

115TH CONGRESS
1ST SESSION

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. CULBERSON, Mr. WEBER of Texas, Mr. WILLIAMS, Mr. BABIN, Mr. BARTON, Mr. FLORES, Mr. MEADOWS, Mr. HUNTER, Mr. COOK, Mr. BRIDENSTINE, Mr. PALAZZO, Mr. BERGMAN, Mr. KELLY of Mississippi, Mr. COLLINS of New York, Mr. POLIQUIN, Mr. FRANKS of Arizona, Mr. GOODLATTE, Mr. CRAMER, and Mr. LOUDERMILK) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Armed Services, Foreign Affairs, Natural Resources, Agriculture, Transportation and Infrastructure, Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

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

Sec. 1. Short title.

TITLE I—BORDER SECURITY

Sec. 101. Definitions.

Subtitle A—Infrastructure and Equipment

Sec. 102. Strengthening the requirements for barriers along the southern border.

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 reimbursement 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 Federal 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. 202. Secure communications.
 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.

1 **TITLE I—BORDER SECURITY**

2 **SEC. 101. DEFINITIONS.**

3 In this title:

4 (1) **APPROPRIATE CONGRESSIONAL COM-**
 5 **MITTEE.**—The term “appropriate congressional com-
 6 mittee” has the meaning given the term in section
 7 2(2) of the Homeland Security Act of 2002 (6
 8 U.S.C. 101(2)).

9 (2) **COMMISSIONER.**—The term “Commis-
 10 sioner” means the Commissioner of U.S. Customs
 11 and Border Protection.

12 (3) **HIGH TRAFFIC AREAS.**—The term “high
 13 traffic areas” has the meaning given the term in sec-
 14 tion 102(e)(1) of the Illegal Immigration Reform
 15 and Immigrant Responsibility Act of 1996, as
 16 amended by section 102 of this Act.

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

19 (5) **SITUATIONAL AWARENESS.**—The term “sit-
 20 uational awareness” has the meaning given the term
 21 in section 1092(a)(7) of the National Defense Au-

1 thorization Act for Fiscal Year 2017 (Public Law
2 114–328; 6 U.S.C. 223(a)(7)).

3 **Subtitle A—Infrastructure and**
4 **Equipment**

5 **SEC. 102. STRENGTHENING THE REQUIREMENTS FOR BAR-**
6 **RIERS ALONG THE SOUTHERN BORDER.**

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

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

12 “(a) IN GENERAL.—The Secretary of Homeland Se-
13 curity shall take such actions as may be necessary (includ-
14 ing the removal of obstacles to detection of illegal en-
15 trants) to construct, install, deploy, operate, and maintain
16 tactical infrastructure and technology in the vicinity of the
17 United States border to deter, impede, and detect illegal
18 activity in high traffic areas.”;

19 (2) in subsection (b)—

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

23 (B) in paragraph (1)—

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

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

6 “(B) TACTICAL INFRASTRUCTURE.—

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

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

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

21 “(II) physical barriers (including
22 fencing, border wall system, and levee
23 walls).”;

1 (iii) in subparagraph (C)(i), by strik-
2 ing “fencing is” and inserting “physical
3 barriers are”;

4 (C) in paragraph (2)—

5 (i) by striking “Attorney General”
6 and inserting “Secretary of Homeland Se-
7 curity”; and

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

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

13 “(3) AGENT SAFETY.—In carrying out this sec-
14 tion, the Secretary of Homeland Security may not
15 construct reinforced fencing or tactical infrastruc-
16 ture, as the case may be, that would, in any manner,
17 impede or negatively affect the safety of any officer
18 or agent of the Department of Homeland Security or
19 of any other Federal agency.”;

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

22 “(1) IN GENERAL.—Notwithstanding any other
23 provision of law, the Secretary of Homeland Security
24 is authorized to waive all legal requirements the Sec-
25 retary, in the Secretary’s sole discretion, determines

1 necessary to ensure the expeditious construction, in-
2 stallation, operation, and maintenance of the tactical
3 infrastructure and technology under this section.
4 Any such decision by the Secretary shall be effective
5 upon publication in the Federal Register.”; and

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

8 “(d) CONSTRUCTION, INSTALLATION, AND MAINTENANCE OF TECHNOLOGY.—
9

10 “(1) IN GENERAL.—Not later than January 20,
11 2021, the Secretary of Homeland Security, in carrying out subsection (a), shall deploy the most practical and effective technology available along the
12 United States border for achieving situational
13 awareness and operational control of the border.
14
15

16 “(2) TECHNOLOGY DEFINED.—In this subsection, the term ‘technology’ includes border surveillance and detection technology, including—
17
18

19 “(A) radar surveillance systems;

20 “(B) Vehicle and Dismount Exploitation Radars (VADER);
21

22 “(C) 3-dimensional, seismic acoustic detection and ranging border tunneling detection
23 technology;
24

25 “(D) sensors;

1 “(E) unmanned cameras; and

2 “(F) man-portable and mobile vehicle-
3 mounted unmanned aerial vehicles.

4 “(e) DEFINITIONS.—In this section:

5 “(1) HIGH TRAFFIC AREAS.—The term ‘high
6 traffic areas’ means sectors along the northern,
7 southern, or coastal border that—

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

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

12 “(2) SITUATIONAL AWARENESS DEFINED.—The
13 term ‘situational awareness’ has the meaning given
14 the term in section 1092(a)(7) of the National De-
15 fense Authorization Act for Fiscal Year 2017 (Pub-
16 lic Law 114–328).”.

17 **SEC. 103. AIR AND MARINE OPERATIONS FLIGHT HOURS.**

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

22 (b) UNMANNED AERIAL SYSTEM.—The Secretary
23 shall ensure that Air and Marine Operations operate un-
24 manned aerial systems for not less than 24 hours per day
25 for five days per week.

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

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

7 (1) the primary mission for Air and Marine Op-
8 erations is to directly support U.S. Border Patrol
9 activities along the southern border of the United
10 States; and

11 (2) the Executive Associate Commissioner of
12 Air and Marine Operations assigns the greatest pri-
13 ority to support missions established by the Commis-
14 sioner to carry out the requirements under this Act.

15 (e) HIGH-DEMAND FLIGHT HOUR REQUIRE-
16 MENTS.—In accordance with subsection (c), the Commis-
17 sioner shall ensure that U.S. Border Patrol Sector
18 Chiefs—

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

21 (2) direct Air and Marine Operations to sup-
22 port requests from Sector Chiefs as their primary
23 mission.

24 (f) STUDY AND REPORT.—

1 (1) STUDY.—Not later than 60 days after the
2 date of the enactment of this Act, the Secretary
3 shall commence a comprehensive study on the re-
4 alignment of the Air and Marine Office as a direc-
5 torate of U.S. Border Patrol.

6 (2) REPORT.—Not later than 180 days after
7 the date of the enactment of this Act, the Secretary
8 shall submit to the Committee on Homeland Secu-
9 rity of the House of Representatives and the Com-
10 mittee on Homeland Security and Governmental Af-
11 fairs of the Senate a report containing the results of
12 the study under paragraph (1), including rec-
13 ommendations and timeframes for implementing the
14 realignment described in such paragraph.

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

17 (a) IN GENERAL.—Not later than January 20, 2021,
18 the Secretary, in implementing section 102 of the Illegal
19 Immigration Reform and Immigrant Responsibility Act of
20 1996 (as amended by section 102 of this Act), and acting
21 through the appropriate component of the Department of
22 Homeland Security, shall deploy to each sector or region
23 of the southern border and the northern border, in a
24 prioritized manner to achieve situational awareness and

1 operational control of such borders, the following addi-
2 tional 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 (F) Mobile vehicle-mounted and man-port-
25 able surveillance capabilities.

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

3 (A) Tower-based surveillance technology.

