillance capabilities.

(C) Advanced unattended surveillance sensors.
(D) Improved agent communications systems.

(E) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(F) Man-portable unmanned aerial vehicles.

(G) Ultralight aircraft detection capabilities.

(H) Modernized port of entry surveillance capabilities.

(I) Increased maritime interdiction capabilities.

(17) BUFFALO SECTOR.—For the Buffalo sector, the following:

(A) Coastal radar surveillance systems.

(B) Mobile vehicle-mounted and man-portable surveillance capabilities.

(C) Advanced unattended surveillance sensors.

(D) Improved agent communications systems.

(E) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(F) Man-portable unmanned aerial vehicles.

(G) Ultralight aircraft detection capabilities.

(H) Modernized port of entry surveillance capabilities.

(I) Increased maritime interdiction capabilities.

(18) SWANTON SECTOR.—For the Swanton sector, the following:

(A) Mobile vehicle-mounted and man-portable surveillance capabilities.

(B) Advanced unattended surveillance sensors.

(C) Improved agent communications systems.

(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(E) Man-portable unmanned aerial vehicles.

(F) Ultralight aircraft detection capabilities.

(G) Modernized port of entry surveillance capabilities.
(19) Houlton sector.—For the Houlton sector, the following:

(A) Mobile vehicle-mounted and man-portable surveillance capabilities.

(B) Advanced unattended surveillance sensors.

(C) Improved agent communications systems.

(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(E) Man-portable unmanned aerial vehicles.

(F) Ultralight aircraft detection capabilities.

(G) Modernized port of entry surveillance capabilities.

(b) Tactical Flexibility.—

(1) Southern and Northern land borders.—The Secretary may alter the capability deployment referred to in this section if the Secretary determines, after notifying the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, that such alteration is re-
quired to enhance situational awareness or oper-
ational control.

(2) MARITIME BORDER.—

(A) NOTIFICATION.—The Commandant of
the Coast Guard shall notify the Committee on
Homeland Security and Governmental Affairs
of the Senate, the Committee on Commerce,
Science, and Transportation of the Senate, the
Committee on Homeland Security of the House
of Representatives, and the Committee on
Transportation and Infrastructure of the House
of Representatives regarding the capability de-
ployments referred to in this section, including
information relating to—

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

(ii) the impact such deployments have
on the capability of the Coast Guard to
conduct its mission in each of the sectors
referred to in paragraphs (10) and (11) of
subsection (a).

(B) ALTERATION.—The Commandant of
the Coast Guard may alter the capability de-
ployments referred to in this section if the
Commandant—
(i) determines, after consultation with the committees referred to in subpara-
graph (A), that such alteration is nec-
essary; and

(ii) not later than 30 days after mak-
ing a determination under clause (i), noti-
ﬁes the committees referred to in such subpar-
graph regarding such alteration, in-
cluding information relating to—

(I) the number and types of as-
sets and personnel deployed pursuant
to such alteration; and

(II) the impact such alteration
has on the capability of the Coast
Guard to conduct its mission in each
of the sectors referred to in subsection
(a).

SEC. 105. U.S. BORDER PATROL PHYSICAL INFRASTRUC-
TURE IMPROVEMENTS.

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

(1) U.S. Border Patrol stations;

(2) U.S. Border Patrol checkpoints;
(3) mobile command centers; and
(4) other necessary facilities, structures, and
properties.

SEC. 106. U.S. BORDER PATROL ACTIVITIES.
The Chief of the U.S. Border Patrol shall direct
agents of the U.S. Border Patrol to patrol as close to the
physical land border as possible, consistent with the acces-
sibility to such areas.

SEC. 107. U.S. BORDER PATROL FORWARD OPERATING
BASES.
(a) UPGRADES AND MAINTENANCE FOR FORWARD
OPERATING BASES.—Not later than January 20, 2021,
the Secretary shall upgrade existing forward operating
bases of U.S. Border Patrol on or near the southern bor-
der to ensure that such bases meet the minimum require-
ments set forth in subsection (b).
(b) MINIMUM REQUIREMENTS.—Each forward oper-
ating base operated by U.S. Customs and Border Protec-
tion shall be equipped with—
(1) perimeter security;
(2) short-term detention space (separate from
existing housing facilities);
(3) portable generators or shore power suffi-
cient to meet the power requirements for the base;
(4) interview rooms;
adequate communications, including wide
area network connectivity;

(6) cellular service;

(7) potable water; and

(8) a helicopter landing zone.

SEC. 108. BORDER SECURITY TECHNOLOGY PROGRAM
MANAGEMENT.

(a) In General.—Subtitle C of title IV of the
is amended by adding at the end the following new section:

“SEC. 434. BORDER SECURITY TECHNOLOGY PROGRAM
MANAGEMENT.

“(a) Major Acquisition Program Defined.—In
this section, the term ‘major acquisition program’ means
an acquisition program of the Department that is esti-
mated by the Secretary to require an eventual total ex-
penditure of at least $300,000,000 (based on fiscal year
2017 constant dollars) over its life cycle cost.

