

Calendar No. 410

116TH CONGRESS
2D SESSION**S. 2750****[Report No. 116–212]**

To amend the Homeland Security Act of 2002 to authorize the Operation Stonegarden grant program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2019

Ms. MCSALLY (for herself, Mr. JONES, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

FEBRUARY 4, 2020

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Homeland Security Act of 2002 to authorize the Operation Stonegarden grant program, 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 This Act may be cited as the “Operation Stonegarden
5 Authorization Act”.

1 **SEC. 2. OPERATION STONEGARDEN.**

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

5 **“SEC. 2009. OPERATION STONEGARDEN.**

6 “(a) ESTABLISHMENT.—There is established in the
7 Department a program, which shall be known as ‘Oper-
8 ation Stonegarden’, under which the Secretary, acting
9 through the Administrator, shall make grants to eligible
10 law enforcement agencies to enhance border security in ac-
11 cordance with this section.

12 “(b) ELIGIBLE RECIPIENTS.—A law enforcement
13 agency is eligible to receive a grant under this section if
14 the agency—

15 “(1) is located in—

16 “(A) a State bordering Canada or Mexico;
17 or

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

20 “(2) is involved in an active, ongoing, U.S. Cus-
21 toms and Border Protection operation coordinated
22 through a U.S. Border Patrol sector office.

23 “(c) PERMITTED USES.—Grant funds received under
24 this section may be used by the grant recipient for—

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

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

4 “(3) any activity permitted for Operation
5 Stonegarden under the Department of Homeland
6 Security’s most recent Homeland Security Grant
7 Program Notice of Funding Opportunity; and

8 “(4) any other appropriate activity, as deter-
9 mined by the Administrator, in consultation with the
10 Commissioner of U.S. Customs and Border Protec-
11 tion.

12 “(d) PERIOD OF PERFORMANCE.—The Secretary
13 shall award grants under this section to grant recipients
14 for a period of not less than 36 months.

15 “(e) REPORT.—The Administrator shall submit a re-
16 port, for each of the fiscal years 2020 through 2024, to
17 the Committee on Homeland Security and Governmental
18 Affairs of the Senate and the Committee on Homeland
19 Security of the House of Representatives that contains in-
20 formation on the expenditure of grants made under this
21 section by each grant recipient.

22 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated \$110,000,000 for each
24 of the fiscal years 2020 through 2024 for grants under
25 this section.”.

1 (b) ~~CONFORMING AMENDMENT.—Section 2002(a) of~~
 2 the Homeland Security Act of 2002 (6 U.S.C. 603(a)) is
 3 amended to read as follows:

4 “(a) ~~GRANTS AUTHORIZED.—The Secretary, through~~
 5 the Administrator, may award grants under sections 2003,
 6 2004, and 2009 to State, local, and tribal governments,
 7 as appropriate.”.

8 (c) ~~CLERICAL AMENDMENT.—The table of contents~~
 9 in section 1(b) of the Homeland Security Act of 2002 is
 10 amended by inserting after the item relating to section
 11 2008 the following:

“Sec. 2009. Operation Stonegarden.”.

12 **SECTION 1. SHORT TITLE.**

13 *This Act may be cited as the “Operation Stonegarden*
 14 *Authorization Act”.*

15 **SEC. 2. OPERATION STONEGARDEN.**

16 (a) *IN GENERAL.—Subtitle A of title XX of the Home-*
 17 *land Security Act of 2002 (6 U.S.C. 601 et seq.) is amended*
 18 *by adding at the end the following:*

19 **“SEC. 2009. OPERATION STONEGARDEN.**

20 “(a) *ESTABLISHMENT.—There is established in the De-*
 21 *partment a program, which shall be known as ‘Operation*
 22 *Stonegarden’, under which the Secretary may award grants*
 23 *to States that border Canada or Mexico, States with an*
 24 *international maritime border, and eligible law enforce-*
 25 *ment agencies for the purpose of enhancing border security.*

1 “(b) *ELIGIBLE LAW ENFORCEMENT AGENCIES.*—A
 2 *law enforcement agency is eligible to receive a grant under*
 3 *this section if the agency, either directly or through the*
 4 *State in which agency is located, if the agency—*

5 “(1) *is located in—*

6 “(A) *a State bordering Canada or Mexico;*

7 *or*

8 “(B) *a State or territory with an inter-*
 9 *national maritime border; and*

10 “(2) *is involved in an active, ongoing, U.S. Cus-*
 11 *toms and Border Protection operation coordinated*
 12 *through a sector office.*

13 “(c) *PERMITTED USES.*—*Grant funds received under*
 14 *this section may be used by a State or an eligible law en-*
 15 *forcement agency for—*

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

18 “(2) *personnel, including overtime and backfill*
 19 *for law enforcement personnel or non-law enforcement*
 20 *personnel who support enhanced border law enforce-*
 21 *ment activities;*

22 “(3) *allowable and approved personnel costs, in-*
 23 *cluding salaries, fringe benefits, overtime and backfill*
 24 *for dedicated intelligence analysts supporting Oper-*

1 *ation Stonegarden operations in support of enhanced*
 2 *border law enforcement activities*