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

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

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

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

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

14 (3) YUMA SECTOR.—For the Yuma sector, the
15 following:

16 (A) Tower-based surveillance technology.

17 (B) Mobile vehicle-mounted and man-port-
18 able surveillance systems.

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

21 (D) Ultralight aircraft detection capabili-
22 ties.

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

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

3 (G) Mobile vehicle-mounted and man-port-
4 able surveillance capabilities.

5 (H) Man-portable unmanned aerial vehi-
6 cles.

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

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

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

14 (C) Tower-based surveillance technology.

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

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

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

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

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

25 (A) Tower-based surveillance technology.

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

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

5 (D) Mobile vehicle-mounted and man-port-
6 able surveillance systems.

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

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

11 (G) Man-portable surveillance capabilities.

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

14 (A) Tower-based surveillance technology.

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

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

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

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

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

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

9 (B) Improved agent communications capa-
10 bilities.

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

13 (D) Advanced unattended surveillance sen-
14 sors.

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

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

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

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

23 (A) Maritime detection resources for the
24 Falcon Lake region.

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

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

6 (D) Ultralight aircraft detection capability.

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

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

11 (G) Man-portable unmanned aerial vehi-
12 cles.

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

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

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

20 (C) Ultralight aircraft detection capability.

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

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

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

3 (G) Mobile vehicle-mounted and man-port-
4 able surveillance capabilities.

5 (H) Man-portable unmanned aerial vehi-
6 cles.

7 (10) EASTERN PACIFIC MARITIME REGION.—
8 For the Eastern Pacific Maritime region, the fol-
9 lowing:

10 (A) Not later than two years after the date
11 of the enactment of this Act, an increase of not
12 less than ten percent in the number of overall
13 cutter, boat, and aircraft hours spent con-
14 ducting interdiction operations over the average
15 number of such hours during the preceding
16 three fiscal years.

17 (B) Increased maritime signals intelligence
18 capabilities.

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

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

23 (ii) Increased maritime aviation patrol
24 hours.

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

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

10 (A) Not later than two years after the date
11 of the enactment of this Act, an increase of not
12 less than ten percent in the number of overall
13 cutter, boat, and aircraft hours spent con-
14 ducting interdiction operations over the average
15 number of such hours during the preceding
16 three fiscal years.

17 (B) Increased maritime signals intelligence
18 capabilities.

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

22 (i) Unmanned aerial vehicles with
23 maritime surveillance capability.

24 (ii) Increased maritime aviation patrol
25 hours.

1 (iii) Coastal radar surveillance sys-
2 tems with long range day and night cam-
3 eras capable of providing 100 percent mar-
4 itime domain awareness of the United
5 States territorial waters surrounding Puer-
6 to Rico, Mona Island, Desecheo Island,
7 Vieques Island, Culebra Island, Saint
8 Thomas, Saint John, and Saint Croix.

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

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

17 (A) Coastal radar surveillance systems.

18 (B) Mobile vehicle-mounted and man-port-
19 able surveillance capabilities.

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

22 (D) Improved agent communications sys-
23 tems.

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

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

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

18 (C) Improved agent communications sys-
19 tems.

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 (I) Increased maritime interdiction capa-
8 bilities.

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

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

13 (B) Advanced unattended surveillance sen-
14 sors.

15 (C) Improved agent communications sys-
16 tems.

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

20 (E) Man-portable unmanned aerial vehi-
21 cles.

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

24 (G) Modernized port of entry surveillance
25 capabilities.

1 (15) GRAND FORKS SECTOR.—For the Grand
2 Forks sector, the following:

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

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

7 (C) Improved agent communications sys-
8 tems.

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

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

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

16 (G) Modernized port of entry surveillance
17 capabilities.

18 (16) DETROIT SECTOR.—For the Detroit sec-
19 tor, the following:

20 (A) Coastal radar surveillance systems.

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

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

1 (D) Improved agent communications sys-
2 tems.

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

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

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

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

12 (I) Increased maritime interdiction capa-
13 bilities.

14 (17) BUFFALO SECTOR.—For the Buffalo sec-
15 tor, the following:

16 (A) Coastal radar surveillance systems.

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

19 (C) Advanced unattended surveillance sen-
20 sors.

21 (D) Improved agent communications sys-
22 tems.

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

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

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

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

7 (I) Increased maritime interdiction capa-
8 bilities.

9 (18) SWANTON SECTOR.—For the Swanton sec-
10 tor, the following:

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

13 (B) Advanced unattended surveillance sen-
14 sors.

15 (C) Improved agent communications sys-
16 tems.

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

20 (E) Man-portable unmanned aerial vehi-
21 cles.

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

24 (G) Modernized port of entry surveillance
25 capabilities.

1 (19) HOULTON SECTOR.—For the Houlton sec-
2 tor, the following:

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

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

7 (C) Improved agent communications sys-
8 tems.

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

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

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

16 (G) Modernized port of entry surveillance
17 capabilities.

18 (b) TACTICAL FLEXIBILITY.—

19 (1) SOUTHERN AND NORTHERN LAND BOR-
20 DERS.—The Secretary may alter the capability de-
21 ployment referred to in this section if the Secretary
22 determines, after notifying the Committee on Home-
23 land Security and Governmental Affairs of the Sen-
24 ate and the Committee on Homeland Security of the
25 House of Representatives, that such alteration is re-

1 quired to enhance situational awareness or oper-
2 ational control.

3 (2) MARITIME BORDER.—

4 (A) NOTIFICATION.—The Commandant of
5 the Coast Guard shall notify the Committee on
6 Homeland Security and Governmental Affairs
7 of the Senate, the Committee on Commerce,
8 Science, and Transportation of the Senate, the
9 Committee on Homeland Security of the House
10 of Representatives, and the Committee on
11 Transportation and Infrastructure of the House
12 of Representatives regarding the capability de-
13 ployments referred to in this section, including
14 information relating to—

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

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

22 (B) ALTERATION.—The Commandant of
23 the Coast Guard may alter the capability de-
24 ployments referred to in this section if the
25 Commandant—

1 (i) determines, after consultation with
2 the committees referred to in subpara-
3 graph (A), that such alteration is nec-
4 essary; and

5 (ii) not later than 30 days after mak-
6 ing a determination under clause (i), noti-
7 fies the committees referred to in such
8 subparagraph regarding such alteration,
9 including information relating to—

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

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

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

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

- 24 (1) U.S. Border Patrol stations;
25 (2) U.S. Border Patrol checkpoints;

1 (3) mobile command centers; and

2 (4) other necessary facilities, structures, and
3 properties.

4 **SEC. 106. U.S. BORDER PATROL ACTIVITIES.**

5 The Chief of the U.S. Border Patrol shall direct
6 agents of the U.S. Border Patrol to patrol as close to the
7 physical land border as possible, consistent with the acces-
8 sibility to such areas.

9 **SEC. 107. U.S. BORDER PATROL FORWARD OPERATING**
10 **BASES.**

11 (a) **UPGRADES AND MAINTENANCE FOR FORWARD**
12 **OPERATING BASES.**—Not later than January 20, 2021,
13 the Secretary shall upgrade existing forward operating
14 bases of U.S. Border Patrol on or near the southern bor-
15 der to ensure that such bases meet the minimum require-
16 ments set forth in subsection (b).

17 (b) **MINIMUM REQUIREMENTS.**—Each forward oper-
18 ating base operated by U.S. Customs and Border Protec-
19 tion shall be equipped with—

20 (1) perimeter security;

21 (2) short-term detention space (separate from
22 existing housing facilities);

23 (3) portable generators or shore power suffi-
24 cient to meet the power requirements for the base;

25 (4) interview rooms;

- 1 (5) adequate communications, including wide
2 area network connectivity;
- 3 (6) cellular service;
- 4 (7) potable water; and
- 5 (8) a helicopter landing zone.

