

JANUARY 22, 2015

RULES COMMITTEE PRINT 114-2
TEXT OF H.R. 399, SECURE OUR BORDERS FIRST
ACT OF 2015

[Showing text of the bill as ordered reported by the
Committee on Homeland Security.]

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

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

- Sec. 1. Short title; Table of contents.
- Sec. 2. Reports on current border security status.
- Sec. 3. Operational control of the border.
- Sec. 4. Establishment of Border Security Verification Commission.
- Sec. 5. Required consequence.
- Sec. 6. Patrol by the Border Patrol of physical land border.
- Sec. 7. Tactical flexibility.
- Sec. 8. Deployment of certain aviation assets to the southern land border.
- Sec. 9. U.S. Customs and Border Protection officer and agent authorization.
- Sec. 10. Office of Air and Marine flight hours.
- Sec. 11. Air and Marine prioritization.
- Sec. 12. Border Patrol flexibility.
- Sec. 13. Prohibition on actions that impede border security on certain Federal
land.
- Sec. 14. Biometric exit data system.
- Sec. 15. Northern border threat analysis.
- Sec. 16. Operation Stonegarden program.
- Sec. 17. Sale or donation of excess personal property for border security activi-
ties.
- Sec. 18. Reimbursement of States for deployment of National Guard to the
southern land border.
- Sec. 19. Operation of the Border Patrol.
- Sec. 20. Definitions.
- Sec. 21. Authorization of appropriations.

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

2 (a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (iii) Maritime patrol aircraft.

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

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

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

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

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

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

1 (A) Tower-based surveillance technology.

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

4 (C) Man-portable unmanned aerial vehi-
5 cles.

6 (D) Ultralight aircraft detection capabili-
7 ties.

8 (E) Advanced unattended surveillance sen-
9 sors.

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

12 (3) YUMA SECTOR.—For the Yuma sector, the
13 following:

14 (A) Tower-based surveillance technology.

15 (B) Mobile vehicle-mounted and man-port-
16 able surveillance systems.

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

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

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

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

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

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

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

8 (C) Tower-based surveillance technology.

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

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

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

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

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

19 (A) Tower-based surveillance technology.

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

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

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

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

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

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

7 (A) Tower-based surveillance technology.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (10) EASTERN PACIFIC MARITIME REGION.—
13 For the Eastern Pacific Maritime region, the fol-
14 lowing:

15 (A) Increased cutter and boat hours and
16 operation platforms to conduct interdiction op-
17 erations.

18 (B) Increased maritime signals intelligence
19 capabilities.

20 (C) To increase maritime domain aware-
21 ness, the following:

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

24 (ii) Unmanned aerial vehicles with
25 maritime surveillance capability.

1 (iii) Increased maritime aviation pa-
2 trol hours.

3 (iv) Coastal radar surveillance sys-
4 tems.

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

12 (11) CARIBBEAN AND GULF MARITIME RE-
13 GION.—For the Caribbean and Gulf Maritime re-
14 gion, the following:

15 (A) Increased cutter and boat hours and
16 operation platforms to conduct interdiction op-
17 erations.

18 (B) Increased maritime signals intelligence
19 capabilities.

20 (C) Increased maritime domain awareness
21 and surveillance capabilities, including the fol-
22 lowing:

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

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

3 (iii) Increased maritime aviation pa-
4 trol hours.

5 (iv) Coastal radar surveillance sys-
6 tems.

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

14 (c) FENCING AND INFRASTRUCTURE.—

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

19 (A) Seven miles of double layer fencing in
20 the Border Patrol's San Diego sector in addi-
21 tion to such fencing in existence as of the date
22 of the enactment of this Act.

23 (B) Twenty-one miles of double layer pe-
24 destrian fencing in the Border Patrol's Tucson

1 sector in addition to such fencing in existence
2 as of the date of the enactment of this Act.

3 (C) Ten miles of double layer pedestrian
4 fencing in the Border Patrol's Rio Grande Val-
5 ley sector in addition to such fencing in exist-
6 ence as of the date of the enactment of this
7 Act.

8 (D) Ten miles of double layer pedestrian
9 fencing in the Border Patrol's Del Rio sector in
10 addition to such fencing in existence as of the
11 date of the enactment of this Act.

