

117TH CONGRESS  
1ST SESSION

# H. R. 4828

To secure the international borders of the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2021

Mr. KATKO (for himself, Mr. MCCARTHY, Mr. SCALISE, Ms. STEFANIK, Mr. JOHNSON of Louisiana, Mr. ROGERS of Alabama, Ms. GRANGER, Mr. McCAUL, Mr. COMER, Mrs. WALORSKI, Mrs. RODGERS of Washington, Mr. GRAVES of Missouri, Mr. GUEST, Mr. HIGGINS of Louisiana, Mr. NORMAN, Mrs. MILLER-MEEKS, Mrs. HARSHBARGER, Mr. CLYDE, Mr. GIMENEZ, Mr. LATURNER, Mr. MELJER, Mrs. CAMMACK, Mr. PFLUGER, Mr. GARBARINO, Mr. VAN DREW, Mr. BABIN, Mr. EMMER, Mr. TONY GONZALES of Texas, Mr. RUTHERFORD, Mr. NEHLS, and Ms. MALLIOTAKIS) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Agriculture, and Ways and Means, 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

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## A BILL

To secure 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Border Security for America Act of 2021”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Border wall system construction.
- Sec. 4. Strengthening the requirements for barriers along the southern border.
- Sec. 5. Border and port security technology investment plan.
- Sec. 6. Commercial solutions opening acquisition program.
- Sec. 7. Border security technology program management.
- Sec. 8. U.S. Customs and Border Protection technology upgrades.
- Sec. 9. Nonintrusive inspection operations.
- Sec. 10. Additional U.S. Customs and Border Protection personnel.
- Sec. 11. Anti-Border Corruption Act Reauthorization.
- Sec. 12. Establishment of workload staffing models for U.S. Border Patrol and  
 Air and Marine Operations of CBP.
- Sec. 13. Operation Stonegarden.
- Sec. 14. Air and Marine Operations flight hours.
- Sec. 15. Eradication of carrizo cane and salt cedar.
- Sec. 16. Border Patrol Strategic Plan.
- Sec. 17. Homeland Security Investigations Innovation Lab.
- Sec. 18. Integrated Border Enforcement Teams.
- Sec. 19. DNA collection consistent with Federal law.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) CBP.—The term “CBP” means U.S. Cus-  
 6 toms and Border Protection.

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

10 (3) DEPARTMENT.—The term “Department”  
 11 means the Department of Homeland Security.

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

14 (5) SITUATIONAL AWARENESS.—The term “sit-  
 15 uational awareness” has the meaning given such  
 16 term in section 1092(a)(7) of the National Defense

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

3 (6) UNMANNED AIRCRAFT SYSTEM.—The term  
4 “unmanned aircraft system” has the meaning given  
5 such term in section 44801 of title 49, United  
6 States Code.

7 **SEC. 3. BORDER WALL SYSTEM CONSTRUCTION.**

8 (a) IN GENERAL.—

9 (1) IMMEDIATE RESUMPTION OF BORDER WALL  
10 CONSTRUCTION.—Not later than 24 hours after the  
11 date of the enactment of this section, the Secretary  
12 shall resume all activities related to the construction  
13 of the border barrier system (also known as, and re-  
14 ferred to in this section as, the “border wall sys-  
15 tem”) along the international border between the  
16 United States and Mexico that were underway or  
17 being planned for prior to January 20, 2021.

18 (2) NO CANCELLATIONS.—The Secretary may  
19 not cancel any contract for activities related to the  
20 construction of the border wall system that was en-  
21 tered into on or before January 20, 2021.

22 (3) USE OF FUNDS.—To carry out this section,  
23 the Secretary shall expend all funds appropriated or  
24 explicitly obligated for the construction of the border

1 wall system that were appropriated or obligated, as  
2 the case may be, for use beginning October 1, 2016.

3 (b) PLAN TO COMPLETE TACTICAL INFRASTRUC-  
4 TURE AND TECHNOLOGY ELEMENTS OF SYSTEM.—Not  
5 later than 90 days after the date of the enactment of this  
6 section, the Secretary shall submit to the appropriate con-  
7 gressional committees an implementation plan, including  
8 quarterly benchmarks and cost estimates, for satisfying all  
9 requirements of the construction of the border wall system  
10 referred to in paragraph (1) of subsection (a), including  
11 tactical infrastructure, technology, and other elements as  
12 identified by the Department prior to January 20, 2021,  
13 through the expenditure of funds appropriated or explicitly  
14 obligated, as the case may be, for use beginning October  
15 1, 2016, as well as any future funds appropriated by Con-  
16 gress.

17 (c) UPHOLD NEGOTIATED AGREEMENTS.—The Sec-  
18 retary shall ensure that all agreements executed in writing  
19 between the Department and private citizens, State, local,  
20 or Tribal governments, or other stakeholders are honored  
21 by the Department relating to current and future con-  
22 struction of the border wall system as required by such  
23 agreements.

24 (d) DEFINITIONS.—In this section:

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

8           (2) TACTICAL INFRASTRUCTURE.—The term  
9           “tactical infrastructure” includes boat ramps, access  
10          gates, checkpoints, lighting, and roads associated  
11          with a border wall system.

12          (3) TECHNOLOGY.—The term “technology” in-  
13          cludes border surveillance and detection technology,  
14          including linear ground detection systems, associated  
15          with a border wall system.

16 **SEC. 4. STRENGTHENING THE REQUIREMENTS FOR BAR-**  
17 **RIERS ALONG THE SOUTHERN BORDER.**

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

21                 (1) by amending subsection (a) to read as fol-  
22          lows:

23                 “(a) IN GENERAL.—The Secretary of Homeland Se-  
24          curity shall take such actions as may be necessary (includ-  
25          ing the removal of obstacles to detection of illegal en-

1 trants) to design, test, construct, install, deploy, integrate,  
2 and operate physical barriers, tactical infrastructure, and  
3 technology in the vicinity of the United States border to  
4 achieve situational awareness and operational control of  
5 the border and deter, impede, and detect illegal activity  
6 in high traffic areas.”;

7 (2) in subsection (b)—

8 (A) in the subsection heading, by striking  
9 “FENCING AND ROAD IMPROVEMENTS” and in-  
10 sserting “PHYSICAL BARRIERS”;

11 (B) in paragraph (1)—

12 (i) in subparagraph (A)—

13 (I) by striking “subsection (a)”  
14 and inserting “this section”;

15 (II) by striking “roads, lighting,  
16 cameras, and sensors” and inserting  
17 “tactical infrastructure, and tech-  
18 nology”; and

19 (III) by striking “gain” and in-  
20 sserting “achieve situational awareness  
21 and”;

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

24 “(B) PHYSICAL BARRIERS AND TACTICAL  
25 INFRASTRUCTURE.—The Secretary, in carrying

1 out this section, shall deploy along the United  
2 States border the most practical and effective  
3 physical barriers and tactical infrastructure  
4 available for achieving situational awareness  
5 and operational control of the border.”;

6 (iii) in subparagraph (C)—

7 (I) by amending clause (i) to  
8 read as follows:

9 “(i) IN GENERAL.—In carrying out  
10 this section, the Secretary shall consult  
11 with appropriate Federal agency partners,  
12 appropriate representatives of Federal,  
13 State, Tribal, and local governments, and  
14 appropriate private property owners in the  
15 United States to minimize the impact on  
16 the environment, culture, commerce, and  
17 quality of life for the communities and  
18 residents located near the sites at which  
19 such physical barriers are to be con-  
20 structed.”; and

21 (II) in clause (ii)—

22 (aa) in subclause (I), by  
23 striking “or” after the semicolon  
24 at the end;

1 (bb) by amending subclause  
2 (II) to read as follows:

3 “(II) delay the transfer to the  
4 United States of the possession of  
5 property or affect the validity of any  
6 property acquisition by the United  
7 States by purchase or eminent do-  
8 main, or to otherwise affect the emi-  
9 nent domain laws of the United States  
10 or of any State; or”; and

11 (cc) by adding at the end  
12 the following new subclause:

13 “(III) create any right or liability  
14 for any party.”; and

15 (iv) by striking subparagraph (D);

16 (C) in paragraph (2)—

17 (i) by striking “Attorney General”  
18 and inserting “Secretary of Homeland Se-  
19 curity”;

20 (ii) by striking “this subsection” and  
21 inserting “this section”; and

22 (iii) by striking “construction of  
23 fences” and inserting “the construction of  
24 physical barriers”;



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

3 “(3) AGENT SAFETY.—In carrying out this sec-  
4 tion, the Secretary of Homeland Security, when de-  
5 signing, constructing, and deploying physical bar-  
6 riers, tactical infrastructure, or technology, shall in-  
7 corporate such safety features into such design, con-  
8 struction, or deployment of such physical barriers,  
9 tactical infrastructure, or technology, as the case  
10 may be, that the Secretary determines are necessary  
11 to maximize the safety and effectiveness of officers  
12 or agents of the Department of Homeland Security  
13 or of any other Federal agency deployed in the vicini-  
14 ty of such physical barriers, tactical infrastructure,  
15 or technology.”; and

16 (E) in paragraph (4), by striking “this  
17 subsection” and inserting “this section”;

18 (3) in subsection (c)—

19 (A) by amending paragraph (1) to read as  
20 follows:

21 “(1) IN GENERAL.—Notwithstanding any other  
22 provision of law, the Secretary of Homeland Security  
23 shall have the authority to waive all legal require-  
24 ments the Secretary determines necessary to ensure  
25 the expeditious design, testing, construction, instal-

1 lation, deployment, integration, and operation of the  
2 physical barriers, tactical infrastructure, and tech-  
3 nology under this section. Such waiver authority  
4 shall also apply with respect to any maintenance car-  
5 ried out on such physical barriers, tactical infra-  
6 structure, or technology. Any such decision by the  
7 Secretary shall be effective upon publication in the  
8 Federal Register.”;

9 (B) by redesignating paragraph (2) as  
10 paragraph (3); and

11 (C) by inserting after paragraph (1) the  
12 following new paragraph:

13 “(2) NOTIFICATION.—Not later than 7 days  
14 after the date on which the Secretary of Homeland  
15 Security exercises the waiver authority under para-  
16 graph (1), the Secretary shall notify the Committee  
17 on Homeland Security of the House of Representa-  
18 tives and the Committee on Homeland Security and  
19 Governmental Affairs of the Senate of such waiver.”;  
20 and

21 (4) by adding at the end the following new sub-  
22 sections:

23 “(e) TECHNOLOGY.—The Secretary of Homeland Se-  
24 curity, in carrying out this section, shall deploy along the  
25 United States border the most practical and effective tech-

1 nology available for achieving situational awareness and  
2 operational control of the border.

3 “(f) DEFINITIONS.—In this section:

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

10 “(2) HIGH TRAFFIC AREAS.—The term ‘high  
11 traffic areas’ means areas in the vicinity of the  
12 United States border that—

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

15 “(B) have significant unlawful cross-border  
16 activity, as determined by the Secretary of  
17 Homeland Security.

18 “(3) OPERATIONAL CONTROL.—The term ‘oper-  
19 ational control’ has the meaning given such term in  
20 section 2(b) of the Secure Fence Act of 2006 (Public  
21 Law 109–367; 8 U.S.C. 1701 note).

22 “(4) PHYSICAL BARRIERS.—The term ‘physical  
23 barriers’ includes reinforced fencing, border wall sys-  
24 tem, and levee walls.

1           “(5) SITUATIONAL AWARENESS.—The term ‘sit-  
2           uational awareness’ has the meaning given such  
3           term in section 1092(a)(7) of the National Defense  
4           Authorization Act for Fiscal Year 2017 (Public Law  
5           114–328; 6 U.S.C. 223(a)(7)).

6           “(6) TACTICAL INFRASTRUCTURE.—The term  
7           ‘tactical infrastructure’ includes boat ramps, access  
8           gates, checkpoints, lighting, and roads.

9           “(7) TECHNOLOGY.—The term ‘technology’ in-  
10          cludes border surveillance and detection technology,  
11          including the following:

12                   “(A) Tower-based surveillance technology.

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

15                   “(C) Vehicle and Dismount Exploitation  
16                   Radars (VADER).

17                   “(D) 3-dimensional, seismic acoustic detec-  
18                   tion and ranging border tunneling detection  
19                   technology.

20                   “(E) Advanced unattended surveillance  
21                   sensors.

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

24                   “(G) Unmanned aircraft systems.

1           “(H) Other border detection, communica-  
2           tion, and surveillance technology.

3           “(8) UNMANNED AIRCRAFT SYSTEM.—The term  
4           ‘unmanned aircraft system’ has the meaning given  
5           such term in section 44801 of title 49, United  
6           States Code.”.

7   **SEC. 5. BORDER AND PORT SECURITY TECHNOLOGY IN-**  
8           **VESTMENT PLAN.**

9           (a) IN GENERAL.—Not later than 180 days after the  
10          date of the enactment of this section, the Commissioner,  
11          in consultation with covered officials and border and port  
12          security technology stakeholders, shall submit to the ap-  
13          propriate congressional committees a strategic 5-year  
14          technology investment plan (in this section to be referred  
15          to as the “plan”). The plan may include a classified annex,  
16          if appropriate.

17          (b) CONTENTS OF PLAN.—The plan shall include the  
18          following:

19                 (1) An analysis of security risks with respect to  
20                 ports of entry along the northern and southern bor-  
21                 ders of the United States.

22                 (2) An identification of capability gaps with re-  
23                 spect to security at such ports of entry.

24                 (3) An analysis of current and forecast trends  
25                 relating to the number of aliens who—

1 (A) unlawfully entered the United States  
2 by crossing the northern or southern border of  
3 the United States; or

4 (B) are unlawfully present in the United  
5 States.

6 (4) A description of security-related technology  
7 acquisitions that are listed in order of priority to ad-  
8 dress the security risks and capability gaps identi-  
9 fied pursuant to paragraphs (1) and (2), respec-  
10 tively.