“(b) Planning Documentation.—For each border
security technology acquisition program of the Depart-
ment that is determined to be a major acquisition pro-
gram, the Secretary shall—

“(1) ensure that each such program has a writ-
ten acquisition program baseline approved by the
relevant acquisition decision authority;
“(2) document that each such program is meeting cost, schedule, and performance thresholds as specified in such baseline, in compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and
“(3) have a plan for meeting program implementation objectives by managing contractor performance.
“(c) Adherence to Standards.—The Secretary, acting through the Under Secretary for Management and the Commissioner of U.S. Customs and Border Protection, shall ensure border security technology acquisition program managers who are responsible for carrying out this section adhere to relevant internal control standards identified by the Comptroller General of the United States. The Commissioner shall provide information, as needed, to assist the Under Secretary in monitoring management of border security technology acquisition programs under this section.
“(d) Plan.—The Secretary, acting through the Under Secretary for Management, in coordination with the Under Secretary for Science and Technology and the Commissioner of U.S. Customs and Border Protection, shall submit a plan to the appropriate congressional committees for testing, evaluating, and using independent
verification and validation resources for border security technology. Under the plan, new border security technologies shall be evaluated through a series of assessments, processes, and audits to ensure—

“(1) compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

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

(b) Clerical Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 433 the following new item:

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

(e) Prohibition on Additional Authorization of Appropriations.—No additional funds are authorized to be appropriated to carry out section 434 of the Homeland Security Act of 2002, as added by subsection (a). Such section shall be carried out using amounts otherwise authorized for such purposes.

SEC. 109. NATIONAL GUARD SUPPORT TO SECURE THE SOUTHERN BORDER AND REIMBURSEMENT OF STATES FOR DEPLOYMENT OF THE NATIONAL GUARD AT THE SOUTHERN BORDER.

(a) In General.—With the approval of the Secretary of Defense, the Secretary or the Governor of a State may order any units or personnel of the National
Guard of such State to perform operations and missions under section 502(f) of title 32, United States Code, along the southern border for the purposes of assisting U.S. Customs and Border Protection to secure the southern border.

(b) Assignment of Operations and Missions.—

(1) In general.—National Guard units and personnel deployed under subsection (a) may be assigned such operations and missions specified in subsection (c) as may be necessary to secure the southern border.

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

(c) Range of Operations and Missions.—The operations and missions assigned under subsection (b) shall include the temporary authority to—

(1) construct reinforced fencing or other barriers;

(2) conduct ground-based surveillance systems;

(3) operate unmanned and manned aircraft;

(4) provide radio communications interoperability between U.S. Customs and Border Protection
and State, local, and tribal law enforcement agencies; and

(5) construct checkpoints along the southern border to bridge the gap to long-term permanent checkpoints.

(d) Materiel and Logistical Support.—The Secretary of Defense shall deploy such materiel, equipment, and logistical support as may be necessary to ensure success of the operations and missions conducted by the National Guard under this section.

(e) Exclusion From National Guard Personnel Strength Limitations.—National Guard personnel deployed under subsection (a) shall not be included in—

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

(2) limits on the number of National Guard personnel that may be placed on active duty for operational support under section 115 of title 10, United States Code.

(f) Reimbursement Required.—

(1) In General.—The Secretary of Defense shall reimburse States for the cost of the deployment of any units or personnel of the National Guard to
perform operations and missions in full-time State Active Duty in support of a southern border mission. The Secretary of Defense may not seek reimbursement from the Secretary for any reimbursements paid to States for the costs of such deployments.

(2) LIMITATION.—The total amount of reimbursements under this section may not exceed $35,000,000 for any fiscal year.

SEC. 110. OPERATION PHALANX.

(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary, shall provide assistance to U.S. Customs and Border Protection for purposes of increasing ongoing efforts to secure the southern border.

(b) TYPES OF ASSISTANCE AUTHORIZED.—The assistance provided under subsection (a) may include—

(1) deployment of manned aircraft, unmanned aerial surveillance systems, and ground-based surveillance systems to support continuous surveillance of the southern border; and

(2) intelligence analysis support.

(c) MATERIEL AND LOGISTICAL SUPPORT.—The Secretary of Defense may deploy such materiel, equipment, and logistics support as may be necessary to ensure the effectiveness of the assistance provided under subsection (a).
(d) **Authorization of Appropriations.—** There are authorized to be appropriated for the Department of Defense $75,000,000 to provide assistance under this section. The Secretary of Defense may not seek reimbursement from the Secretary for any assistance provided under this section.

(e) **Reports.—**

(1) **In General.—** Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Secretary of Defense shall submit a report to the appropriate congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code) regarding any assistance provided under subsection (a) during the period specified in paragraph (3).

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

(A) the assistance provided;

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

(C) the amounts obligated to provide such assistance.

(3) **Period Specified.—** The period specified in this paragraph is—
(A) in the case of the first report required under paragraph (1), the 90-day period beginning on the date of the enactment of this Act; and

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

SEC. 111. MERIDA INITIATIVE.

(a) Sense of Congress.—It is the sense of Congress that assistance to Mexico, including assistance from the Department of State and the Department of Defense and any aid related to the Merida Initiative should—

(1) focus on providing enhanced border security and judicial reform and support for Mexico’s drug crop eradication efforts; and

(2) return to its original focus and prioritize security, training, and acquisition of equipment for Mexican security forces involved in drug crop eradication efforts.

(b) Assistance for Mexico.—The Secretary of State, in coordination with the Secretary and the Secretary of Defense, shall provide assistance to Mexico to—

(1) combat drug trafficking and related violence, organized crime, and corruption;
(2) build a modern border security system capable of preventing illegal migration;

(3) support border security and cooperation with United States law enforcement agencies on border incursions;

(4) support judicial reform, institution building, and rule of law activities; and

(5) provide for training and equipment for Mexican security forces involved in drug crop eradication efforts.