12 (2) FENCE REPAIR AND REPLACEMENT.—Not
13 later than 18 months after the date of the enact-
14 ment of this Act, the Secretary of Homeland Secu-
15 rity shall replace, at a minimum, each of the fol-
16 lowing:

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

20 (B) Five miles of landing mat fencing with
21 bollard style fencing in the Border Patrol's El
22 Centro sector.

23 (C) Three miles of landing mat fencing
24 with bollard style fencing in the Border Patrol's
25 Yuma sector.

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

4 (E) Two miles of landing mat fencing with
5 bollard style fencing in the Border Patrol's El
6 Paso sector.

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

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

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

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

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

21 (E) One hundred ninety-two miles of road
22 construction in the Border Patrol's Big Bend
23 sector.

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

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

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

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

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

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

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

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

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

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

1 Bend sector in addition to such fencing in existence
2 as of the date of the enactment of this Act.

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

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

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

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

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

1 (8) ACCESS GATES.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Homeland Security shall construct 34 ac-
4 cess gates in the Border Patrol’s Rio Grande Valley
5 sector in addition to such gates in existence as of
6 the date of the enactment of this Act.

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

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

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

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

24 (D) Two forward operating bases in the
25 Border Patrol’s Del Rio sector in addition to

1 such bases in existence as of the date of the en-
2 actment of this Act.

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

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

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

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

19 (A) Perimeter security.

20 (B) Temporary detention space.

21 (C) An interview room.

22 (D) Water.

23 (E) Power.

24 (F) Adequate communications, including
25 wide area network connectivity.

1 (G) Helicopter landing zone.

2 (d) CARRIZO CANE ERADICATION.—

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

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

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

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

1 (e) CONSULTATION.—The Secretary of Homeland Se-
2 curity shall consult with the governors of each southern
3 land border State and each southern border maritime
4 State, representatives of the Border Patrol and U.S. Cus-
5 toms and Border Protection, and relevant Federal, State,
6 local, and tribal agencies that have jurisdiction on the
7 southern land border, or in the maritime environment, to
8 develop the operational plan required under subsection (f)
9 and the metrics required under subsections (h), (i), (j),
10 and (k).

11 (f) OPERATIONAL PLAN.—

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

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

1 (A) An assessment of principal border se-
2 curity threats, including threats relating to the
3 smuggling and trafficking of humans, weapons,
4 and illicit drugs.

5 (B) A description of the required capability
6 deployment under subsection (b).

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

14 (D) A plan to achieve situational aware-
15 ness using the capabilities deployed under sub-
16 section (b).

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

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

24 (G) Lessons learned from Operation
25 Jumpstart and Operation Phalanx.

1 (H) A description of border security infor-
2 mation received from consultation with border
3 community stakeholders, including representa-
4 tives from agricultural and ranching organiza-
5 tions and business and civic organizations along
6 the northern or southern land borders.

7 (I) A description of the staffing require-
8 ments for all border security functions of the
9 border security components of the Department
10 of Homeland Security.

11 (J) A prioritized list of research and devel-
12 opment objectives to enhance the security of the
13 international land and maritime borders of the
14 United States.

15 (K) An assessment of the relationship be-
16 tween border security operations and crossing
17 times.

18 (L) Metrics required under subsections (h),
19 (i), (j), and (k).

20 (M) An integrated master schedule and
21 cost estimate, including lifecycle costs, for the
22 activities contained in such operational plan.

23 (N) A documented justification and ration-
24 ale for technology choices.

25 (O) Deployment locations.

1 (P) A timetable for procurement and de-
2 ployment.

3 (Q) Estimates of operation and mainte-
4 nance costs.

5 (R) An identification of any impediments
6 to the deployment of such technologies.

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

12 (4) IMPLEMENTATION.—

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

21 (B) COMPTROLLER GENERAL REVIEW.—
22 Not later than 90 days after receiving the oper-
23 ational plan under paragraph (1), the Comp-
24 troller General of the United States shall sub-
25 mit to the appropriate congressional committees

1 and the BSVC a report on the operational plan
2 required under paragraph (1) and such congress-
3 sional justification.

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

14 (h) METRICS FOR SECURING THE BORDER BETWEEN
15 PORTS OF ENTRY.—

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

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

1 (B) A probability of detection that meas-
2 ures the estimated total unlawful border cross-
3 ing attempts not detected by the Border Patrol
4 against the unlawful border crossing effective-
5 ness rate referred to in subparagraph (A).