11 (5) A description of each planned security-re-  
12 lated technology program, including objectives, goals,  
13 and timelines for each such program.

14 (6) An identification of each deployed security-  
15 related technology that is at or near the end of the  
16 life cycle of such technology.

17 (7) A description of the test, evaluation, mod-  
18 eling, and simulation capabilities, including target  
19 methodologies, rationales, and timelines, necessary  
20 to support the acquisition of security-related tech-  
21 nologies pursuant to paragraph (4).

22 (8) An identification and assessment of ways to  
23 increase opportunities for communication and col-  
24 laboration with industry, small and disadvantaged  
25 businesses, intra-government entities, university cen-

1       ters of excellence, and national laboratories to en-  
2       sure CBP understands the market for security-re-  
3       lated technologies that are available to satisfy its  
4       mission needs before engaging in an acquisition of a  
5       security-related technology.

6               (9) An assessment of the management of  
7       planned security-related technology programs by the  
8       acquisition workforce of CBP.

9               (10) An identification of ways to leverage al-  
10      ready-existing acquisition expertise within the Fed-  
11      eral Government.

12              (11) A description of the security resources, in-  
13      cluding information security resources, that will be  
14      required to protect security-related technology from  
15      physical or cyber theft, diversion, sabotage, or at-  
16      tack.

17              (12) A description of initiatives to—

18                      (A) streamline the acquisition process of  
19                      CBP; and

20                      (B) provide greater predictability and clar-  
21                      ity, with respect to such process, to small, me-  
22                      dium, and large businesses, including informa-  
23                      tion relating to the timeline for testing and  
24                      evaluation.

1           (13) An assessment of the privacy and security  
2 impact on border communities of security-related  
3 technology.

4           (14) In the case of a new acquisition leading to  
5 the removal of equipment from a port of entry along  
6 the northern or southern border of the United  
7 States, a strategy to consult with industry and com-  
8 munity stakeholders affected by such removal.

9           (15) A strategy to consult with industry and  
10 community stakeholders with respect to security im-  
11 pacts at a port of entry described in paragraph (14).

12       (c) LEVERAGING THE PRIVATE SECTOR.—To the ex-  
13 tent practicable, the plan shall—

14           (1) leverage to the greatest extent possible  
15 emerging technological trends, and research and de-  
16 velopment trends, within the public and private sec-  
17 tors;

18           (2) incorporate input from the private sector,  
19 including from border and port security stake-  
20 holders, through requests for information, industry  
21 day events, and other innovative means consistent  
22 with the Federal Acquisition Regulation; and

23           (3) identify security-related technologies that  
24 are in development or deployed, with or without ad-  
25 aptation, that may satisfy the mission needs of CBP.



1 (d) FORM.—To the extent practicable, the plan shall  
2 be published in unclassified form on the website of the  
3 Department.

4 (e) APPROVAL.—The Commissioner may not publish  
5 the plan until the plan is approved by the Secretary.

6 (f) DISCLOSURE.—The plan shall include a list of the  
7 names of individuals not employed by the Federal Govern-  
8 ment who contributed to the development of the plan.

9 (g) UPDATE AND REPORT.—Not later than the date  
10 that is two years after the date on which the plan is sub-  
11 mitted to the appropriate congressional committees pursu-  
12 ant to subsection (a) and biennially thereafter for ten  
13 years, the Commissioner shall submit to the appropriate  
14 congressional committees—

15 (1) an update of the plan, if appropriate; and

16 (2) a report that includes—

17 (A) the extent to which each security-re-  
18 lated technology acquired by CBP since the ini-  
19 tial submission of the plan or most recent up-  
20 date of the plan, as the case may be, is con-  
21 sistent with the planned technology programs  
22 and projects identified pursuant to subsection  
23 (b)(5); and

24 (B) the type of contract and the reason for  
25 acquiring such security-related technology.

1 (h) DEFINITIONS.—In this section:

2 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
3 TEES.—The term “appropriate congressional com-  
4 mittees” means—

5 (A) the Committee on Homeland Security  
6 of the House of Representatives; and

7 (B) the Committee on Homeland Security  
8 and Governmental Affairs of the Senate.

9 (2) COVERED OFFICIALS.—The term “covered  
10 officials” means—

11 (A) the Under Secretary for Management  
12 of the Department;

13 (B) the Under Secretary for Science and  
14 Technology of the Department; and

15 (C) the Chief Information Officer of the  
16 Department.

17 (3) UNLAWFULLY PRESENT.—The term “un-  
18 lawfully present” has the meaning given such term  
19 in section 212(a)(9)(B)(ii) of the Immigration and  
20 Nationality Act (8 U.S.C. 1182(a)(9)(B)(ii)).

21 **SEC. 6. COMMERCIAL SOLUTIONS OPENING ACQUISITION**  
22 **PROGRAM.**

23 (a) AUTHORITY.—The Commissioner may carry out  
24 a program, to be known as the “commercial solutions  
25 opening acquisition program” (in this section referred to

1 as the “program”), under which commercial items that are  
2 innovative may be acquired through a competitive selection  
3 of proposals resulting from a general solicitation and peer  
4 review of such proposals.

5 (b) TREATMENT AS COMPETITIVE PROCEDURES.—  
6 Use of general solicitation competitive procedures for the  
7 program shall be considered to be use of competitive pro-  
8 cedures for purposes of division C of title 41, United  
9 States Code.

10 (c) LIMITATION.—The Commissioner may not enter  
11 into a contract under the program for an amount in excess  
12 of \$10,000,000.

13 (d) GUIDANCE.—The Commissioner, in consultation  
14 with the Under Secretary for Management of the Depart-  
15 ment, shall—

16 (1) issue guidance for the implementation of  
17 the program; and

18 (2) post such guidance on a publicly available  
19 website of CBP.

20 (e) REPORT.—

21 (1) IN GENERAL.—The Commissioner shall sub-  
22 mit to the appropriate congressional committees a  
23 report relating to the activities of the program as an  
24 addendum to the annual budget request submission  
25 of the Commissioner.

1           (2) ELEMENTS.—Each report required under  
2 paragraph (1) shall include—

3                   (A) an assessment of the impact of the  
4 program with respect to competition;

5                   (B) a comparison of acquisition timelines  
6 of procurements made using—

7                           (i) the program; and

8                           (ii) other competitive procedures that  
9 do not rely on general solicitations; and

10                  (C) a recommendation with respect to  
11 whether the authority for the program should  
12 be extended beyond the date of termination  
13 specified in subsection (f).

14           (f) TERMINATION.—The program shall terminate on  
15 September 30, 2028.

16           (g) DEFINITIONS.—In this section:

17                   (1) COMPETITIVE PROCEDURES.—The term  
18 “competitive procedures” has the meaning given  
19 such term in section 152 of title 41, United States  
20 Code.

21                   (2) INNOVATIVE.—The term “innovative”  
22 means any new—

23                           (A) technology, process, or method, includ-  
24 ing research and development; or

1 (B) application of an existing technology,  
2 process, or method.