(c) ALLOCATION OF FUNDS; REPORT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, 50 percent of any assistance appropriated in any appropriations Act to implement this section shall be withheld until after the Secretary of State submits a written report to the congressional committees specified in paragraph (3) certifying that the Government of Mexico is—

(A) significantly reducing illegal migration, drug trafficking, and cross-border criminal activities; and

(B) improving the transparency and accountability of Mexican Federal police forces and working with Mexican State and municipal authorities to improve the transparency and ac-
countability of Mexican State and municipal police forces.

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

(A) actions taken by the Government of Mexico to address the matters described in such paragraph; and

(B) any instances in which the Secretary determines that the actions taken by the Government of Mexico are inadequate to address such matters.

(3) CONGRESSIONAL COMMITTEES SPECIFIED.—The congressional committees specified in this paragraph are—

(A) the Committee on Appropriations of the Senate;

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

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on Appropriations of the House of Representatives;

(E) the Committee on Homeland Security of the House of Representatives; and
(F) the Committee on the Judiciary of the
House of Representatives.

(d) NOTIFICATIONS.—Any assistance made available
by the Secretary of State under this section shall be sub-
ject to—

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

(2) the notification requirements of—

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

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

(C) the Committee on Homeland Security
of the House of Representatives; and

(D) the Committee on the Judiciary of the
House of Representatives.

(e) SPENDING PLAN.—

(1) IN GENERAL.—Not later than 45 days after
the date of the enactment of this Act, the Secretary
of State shall submit to the congressional commit-
tees specified in paragraph (2) a detailed spending
plan for assistance to Mexico under this section,
which shall include a strategy, developed after con-
sulting with relevant authorities of the Government of Mexico, for—

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

(B) anti-corruption and rule of law activities, which shall include concrete goals, actions to be taken, budget proposals, and a description of anticipated results.

(2) CONGRESSIONAL COMMITTEES SPECIFIED.—The congressional committees specified in this paragraph are—

(A) the Committee on Appropriations of the Senate;

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

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

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

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

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

(G) the Committee on Homeland Security of the House of Representatives; and
(H) the Committee on the Judiciary of the House of Representatives.

SEC. 112. PROHIBITIONS ON ACTIONS THAT IMPEDE BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) Prohibition on Interference with U.S. Customs and Border Protection.—

(1) In general.—The Secretary concerned shall not impede, prohibit, or restrict activities of U.S. Customs and Border Protection on covered Federal land to execute search and rescue operations or to prevent all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband through the southern border or the northern border.

(2) Applicability.—The authority of U.S. Customs and Border Protection to conduct activities described in paragraph (1) on covered Federal land applies without regard to whether a state of emergency exists.

(b) Authorized Activities of U.S. Customs and Border Protection.—

(1) In general.—U.S. Customs and Border Protection shall have immediate access to covered Federal land to conduct the activities described in
paragraph (2) on such land to prevent all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband through the southern border or the northern border.

(2) Activities described.—The activities described in this paragraph are—

(A) the use of vehicles to patrol the border area, apprehend illegal entrants, and rescue individuals; and

(B) the construction, installation, operation and maintenance of tactical infrastructure and border technology described in section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by section 102 of this Act).

(c) Clarification relating to waiver authority.—

(1) In general.—The activities of U.S. Customs and Border Protection described in subsection (b)(2) may be carried out without regard to the provisions of law specified in paragraph (2).

(2) Provisions of law specified.—The provisions of law specified in this section are all Federal, State, or other laws, regulations, and legal re-
requirements of, deriving from, or related to the subject of, the following laws:


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

(D) Division A of subtitle III of title 54, United States Code (54 U.S.C. 300301 et seq.) (formerly known as the “National Historic Preservation Act”).


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


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


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

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

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

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

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


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

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


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

(W) Subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

(X) The Otay Mountain Wilderness Act of 1999 (Public Law 106–145).

(Y) Sections 102(29) and 103 of the California Desert Protection Act of 1994 (Public Law 103–433).

(Z) Division A of subtitle I of title 54, United States Code (formerly known as the “National Park Service Organic Act”).

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

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

(CC) Sections 301(a) through (f) of the Arizona Desert Wilderness Act (Public Law 101–628).

(EE) The Eagle Protection Act (16 U.S.C. 668 et seq.).


(3) Applicability of waiver to successor laws.—If a provision of law specified in paragraph (2) was repealed and incorporated into title 54, United States Code, after April 1, 2008, and before the date of the enactment of this Act, the waiver described in paragraph (1) shall apply to the provision of such title that corresponds to the provision of law specified in paragraph (2) to the same extent the waiver applied to that provision of law.
(d) **Protection of Legal Uses.**—This section may not be construed to provide—

(1) authority to restrict legal uses, such as grazing, hunting, mining, or recreation or the use of backcountry airstrips, on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture; or

(2) any additional authority to restrict legal access to such land.

(e) **Effect on State and Private Land.**—This section shall—

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

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

(f) **Tribal Sovereignty.**—Nothing in this section may be construed to supersede, replace, negate, or diminish treaties or other agreements between the United States and Indian tribes.

(g) **Definitions.**—In this section:

(1) **Covered Federal Land.**—The term “covered Federal land” includes all land under the control of the Secretary concerned that is located within 100 miles of the southern border or the northern border.
(2) Secretary concerned.—The term “Secretary concerned” means—

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

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

SEC. 113. LANDOWNER AND RANCHER SECURITY ENHANCEMENT.