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

12 (D) A situational awareness achievement
13 metric that measures the amount of situational
14 awareness achieved in each Border Patrol sec-
15 tor.

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

22 (F) In consultation with the Office of Na-
23 tional Drug Control Policy and the United
24 States Southern Command, a cocaine seizure
25 effectiveness rate measured as a percentage

1 that results from dividing the amount of co-
2 caine seized by the Border Patrol by the total
3 documented cocaine flow rate between ports of
4 entry along the southern land border.

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

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

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

24 (3) METRICS NOT REVIEWABLE.—The metrics
25 required under paragraph (1) may not be reviewed

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

13 (i) METRICS FOR SECURING THE BORDER AT PORTS
14 OF ENTRY.—

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

23 (A) An inadmissible border crossing rate
24 which measures the number of known inadmis-
25 sible border crossers who are denied entry, ex-

1 including those border crossers who voluntarily
2 withdraw their applications for admission, di-
3 vided by the total estimated number of inadmis-
4 sible border crossers who attempt entry.

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

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

22 (D) Estimates, using alternative meth-
23 odologies, including survey data and random-
24 ized secondary screening data, of total at-
25 tempted inadmissible border crossers, the rate

1 of apprehension of attempted inadmissible bor-
2 der crossers, and the inflow into the United
3 States of inadmissible border crossers who
4 evade apprehension.

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

12 (F) A measurement of how border security
13 operations affect crossing times.

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

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

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

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

24 (j) METRICS FOR SECURING THE MARITIME BOR-
25 DER.—

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

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

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

21 (C) An illicit drugs removal rate which
22 measures the amount and type of illicit drugs
23 removed by the Department of Homeland Secu-
24 rity’s maritime security components inside a
25 transit zone in any fiscal year compared to an

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

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

16 (E) A cocaine removal effectiveness rate
17 inside a transit zone.

18 (F) A cocaine removal effectiveness rate
19 outside a transit zone.

20 (G) A response rate which measures the
21 ability of the maritime security components of
22 the Department of Homeland Security to re-
23 spond to and resolve known maritime threats,
24 both inside and outside a transit zone, by plac-
25 ing assets on-scene, compared to the total num-

1 ber of events with respect to which the Depart-
2 ment has known threat information.

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

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

1 (k) AIR AND MARINE SECURITY METRICS IN THE
2 LAND DOMAIN.—

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

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

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

22 (C) A readiness rate which measures the
23 number of aviation missions flown by U.S. Cus-
24 toms and Border Protection's Office of Air and
25 Marine against the number of aviation missions

1 cancelled by such Office due to weather, main-
2 tenance, operations, or other causes.

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

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

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

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

20 (2) METRICS CONSULTATION.—In developing
21 the metrics required under paragraph (1), the As-
22 sistant Commissioner for Air and Marine shall con-
23 sult with staff members of the Office of Policy at the
24 Department of Homeland Security and staff mem-
25 bers of the Office of the Chief Financial Officer of

1 the Department of Homeland Security. Such staff
2 members may not be political appointees.

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

17 (l) PENALTIES FOR FAILURE TO SUBMIT
18 METRICS.—

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

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

3 (A) Travel using Government aircraft.

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

5 (C) Receipt of bonus pay, excluding over-
6 time pay.

7 (D) Receipt of any salary increase.

8 (m) EVALUATION BY THE GOVERNMENT ACCOUNT-
9 ABILITY OFFICE.—

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

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

1 the BSVC in reviewing the notifications required
2 under subsection (n)(2).

3 (n) BSVC CERTIFICATION OF METRICS AND OPER-
4 ATIONAL CONTROL.—

5 (1) SECRETARY OF HOMELAND SECURITY NOTI-
6 FICATIONS.—

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

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

1 (C) ANNUAL UPDATES.—Every year begin-
2 ning with the year after the Secretary of Home-
3 land Security submits the notification under
4 subparagraph (B), if the Secretary determines
5 that operational control along the southern land
6 border of the United States is being main-
7 tained, the Secretary shall submit to the appro-
8 priate congressional committees and the BSVC
9 a notification that so attests.

10 (2) BSVC CERTIFICATION.—

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

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

1 ity and methodology of the data used to imple-
2 ment such metrics.

3 (C) REPORTS.—

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

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

23 (I) impediments incurred;

24 (II) potential remedies; and

1 (III) recommendations to achieve
2 situational awareness, operational
3 control, or both, as the case may be.