3 **SEC. 7. BORDER SECURITY TECHNOLOGY PROGRAM MAN-**  
4 **AGEMENT.**

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

8 **“SEC. 437. BORDER SECURITY TECHNOLOGY PROGRAM**  
9 **MANAGEMENT.**

10 “(a) MAJOR ACQUISITION PROGRAM DEFINED.—In  
11 this section, the term ‘major acquisition program’ means  
12 an acquisition program of the Department that is esti-  
13 mated by the Secretary to require an eventual total ex-  
14 penditure of at least \$300,000,000 (based on fiscal year  
15 2022 constant dollars) over its life-cycle cost.

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

20 “(1) ensure that each such program has a writ-  
21 ten acquisition program baseline approved by the  
22 relevant acquisition decision authority;

23 “(2) document that each such program is satis-  
24 fying cost, schedule, and performance thresholds as  
25 specified in such baseline, in compliance with rel-

1       evant departmental acquisition policies and the Fed-  
2       eral Acquisition Regulation; and

3               “(3) have a plan for satisfying program imple-  
4       mentation objectives by managing contractor per-  
5       formance.

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

17      “(d) PLAN.—The Secretary, acting through the  
18      Under Secretary for Management, in coordination with  
19      the Under Secretary for Science and Technology and the  
20      Commissioner of U.S. Customs and Border Protection,  
21      shall submit to the Committee on Homeland Security of  
22      the House of Representatives and the Committee on  
23      Homeland Security and Governmental Affairs of the Sen-  
24      ate a plan for testing, evaluating, and using independent  
25      verification and validation of resources relating to the pro-

1 posed acquisition of border security technology. Under  
 2 such plan, the proposed acquisition of new border security  
 3 technologies 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 striking the items relating to sections 435 and  
 12 436 and inserting the following new items:

“Sec. 435. Maritime operations coordination plan.

“Sec. 436. Maritime security capabilities assessments.

“Sec. 437. 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 437 of the  
 16 Homeland Security Act of 2002, as added by subsection  
 17 (a).

18 **SEC. 8. U.S. CUSTOMS AND BORDER PROTECTION TECH-**  
 19 **NOLOGY UPGRADES.**

20           (a) SECURE COMMUNICATIONS.—The Commissioner  
 21 shall ensure that each CBP officer or agent, if appro-  
 22 priate, is equipped with a secure radio or other two-way  
 23 communication device that allows each such officer or  
 24 agent to communicate—

1           (1) between ports of entry and inspection sta-  
2           tions; and

3           (2) with other Federal, State, Tribal, and local  
4           law enforcement entities.

5           (b) BORDER SECURITY DEPLOYMENT PROGRAM.—

6           (1) EXPANSION.—Not later than September 30,  
7           2023, the Commissioner shall fully implement the  
8           Border Security Deployment Program of CBP and  
9           expand the integrated surveillance and intrusion de-  
10          tection system at land ports of entry along the  
11          northern and southern borders of the United States.

12          (2) AUTHORIZATION OF APPROPRIATIONS.—In  
13          addition to amounts otherwise authorized to be ap-  
14          propriated for such purpose, there is authorized to  
15          be appropriated \$33,000,000 for fiscal years 2022  
16          and 2023 to carry out paragraph (1).

17          (c) UPGRADE OF LICENSE PLATE READERS AT  
18          PORTS OF ENTRY.—

19          (1) UPGRADE.—Not later than two years after  
20          the date of the enactment of this section, the Com-  
21          missioner shall upgrade all existing license plate  
22          readers in need of upgrade, as determined by the  
23          Commissioner, on the northern and southern borders  
24          of the United States.



1           (2) AUTHORIZATION OF APPROPRIATIONS.—In  
2 addition to amounts otherwise authorized to be ap-  
3 propriated for such purpose, there is authorized to  
4 be appropriated \$125,000,000 for fiscal years 2022  
5 and 2023 to carry out paragraph (1).

6           (d) BIOMETRIC EXIT DATA SYSTEM.—

7           (1) IN GENERAL.—Subtitle B of title IV of the  
8 Homeland Security Act of 2002 (6 U.S.C. 211 et  
9 seq.) is amended by adding at the end the following  
10 new section:

11 **“SEC. 420. BIOMETRIC EXIT DATA SYSTEM.**

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

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

1           “(A) an integrated master schedule and  
2 cost estimate, including requirements and de-  
3 sign, development, operational, and mainte-  
4 nance costs of such a system, that takes into  
5 account prior reports on such matters issued by  
6 the Government Accountability Office and the  
7 Department;

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

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

19           “(D) a consideration of how such a system  
20 will affect arrival and departure wait times that  
21 takes into account prior reports on such mat-  
22 ters issued by the Government Accountability  
23 Office and the Department;

1           “(E) a consideration of audit capability for  
2 systems procured in partnership with the pri-  
3 vate sector to achieve biometric exit;

4           “(F) information received after consulta-  
5 tion with the private sector, including the—

6                   “(i) trucking industry;

7                   “(ii) airport industry;

8                   “(iii) airline industry;

9                   “(iv) seaport industry;

10                   “(v) travel industry; and

11                   “(vi) biometric technology industry;

12           “(G) a consideration of how trusted trav-  
13 eler programs in existence as of the date of the  
14 enactment of this section may be impacted by,  
15 or incorporated into, such a system;

16           “(H) defined metrics of success and mile-  
17 stones;

18           “(I) identified risks and mitigation strate-  
19 gies to address such risks;

20           “(J) a consideration of how other countries  
21 have implemented a biometric exit data system;

22           “(K) a consideration of stakeholder privacy  
23 concerns; and

24           “(L) a list of statutory, regulatory, or ad-  
25 ministrative authorities, if any, needed to inte-

1 grate such a system into the operations of the  
2 Transportation Security Administration; and

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

6 “(A) the 15 United States airports that  
7 support the highest volume of international air  
8 travel, as determined by available Federal flight  
9 data;

10 “(B) the 10 United States seaports that  
11 support the highest volume of international sea  
12 travel, as determined by available Federal travel  
13 data; and

14 “(C) the 15 United States land ports of  
15 entry that support the highest volume of vehi-  
16 cle, pedestrian, and cargo crossings, as deter-  
17 mined by available Federal border crossing  
18 data.

19 “(b) IMPLEMENTATION.—

20 “(1) PILOT PROGRAM AT LAND PORTS OF  
21 ENTRY.—Not later than six months after the date of  
22 the enactment of this section, the Secretary, in col-  
23 laboration with industry stakeholders specified in  
24 subsection (a)(1)(F), shall establish a six-month  
25 pilot program to test the biometric exit data system

1 referred to in subsection (a)(1) on nonpedestrian  
2 outbound traffic at not fewer than three land ports  
3 of entry with significant cross-border traffic, includ-  
4 ing at not fewer than two land ports of entry on the  
5 southern land border and at least one land port of  
6 entry on the northern land border. Such pilot pro-  
7 gram may include a consideration of more than one  
8 biometric mode, and shall be implemented to deter-  
9 mine the following:

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

13 “(B) The infrastructure required to carry  
14 out subparagraph (A).