6 **SEC. 108. BORDER SECURITY TECHNOLOGY PROGRAM**
7 **MANAGEMENT.**

8 (a) IN GENERAL.—Subtitle C of title IV of the
9 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)
10 is amended by adding at the end the following new section:

11 **“SEC. 434. BORDER SECURITY TECHNOLOGY PROGRAM**
12 **MANAGEMENT.**

13 “(a) MAJOR ACQUISITION PROGRAM DEFINED.—In
14 this section, the term ‘major acquisition program’ means
15 an acquisition program of the Department that is esti-
16 mated by the Secretary to require an eventual total ex-
17 penditure of at least \$300,000,000 (based on fiscal year
18 2017 constant dollars) over its life cycle cost.

19 “(b) PLANNING DOCUMENTATION.—For each border
20 security technology acquisition program of the Depart-
21 ment that is determined to be a major acquisition pro-
22 gram, the Secretary shall—

- 23 “(1) ensure that each such program has a writ-
24 ten acquisition program baseline approved by the
25 relevant acquisition decision authority;

1 “(2) document that each such program is meet-
2 ing cost, schedule, and performance thresholds as
3 specified in such baseline, in compliance with rel-
4 evant departmental acquisition policies and the Fed-
5 eral Acquisition Regulation; and

6 “(3) have a plan for meeting program imple-
7 mentation objectives by managing contractor per-
8 formance.

9 “(c) ADHERENCE TO STANDARDS.—The Secretary,
10 acting through the Under Secretary for Management and
11 the Commissioner of U.S. Customs and Border Protection,
12 shall ensure border security technology acquisition pro-
13 gram managers who are responsible for carrying out this
14 section adhere to relevant internal control standards iden-
15 tified by the Comptroller General of the United States.
16 The Commissioner shall provide information, as needed,
17 to assist the Under Secretary in monitoring management
18 of border security technology acquisition programs under
19 this section.

20 “(d) PLAN.—The Secretary, acting through the
21 Under Secretary for Management, in coordination with
22 the Under Secretary for Science and Technology and the
23 Commissioner of U.S. Customs and Border Protection,
24 shall submit a plan to the appropriate congressional com-
25 mittees for testing, evaluating, and using independent

1 verification and validation resources for border security
 2 technology. Under the plan, new border security tech-
 3 nologies shall be evaluated through a series of assess-
 4 ments, processes, and audits to ensure—

5 “(1) compliance with relevant departmental ac-
 6 quisition policies and the Federal Acquisition Regu-
 7 lation; and

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

9 (b) CLERICAL AMENDMENT.—The table of contents
 10 in section 1(b) of the Homeland Security Act of 2002 is
 11 amended by inserting after the item relating to section
 12 433 the following new item:

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

13 (c) PROHIBITION ON ADDITIONAL AUTHORIZATION
 14 OF APPROPRIATIONS.—No additional funds are author-
 15 ized to be appropriated to carry out section 434 of the
 16 Homeland Security Act of 2002, as added by subsection
 17 (a). Such section shall be carried out using amounts other-
 18 wise authorized for such purposes.

19 **SEC. 109. NATIONAL GUARD SUPPORT TO SECURE THE**
 20 **SOUTHERN BORDER AND REIMBURSEMENT**
 21 **OF STATES FOR DEPLOYMENT OF THE NA-**
 22 **TIONAL GUARD AT THE SOUTHERN BORDER.**

23 (a) IN GENERAL.—With the approval of the Sec-
 24 retary of Defense, the Secretary or the Governor of a
 25 State may order any units or personnel of the National

1 Guard of such State to perform operations and missions
2 under section 502(f) of title 32, United States Code, along
3 the southern border for the purposes of assisting U.S.
4 Customs and Border Protection to secure the southern
5 border.

6 (b) ASSIGNMENT OF OPERATIONS AND MISSIONS.—

7 (1) IN GENERAL.—National Guard units and
8 personnel deployed under subsection (a) may be as-
9 signed such operations and missions specified in sub-
10 section (c) as may be necessary to secure the south-
11 ern border.

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

16 (c) RANGE OF OPERATIONS AND MISSIONS.—The op-
17 erations and missions assigned under subsection (b) shall
18 include the temporary authority to—

19 (1) construct reinforced fencing or other bar-
20 riers;

21 (2) conduct ground-based surveillance systems;

22 (3) operate unmanned and manned aircraft;

23 (4) provide radio communications interoper-
24 ability between U.S. Customs and Border Protection

1 and State, local, and tribal law enforcement agen-
2 cies; and

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

6 (d) MATERIEL AND LOGISTICAL SUPPORT.—The
7 Secretary of Defense shall deploy such materiel, equip-
8 ment, and logistical support as may be necessary to ensure
9 success of the operations and missions conducted by the
10 National Guard under this section.

11 (e) EXCLUSION FROM NATIONAL GUARD PER-
12 SONNEL STRENGTH LIMITATIONS.—National Guard per-
13 sonnel deployed under subsection (a) shall not be included
14 in—

15 (1) the calculation to determine compliance
16 with limits on end strength for National Guard per-
17 sonnel; or

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

22 (f) REIMBURSEMENT REQUIRED.—

23 (1) IN GENERAL.—The Secretary of Defense
24 shall reimburse States for the cost of the deployment
25 of any units or personnel of the National Guard to

1 perform operations and missions in full-time State
2 Active Duty in support of a southern border mission.
3 The Secretary of Defense may not seek reimburse-
4 ment from the Secretary for any reimbursements
5 paid to States for the costs of such deployments.

6 (2) LIMITATION.—The total amount of reim-
7 bursements under this section may not exceed
8 \$35,000,000 for any fiscal year.

9 **SEC. 110. OPERATION PHALANX.**

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

14 (b) TYPES OF ASSISTANCE AUTHORIZED.—The as-
15 sistance provided under subsection (a) may include—

16 (1) deployment of manned aircraft, unmanned
17 aerial surveillance systems, and ground-based sur-
18 veillance systems to support continuous surveillance
19 of the southern border; and

20 (2) intelligence analysis support.

21 (c) MATERIEL AND LOGISTICAL SUPPORT.—The Sec-
22 retary of Defense may deploy such materiel, equipment,
23 and logistics support as may be necessary to ensure the
24 effectiveness of the assistance provided under subsection
25 (a).

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated for the Department of
3 Defense \$75,000,000 to provide assistance under this sec-
4 tion. The Secretary of Defense may not seek reimburse-
5 ment from the Secretary for any assistance provided under
6 this section.

7 (e) REPORTS.—

8 (1) IN GENERAL.—Not later than 90 days after
9 the date of the enactment of this Act and annually
10 thereafter, the Secretary of Defense shall submit a
11 report to the appropriate congressional defense com-
12 mittees (as defined in section 101(a)(16) of title 10,
13 United States Code) regarding any assistance pro-
14 vided under subsection (a) during the period speci-
15 fied in paragraph (3).

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

19 (A) the assistance provided;

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

22 (C) the amounts obligated to provide such
23 assistance.

24 (3) PERIOD SPECIFIED.—The period specified
25 in this paragraph is—

1 (A) in the case of the first report required
2 under paragraph (1), the 90-day period begin-
3 ning on the date of the enactment of this Act;
4 and

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

8 **SEC. 111. MERIDA INITIATIVE.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that assistance to Mexico, including assistance from
11 the Department of State and the Department of Defense
12 and any aid related to the Merida Initiative should—

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

16 (2) return to its original focus and prioritize se-
17 curity, training, and acquisition of equipment for
18 Mexican security forces involved in drug crop eradi-
19 cation efforts.