(a) Establishment of National Border Security Advisory Committee.—The Secretary shall establish a National Border Security Advisory Committee, which—

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

(A) verifying security claims and the border security metrics established by the Department of Homeland Security under section 1092 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223); and
(B) discussing ways to improve the security of high traffic areas along the northern border and the southern border; and

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

(b) CONSIDERATION OF VIEWS.—The Secretary shall consider the information, advice, and recommendations of the National Border Security Advisory Committee in formulating policy regarding matters affecting border security.

(c) MEMBERSHIP.—The National Border Security Advisory Committee shall consist of at least one member from each State who—

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

(2) lives and works in the United States within 80 miles from the southern border or the northern border.

(d) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the National Border Security Advisory Committee.
SEC. 114. ERADICATION OF CARRIZO CANE AND SALT CEDAR.

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

SEC. 115. SOUTHERN BORDER THREAT ANALYSIS.

(a) Threat Analysis.—

(1) Requirement.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a southern border threat analysis.

(2) Contents.—The analysis submitted under paragraph (1) shall include an assessment of—

(A) current and potential terrorism and criminal threats posed by individuals and organized groups seeking—

(i) to unlawfully enter the United States through the southern border; or

(ii) to exploit security vulnerabilities along the southern border;

(B) improvements needed at and between ports of entry along the southern border to pre-
vent terrorists and instruments of terror from entering the United States;

(C) gaps in law, policy, and coordination between State, local, or tribal law enforcement, international agreements, or tribal agreements that hinder effective and efficient border security, counterterrorism, and anti-human smuggling and trafficking efforts;

(D) the current percentage of situational awareness achieved by the Department along the southern border;

(E) the current percentage of operational control (as defined in section 2 of the Secure Fence Act of 2006 (8 U.S.C. 1701 note)) achieved by the Department on the southern border; and

(F) traveler crossing times and any potential security vulnerability associated with prolonged wait times.

(3) **ANALYSIS REQUIREMENTS.**—In compiling the southern border threat analysis required under this subsection, the Secretary shall consider and examine—

(A) the technology needs and challenges, including such needs and challenges identified
as a result of previous investments that have not fully realized the security and operational benefits that were sought;

(B) the personnel needs and challenges, including such needs and challenges associated with recruitment and hiring;

(C) the infrastructure needs and challenges;

(D) the roles and authorities of State, local, and tribal law enforcement in general border security activities;

(E) the status of coordination among Federal, State, local, tribal, and Mexican law enforcement entities relating to border security;

(F) the terrain, population density, and climate along the southern border; and

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

(4) CLASSIFIED FORM.—To the extent possible, the Secretary shall submit the southern border threat analysis required under this subsection in unclassified form, but may submit a portion of the threat analysis in classified form if the Secretary determines such action is appropriate.
(b) U.S. Border Patrol Strategic Plan.—

(1) In general.—Not later than the later of 180 days after the submission of the threat analysis required under subsection (a) or June 30, 2018, and every five years thereafter, the Secretary, acting through the Chief of the U.S. Border Patrol, and in consultation with the Office for Civil Rights and Civil Liberties of the Department, shall issue a Border Patrol Strategic Plan.

(2) Contents.—The Border Patrol Strategic Plan required under this subsection shall include a consideration of—

(A) the southern border threat analysis required under subsection (a), with an emphasis on efforts to mitigate threats identified in such threat analysis;

(B) efforts to analyze and disseminate border security and border threat information between border security components of the Department and other appropriate Federal departments and agencies with missions associated with the southern border;

(C) efforts to increase situational awareness, including—
(i) surveillance capabilities, including capabilities developed or utilized by the Department of Defense, and any appropriate technology determined to be excess by the Department of Defense; and

(ii) the use of manned aircraft and unmanned aerial systems, including camera and sensor technology deployed on such assets;

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

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

(F) efforts to focus intelligence collection to disrupt transnational criminal organizations outside of the international and maritime borders of the United States;

(G) efforts to ensure that any new border security technology can be operationally integrated with existing technologies in use by the Department;

(H) any technology required to maintain, support, and enhance security and facilitate
trade at ports of entry, including nonintrusive
detection equipment, radiation detection equip-
ment, biometric technology, surveillance sys-
tems, and other sensors and technology that the
Secretary determines to be necessary;

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

(J) lessons learned from Operation
Jumpstart and Operation Phalanx;

(K) cooperative agreements and informa-
tion sharing with State, local, tribal, territorial,
and other Federal law enforcement agencies
that have jurisdiction on the northern border or
the southern border;

(L) border security information received
from consultation with State, local, tribal, terri-
torial, and Federal law enforcement agencies
that have jurisdiction on the northern border or
the southern border, or in the maritime envi-
ronment, and from border community stake-
holders (including through public meetings with
such stakeholders), including representatives
from border agricultural and ranching organiza-
tions and representatives from business and
civic organizations along the northern border or
the southern border;

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

(N) a prioritized list of departmental re-
search and development objectives to enhance
the security of the southern border;

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

(i) identifying and detecting fraudu-
 lent documents;

(ii) understanding the scope of en-
forcement authorities and the use of force
policies; and

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

and

(P) an assessment of how border security
operations affect border crossing times.
Subtitle B—Personnel

SEC. 131. ADDITIONAL U.S. CUSTOMS AND BORDER PROTECTION AGENTS AND OFFICERS.