15 “(C) The effects of such pilot program  
16 on—

17 “(i) legitimate travel and trade;

18 “(ii) wait times, including processing  
19 times, for such non-pedestrian traffic;

20 “(iii) combating terrorism; and

21 “(iv) identifying visa holders who vio-  
22 late the terms of their visas.

23 “(2) AT LAND PORTS OF ENTRY.—

24 “(A) IN GENERAL.—Not later than five  
25 years after the date of the enactment of this

1 section, the Secretary shall expand to all land  
2 ports of entry the biometric exit data system es-  
3 tablished pursuant to subsection (a)(2).

4 “(B) EXTENSION.—The Secretary may ex-  
5 tend for a single two-year period the date speci-  
6 fied in subparagraph (A) if the Secretary cer-  
7 tifies to the Committee on Homeland Security  
8 and the Committee on the Judiciary of the  
9 House of Representatives and the Committee  
10 on Homeland Security and Governmental Af-  
11 fairs and the Committee on the Judiciary of the  
12 Senate that the 15 land ports of entry that sup-  
13 port the highest volume of vehicle, pedestrian,  
14 and cargo crossings, as determined by available  
15 Federal border crossing data, do not have the  
16 physical infrastructure or characteristics to in-  
17 stall the systems necessary to implement a bio-  
18 metric exit data system. Such extension shall  
19 apply only in the case of nonpedestrian out-  
20 bound traffic at such land ports of entry.

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

1           “(c) EFFECTS ON AIR, SEA, AND LAND TRANSPOR-  
2 TATION.—The Secretary, in consultation with appropriate  
3 industry stakeholders, shall ensure that the collection of  
4 biometric data under this section causes the least possible  
5 disruption to the movement of people or cargo in air, sea,  
6 or land transportation, while fulfilling the goals of improv-  
7 ing counterterrorism efforts and identifying visa holders  
8 who violate the terms of their visas.

9           “(d) TERMINATION OF PROCEEDING.—Notwith-  
10 standing any other provision of law, the Secretary shall,  
11 on the date of the enactment of this section, terminate  
12 the proceeding entitled ‘Collection of Alien Biometric Data  
13 Upon Exit From the United States at Air and Sea Ports  
14 of Departure; United States Visitor and Immigrant Status  
15 Indicator Technology Program (“US-VISIT”)', issued on  
16 April 24, 2008 (73 Fed. Reg. 22065).

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

19                 “(1) match biometric information for an indi-  
20 vidual, regardless of nationality, citizenship, or im-  
21 migration status, who is departing the United States  
22 against biometric data previously provided to the  
23 United States Government by such individual for the  
24 purposes of international travel;

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

7           “(3) be interoperable with, and allow matching  
8 against, other Federal databases that—

9                   “(A) store biometrics of known or sus-  
10 pected terrorists; and

11                   “(B) identify visa holders who violate the  
12 terms of their visas.

13           “(f) SCOPE.—

14                   “(1) IN GENERAL.—The biometric exit data  
15 system established under this section shall include a  
16 requirement for the collection of biometric exit data  
17 at the time of departure for all categories of individ-  
18 uals who are required by the Secretary to provide bi-  
19 ometric entry data.

20                   “(2) EXCEPTION FOR CERTAIN OTHER INDIVID-  
21 UALS.—This section shall not apply in the case of an  
22 individual who exits and then enters the United  
23 States on a passenger vessel (as such term is defined  
24 in section 2101 of title 46, United States Code) the



1 itinerary of which originates and terminates in the  
2 United States.

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

7 “(g) COLLECTION OF DATA.—The Secretary may not  
8 require any non-Federal person to collect biometric data,  
9 or contribute to the costs of collecting or administering  
10 the biometric exit data system established under this sec-  
11 tion, except through a mutual agreement.

12 “(h) MULTIMODAL COLLECTION.—In carrying out  
13 subsections (a)(1) and (b), the Secretary shall make every  
14 effort to collect biometric data using multiple modes of  
15 biometrics.

16 “(i) FACILITIES.—

17 “(1) IN GENERAL.—All facilities at which the  
18 biometric exit data system established under this  
19 section is implemented shall provide and maintain  
20 space for Federal use that is adequate to support bi-  
21 ometric data collection and other inspection-related  
22 activity.

23 “(2) NON-FEDERAL FACILITIES.—With respect  
24 to each non-Federal facility at which the biometric  
25 exit data system is implemented pursuant to para-

1 graph (1), the space required under such paragraph  
2 shall be provided and maintained at no cost to the  
3 Federal Government.

4 “(3) LAND PORTS OF ENTRY.—With respect to  
5 each facility at a land port of entry at which the bio-  
6 metric exit data system is implemented pursuant to  
7 paragraph (1), the space required under such para-  
8 graph shall be coordinated with the Administrator of  
9 General Services.

10 “(j) NORTHERN LAND BORDER.—With respect to  
11 the northern land border, the requirements under sub-  
12 sections (a)(2)(C), (b)(2)(A), and (b)(3) may be achieved  
13 through the sharing of biometric data provided to the De-  
14 partment by the Canadian Border Services Agency pursu-  
15 ant to the 2011 Beyond the Border agreement.

16 “(k) FULL AND OPEN COMPETITION.—The Sec-  
17 retary shall procure goods and services to implement this  
18 section through full and open competition in accordance  
19 with the Federal Acquisition Regulation.

20 “(l) OTHER BIOMETRIC INITIATIVES.—Nothing in  
21 this section may be construed as limiting the authority of  
22 the Secretary to collect biometric information in cir-  
23 cumstances other than as specified in this section.

24 “(m) CONGRESSIONAL REVIEW.—Not later than 90  
25 days after the date of the enactment of this section, the

1 Secretary shall submit to the Committee on Homeland Se-  
2 curity and the Committee on the Judiciary of the House  
3 of Representatives and the Committee on Homeland Secu-  
4 rity and Governmental Affairs and the Committee on the  
5 Judiciary of the Senate reports and recommendations re-  
6 garding the Directorate of Science and Technology’s Air  
7 Entry and Exit Re-Engineering Program and the U.S.  
8 Customs and Border Protection entry and exit mobility  
9 program demonstrations.

10 “(n) SAVINGS CLAUSE.—Nothing in this section may  
11 prohibit the collection of user fees permitted by section  
12 13031 of the Consolidated Omnibus Budget Reconciliation  
13 Act of 1985 (19 U.S.C. 58c).”.

14 (2) AUTHORIZATION OF APPROPRIATIONS.—  
15 There is authorized to be appropriated \$50,000,000  
16 for each of fiscal years 2022 and 2023 to carry out  
17 section 420 of the Homeland Security Act of 2002,  
18 as added by this subsection.

19 (3) CLERICAL AMENDMENT.—The table of con-  
20 tents in section 1(b) of the Homeland Security Act  
21 of 2002 is amended by inserting after the item relat-  
22 ing to section 419 the following new item:

“Sec. 420. Biometric exit data system.”.