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

12 (D) OPERATIONAL CONTROL CERTIFI-
13 CATION.—

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

19 (ii) PUBLIC VOTING.—A vote referred
20 to under clause (i) shall be conducted in
21 public.

22 (iii) CONSULTATION.—Before con-
23 ducting a vote referred to in clause (i), the
24 BSVC shall consult with the governors of
25 each southern land border State, rep-

1 representatives of the National Border Patrol
2 Council, representatives of the ranching in-
3 dustry in each southern land border State,
4 and relevant State and local government
5 agencies that have jurisdiction on the
6 southern land border.

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

13 (o) FAILURE TO ACHIEVE OPERATIONAL CON-
14 TROL.—

15 (1) PENALTIES.—

16 (A) IN GENERAL.—If the Secretary of
17 Homeland Security determines that situational
18 awareness, operational control, or both, as the
19 case may be, has not been achieved by the dates
20 referred to in subsection (n)(1) (and thus fails
21 to submit a notification to the BSVC), or if the
22 BSVC determines pursuant to subsection (n)(2)
23 that the Secretary has failed to achieve situa-
24 tional awareness and operational control of high
25 traffic areas or has failed to achieve operational

1 control along the southern land border by such
2 respective dates, no political appointee of the
3 Department of Homeland Security may perform
4 any function described in subparagraph (B)
5 until the BSVC certifies that the Secretary has
6 achieved such situational awareness, operational
7 control, or both, as the case may be.

8 (B) FUNCTIONS DESCRIBED.—The func-
9 tions described in this subparagraph are each of
10 the following:

11 (i) Travel using Government aircraft.

12 (ii) Receipt of any non-essential train-
13 ing, including conferences.

14 (iii) Receipt of bonus pay.

15 (iv) Receipt of any salary increase.

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

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

23 (B) such travel is being carried out to
24 achieve operational control of the southern land
25 border of the United States.

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

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

24 (1) A resource allocation model for current and
25 future year staffing requirements that includes opti-

1 mal staffing levels at all land, air, and sea ports of
2 entry, and an explanation of U.S. Customs and Bor-
3 der Protection methodology for aligning staffing lev-
4 els and workload to threats and vulnerabilities and
5 their effects on cross border trade and passenger
6 travel across all mission areas.

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

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

16 (4) Monthly per passenger wait times, including
17 data on per passenger processing wait times at all
18 land, air, and sea ports of entry.

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

23 (q) ADHERENCE TO CERTAIN STANDARDS.—The
24 Under Secretary for Management of the Department of
25 Homeland Security, in coordination with the Assistant

1 Commissioner of the Office of Administration of U.S. Cus-
2 toms and Border Protection, shall ensure component pro-
3 gram managers who are responsible for carrying out sub-
4 sections (b) and (c) adhere to internal control standards
5 identified by the Comptroller General of the United
6 States. The Assistant Commissioner shall provide infor-
7 mation, as needed, to assist the Under Secretary for Man-
8 agement in monitoring proper program management of
9 border security programs carried out pursuant to such
10 subsections.

11 **SEC. 4. ESTABLISHMENT OF BORDER SECURITY**
12 **VERIFICATION COMMISSION.**

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

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

20 (c) COMPOSITION.—The BSVC shall be composed
21 of—

22 (1) the head of a national laboratory within the
23 Department of Homeland Security laboratory net-
24 work with prior expertise in border security, ap-
25 pointed by the President, in coordination with the

1 Speaker and minority leader of the House of Rep-
2 resentatives and the majority and minority leaders
3 of the Senate;

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

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

15 (d) SPECIAL CONGRESSIONAL COMMISSION ON BOR-
16 DER SECURITY.—

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

1 (A) the Speaker and minority leader of the
2 House of Representatives;

3 (B) the majority and minority leaders of
4 the Senate;

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

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

11 (2) VOTING PROCEDURES.—

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

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

24 (e) QUALIFICATIONS.—The individuals referred to in
25 subsection (c)(3) shall have a minimum of five years pro-

1 fessional experience in law enforcement and border secu-
2 rity.