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

(b) CBP OFFICERS.—In addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within U.S. Customs and Border Protection as of such date, the Commissioner, subject to the availability of appropriations, shall hire, train, and assign to duty, not later than September 30, 2021—

(1) sufficient U.S. Customs and Border Protection officers to maintain an active duty presence of not fewer than 27,725 full-time equivalent officers; and

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

(c) AIR AND MARINE OPERATIONS.—Not later than September 30, 2021, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign sufficient agents for Air and Marine Operations of U.S. Cus-
toms and Border Protection to maintain not fewer than 1,675 full-time equivalent agents.

(d) U.S. CUSTOMS AND BORDER PROTECTION K–9 UNITS AND HANDLERS.—

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

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

(e) U.S. CUSTOMS AND BORDER PROTECTION HORSEBACK UNITS.—

(1) INCREASE.—Not later than September 30, 2021, the Commissioner shall increase the number of horseback units, with supporting officers of U.S. Customs and Border Protection and other required staff, by not fewer than 100 officers and 50 horses for security patrol along the southern border.

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

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

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

(h) AGRICULTURAL SPECIALISTS.—Not later than September 30, 2021, the Secretary shall hire, train, and assign to duty, in addition to the officers and agents authorized under subsections (a) through (g), 631 U.S. CUSTOMS AND BORDER PROTECTION agricultural specialists to
ports of entry along the southern border and the northern border.

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

SEC. 132. U.S. CUSTOMS AND BORDER PROTECTION RETENTION INCENTIVES.

(a) DEFINITIONS.—In this section:

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

(2) COVERED CBP EMPLOYEE.—The term “covered CBP employee” means an employee of U.S. Customs and Border Protection performing activities that are critical to border security or customs enforcement, as determined by the Commissioner.

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

(A) means the rate of pay fixed by law or administrative action for the position to which
an employee is appointed before deductions and
including any special rate under subpart C of
part 530 of title 5, Code of Federal Regula-
tions, or similar payment under other legal au-
thority, and any locality-based comparability
payment under subpart F of part 531 of title
5, Code of Federal Regulations, or similar pay-
ment under other legal authority, but excluding
additional pay of any other kind; and

(B) does not include additional pay, such
as night shift differentials under section
5343(f) of title 5, United States Code, or envi-
ronmental differentials under section
5343(c)(4) of such title.

(4) Special rate of pay.—The term “special
rate of pay” means a higher than normal rate of pay
that exceeds the otherwise applicable rate of basic
pay for a similar covered CBP employee at a land
port of entry.

(b) Hiring Incentives.—

(1) In general.—To the extent necessary for
U.S. Customs and Border Protection to hire, train,
and deploy qualified officers and employees, and to
the extent necessary to meet the requirements set
forth in section 131, the Commissioner, with the ap-
proval of the Secretary, may pay a hiring bonus of
$10,000 to a covered CBP employee, after the cov-
ered CBP completes initial basic training and exe-
cutes a written agreement required under paragraph
(2).

(2) Written Agreement.—The payment of a
hiring bonus to a covered CBP employee under
paragraph (1) is contingent upon the covered CBP
employee entering into a written agreement with
U.S. Customs and Border Protection to complete
more than two years of employment with U.S. Cus-
toms and Border Protection beginning on the date
on which the agreement is signed. Such agreement
shall include—

(A) the amount of the hiring bonus;

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

(C) the length of the required service pe-
riod; and

(D) any other terms and conditions under
which the hiring bonus is payable, subject to
the requirements under this section.
(3) FORM OF PAYMENT.—A signing bonus paid to a covered CBP employee under paragraph (1) shall be paid in a single payment after the covered CBP employee completes initial basic training and enters on duty and executed the agreement under paragraph (2).

(4) EXCLUSION OF SIGNING BONUS FROM RATE OF PAY.—A signing bonus paid to a covered CBP employee under paragraph (1) shall not be considered part of the rate of basic pay of the covered CBP employee for any purpose.

(5) EFFECTIVE DATE AND SUNSET.—This subsection shall take effect on the date of the enactment of this Act and shall remain in effect until the earlier of—

(A) September 30, 2019; or

(B) the date on which U.S. Customs and Border Protection has 26,370 full-time equivalent agents.

(c) RETENTION INCENTIVES.—

(1) IN GENERAL.—To the extent necessary for U.S. Customs and Border Protection to retain qualified employees, and to the extent necessary to meet the requirements set forth in section 131, the Commissioner, with the approval of the Secretary, may
pay a retention incentive to a covered CBP employee who has been employed with U.S. Customs and Border Protection for a period of longer than two consecutive years, and the Commissioner determines that, in the absence of the retention incentive, the covered CBP employee would likely—

(A) leave the Federal service; or

(B) transfer to, or be hired into, a different position within the Department (other than another position in CBP).

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

(A) the amount of the retention incentive;

(B) the conditions under which the agreement may be terminated before the required period of service is completed and the effect of such termination;
(C) the length of the required service period; and

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

(3) CRITERIA.—When determining the amount of a retention incentive paid to a covered CBP employee under paragraph (1), the Commissioner shall consider—

(A) the length of the Federal service and experience of the covered CBP employee;

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

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

(4) AMOUNT OF RETENTION INCENTIVE.—A retention incentive paid to a covered CBP employee under paragraph (1)—

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

(B) shall be stated as a percentage of the employee’s rate of basic pay for the service period associated with the incentive; and
(C) may not exceed $25,000 for each year of the written agreement.

(5) FORM OF PAYMENT.—A retention incentive paid to a covered CBP employee under paragraph (1) shall be paid as a single payment at the end of the fiscal year in which the covered CBP employee entered into an agreement under paragraph (2), or in equal installments during the life of the service agreement, as determined by the Commissioner.