20 (b) ASSISTANCE FOR MEXICO.—The Secretary of
21 State, in coordination with the Secretary and the Sec-
22 retary of Defense, shall provide assistance to Mexico to—

23 (1) combat drug trafficking and related vio-
24 lence, organized crime, and corruption;

1 (2) build a modern border security system capa-
2 ble of preventing illegal migration;

3 (3) support border security and cooperation
4 with United States law enforcement agencies on bor-
5 der incursions;

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

8 (5) provide for training and equipment for
9 Mexican security forces involved in drug crop eradi-
10 cation efforts.

11 (c) ALLOCATION OF FUNDS; REPORT.—

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

19 (A) significantly reducing illegal migration,
20 drug trafficking, and cross-border criminal ac-
21 tivities; and

22 (B) improving the transparency and ac-
23 countability of Mexican Federal police forces
24 and working with Mexican State and municipal
25 authorities to improve the transparency and ac-

1 countability of Mexican State and municipal po-
2 lice forces.

3 (2) MATTERS TO INCLUDE.—The report re-
4 quired under paragraph (1) shall include a descrip-
5 tion of—

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

9 (B) any instances in which the Secretary
10 determines that the actions taken by the Gov-
11 ernment of Mexico are inadequate to address
12 such matters.

13 (3) CONGRESSIONAL COMMITTEES SPECI-
14 FIED.—The congressional committees specified in
15 this paragraph are—

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

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

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

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

24 (E) the Committee on Homeland Security
25 of the House of Representatives; and

1 (F) the Committee on the Judiciary of the
2 House of Representatives.

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

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

9 (2) the notification requirements of—

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

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

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

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

18 (e) SPENDING PLAN.—

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

1 sulting with relevant authorities of the Government
2 of Mexico, for—

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

5 (B) anti-corruption and rule of law activi-
6 ties, which shall include concrete goals, actions
7 to be taken, budget proposals, and a description
8 of anticipated results.

9 (2) CONGRESSIONAL COMMITTEES SPECI-
10 FIED.—The congressional committees specified in
11 this paragraph are—

12 (A) the Committee on Appropriations of
13 the Senate;

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

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

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

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

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

24 (G) the Committee on Homeland Security
25 of the House of Representatives; and

1 (H) the Committee on the Judiciary of the
2 House of Representatives.

3 **SEC. 112. PROHIBITIONS ON ACTIONS THAT IMPEDE BOR-**
4 **DER SECURITY ON CERTAIN FEDERAL LAND.**

5 (a) PROHIBITION ON INTERFERENCE WITH U.S.
6 CUSTOMS AND BORDER PROTECTION.—

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

16 (2) APPLICABILITY.—The authority of U.S.
17 Customs and Border Protection to conduct activities
18 described in paragraph (1) on covered Federal land
19 applies without regard to whether a state of emer-
20 gency exists.

21 (b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND
22 BORDER PROTECTION.—

23 (1) IN GENERAL.—U.S. Customs and Border
24 Protection shall have immediate access to covered
25 Federal land to conduct the activities described in

1 paragraph (2) on such land to prevent all unlawful
2 entries into the United States, including entries by
3 terrorists, other unlawful aliens, instruments of ter-
4 rorism, narcotics, and other contraband through the
5 southern border or the northern border.

6 (2) ACTIVITIES DESCRIBED.—The activities de-
7 scribed in this paragraph are—

8 (A) the use of vehicles to patrol the border
9 area, apprehend illegal entrants, and rescue in-
10 dividuals; and

11 (B) the construction, installation, oper-
12 ation and maintenance of tactical infrastructure
13 and border technology described in section 102
14 of the Illegal Immigration Reform and Immig-
15 rant Responsibility Act of 1996 (as amended
16 by section 102 of this Act).

17 (c) CLARIFICATION RELATING TO WAIVER AUTHOR-
18 ITY.—

19 (1) IN GENERAL.—The activities of U.S. Cus-
20 toms and Border Protection described in subsection
21 (b)(2) may be carried out without regard to the pro-
22 visions of law specified in paragraph (2).

23 (2) PROVISIONS OF LAW SPECIFIED.—The pro-
24 visions of law specified in this section are all Fed-
25 eral, State, or other laws, regulations, and legal re-

1 requirements of, deriving from, or related to the sub-
2 ject of, the following laws:

3 (A) The National Environmental Policy
4 Act of 1969 (42 U.S.C. 4321 et seq.).

5 (B) The Endangered Species Act of 1973
6 (16 U.S.C. 1531 et seq.).

7 (C) The Federal Water Pollution Control
8 Act (33 U.S.C. 1251 et seq.) (commonly re-
9 ferred to as the “Clean Water Act”).

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

14 (E) The Migratory Bird Treaty Act (16
15 U.S.C. 703 et seq.).

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

18 (G) The Archaeological Resources Protec-
19 tion Act of 1979 (16 U.S.C. 470aa et seq.).

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

22 (I) The Noise Control Act of 1972 (42
23 U.S.C. 4901 et seq.).

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

1 (K) The Comprehensive Environmental
2 Response, Compensation, and Liability Act of
3 1980 (42 U.S.C. 9601 et seq.).

4 (L) Chapter 3125 of title 54, United
5 States Code (formerly known as the “Archae-
6 ological and Historic Preservation Act”).

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

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

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

14 (P) The Farmland Protection Policy Act
15 (7 U.S.C. 4201 et seq.).

16 (Q) The Coastal Zone Management Act of
17 1972 (16 U.S.C. 1451 et seq.).

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

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

22 (T) The National Wildlife Refuge System
23 Administration Act of 1966 (16 U.S.C. 668dd
24 et seq.).

1 (U) The Fish and Wildlife Act of 1956 (16
2 U.S.C. 742a et seq.).

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

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

8 (X) The Otay Mountain Wilderness Act of
9 1999 (Public Law 106–145).

10 (Y) Sections 102(29) and 103 of the Cali-
11 fornia Desert Protection Act of 1994 (Public
12 Law 103–433).

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

16 (AA) The National Park Service General
17 Authorities Act (Public Law 91–383, 16 U.S.C.
18 1a–1 et seq.).

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

22 (CC) Sections 301(a) through (f) of the
23 Arizona Desert Wilderness Act (Public Law
24 101–628).

1 (DD) The Rivers and Harbors Act of 1899
2 (33 U.S.C. 403).

3 (EE) The Eagle Protection Act (16 U.S.C.
4 668 et seq.).

5 (FF) The Native American Graves Protec-
6 tion and Repatriation Act (25 U.S.C. 3001 et
7 seq.).

8 (GG) The American Indian Religious Free-
9 dom Act (42 U.S.C. 1996).

10 (HH) The Religious Freedom Restoration
11 Act (42 U.S.C. 2000bb).

12 (II) The National Forest Management Act
13 of 1976 (16 U.S.C. 1600 et seq.).

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

16 (3) APPLICABILITY OF WAIVER TO SUCCESSOR
17 LAWS.—If a provision of law specified in paragraph
18 (2) was repealed and incorporated into title 54,
19 United States Code, after April 1, 2008, and before
20 the date of the enactment of this Act, the waiver de-
21 scribed in paragraph (1) shall apply to the provision
22 of such title that corresponds to the provision of law
23 specified in paragraph (2) to the same extent the
24 waiver applied to that provision of law.

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

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

8 (2) any additional authority to restrict legal ac-
9 cess to such land.

10 (e) EFFECT ON STATE AND PRIVATE LAND.—This
11 section shall—

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

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

16 (f) TRIBAL SOVEREIGNTY.—Nothing in this section
17 may be construed to supersede, replace, negate, or dimin-
18 ish treaties or other agreements between the United States
19 and Indian tribes.

20 (g) DEFINITIONS.—In this section:

21 (1) COVERED FEDERAL LAND.—The term “cov-
22 ered Federal land” includes all land under the con-
23 trol of the Secretary concerned that is located within
24 100 miles of the southern border or the northern
25 border.