1 **SEC. 9. NONINTRUSIVE INSPECTION OPERATIONS.**

2 The Secretary shall fully implement the requirements  
3 of the Securing America's Ports Act (Public Law 116–  
4 299; 6 U.S.C. 211 note).

5 **SEC. 10. ADDITIONAL U.S. CUSTOMS AND BORDER PROTEC-**  
6 **TION PERSONNEL.**

7 (a) **BORDER PATROL AGENTS.**—Not later than Sep-  
8 tember 30, 2025, the Commissioner shall hire, train, and  
9 assign agents to maintain an active duty presence of—

10 (1) not fewer than 22,478 full-time equivalent  
11 CBP agents; and

12 (2) not fewer than 1,200 CBP processing coor-  
13 dinators.

14 (b) **CBP OFFICERS.**—In addition to positions author-  
15 ized before the date of the enactment of this section and  
16 any existing officer vacancies within CBP as of such date,  
17 the Commissioner shall, not later than September 30,  
18 2025, hire, train, and assign to duty sufficient CBP offi-  
19 cers to maintain an active duty presence of—

20 (1) not fewer than 27,725 full-time equivalent  
21 officers; and

22 (2) the required associated full-time support  
23 staff distributed among all United States ports of  
24 entry.

25 (c) **AIR AND MARINE OPERATIONS.**—Not later than  
26 September 30, 2025, the Commissioner shall hire, train,

1 and assign agents for Air and Marine Operations of CBP  
2 to maintain not fewer than 1,675 full-time equivalent  
3 agents.

4 (d) CBP K–9 UNITS AND HANDLERS.—

5 (1) K–9 UNITS.—Not later than September 30,  
6 2025, the Commissioner shall deploy not fewer than  
7 200 new K–9 units, with supporting officers of CBP  
8 and other required staff, at land ports of entry and  
9 checkpoints, along the northern and southern bor-  
10 ders of the United States.

11 (2) USE OF CANINES.—The Commissioner shall  
12 prioritize the use of K–9 units at the primary in-  
13 spection lanes at land ports of entry and check-  
14 points.

15 (e) CBP TUNNEL DETECTION AND REMEDIATION.—  
16 Not later than September 30, 2025, the Commissioner  
17 shall increase by not fewer than 50 the number of CBP  
18 officers assisting task forces and activities related to—

19 (1) the deployment and operation of border tun-  
20 nel detection technology;

21 (2) the apprehension of individuals using such  
22 tunnels for—

23 (A) unlawfully entering the United States;

24 (B) drug trafficking; or

25 (C) human smuggling; and

1 (3) the remediation of such illicit tunnels.

2 (f) AGRICULTURAL SPECIALISTS.—In addition to the  
3 officers and agents authorized under subsections (a)  
4 through (e), by September 30, 2025, the Commissioner  
5 shall carry out section 4 of the Protecting America’s Food  
6 and Agriculture Act of 2019 (Public Law 116–122; 6  
7 U.S.C. 211 note).

8 (g) U.S. CUSTOMS AND BORDER PROTECTION OF-  
9 FICE OF INTELLIGENCE.—Not later than September 30,  
10 2025, the Commissioner shall hire, train, and assign suffi-  
11 cient Office of Intelligence personnel to maintain not fewer  
12 than 500 full-time equivalent employees.

13 (h) GAO REPORT.—If the staffing levels required  
14 under this section are not achieved by September 30,  
15 2025, the Comptroller General of the United States shall  
16 conduct a review of the reasons why such levels were not  
17 achieved.

18 **SEC. 11. ANTI-BORDER CORRUPTION ACT REAUTHORIZA-**  
19 **TION.**

20 (a) HIRING FLEXIBILITY.—Section 3 of the Anti-  
21 Border Corruption Act of 2010 (6 U.S.C. 221; Public Law  
22 111–376) is amended by striking subsection (b) and in-  
23 serting the following new subsections:

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

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

7                       “(A) has continuously served as a law en-  
8 forcement officer for not fewer than three  
9 years;

10                      “(B) is authorized by law to engage in or  
11 supervise the prevention, detection, investiga-  
12 tion, or prosecution of, or the incarceration of  
13 any person for, any violation of law, and has  
14 statutory powers for arrest or apprehension;

15                      “(C) is not currently under investigation,  
16 has not been found to have engaged in criminal  
17 activity or serious misconduct, has not resigned  
18 from a law enforcement officer position under  
19 investigation or in lieu of termination, and has  
20 not been dismissed from a law enforcement offi-  
21 cer position; and

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

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

3                   “(A) has continuously served as a law en-  
4                   forcement officer for not fewer than three  
5                   years;

6                   “(B) is authorized to make arrests, con-  
7                   duct investigations, conduct searches, make sei-  
8                   zures, carry firearms, and serve orders, war-  
9                   rants, and other processes;

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

17                  “(D) holds a current Tier 4 background  
18                  investigation or current Tier 5 background in-  
19                  vestigation; and

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

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



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

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

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

14           “(E) was not granted any waivers to ob-  
15 tain the clearance referred to in subparagraph  
16 (B).

17       “(c) TERMINATION OF WAIVER AUTHORITY.—The  
18 authority to issue a waiver under subsection (b) shall ter-  
19minate on the date that is four years after the date of  
20 the enactment of the Border Security for America Act of  
21 2021.”.

22       (b) SUPPLEMENTAL COMMISSIONER AUTHORITY AND  
23 DEFINITIONS.—

24           (1) SUPPLEMENTAL COMMISSIONER AUTHOR-  
25 ITY.—The Anti-Border Corruption Act of 2010 is

1           amended by adding at the end the following new sec-  
2           tion:

3   **“SEC. 5. SUPPLEMENTAL COMMISSIONER AUTHORITY.**

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

10          “(b) BACKGROUND INVESTIGATIONS.—Any indi-  
11   vidual who receives a waiver under section 3(b) who holds  
12   a current Tier 4 background investigation shall be subject  
13   to a Tier 5 background investigation.

14          “(c) ADMINISTRATION OF POLYGRAPH EXAMINA-  
15   TION.—The Commissioner of U.S. Customs and Border  
16   Protection is authorized to administer a polygraph exam-  
17   ination to an applicant or employee who is eligible for or  
18   receives a waiver under section 3(b) if information is dis-  
19   covered before the completion of a background investiga-  
20   tion that results in a determination that a polygraph ex-  
21   amination is necessary to make a final determination re-  
22   garding suitability for employment or continued employ-  
23   ment, as the case may be.”.

24                  (2) REPORT.—The Anti-Border Corruption Act  
25                  of 2010, as amended by paragraph (1), is further

1       amended by adding at the end the following new sec-  
2       tion:

3       **“SEC. 6. REPORTING.**

4       “(a) ANNUAL REPORT.—Not later than one year  
5 after the date of the enactment of this section and annu-  
6 ally thereafter while the waiver authority under section  
7 3(b) is in effect, the Commissioner of U.S. Customs and  
8 Border Protection shall submit to Congress a report that  
9 includes, with respect to each such reporting period—

10           “(1) the number of waivers requested, granted,  
11           and denied under such section 3(b);

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

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

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

18           “(5) an assessment of the current impact of the  
19           polygraph waiver program on filling law enforcement  
20           positions at U.S. Customs and Border Protection;  
21           and

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

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

3           “(1) an analysis of other methods of employ-  
4 ment suitability tests that detect deception and could  
5 be used in conjunction with traditional background  
6 investigations to evaluate potential employees for  
7 suitability; and

8           “(2) a recommendation regarding whether a  
9 test referred to in paragraph (1) should be adopted  
10 by U.S. Customs and Border Protection when the  
11 polygraph examination requirement is waived pursu-  
12 ant to section 3(b).”.