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

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

(1) IN GENERAL.—The Commissioner may establish a pilot program to assess the feasibility and advisability of using special rates of pay for covered CBP employees in covered areas, as designated on the date of the enactment of this Act, to help meet the requirements set forth in section 131.

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

(3) TERMINATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the pilot program shall terminate on the date that is two years after the date of the enactment of this Act.

(B) EXTENSION.—If the Secretary determines that the pilot program is performing satisfactorily and there are metrics that prove its success in meeting the requirements set forth in section 131, the Secretary may extend the pilot program until the date that is four years after the date of the enactment of this Act.

(4) REPORT TO CONGRESS.—Shortly after the pilot program terminates under paragraph (3), the Commissioner shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that details—

(A) the total amount paid to covered CBP employees under the pilot program; and
(B) the covered areas in which the pilot program was implemented.

(c) SALARIES.—

(1) IN GENERAL.—Section 101(b) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1711(b)) is amended to read as follows:

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

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

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

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

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

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

(2) HARDSHIP DUTY PAY.—In addition to compensation to which Border Patrol agents are otherwise entitled, Border Patrol agents who are assigned to rural areas shall be entitled to receive hardship duty pay, in lieu of a retention incentive under subsection (b), in an amount determined by the Com-
missioner, which may not exceed the rate of special
pay to which members of a uniformed service are en-
titled under section 310 of title 37, United States
Code.

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

SEC. 133. ANTI-BORDER CORRUPTION REAUTHORIZATION

ACT.

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

(b) HIRING FLEXIBILITY.—Section 3 of the Anti-
Border Corruption Act of 2010 (6 U.S.C. 221) is amended
by striking subsection (b) and inserting the following new
subsections:

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

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

“(A) has continuously served as a law en-
forcement officer for not fewer than three
years;
“(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension;

“(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

“(D) has, within the past ten years, successfully completed a polygraph examination as a condition of employment with such officer’s current law enforcement agency;

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

“(A) has continuously served as a law enforcement officer for not fewer than three years;

“(B) is authorized to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;
“(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

“(D) holds a current Tier 4 background investigation or current Tier 5 background investigation; and

“(3) to a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

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

“(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance;

“(C) holds, or has undergone within the past five years, a current Tier 4 background investigation or current Tier 5 background investigation;

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

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

“(c) Termination of Waiver Authority.—The authority to issue a waiver under subsection (b) shall terminate on the date that is four years after the date of the enactment of the Border Security for America Act of 2017.”.

(c) Supplemental Commissioner Authority and Definitions.—

(1) Supplemental Commissioner Authority.—Section 4 of the Anti-Border Corruption Act of 2010 is amended to read as follows:

“SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.

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

“(b) Background Investigations.—Any individual who receives a waiver under section 3(b) who holds
a current Tier 4 background investigation shall be subject to a Tier 5 background investigation.

“(c) Administration of Polygraph Examination.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under section 3(b) if information is discovered before the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.”.

(2) Report.—The Anti-Border Corruption Act of 2010, as amended by paragraph (1), is further amended by adding at the end the following new section:

“SEC. 5. Reporting.

“(a) Annual Report.—Not later than one year after the date of the enactment of this section and annually thereafter while the waiver authority under section 3(b) is in effect, the Commissioner of U.S. Customs and Border Protection shall submit to Congress a report that includes, with respect to each such reporting period—

“(1) the number of waivers requested, granted, and denied under section 3(b);
“(2) the reasons for any denials of such waiver;
“(3) the percentage of applicants who were hired after receiving a waiver;
“(4) the number of instances that a polygraph was administered to an applicant who initially received a waiver and the results of such polygraph;
“(5) an assessment of the current impact of the polygraph waiver program on filling law enforcement positions at U.S. Customs and Border Protection; and
“(6) additional authorities needed by U.S. Customs and Border Protection to better utilize the polygraph waiver program for its intended goals.
“(b) ADDITIONAL INFORMATION.—The first report submitted under subsection (a) shall include—
“(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential employees for suitability; and
“(2) a recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).”.

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

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“SEC. 6. DEFINITIONS.

“In this Act:

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

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

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

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

“(3) **TIER 4; TIER 5.**—The terms ‘Tier 4’ and ‘Tier 5’ with respect to background investigations have the meaning given such terms under the 2012 Federal Investigative Standards.
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“(4) VETERAN.—The term ‘veteran’ has the meaning given such term in section 101(2) of title 38, United States Code.”.

(d) POLYGRAPH EXAMINERS.—Not later than September 30, 2021, the Secretary shall increase to not fewer than 150 the number of trained full-time equivalent polygraph examiners for administering polygraphs under the Anti-Border Corruption Act of 2010.

Subtitle C—Grants

SEC. 141. OPERATION STONEGARDEN.

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

“SEC. 2009. OPERATION STONEGARDEN.

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

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

“(1) shall be located in—
“(A) a State bordering Canada or Mexico;

or

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

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

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

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

“(2) personnel, including overtime and backfill, in support of enhanced border law enforcement activities;

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

“(4) any other appropriate activity, as determined by the Administrator, in consultation with the Commissioner of U.S. Customs and Border Protection.

“(d) PERIOD OF PERFORMANCE.—The Secretary shall award grants under this section to grant recipients for a period of not less than 36 months.
“(e) Report.—For each of the fiscal years 2018 through 2022, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains information on the expenditure of grants made under this section by each grant recipient.