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

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

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

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

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

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

1 (l) PUBLIC HEARINGS.—

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

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

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

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

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

20 (p) PERSONNEL MATTERS.—

21 (1) TRAVEL EXPENSES.—The members of the
22 BSVC shall be allowed travel expenses, including per
23 diem in lieu of subsistence, at rates authorized for
24 employees of agencies under subchapter I of chapter
25 57 of title 5, United States Code, while away from

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

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

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

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

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

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

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

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

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

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

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

9 (a) SOUTHERN LAND BORDER.—The Chief of the
10 Border Patrol may alter the capability deployment re-
11 ferred to in subsection (b) of section 3 if the Chief deter-
12 mines, after consultation with the appropriate congres-
13 sional committees, that the principal border security
14 threats referred to in subsection (f)(2)(A) of such section
15 require such alteration.

16 (b) NORTHERN LAND BORDER.—The Chief of the
17 Border Patrol may alter the capability deployment re-
18 ferred to in subsection (c) of section 15 if the Chief deter-
19 mines, after consultation with the appropriate congres-
20 sional committees, that the threat analysis referred to in
21 subsection (a) of such section requires such alteration.

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

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

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

6 (b) ADDITIONAL REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

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

24 (1) in a transit zone;

25 (2) on a land border;

1 (3) on a maritime border; and

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

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

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

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

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

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

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

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

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

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

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

3 (1) Construction and maintenance of roads.

4 (2) Construction and maintenance of barriers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (i) the trucking industry;

17 (ii) the airport industry;

18 (iii) the airline industry;

19 (iv) the seaport industry;

20 (v) the travel industry; and

21 (vi) the biometric technology industry;

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

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

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

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

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

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

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

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

23 (b) IMPLEMENTATION.—

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

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

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

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

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

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

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

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

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

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

12 (B) EXTENSION.—The Secretary of Home-
13 land Security may extend for a single two year
14 period the date specified in subparagraph (A) if
15 the Secretary certifies to the Committee on
16 Homeland Security and the Committee on the
17 Judiciary of the House of Representatives and
18 the Committee on Homeland Security and Gov-
19 ernmental Affairs and the Committee on the
20 Judiciary of the Senate that the 15 land ports
21 of entry that support the highest volume of pas-
22 senger vehicles, as determined by available Fed-
23 eral data, do not have the physical infrastruc-
24 ture or characteristics to install the systems

1 necessary to implement a biometric exit data
2 system.

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

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

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

1 (d) TERMINATION OF PROCEEDING.—Notwith-
2 standing any other provision of law, the Secretary of
3 Homeland Security shall, on the date of the enactment
4 of this Act, terminate the proceeding entitled “Collection
5 of Alien Biometric Data Upon Exit From the United
6 States at Air and Sea Ports of Departure”, issued on
7 April 24, 2008 (73 C.F.R. 22065; DHS Docket No. 2008–
8 0039).

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

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

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

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

24 (f) SCOPE.—

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

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

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

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

17 (i) PENALTIES FOR FAILURE TO MEET DEAD-
18 LINES.—

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

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

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

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

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

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

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

16 (A) Travel using government aircraft.

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

18 (C) Receipt of bonus pay.

19 (D) Receipt of any salary increase.

20 (j) CONGRESSIONAL REVIEW.—Not later than 90
21 days after the date of the enactment of this Act, the Sec-
22 retary of Homeland Security shall submit to the Com-
23 mittee on Homeland Security and the Committee on the
24 Judiciary of the House of Representatives and the Com-
25 mittee on Homeland Security and Governmental Affairs

1 and the Committee on the Judiciary of the Senate reports
2 and recommendations of the Department of Homeland Se-
3 curity Science and Technology Directorate's Air Entry
4 and Exit Re-Engineering Program and the reports and
5 recommendations of the U.S. Customs and Border Protec-
6 tion entry and exit mobility program demonstrations.

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

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

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

16 (2) An analysis of improvements needed at
17 ports of entry along the northern border to prevent
18 terrorists and instruments of terror from entering
19 the United States.

20 (3) An analysis of gaps in law, policy, inter-
21 national agreements, or tribal agreements that
22 hinder the border security and counter-terrorism ef-
23 forts along the northern border.

1 (4) An analysis of unlawful cross border activity
2 between ports of entry, including the maritime bor-
3 ders of the Great Lakes.

4 (b) CLASSIFIED THREAT ANALYSIS.—The threat
5 analysis required under subsection (a) may be submitted
6 in classified form, if the Secretary of Homeland Security
7 determines that such is appropriate.