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

17 **“SEC. 7. DEFINITIONS.**

18       “In this Act:

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

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

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

7                   “(B) a punitive discharge is, or would be,  
8                   authorized for the same or a closely related of-  
9                   fense under the Manual for Court-Martial, as  
10                  pursuant to Army Regulation 635–200, chapter  
11                  14–12.

12                  “(3) TIER 4; TIER 5.—The terms ‘Tier 4’ and  
13                  ‘Tier 5’ with respect to background investigations  
14                  have the meaning given such terms under the 2012  
15                  Federal Investigative Standards.

16                  “(4) VETERAN.—The term ‘veteran’ has the  
17                  meaning given such term in section 101(2) of title  
18                  38, United States Code.”.

19           (c) POLYGRAPH EXAMINERS.—Not later than Sep-  
20           tember 30, 2025, the Secretary shall increase to not fewer  
21           than 150 the number of trained full-time equivalent poly-  
22           graph examiners for administering polygraphs under the  
23           Anti-Border Corruption Act of 2010, as amended by this  
24           section.

1 **SEC. 12. ESTABLISHMENT OF WORKLOAD STAFFING MOD-**  
2 **ELS FOR U.S. BORDER PATROL AND AIR AND**  
3 **MARINE OPERATIONS OF CBP.**

4 (a) IN GENERAL.—Not later than one year after the  
5 date of the enactment of this Act, the Commissioner, in  
6 coordination with the Under Secretary for Management,  
7 the Chief Human Capital Officer, and the Chief Financial  
8 Officer of the Department, shall implement a workload  
9 staffing model for each of the following:

10 (1) The U.S. Border Patrol.

11 (2) Air and Marine Operations of CBP.

12 (b) RESPONSIBILITIES OF THE COMMISSIONER OF  
13 CBP.—Subsection (c) of section 411 of the Homeland Se-  
14 curity Act of 2002 (6 U.S.C. 211), is amended—

15 (1) by redesignating paragraphs (18) and (19)  
16 as paragraphs (20) and (21), respectively; and

17 (2) by inserting after paragraph (17) the fol-  
18 lowing new paragraphs:

19 “(18) implement a staffing model that includes  
20 consideration for essential frontline operator activi-  
21 ties and functions, variations in operating environ-  
22 ments, present and planned infrastructure, present  
23 and planned technology, and required operations  
24 support levels for the U.S. Border Patrol, Air and  
25 Marine Operations, and the Office of Field Oper-  
26 ations, to manage and assign personnel of such enti-

1 ties to ensure field and support posts possess ade-  
2 quate resources to carry out duties specified in this  
3 section;

4 “(19) develop standard operating procedures  
5 for a workforce tracking system within the U.S.  
6 Border Patrol, Air and Marine Operations, and the  
7 Office of Field Operations, train the workforce of  
8 each of such entities on the use, capabilities, and  
9 purpose of such system, and implement internal con-  
10 trols to ensure timely and accurate scheduling and  
11 reporting of actual completed work hours and activi-  
12 ties;”.

13 (c) REPORT.—

14 (1) IN GENERAL.—Not later than one year  
15 after the date of the enactment of this section with  
16 respect to subsection (a) and paragraphs (18) and  
17 (19) of section 411(c) of the Homeland Security Act  
18 of 2002 (as amended by subsection (b)), and annu-  
19 ally thereafter with respect to such paragraphs (18)  
20 and (19), the Secretary shall submit to the appro-  
21 priate congressional committees a report that in-  
22 cludes a status update on—

23 (A) the implementation of such subsection

24 (a) and such paragraphs (18) and (19); and

25 (B) each relevant workload staffing model.

1           (2) DATA SOURCES AND METHODOLOGY RE-  
2           QUIRED.—Each report required under paragraph (1)  
3           shall include information relating to the data sources  
4           and methodology used to generate such staffing  
5           models.

6           (d) INSPECTOR GENERAL REVIEW.—Not later than  
7           120 days after the Commissioner develops the workload  
8           staffing models pursuant to subsection (a), the Inspector  
9           General of the Department shall review such model and  
10          provide feedback to the Secretary and the appropriate con-  
11          gressional committees with respect to the degree to which  
12          such model is responsive to the recommendations of the  
13          Inspector General, including—

14                 (1) recommendations from the Inspector Gen-  
15                 eral’s February 2019 audit; and

16                 (2) any further recommendations to improve  
17                 such model.

18          (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
19          FINED.—In this section, the term “appropriate congres-  
20          sional committees” means—

21                 (1) the Committee on Homeland Security of the  
22                 House of Representatives; and

23                 (2) the Committee on Homeland Security and  
24                 Governmental Affairs of the Senate.



1 **SEC. 13. 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 new section:

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

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

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

16 “(1) shall be located in—

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

18 or

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

21 “(2) shall be involved in an active, ongoing,  
22 U.S. Customs and Border Protection operation co-  
23 ordinated through a U.S. Border Patrol sector of-  
24 fice.

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

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

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

6           “(3) any activity permitted for Operation  
7           Stonegarden under the most recent fiscal year De-  
8           partment of Homeland Security’s Homeland Secu-  
9           rity Grant Program Notice of Funding Opportunity;  
10          and

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

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

18          “(e) REPORT.—For each of fiscal years 2022 through  
19          2026, the Administrator shall submit to the Committee  
20          on Homeland Security of the House of Representatives  
21          and the Committee on Homeland Security and Govern-  
22          mental Affairs of the Senate a report that contains infor-  
23          mation on the expenditure of grants made under this sec-  
24          tion by each grant recipient.

1       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
2 is authorized to be appropriated \$110,000,000 for each  
3 of fiscal years 2022 through 2026 for grants under this  
4 section.”.

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

8       “(a) GRANTS AUTHORIZED.—The Secretary, through  
9 the Administrator, may award grants under sections 2003,  
10 2004, 2009, and 2009A to State, local, and Tribal govern-  
11 ments, as appropriate.”.

12       (c) CLERICAL AMENDMENT.—The table of contents  
13 in section 1(b) of the Homeland Security Act of 2002 is  
14 amended by inserting after the item relating to section  
15 2009 the following new item:

“Sec. 2009A. Operation Stonegarden.”.

16 **SEC. 14. AIR AND MARINE OPERATIONS FLIGHT HOURS.**

17       (a) AIR AND MARINE OPERATIONS FLIGHT  
18 HOURS.—The Secretary shall ensure that not fewer than  
19 95,000 annual flight hours are carried out by Air and Ma-  
20 rine Operations of CBP.