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

3 (A) with respect to land under the jurisdic-
4 tion of the Department of Agriculture, the Sec-
5 retary of Agriculture; and

6 (B) with respect to land under the jurisdic-
7 tion of the Department of the Interior, the Sec-
8 retary of the Interior.

9 **SEC. 113. LANDOWNER AND RANCHER SECURITY ENHANCE-**
10 **MENT.**

11 (a) ESTABLISHMENT OF NATIONAL BORDER SECUR-
12 ITY ADVISORY COMMITTEE.—The Secretary shall estab-
13 lish a National Border Security Advisory Committee,
14 which—

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

18 (A) verifying security claims and the bor-
19 der security metrics established by the Depart-
20 ment of Homeland Security under section 1092
21 of the National Defense Authorization Act for
22 Fiscal Year 2017 (Public Law 114–328; 6
23 U.S.C. 223); and

1 (B) discussing ways to improve the secu-
2 rity of high traffic areas along the northern
3 border and the southern border; and

4 (2) may provide, through the Secretary, rec-
5 ommendations to Congress.

6 (b) CONSIDERATION OF VIEWS.—The Secretary shall
7 consider the information, advice, and recommendations of
8 the National Border Security Advisory Committee in for-
9 mulating policy regarding matters affecting border secu-
10 rity.

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

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

16 (2) lives and works in the United States within
17 80 miles from the southern border or the northern
18 border.

19 (d) NONAPPLICABILITY OF FEDERAL ADVISORY
20 COMMITTEE ACT.—The Federal Advisory Committee Act
21 (5 U.S.C. App.) shall not apply to the National Border
22 Security Advisory Committee.

1 **SEC. 114. ERADICATION OF CARRIZO CANE AND SALT**
2 **CEDAR.**

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

7 **SEC. 115. SOUTHERN BORDER THREAT ANALYSIS.**

8 (a) **THREAT ANALYSIS.**—

9 (1) **REQUIREMENT.**—Not later than 180 days
10 after the date of the enactment of this Act, the Sec-
11 retary shall submit to the Committee on Homeland
12 Security of the House of Representatives and the
13 Committee on Homeland Security and Governmental
14 Affairs of the Senate a southern border threat anal-
15 ysis.

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

18 (A) current and potential terrorism and
19 criminal threats posed by individuals and orga-
20 nized groups seeking—

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

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

25 (B) improvements needed at and between
26 ports of entry along the southern border to pre-

1 vent terrorists and instruments of terror from
2 entering the United States;

3 (C) gaps in law, policy, and coordination
4 between State, local, or tribal law enforcement,
5 international agreements, or tribal agreements
6 that hinder effective and efficient border secu-
7 rity, counterterrorism, and anti-human smug-
8 gling and trafficking efforts;

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

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

17 (F) traveler crossing times and any poten-
18 tial security vulnerability associated with pro-
19 longed wait times.

20 (3) ANALYSIS REQUIREMENTS.—In compiling
21 the southern border threat analysis required under
22 this subsection, the Secretary shall consider and ex-
23 amine—

24 (A) the technology needs and challenges,
25 including such needs and challenges identified

1 as a result of previous investments that have
2 not fully realized the security and operational
3 benefits that were sought;

4 (B) the personnel needs and challenges, in-
5 cluding such needs and challenges associated
6 with recruitment and hiring;

7 (C) the infrastructure needs and chal-
8 lenges;

9 (D) the roles and authorities of State,
10 local, and tribal law enforcement in general bor-
11 der security activities;

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

15 (F) the terrain, population density, and cli-
16 mate along the southern border; and

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

20 (4) CLASSIFIED FORM.—To the extent possible,
21 the Secretary shall submit the southern border
22 threat analysis required under this subsection in un-
23 classified form, but may submit a portion of the
24 threat analysis in classified form if the Secretary de-
25 termines such action is appropriate.

1 (b) U.S. BORDER PATROL STRATEGIC PLAN.—

2 (1) IN GENERAL.—Not later than the later of
3 180 days after the submission of the threat analysis
4 required under subsection (a) or June 30, 2018, and
5 every five years thereafter, the Secretary, acting
6 through the Chief of the U.S. Border Patrol, and in
7 consultation with the Office for Civil Rights and
8 Civil Liberties of the Department, shall issue a Bor-
9 der Patrol Strategic Plan.

10 (2) CONTENTS.—The Border Patrol Strategic
11 Plan required under this subsection shall include a
12 consideration of—

13 (A) the southern border threat analysis re-
14 quired under subsection (a), with an emphasis
15 on efforts to mitigate threats identified in such
16 threat analysis;

17 (B) efforts to analyze and disseminate bor-
18 der security and border threat information be-
19 tween border security components of the De-
20 partment and other appropriate Federal depart-
21 ments and agencies with missions associated
22 with the southern border;

23 (C) efforts to increase situational aware-
24 ness, including—

1 (i) surveillance capabilities, including
2 capabilities developed or utilized by the
3 Department of Defense, and any appro-
4 priate technology determined to be excess
5 by the Department of Defense; and

6 (ii) the use of manned aircraft and
7 unmanned aerial systems, including cam-
8 era and sensor technology deployed on
9 such assets;

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

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

16 (F) efforts to focus intelligence collection
17 to disrupt transnational criminal organizations
18 outside of the international and maritime bor-
19 ders of the United States;

20 (G) efforts to ensure that any new border
21 security technology can be operationally inte-
22 grated with existing technologies in use by the
23 Department;

24 (H) any technology required to maintain,
25 support, and enhance security and facilitate

1 trade at ports of entry, including nonintrusive
2 detection equipment, radiation detection equip-
3 ment, biometric technology, surveillance sys-
4 tems, and other sensors and technology that the
5 Secretary determines to be necessary;

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

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

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

17 (L) border security information received
18 from consultation with State, local, tribal, terri-
19 torial, and Federal law enforcement agencies
20 that have jurisdiction on the northern border or
21 the southern border, or in the maritime envi-
22 ronment, and from border community stake-
23 holders (including through public meetings with
24 such stakeholders), including representatives
25 from border agricultural and ranching organiza-

1 tions and representatives from business and
2 civic organizations along the northern border or
3 the southern border;

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

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

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

11 (i) identifying and detecting fraudu-
12 lent documents;

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

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

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

1 **Subtitle B—Personnel**

2 **SEC. 131. ADDITIONAL U.S. CUSTOMS AND BORDER PRO-** 3 **TECTION AGENTS AND OFFICERS.**

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

9 (b) **CBP OFFICERS.**—In addition to positions author-
10 ized before the date of the enactment of this Act and any
11 existing officer vacancies within U.S. Customs and Border
12 Protection as of such date, the Commissioner, subject to
13 the availability of appropriations, shall hire, train, and as-
14 sign to duty, not later than September 30, 2021—

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

19 (2) 350 full-time support staff distributed
20 among all United States ports of entry.

21 (c) **AIR AND MARINE OPERATIONS.**—Not later than
22 September 30, 2021, the Commissioner of U.S. Customs
23 and Border Protection shall hire, train, and assign suffi-
24 cient agents for Air and Marine Operations of U.S. Cus-

1 toms and Border Protection to maintain not fewer than
2 1,675 full-time equivalent agents.

3 (d) U.S. CUSTOMS AND BORDER PROTECTION K-9
4 UNITS AND HANDLERS.—

5 (1) K-9 UNITS.—Not later than September 30,
6 2021, the Commissioner shall deploy not fewer than
7 300 new K-9 units, with supporting officers of U.S.
8 Customs and Border Protection and other required
9 staff, at land ports of entry and checkpoints, on the
10 southern border and the northern border.

11 (2) USE OF CANINES.—The Commissioner shall
12 prioritize the use of canines at the primary inspec-
13 tion lanes at land ports of entry and checkpoints.