3 *“(4) any activity permitted for Operation*
 4 *Stonegarden under—*

5 *“(A) the Department of Homeland Secu-*
 6 *rity’s most recent Homeland Security Grant*
 7 *Program Notice of Funding Opportunity; or*

8 *“(B) the Federal Emergency Management*
 9 *Agency’s Preparedness Grants Manual; and*

10 *“(5) any other appropriate activity, as deter-*
 11 *mined by the Secretary.*

12 *“(d) PERIOD OF PERFORMANCE.—The Secretary may*
 13 *award grants under this section to grant recipients for a*
 14 *period of not less than 36 months.*

15 *“(e) COLLECTION OF INFORMATION.—For any fiscal*
 16 *year beginning on or after the date that is 30 days after*
 17 *the date of the enactment of the Operation Stonegarden Au-*
 18 *thorization Act for which grants are made under Operation*
 19 *Stonegarden, the Administrator shall separately collect and*
 20 *maintain financial information with respect to grants*
 21 *awarded under Operation Stonegarden, including—*

22 *“(1) the amount of the awards;*

23 *“(2) the amount obligated for the awards;*

24 *“(3) the amount of outlays under the awards;*

1 “(4) *financial plans with respect to the use of the*
2 *awards;*

3 “(5) *any funding transfers or reallocations; and*

4 “(6) *any adjustments to spending plans or re-*
5 *programming.*

6 “(f) *ADMINISTRATOR OVERSIGHT.—*

7 “(1) *IN GENERAL.—The Administrator shall es-*
8 *tablish and implement guidelines—*

9 “(A) *to ensure that amounts made available*
10 *under Operation Stonegarden are used in ac-*
11 *cordance with grant guidance and applicable*
12 *Federal laws;*

13 “(B) *to increase the proportion of each*
14 *grant made under Operation Stonegarden that is*
15 *used for operational expenses by the ultimate*
16 *grantee;*

17 “(C) *to improve program performance re-*
18 *porting and program performance measurements*
19 *to facilitate designing, implementing, and en-*
20 *forcing procedures under Operation Stonegarden;*
21 *and*

22 “(D) *to require the recording of standard-*
23 *ized performance data regarding program out-*
24 *put.*

1 “(2) *SUBMISSION*.—Not later than 90 days after
2 the date of the enactment of the Operation
3 Stonegarden Authorization Act, the Administrator
4 shall submit the guidelines established under para-
5 graph (1) to—

6 “(A) *the Committee on Homeland Security*
7 *and Governmental Affairs of the Senate;*

8 “(B) *the Committee on Homeland Security*
9 *of the House of Representatives; and*

10 “(C) *the Committee on Oversight and Re-*
11 *form of the House of Representatives.*

12 “(g) *FINANCIAL REVIEW GUIDELINES*.—

13 “(1) *IN GENERAL*.—The Administrator, in co-
14 ordination with the Commissioner of U.S. Customs
15 and Border Protection, shall develop and implement
16 guidelines establishing procedures for implementing
17 the auditing and reporting requirements set forth in
18 section 2022 with respect to Operation Stonegarden.

19 “(2) *SUBMISSION*.—Not later than 90 days after
20 the date of the enactment of the Operation
21 Stonegarden Authorization Act, the Administrator
22 shall submit the guidelines developed under para-
23 graph (1) to the congressional committees listed under
24 subsection (f)(2).

1 “(h) *REPORT AND BRIEFING.*—During each of the fis-
 2 *cal years 2020 through 2024, the Administrator, in coordi-*
 3 *nation with the Commissioner of U.S. Customs and Border*
 4 *Protection, shall submit a report and provide a briefing to*
 5 *the congressional committees listed under subsection (f)(2)*
 6 *that includes, for the period covered by the report—*

7 “(1) *information on how each recipient of a*
 8 *grant under Operation Stonegarden expended*
 9 *amounts received under the grant;*

10 “(2) *information regarding the nature of oper-*
 11 *ations carried out using amounts made available*
 12 *under Operation Stonegarden; and*

13 “(3) *in the first report submitted under this sub-*
 14 *section—*

15 “(A) *an examination of the effects changing*
 16 *Operation Stonegarden to award multi-year*
 17 *grants would have on its mission; and*

18 “(B) *the findings and recommendations of*
 19 *the Administrator regarding what changes could*
 20 *improve Operation Stonegarden, which may in-*
 21 *clude feedback from grant recipients.*

22 “(i) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 23 *authorized to be appropriated \$110,000,000 for each of the*
 24 *fiscal years 2020 through 2024 for grants under this sec-*
 25 *tion.”.*

1 (b) *CONFORMING AMENDMENT.*—Section 2002(a) of
2 the *Homeland Security Act of 2002* (6 U.S.C. 603(a)) is
3 amended to read as follows:

4 “(a) *GRANTS AUTHORIZED.*—The Secretary may
5 award grants under sections 2003, 2004, and 2009 to State,
6 tribal, territorial, and local governments, as appropriate.”.

7 (c) *CLERICAL AMENDMENT.*—The table of contents in
8 section 1(b) of the *Homeland Security Act of 2002* is
9 amended by inserting after the item relating to section 2008
10 the following:

“Sec. 2009. *Operation Stonegarden.*”.

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