“(f) Authorization of Appropriations.—There is authorized to be appropriated $110,000,000 for each of the fiscal years 2018 through 2022 for grants under this section.”.

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

“(a) Grants Authorized.—The Secretary, through the Administrator, may award grants under sections 2003, 2004, and 2009 to State, local, and tribal governments, as appropriate.”.

(c) Clerical Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2008 the following:

“Sec. 2009. Operation Stonegarden.”.
Subtitle D—Authorization of Appropriations

SEC. 151. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated for each of the fiscal years 2018 through 2021, $2,500,000,000 to implement this title and the amendments made by this title, of which—

(1) $10,000,000 shall be used by the Department of Homeland Security to implement Vehicle and Dismount Exploitation Radars (VADER) in border security operations; and

(2) $200,000,000 shall be used by the Department of State to implement section 111.

(b) High Intensity Drug Trafficking Area Program.—Section 707(p)(5) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706(p)(5)) is amended by striking “to the Office of National Drug Control Policy” and all that follows and inserting “$280,000,000 to the Office of National Drug Control Policy for each of fiscal years 2018 through 2021 to carry out this section.”.
TITLE II—EMERGENCY PORT OF ENTRY PERSONNEL AND INFRASTRUCTURE FUNDING

SEC. 201. PORTS OF ENTRY INFRASTRUCTURE.

(a) ADDITIONAL PORTS OF ENTRY.—

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

(2) CONSULTATION.—

(A) REQUIREMENT TO CONSULT.—The Secretary shall consult with the Secretary of the Interior, the Secretary of Agriculture, the Administrator of General Services, and appropriate representatives of State and local governments, and Indian tribes, and property owners in the United States prior to selecting a location for any new port constructed pursuant to paragraph (1).

(B) CONSIDERATIONS.—The purpose of the consultations required by subparagraph (A) shall be to minimize any negative impacts of such a new port on the environment, culture, commerce, and quality of life of the communities and residents located near such new port.
(b) Expansion and Modernization of High-Volume Southern Border Ports of Entry.—Not later than September 30, 2021, the Secretary shall expand the primary and secondary inspection lanes for vehicle, cargo, and pedestrian inbound and outbound inspection lanes at the top ten high-volume ports of entry on the southern border, as determined by the Secretary.

(c) Port of Entry Prioritization.—Prior to constructing any new ports of entry pursuant to subsection (a), the Secretary shall complete the expansion and modernization of ports of entry pursuant to subsection (b) to the extent practicable.


(a) In General.—The Secretary shall ensure that each U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement officer or agent, if appropriate, is equipped with a secure two-way communication device, supported by system interoperability and LTE network capability, that allows each such officer to communicate—

(1) between ports of entry and inspection stations; and

(2) with other Federal, State, tribal, and local law enforcement entities.
(b) Land Border Agents and Officers.—The Secretary shall ensure that each U.S. Customs and Border Protection agent or officer assigned or required to patrol on foot, by horseback, or with a canine unit, in remote mission critical locations, including the Rio Grand Valley and Big Bend, and at border checkpoints, has a multi-band, encrypted portable radio with military-grade high frequency capability to allow for beyond line-of-sight communications.

SEC. 203. BORDER SECURITY DEPLOYMENT PROGRAM.

(a) Expansion.—Not later than September 30, 2021, the Secretary shall fully implement the Border Security Deployment Program of the U.S. Customs and Border Protection and expand the integrated surveillance and intrusion detection system at land ports of entry along the southern border and the northern border.

(b) Authorization of Appropriations.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $33,000,000 for fiscal year 2018 to carry out subsection (a).

SEC. 204. PILOT AND UPGRADE OF LICENSE PLATE READERS AT PORTS OF ENTRY.

(a) Upgrade.—Not later than one year after the date of the enactment of this Act, the Commissioner of
U.S. Customs and Border Protection shall upgrade all existing license plate readers on the northern and southern borders on incoming and outgoing vehicle lanes.

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

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives the results of the pilot program under subsection (b) and make recommendations for implementing use of such technology on the southern border.

(d) Authorization of Appropriations.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated
$125,000,000 for fiscal year 2018 to carry out subsection (a).

SEC. 205. BIOMETRIC EXIT DATA SYSTEM.

(a) In General.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 211 et seq.) is amended by inserting after section 417 the following new section:

“SEC. 418. BIOMETRIC ENTRY-EXIT.

“(a) Establishment.—The Secretary shall—

“(1) not later than 180 days after the date of the enactment of this section, submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives an implementation plan to establish a biometric exit data system to complete the integrated biometric entry and exit data system required under section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b), including—

“(A) an integrated master schedule and cost estimate, including requirements and design, development, operational, and maintenance costs of such a system, that takes into
account prior reports on such matters issued by
the Government Accountability Office and the
Department;

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

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

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

“(E) information received after consulta-
tion with private sector stakeholders, including
the—

“(i) trucking industry;
“(ii) airport industry;
“(iii) airline industry;
“(iv) seaport industry;
“(v) travel industry; and
“(vi) biometric technology industry;
“(F) a consideration of how trusted traveler programs in existence as of the date of the enactment of this Act may be impacted by, or incorporated into, such a system;
“(G) defined metrics of success and milestones;
“(H) identified risks and mitigation strategies to address such risks; and
“(I) a consideration of how other countries have implemented a biometric exit data system; and
“(2) not later than two years after the date of the enactment of this section, establish a biometric exit data system at the—
“(A) 15 United States airports that support the highest volume of international air travel, as determined by available Federal flight data;
“(B) 15 United States seaports that support the highest volume of international sea travel, as determined by available Federal travel data; and
“(C) 15 United States land ports of entry that support the highest volume of vehicle, pedestrian, and cargo crossings, as determined by available Federal border crossing data.