8 (c) REQUIRED NORTHERN BORDER CAPABILITY DE-
9 PLOYMENT.—Not later than 18 months after the date of
10 the enactment of this Act, the Secretary of Homeland Se-
11 curity, acting through the appropriate component of the
12 Department of Homeland Security, shall, at a minimum,
13 deploy to each sector of the northern border, in a
14 prioritized, risk-based manner, the following additional ca-
15 pabilities:

16 (1) BLAINE SECTOR.—For the Blaine sector,
17 the following:

18 (A) Coastal radar surveillance systems.

19 (B) Mobile vehicle-mounted and man-port-
20 able surveillance systems.

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

23 (D) Improved agent communications capa-
24 bilities.

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

4 (F) Man-portable unmanned aerial vehi-
5 cles.

6 (G) Ultralight aircraft detection capabili-
7 ties.

8 (H) Modernized port of entry surveillance
9 capabilities.

10 (I) Increased maritime interdiction capa-
11 bilities.

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

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

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

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

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

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

1 (F) Completion of six miles of the Bog
2 Creek road.

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

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

7 (3) HAVRE SECTOR.—For the Havre sector, the
8 following:

9 (A) Mobile vehicle-mounted and man-port-
10 able surveillance systems.

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

13 (C) Improved agent communications capa-
14 bilities.

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

18 (E) Man-portable unmanned aerial vehi-
19 cles.

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

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

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

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

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

5 (C) Improved agent communications capa-
6 bilities.

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

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

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

14 (G) Modernized port of entry surveillance
15 capabilities.

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

18 (A) Coastal radar surveillance systems.

19 (B) Mobile vehicle-mounted and man-port-
20 able surveillance systems.

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

23 (D) Improved agent communications capa-
24 bilities.

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

4 (F) Man-portable unmanned aerial vehi-
5 cles.

6 (G) Ultralight aircraft detection capabili-
7 ties.

8 (H) Modernized port of entry surveillance
9 capabilities.

10 (I) Increased maritime interdiction capa-
11 bilities.

12 (6) BUFFALO SECTOR.—For the Buffalo sector,
13 the following:

14 (A) Coastal radar surveillance systems.

15 (B) Mobile vehicle-mounted and man-port-
16 able surveillance systems.

17 (C) Advanced unattended surveillance sen-
18 sors.

19 (D) Improved agent communications capa-
20 bilities.

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

24 (F) Man-portable unmanned aerial vehi-
25 cles.

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

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

5 (I) Increased maritime interdiction capa-
6 bilities.

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

9 (A) Mobile vehicle-mounted and man-port-
10 able surveillance systems.

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

13 (C) Improved agent communications capa-
14 bilities.

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

18 (E) Man-portable unmanned aerial vehi-
19 cles.

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

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

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

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

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

5 (C) Improved agent communications capa-
6 bilities.

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

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

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

14 (G) Modernized port of entry surveillance
15 capabilities.

16 (d) ADHERENCE TO CERTAIN STANDARDS.—The
17 Under Secretary for Management of the Department of
18 Homeland Security, in coordination with the Assistant
19 Commissioner of the Office of Administration of U.S. Cus-
20 toms and Border Protection, shall ensure component pro-
21 gram managers who are responsible for carrying out this
22 section adhere to internal control standards identified by
23 the Comptroller General of the United States. The Assist-
24 ant Commissioner shall provide information, as needed, to
25 assist the Under Secretary for Management in monitoring

1 proper program management of border security programs
2 carried out pursuant to this section.

3 **SEC. 16. OPERATION STONEGARDEN PROGRAM.**

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

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

8 **“SEC. 2031. OPERATION STONEGARDEN.**

9 “(a) ESTABLISHMENT.—There is established in the
10 Department a program to be known as ‘Operation
11 Stonegarden’. Under such program, the Secretary, acting
12 through the Administrator, shall make grants to eligible
13 law enforcement agencies to enhance border security in ac-
14 cordance with this section.

15 “(b) ELIGIBLE RECIPIENTS.—To be eligible to re-
16 ceive a grant under this section, a law enforcement agency
17 shall—

18 “(1) be located in—

19 “(A) a State bordering either Canada or
20 Mexico; or

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

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

1 “(c) PERMITTED USES.—The recipient of a grant
2 under this section may use the grant for any of the fol-
3 lowing activities:

4 “(1) Equipment, including maintenance and
5 sustainment costs.

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

9 “(3) Any activity permitted under the Depart-
10 ment of Homeland Security’s Fiscal Year 2014
11 Funding Opportunity Announcement for Operation
12 Stonegarden.