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

16 (1) INCREASE.—Not later than September 30,
17 2021, the Commissioner shall increase the number
18 of horseback units, with supporting officers of U.S.
19 Customs and Border Protection and other required
20 staff, by not fewer than 100 officers and 50 horses
21 for security patrol along the southern border.

22 (2) FUNDING LIMITATION.—Of the amounts
23 authorized to be appropriated for U.S. Customs and
24 Border Protection under this Act, not more than one
25 percent may be used for the purchase of additional

1 horses, the construction of new stables, maintenance
2 and improvements of existing stables, and for feed,
3 medicine, and other resources needed to maintain
4 the health and well-being of the horses that serve in
5 the horseback units.

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

11 (g) U.S. CUSTOMS AND BORDER PROTECTION TUN-
12 NEL DETECTION AND TECHNOLOGY PROGRAM.—Not
13 later than September 30, 2021, the Commissioner shall
14 increase by not fewer than 50 the number of officers as-
15 sisting task forces and activities related to deployment and
16 operation of border tunnel detection technology and appre-
17 hensions of individuals using such tunnels for crossing
18 into the United States, drug trafficking, or human smug-
19 gling.

20 (h) AGRICULTURAL SPECIALISTS.—Not later than
21 September 30, 2021, the Secretary shall hire, train, and
22 assign to duty, in addition to the officers and agents au-
23 thorized under subsections (a) through (g), 631 U.S. Cus-
24 toms and Border Protection agricultural specialists to

1 ports of entry along the southern border and the northern
2 border.

3 (i) GAO REPORT.—If the staffing levels required
4 under this section are not achieved by September 30,
5 2021, the Comptroller General of the United States shall
6 conduct a review of the reasons why such levels were not
7 achieved.

8 **SEC. 132. U.S. CUSTOMS AND BORDER PROTECTION RETEN-**
9 **TION INCENTIVES.**

10 (a) DEFINITIONS.—In this section:

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

17 (2) COVERED CBP EMPLOYEE.—The term “cov-
18 ered CBP employee” means an employee of U.S.
19 Customs and Border Protection performing activities
20 that are critical to border security or customs en-
21 forcement, as determined by the Commissioner.

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

24 (A) means the rate of pay fixed by law or
25 administrative action for the position to which

1 an employee is appointed before deductions and
2 including any special rate under subpart C of
3 part 530 of title 5, Code of Federal Regula-
4 tions, or similar payment under other legal au-
5 thority, and any locality-based comparability
6 payment under subpart F of part 531 of title
7 5, Code of Federal Regulations, or similar pay-
8 ment under other legal authority, but excluding
9 additional pay of any other kind; and

10 (B) does not include additional pay, such
11 as night shift differentials under section
12 5343(f) of title 5, United States Code, or envi-
13 ronmental differentials under section
14 5343(c)(4) of such title.

15 (4) SPECIAL RATE OF PAY.—The term “special
16 rate of pay” means a higher than normal rate of pay
17 that exceeds the otherwise applicable rate of basic
18 pay for a similar covered CBP employee at a land
19 port of entry.

20 (b) HIRING INCENTIVES.—

21 (1) IN GENERAL.—To the extent necessary for
22 U.S. Customs and Border Protection to hire, train,
23 and deploy qualified officers and employees, and to
24 the extent necessary to meet the requirements set
25 forth in section 131, the Commissioner, with the ap-

1 proval of the Secretary, may pay a hiring bonus of
2 \$10,000 to a covered CBP employee, after the cov-
3 ered CBP completes initial basic training and exe-
4 cutes a written agreement required under paragraph
5 (2).

6 (2) WRITTEN AGREEMENT.—The payment of a
7 hiring bonus to a covered CBP employee under
8 paragraph (1) is contingent upon the covered CBP
9 employee entering into a written agreement with
10 U.S. Customs and Border Protection to complete
11 more than two years of employment with U.S. Cus-
12 toms and Border Protection beginning on the date
13 on which the agreement is signed. Such agreement
14 shall include—

15 (A) the amount of the hiring bonus;

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

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

22 (D) any other terms and conditions under
23 which the hiring bonus is payable, subject to
24 the requirements under this section.

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

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

12 (5) EFFECTIVE DATE AND SUNSET.—This sub-
13 section shall take effect on the date of the enactment
14 of this Act and shall remain in effect until the ear-
15 lier of—

16 (A) September 30, 2019; or

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

20 (c) RETENTION INCENTIVES.—

21 (1) IN GENERAL.—To the extent necessary for
22 U.S. Customs and Border Protection to retain quali-
23 fied employees, and to the extent necessary to meet
24 the requirements set forth in section 131, the Com-
25 missioner, with the approval of the Secretary, may

1 pay a retention incentive to a covered CBP employee
2 who has been employed with U.S. Customs and Bor-
3 der Protection for a period of longer than two con-
4 secutive years, and the Commissioner determines
5 that, in the absence of the retention incentive, the
6 covered CBP employee would likely—

7 (A) leave the Federal service; or

8 (B) transfer to, or be hired into, a dif-
9 ferent position within the Department (other
10 than another position in CBP).

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

20 (A) the amount of the retention incentive;

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

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

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

6 (3) CRITERIA.—When determining the amount
7 of a retention incentive paid to a covered CBP em-
8 ployee under paragraph (1), the Commissioner shall
9 consider—

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

12 (B) the salaries for law enforcement offi-
13 cers in other Federal agencies; and

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

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

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

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

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

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

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

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

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

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

1 percent of the otherwise applicable rate of basic pay
2 of the covered CBP employee.

3 (3) TERMINATION.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), the pilot program shall ter-
6minate on the date that is two years after the
7 date of the enactment of this Act.

8 (B) EXTENSION.—If the Secretary deter-
9mines that the pilot program is performing sat-
10isfactorily and there are metrics that prove its
11 success in meeting the requirements set forth in
12 section 131, the Secretary may extend the pilot
13 program until the date that is four years after
14 the date of the enactment of this Act.

15 (4) REPORT TO CONGRESS.—Shortly after the
16 pilot program terminates under paragraph (3), the
17 Commissioner shall submit a report to the Com-
18 mittee on Homeland Security and Governmental Af-
19 fairs of the Senate, the Committee on the Judiciary
20 of the Senate, the Committee on Homeland Security
21 of the House of Representatives, and the Committee
22 on the Judiciary of the House of Representatives
23 that details—

24 (A) the total amount paid to covered CBP
25 employees under the pilot program; and

1 (B) the covered areas in which the pilot
2 program was implemented.

3 (e) SALARIES.—

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

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

15 “(1) to the annual rate of basic pay payable for
16 positions at GS–12, step 1 of the General Schedule
17 under subchapter III of chapter 53 of title 5, United
18 States Code, for officers and agents who are receiv-
19 ing the annual rate of basic pay payable for a posi-
20 tion at GS–5, GS–6, GS–7, GS–8, or GS–9 of the
21 General Schedule;

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

1 rate of pay payable for a position at GS–10 of the
2 General Schedule;

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

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

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

20 (2) HARDSHIP DUTY PAY.—In addition to com-
21 pensation to which Border Patrol agents are other-
22 wise entitled, Border Patrol agents who are assigned
23 to rural areas shall be entitled to receive hardship
24 duty pay, in lieu of a retention incentive under sub-
25 section (b), in an amount determined by the Com-

1 missioner, which may not exceed the rate of special
2 pay to which members of a uniformed service are en-
3 titled under section 310 of title 37, United States
4 Code.