“(b) IMPLEMENTATION.—

“(1) Pilot program at land ports of entry for non-pedestrian outbound traffic.—Not later than 18 months after the date of the enactment of this section, the Secretary, in collaboration with industry stakeholders, shall establish a six-month pilot program to test the biometric exit data system referred to in subsection (a)(2) on non-pedestrian outbound traffic at not fewer than three land ports of entry with significant cross-border traffic, including at not fewer than two land ports of entry on the southern land border and at least one land port of entry on the northern land border. Such pilot program may include a consideration of more than one biometric mode, and shall be implemented to determine the following:

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

“(B) The infrastructure required to carry out subparagraph (A).
“(C) The effects of such pilot program on legitimate travel and trade.

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

“(E) Its effectiveness in combating terrorism.

“(2) AT LAND PORTS OF ENTRY FOR NON-PEDESTRIAN OUTBOUND TRAFFIC.—

“(A) IN GENERAL.—Not later than five years after the date of the enactment of this section, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all land ports of entry, and such system shall apply only in the case of non-pedestrian outbound traffic.

“(B) EXTENSION.—The Secretary may extend for a single two-year period the date specified in subparagraph (A) if the Secretary certifies to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives that the 15 land ports of entry that

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support the highest volume of passenger vehicles, as determined by available Federal data, do not have the physical infrastructure or characteristics to install the systems necessary to implement a biometric exit data system.

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

“(4) AT LAND PORTS OF ENTRY FOR PEDESTRIANS.—Not later than five years after the date of the enactment of this section, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all land ports of entry, and such system shall apply only in the case of pedestrians.

“(c) EFFECTS ON AIR, SEA, AND LAND TRANSPORTATION.—The Secretary, in consultation with appropriate private sector stakeholders, shall ensure that the collection of biometric data under this section causes the least possible disruption to the movement of people or cargo in air, sea, or land transportation, while fulfilling the goals of improving counterterrorism efforts.

“(d) TERMINATION OF PROCEEDING.—Notwithstanding any other provision of law, the Secretary shall,
on the date of the enactment of this section, terminate
the proceeding entitled ‘Collection of Alien Biometric Data
Upon Exit From the United States at Air and Sea Ports
of Departure; United States Visitor and Immigrant Status
Indicator Technology Program (‘‘US–VISIT’’), issued on

‘‘(e) DATA-MATCHING.—The biometric exit data sys-

‘‘(1) match biometric information for an alien
who is departing the United States against the bio-
metric information obtained from the alien upon
entry to the United States;

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

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

‘‘(f) SCOPE.—

‘‘(1) IN GENERAL.—The biometric exit data
system established under this section shall include a
requirement for the collection of biometric exit data
at the time of departure for all categories of individuals who are required by the Secretary to provide biometric entry data.

“(2) Exception for certain other individuals.—This section shall not apply in the case of an individual who exits and then enters the United States on a passenger vessel (as such term is defined in section 2101 of title 46, United States Code) the itinerary of which originates and terminates in the United States.

“(3) Exception for land ports of entry.—This section shall not apply in the case of a United States or Canadian citizen who exits the United States through a land port of entry.

“(g) Collection of data.—The Secretary may not require any non-Federal person to collect biometric data pursuant to the biometric exit data system established under this section, except through a contractual agreement.

“(h) Multi-modal collection.—In carrying out subsections (a)(1) and (b), the Secretary shall make every effort to collect biometric data using multiple modes of biometrics.

“(i) Facilities.—All nonfederally owned facilities at which the biometric exit data system established under
this section is implemented shall provide, maintain, and equip space for Federal use that is adequate to support biometric data collection and other inspection-related activity. Such space shall be provided, maintained, and equipped at no cost to the Government.

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

“(k) CONGRESSIONAL REVIEW.—Not later than 90 days after the date of the enactment of this section, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives reports and recommendations regarding the Science and Technology Directorate’s Air Entry and Exit Re-Engineering Program of the Department and the U.S. Customs and Border Protection entry and exit mobility program demonstrations.”.
SEC. 206. SENSE OF CONGRESS ON COOPERATION BETWEEN AGENCIES.

(a) Finding.—Congress finds that personnel constraints exist at land ports of entry with regard to sanitary and phytosanitary inspections for exported goods.

(b) Sense of Congress.—It is the sense of Congress that, in the best interest of cross-border trade and the agricultural community—

(1) any lack of certified personnel for inspection purposes at ports of entry should be addressed by seeking cooperation between agencies and departments of the United States, whether in the form of a memorandum of understanding or through a certification process, whereby additional existing agents are authorized for additional hours to facilitate the crossing and trade of perishable goods in a manner consistent with rules of the Department of Agriculture; and

(2) cross designation should be available for personnel who will assist more than one agency or department at land ports of entry to facilitate increased trade and commerce.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

In addition to any amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $1,000,000,000 for each of fiscal years...
2018 through 2021 to carry out this title, of which
$2,000,000 shall be used by the Secretary for hiring addi-
tional Uniform Management Center support personnel,
purchasing uniforms for CBP officers and agents, acquir-
ing additional motor vehicles to support vehicle mounted
surveillance systems, hiring additional motor vehicle pro-
gram support personnel, and for contract support for cus-
tomer service, vendor management, and operations man-
age...