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

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

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

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

“Subtitle C—Other Grant Programs

“Sec. 2031. Operation Stonegarden.”.

5 **SEC. 17. SALE OR DONATION OF EXCESS PERSONAL PROP-**
6 **ERTY FOR BORDER SECURITY ACTIVITIES.**

7 Section 2576a of title 10, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1)(A), by striking
11 “counter-drug and counter-terrorism activities”
12 and inserting “counterdrug, counterterrorism,
13 and border security activities”; and

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

20 (2) in subsection (d), by striking “counter-drug
21 or counter-terrorism activities” and inserting
22 “counterdrug, counterterrorism, or border security
23 activities”.

1 **SEC. 18. REIMBURSEMENT OF STATES FOR DEPLOYMENT**
2 **OF NATIONAL GUARD TO THE SOUTHERN**
3 **LAND BORDER.**

4 Of the amounts authorized to be appropriate pursu-
5 ant to section 21, not more than \$35,000,000 may be used
6 for any fiscal year to reimburse States for the cost of the
7 deployment of any units or personnel of the National
8 Guard to perform operations and missions under State Ac-
9 tive Duty status in support of a southern land border mis-
10 sion.

11 **SEC. 19. OPERATION OF THE BORDER PATROL.**

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

18 **SEC. 20. DEFINITIONS.**

19 In this Act:

20 (1) **ADVANCED UNATTENDED SURVEILLANCE**
21 **SENSORS.**—The term “advanced unattended surveil-
22 lance sensors” means sensors that utilize an onboard
23 computer to analyze detections in an effort to dis-
24 cern between vehicles, humans, and animals, and ul-
25 timately filter false positives prior to transmission.

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

7 (3) COCAINE REMOVAL EFFECTIVENESS
8 RATE.—The term “cocaine removal effectiveness
9 rate” means the percentage that results from divid-
10 ing the amount of cocaine removed by the Depart-
11 ment of Homeland Security’s maritime security com-
12 ponents inside or outside a transit zone, as the case
13 may be, by the total documented cocaine flow rate
14 as contained in Federal drug databases.

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

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

24 (6) HIGH TRAFFIC AREAS.—The term “high
25 traffic areas” means sectors along the northern and

1 southern land borders of the United States that are
2 within the responsibility of the Border Patrol that
3 have significant unlawful cross-border activity, in-
4 formed through situational awareness.

5 (7) UNLAWFUL BORDER CROSSING EFFECTIVE-
6 NESS RATE.—The term “unlawful border crossing
7 effectiveness rate” means the percentage that results
8 from dividing the number of apprehensions and turn
9 backs by the number of apprehensions, turn backs,
10 and got aways. The data used by the Secretary of
11 Homeland Security to determine such rate shall be
12 collected and reported in a consistent and standard-
13 ized manner across all Border Patrol sectors, in-
14 formed by situational awareness.

15 (8) MAJOR VIOLATOR.—The term “major viola-
16 tor” means a person or entity that has engaged in
17 serious criminal activities at any land, air, or sea
18 port of entry, including possession of illicit drugs,
19 smuggling of prohibited products, human smuggling,
20 weapons possession, use of fraudulent United States
21 documents, or other offenses serious enough to re-
22 sult in arrest.

23 (9) OPERATIONAL CONTROL.—The term “oper-
24 ational control” has the meaning given such term in

1 section 2(b) of the Secure Fence Act of 2006 (8
2 U.S.C. 1701 note; Public Law 109–367).

3 (10) SITUATIONAL AWARENESS.—The term
4 “situational awareness” means knowledge and an
5 understanding of current unlawful cross-border ac-
6 tivity, including cross-border threats and trends con-
7 cerning illicit trafficking and unlawful crossings
8 along the international borders of the United States,
9 the ability to forecast future shifts in such threats
10 and trends, and the operational capability to conduct
11 continuous and integrated surveillance of the inter-
12 national borders of the United States.

13 (11) TRANSIT ZONE.—The term “transit zone”
14 means the sea corridors of the western Atlantic
15 Ocean, the Gulf of Mexico, the Caribbean Sea, and
16 the eastern Pacific Ocean through which undocu-
17 mented migrants and illicit drugs transit, either di-
18 rectly or indirectly, to the United States.

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

1 **SEC. 21. AUTHORIZATION OF APPROPRIATIONS.**

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