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

9 **SEC. 133. ANTI-BORDER CORRUPTION REAUTHORIZATION**
10 **ACT.**

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

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

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

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

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

1 “(B) is authorized by law to engage in or
2 supervise the prevention, detection, investiga-
3 tion, or prosecution of, or the incarceration of
4 any person for, any violation of law, and has
5 statutory powers for arrest or apprehension;

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

13 “(D) has, within the past ten years, suc-
14 cessfully completed a polygraph examination as
15 a condition of employment with such officer’s
16 current law enforcement agency;

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

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

22 “(B) is authorized to make arrests, con-
23 duct investigations, conduct searches, make sei-
24 zures, carry firearms, and serve orders, war-
25 rants, and other processes;

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

8 “(D) holds a current Tier 4 background
9 investigation or current Tier 5 background in-
10 vestigation; and

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

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

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

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

23 “(D) received, or is eligible to receive, an
24 honorable discharge from service in the Armed
25 Forces and has not engaged in criminal activity

1 or committed a serious military or civil offense
2 under the Uniform Code of Military Justice;
3 and

4 “(E) was not granted any waivers to ob-
5 tain the clearance referred to subparagraph
6 (B).

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

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

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

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

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

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

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

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

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

17 **“SEC. 5. REPORTING.**

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

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

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

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

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

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

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

14 “(b) ADDITIONAL INFORMATION.—The first report
15 submitted under subsection (a) shall include—

16 “(1) an analysis of other methods of employ-
17 ment suitability tests that detect deception and could
18 be used in conjunction with traditional background
19 investigations to evaluate potential employees for
20 suitability; and

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

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

5 **“SEC. 6. DEFINITIONS.**

6 “In this Act:

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

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

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

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

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

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

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

9 **Subtitle C—Grants**

10 **SEC. 141. OPERATION STONEGARDEN.**

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

14 **“SEC. 2009. OPERATION STONEGARDEN.**

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

22 “(b) ELIGIBLE RECIPIENTS.—To be eligible to re-
23 ceive a grant under this section, a law enforcement agen-
24 cy—

25 “(1) shall be located in—

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

2 or

3 “(B) a State or territory with a maritime

4 border; and

5 “(2) shall be involved in an active, ongoing,

6 U.S. Customs and Border Protection operation co-

7 ordinated through a sector office.

8 “(c) PERMITTED USES.—The recipient of a grant

9 under this section may use such grant for—

10 “(1) equipment, including maintenance and

11 sustainment costs;

12 “(2) personnel, including overtime and backfill,

13 in support of enhanced border law enforcement ac-

14 tivities;

15 “(3) any activity permitted for Operation

16 Stonegarden under the Department of Homeland

17 Security’s Fiscal Year 2017 Homeland Security

18 Grant Program Notice of Funding Opportunity; and

19 “(4) any other appropriate activity, as deter-

20 mined by the Administrator, in consultation with the

21 Commissioner of U.S. Customs and Border Protec-

22 tion.

23 “(d) PERIOD OF PERFORMANCE.—The Secretary

24 shall award grants under this section to grant recipients

25 for a period of not less than 36 months.

1 “(e) REPORT.—For each of the fiscal years 2018
2 through 2022, the Administrator shall submit to the Com-
3 mittee on Homeland Security and Governmental Affairs
4 of the Senate and the Committee on Homeland Security
5 of the House of Representatives a report that contains in-
6 formation on the expenditure of grants made under this
7 section by each grant recipient.

8 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
9 is authorized to be appropriated \$110,000,000 for each
10 of the fiscal years 2018 through 2022 for grants under
11 this section.”.

12 (b) CONFORMING AMENDMENT.—Subsection (a) of
13 section 2002 of the Homeland Security Act of 2002 (6
14 U.S.C. 603) is amended to read as follows:

15 “(a) GRANTS AUTHORIZED.—The Secretary, through
16 the Administrator, may award grants under sections 2003,
17 2004, and 2009 to State, local, and tribal governments,
18 as appropriate.”.

19 (c) CLERICAL AMENDMENT.—The table of contents
20 in section 1(b) of the Homeland Security Act of 2002 is
21 amended by inserting after the item relating to section
22 2008 the following:

“Sec. 2009. Operation Stonegarden.”.

1 **Subtitle D—Authorization of**
2 **Appropriations**

3 **SEC. 151. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—In addition to amounts otherwise
5 authorized to be appropriated, there are authorized to be
6 appropriated for each of the fiscal years 2018 through
7 2021, \$2,500,000,000 to implement this title and the
8 amendments made by this title, of which—

9 (1) \$10,000,000 shall be used by the Depart-
10 ment of Homeland Security to implement Vehicle
11 and Dismount Exploitation Radars (VADER) in
12 border security operations; and

13 (2) \$200,000,000 shall be used by the Depart-
14 ment of State to implement section 111.

15 (b) HIGH INTENSITY DRUG TRAFFICKING AREA
16 PROGRAM.—Section 707(p)(5) of the Office of National
17 Drug Control Policy Reauthorization Act of 1998 (21
18 U.S.C. 1706(p)(5)) is amended by striking “to the Office
19 of National Drug Control Policy” and all that follows and
20 inserting “\$280,000,000 to the Office of National Drug
21 Control Policy for each of fiscal years 2018 through 2021
22 to carry out this section.”.

1 **TITLE II—EMERGENCY PORT OF**
2 **ENTRY PERSONNEL AND IN-**
3 **FRASTRUCTURE FUNDING**

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

5 (a) ADDITIONAL PORTS OF ENTRY.—

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

10 (2) CONSULTATION.—

11 (A) REQUIREMENT TO CONSULT.—The
12 Secretary shall consult with the Secretary of
13 the Interior, the Secretary of Agriculture, the
14 Administrator of General Services, and appro-
15 priate representatives of State and local govern-
16 ments, and Indian tribes, and property owners
17 in the United States prior to selecting a loca-
18 tion for any new port constructed pursuant to
19 paragraph (1).

20 (B) CONSIDERATIONS.—The purpose of
21 the consultations required by subparagraph (A)
22 shall be to minimize any negative impacts of
23 such a new port on the environment, culture,
24 commerce, and quality of life of the commu-
25 nities and residents located near such new port.

1 (b) EXPANSION AND MODERNIZATION OF HIGH-VOL-
2 UME SOUTHERN BORDER PORTS OF ENTRY.—Not later
3 than September 30, 2021, the Secretary shall expand the
4 primary and secondary inspection lanes for vehicle, cargo,
5 and pedestrian inbound and outbound inspection lanes at
6 the top ten high-volume ports of entry on the southern
7 border, as determined by the Secretary.

8 (c) PORT OF ENTRY PRIORITIZATION.—Prior to con-
9 structing any new ports of entry pursuant to subsection
10 (a), the Secretary shall complete the expansion and mod-
11 ernization of ports of entry pursuant to subsection (b) to
12 the extent practicable.

13 **SEC. 202. SECURE COMMUNICATIONS.**

14 (a) IN GENERAL.—The Secretary shall ensure that
15 each U.S. Customs and Border Protection and U.S. Immi-
16 gration and Customs Enforcement officer or agent, if ap-
17 propriate, is equipped with a secure two-way communica-
18 tion device, supported by system interoperability and LTE
19 network capability, that allows each such officer to com-
20 municate—

- 21 (1) between ports of entry and inspection sta-
22 tions; and
- 23 (2) with other Federal, State, tribal, and local
24 law enforcement entities.

1 (b) LAND BORDER AGENTS AND OFFICERS.—The
2 Secretary shall ensure that each U.S. Customs and Border
3 Protection agent or officer assigned or required to patrol
4 on foot, by horseback, or with a canine unit, in remote
5 mission critical locations, including the Rio Grand Valley
6 and Big Bend, and at border checkpoints, has a multi-
7 band, encrypted portable radio with military-grade high
8 frequency capability to allow for beyond line-of-sight com-
9 munications.

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

11 (a) EXPANSION.—Not later than September 30,
12 2021, the Secretary shall fully implement the Border Se-
13 curity Deployment Program of the U.S. Customs and Bor-
14 der Protection and expand the integrated surveillance and
15 intrusion detection system at land ports of entry along the
16 southern border and the northern border.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-
18 tion to amounts otherwise authorized to be appropriated
19 for such purpose, there is authorized to be appropriated
20 \$33,000,000 for fiscal year 2018 to carry out subsection
21 (a).

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

24 (a) UPGRADE.—Not later than one year after the
25 date of the enactment of this Act, the Commissioner of

1 U.S. Customs and Border Protection shall upgrade all ex-
2 isting license plate readers on the northern and southern
3 borders on incoming and outgoing vehicle lanes.

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

12 (c) REPORT.—Not later than 180 days after the date
13 of the enactment of this Act, the Secretary shall report
14 to the Committee on Homeland Security and Govern-
15 mental Affairs of the Senate, the Committee on the Judici-
16 ary of the Senate, the Committee on Homeland Security
17 of the House of Representatives, and the Committee on
18 the Judiciary of the House of Representatives the results
19 of the pilot program under subsection (b) and make rec-
20 ommendations for implementing use of such technology on
21 the southern border.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-
23 tion to amounts otherwise authorized to be appropriated
24 for such purpose, there is authorized to be appropriated

1 \$125,000,000 for fiscal year 2018 to carry out subsection
2 (a).

3 **SEC. 205. BIOMETRIC EXIT DATA SYSTEM.**

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

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

9 “(a) ESTABLISHMENT.—The Secretary shall—

10 “(1) not later than 180 days after the date of
11 the enactment of this section, submit to the Com-
12 mittee on Homeland Security and Governmental Af-
13 fairs and the Committee on the Judiciary of the
14 Senate and the Committee on Homeland Security
15 and the Committee on the Judiciary of the House of
16 Representatives an implementation plan to establish
17 a biometric exit data system to complete the inte-
18 grated biometric entry and exit data system required
19 under section 7208 of the Intelligence Reform and
20 Terrorism Prevention Act of 2004 (8 U.S.C. 1365b),
21 including—

22 “(A) an integrated master schedule and
23 cost estimate, including requirements and de-
24 sign, development, operational, and mainte-
25 nance costs of such a system, that takes into

1 account prior reports on such matters issued by
2 the Government Accountability Office and the
3 Department;

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

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

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

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

23 “(i) trucking industry;

24 “(ii) airport industry;

25 “(iii) airline industry;

1 “(iv) seaport industry;

2 “(v) travel industry; and

3 “(vi) biometric technology industry;

4 “(F) a consideration of how trusted trav-
5 eler programs in existence as of the date of the
6 enactment of this Act may be impacted by, or
7 incorporated into, such a system;

8 “(G) defined metrics of success and mile-
9 stones;

10 “(H) identified risks and mitigation strate-
11 gies to address such risks; and

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

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

18 “(A) 15 United States airports that sup-
19 port the highest volume of international air
20 travel, as determined by available Federal flight
21 data;

22 “(B) 15 United States seaports that sup-
23 port the highest volume of international sea
24 travel, as determined by available Federal travel
25 data; and

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

5 “(b) IMPLEMENTATION.—

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

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

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

1 “(C) The effects of such pilot program on
2 legitimate travel and trade.

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

6 “(E) Its effectiveness in combating ter-
7 rorism.

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

10 “(A) IN GENERAL.—Not later than five
11 years after the date of the enactment of this
12 section, the Secretary shall expand the biomet-
13 ric exit data system referred to in subsection
14 (a)(2) to all land ports of entry, and such sys-
15 tem shall apply only in the case of non-pedes-
16 trian outbound traffic.

17 “(B) EXTENSION.—The Secretary may ex-
18 tend for a single two-year period the date speci-
19 fied in subparagraph (A) if the Secretary cer-
20 tifies to the Committee on Homeland Security
21 and Governmental Affairs and the Committee
22 on the Judiciary of the Senate and the Com-
23 mittee on Homeland Security and the Com-
24 mittee on the Judiciary of the House of Rep-
25 resentatives that the 15 land ports of entry that

1 support the highest volume of passenger vehi-
2 cles, as determined by available Federal data,
3 do not have the physical infrastructure or char-
4 acteristics to install the systems necessary to
5 implement a biometric exit data system.

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

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

17 “(c) EFFECTS ON AIR, SEA, AND LAND TRANSPOR-
18 TATION.—The Secretary, in consultation with appropriate
19 private sector stakeholders, shall ensure that the collection
20 of biometric data under this section causes the least pos-
21 sible disruption to the movement of people or cargo in air,
22 sea, or land transportation, while fulfilling the goals of im-
23 proving counterterrorism efforts.

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

1 on the date of the enactment of this section, terminate
2 the proceeding entitled ‘Collection of Alien Biometric Data
3 Upon Exit From the United States at Air and Sea Ports
4 of Departure; United States Visitor and Immigrant Status
5 Indicator Technology Program (“US–VISIT”)', issued on
6 April 24, 2008 (73 Fed. Reg. 22065).

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

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

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

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

22 “(f) SCOPE.—

23 “(1) IN GENERAL.—The biometric exit data
24 system established under this section shall include a
25 requirement for the collection of biometric exit data

1 at the time of departure for all categories of individ-
2 uals who are required by the Secretary to provide bi-
3 ometric entry data.

4 “(2) EXCEPTION FOR CERTAIN OTHER INDIVID-
5 UALS.—This section shall not apply in the case of an
6 individual who exits and then enters the United
7 States on a passenger vessel (as such term is defined
8 in section 2101 of title 46, United States Code) the
9 itinerary of which originates and terminates in the
10 United States.

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

15 “(g) COLLECTION OF DATA.—The Secretary may not
16 require any non-Federal person to collect biometric data
17 pursuant to the biometric exit data system established
18 under this section, except through a contractual agree-
19 ment.

20 “(h) MULTI-MODAL COLLECTION.—In carrying out
21 subsections (a)(1) and (b), the Secretary shall make every
22 effort to collect biometric data using multiple modes of
23 biometrics.

24 “(i) FACILITIES.—All nonfederally owned facilities at
25 which the biometric exit data system established under

1 this section is implemented shall provide, maintain, and
2 equip space for Federal use that is adequate to support
3 biometric data collection and other inspection-related ac-
4 tivity. Such space shall be provided, maintained, and
5 equipped at no cost to the Government.

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

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

1 **SEC. 206. SENSE OF CONGRESS ON COOPERATION BE-**
2 **TWEEN AGENCIES.**

3 (a) FINDING.—Congress finds that personnel con-
4 straints exist at land ports of entry with regard to sanitary
5 and phytosanitary inspections for exported goods.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that, in the best interest of cross-border trade and
8 the agricultural community—

9 (1) any lack of certified personnel for inspection
10 purposes at ports of entry should be addressed by
11 seeking cooperation between agencies and depart-
12 ments of the United States, whether in the form of
13 a memorandum of understanding or through a cer-
14 tification process, whereby additional existing agents
15 are authorized for additional hours to facilitate the
16 crossing and trade of perishable goods in a manner
17 consistent with rules of the Department of Agri-
18 culture; and

19 (2) cross designation should be available for
20 personnel who will assist more than one agency or
21 department at land ports of entry to facilitate in-
22 creased trade and commerce.

23 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

24 In addition to any amounts otherwise authorized to
25 be appropriated for such purpose, there is authorized to
26 be appropriated \$1,000,000,000 for each of fiscal years

1 2018 through 2021 to carry out this title, of which
2 \$2,000,000 shall be used by the Secretary for hiring addi-
3 tional Uniform Management Center support personnel,
4 purchasing uniforms for CBP officers and agents, acquir-
5 ing additional motor vehicles to support vehicle mounted
6 surveillance systems, hiring additional motor vehicle pro-
7 gram support personnel, and for contract support for cus-
8 tomer service, vendor management, and operations man-
9 agement.

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