21       (b) UNMANNED AIRCRAFT SYSTEMS.—The Sec-  
22 retary, after coordination with the Administrator of the  
23 Federal Aviation Administration, shall ensure that Air and  
24 Marine Operations operate unmanned aircraft systems on

1 the southern border of the United States for not less than  
2 24 hours per day for 7 days per week.

3 (c) PRIMARY MISSIONS.—The Commissioner shall  
4 ensure that—

5 (1) the primary missions for Air and Marine  
6 Operations are to directly support—

7 (A) U.S. Border Patrol activities along the  
8 borders of the United States; and

9 (B) Joint Interagency Task Force South  
10 operations in the transit zone; and

11 (2) the Executive Assistant Commissioner of  
12 Air and Marine Operations assigns the greatest pri-  
13 ority to support missions outlined under paragraph  
14 (1).

15 (d) HIGH DEMAND FLIGHT HOUR REQUIRE-  
16 MENTS.—The Commissioner shall ensure that U.S. Bor-  
17 der Patrol Sector Chiefs—

18 (1) identify air support mission-critical hours;  
19 and

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

23 (e) CONTRACT AIR SUPPORT AUTHORIZATIONS.—  
24 The Commissioner shall contract for the unfulfilled air

1 support mission-critical hours, as identified pursuant to  
2 subsection (d).

3 (f) SMALL UNMANNED AIRCRAFT SYSTEMS.—

4 (1) IN GENERAL.—The Chief of the U.S. Bor-  
5 der Patrol shall be the executive agent with respect  
6 to the use of small unmanned aircraft systems by  
7 CBP for the purpose of—

8 (A) meeting the unmet flight hour oper-  
9 ational requirements of the U.S. Border Patrol;  
10 and

11 (B) achieving situational awareness and  
12 operational control (as such term is defined in  
13 section 2(b) of the Secure Fence Act of 2006  
14 (Public Law 109–367; 8 U.S.C. 1701 note)).

15 (2) COORDINATION.—In carrying out para-  
16 graph (1), the Chief of the U.S. Border Patrol shall  
17 coordinate—

18 (A) flight operations with the Adminis-  
19 trator of the Federal Aviation Administration to  
20 ensure the safe and efficient operation of the  
21 National Airspace System; and

22 (B) with the Executive Assistant Commis-  
23 sioner for Air and Marine Operations of CBP  
24 to—

1 (i) ensure the safety of other CBP  
2 aircraft flying in the vicinity of small un-  
3 manned aircraft systems operated by the  
4 U.S. Border Patrol; and

5 (ii) establish a process to include data  
6 from flight hours in the calculation of got  
7 away statistics.

8 (3) CONFORMING AMENDMENT.—Paragraph (3)  
9 of section 411(e) of the Homeland Security Act of  
10 2002 (6 U.S.C. 211(e)) is amended—

11 (A) in subparagraph (B), by striking  
12 “and” after the semicolon at the end;

13 (B) by redesignating subparagraph (C) as  
14 subparagraph (D); and

15 (C) by inserting after subparagraph (B)  
16 the following new subparagraph:

17 “(C) carry out the small unmanned air-  
18 craft system (as such term is defined in section  
19 44801 of title 49, United States Code) require-  
20 ments pursuant to subsection (f) of section 14  
21 of the Border Security for America Act of  
22 2021; and”.

23 (g) SAVINGS CLAUSE.—Nothing in this section shall  
24 confer, transfer, or delegate to the Secretary, the Commis-  
25 sioner, the Executive Assistant Commissioner for Air and

1 Marine Operations of CBP, or the Chief of the U.S. Bor-  
2 der Patrol any authority of the Secretary of Transpor-  
3 tation or the Administrator of the Federal Aviation Ad-  
4 ministration relating to the use of airspace or aviation  
5 safety.

6 (h) DEFINITIONS.—In this section:

7 (1) GOT AWAY.—The term “got away” has the  
8 meaning given such term in section 1092(a)(3) of  
9 the National Defense Authorization Act for Fiscal  
10 Year 2017 (Public Law 114–328; 6 U.S.C.  
11 223(a)(3)).

12 (2) TRANSIT ZONE.—The term “transit zone”  
13 has the meaning given such term in section  
14 1092(a)(8) of the National Defense Authorization  
15 Act for Fiscal Year 2017 (Public Law 114–328; 6  
16 U.S.C. 223(a)(8)).

17 **SEC. 15. ERADICATION OF CARRIZO CANE AND SALT**  
18 **CEDAR.**

19 (a) IN GENERAL.—Not later than September 30,  
20 2026, the Secretary, in coordination with the heads of the  
21 relevant Federal, State, and local agencies, shall begin  
22 eradicating the carrizo cane plant and any salt cedar along  
23 the Rio Grande River that impedes border security oper-  
24 ations.

1 (b) EXTENT.—The waiver authority under subsection  
2 (c) of section 102 of the Illegal Immigration Reform and  
3 Immigrant Responsibility Act of 1996 (8 U.S.C. 1103  
4 note), as amended by section 4 of this Act, shall extend  
5 to activities carried out pursuant to subsection (a).

6 **SEC. 16. BORDER PATROL STRATEGIC PLAN.**

7 (a) IN GENERAL.—Not later than one year after the  
8 date of enactment of this section and every five years  
9 thereafter, the Secretary, acting through the Chief of the  
10 U.S. Border Patrol, shall issue a Border Patrol Strategic  
11 Plan (referred to in this section as the “plan”) to enhance  
12 the security of the international borders of the United  
13 States.

14 (b) ELEMENTS.—The plan shall include the fol-  
15 lowing:

16 (1) A consideration of Border Patrol Capability  
17 Gap Analysis reporting, Border Security Improve-  
18 ment Plans, and any other strategic document au-  
19 thored by the U.S. Border Patrol to address security  
20 gaps with respect to ports of entry, including efforts  
21 to mitigate threats identified in such analyses, plans,  
22 and documents.

23 (2) Information relating to the dissemination of  
24 information relating to border security or border



1 threats with respect to the efforts of the Department  
2 and other appropriate Federal agencies.

3 (3) Information relating to efforts by U.S. Bor-  
4 der Patrol to—

5 (A) increase situational awareness, includ-  
6 ing—

7 (i) surveillance capabilities, such as  
8 capabilities developed or utilized by the  
9 Department of Defense, and any appro-  
10 priate technology determined to be excess  
11 by the Department of Defense; and

12 (ii) the use of manned aircraft and  
13 unmanned aircraft systems;

14 (B) detect and prevent terrorists and in-  
15 struments of terrorism from entering the  
16 United States;

17 (C) detect, interdict, and disrupt human  
18 smuggling, human trafficking, drug trafficking  
19 and other illicit cross-border activity;

20 (D) focus intelligence collection to disrupt  
21 transnational criminal organizations outside of  
22 the international and maritime borders of the  
23 United States; and

1           (E) ensure that any new border security  
2           technology can be operationally integrated with  
3           existing technologies in use by the Department.

4           (4) Information relating to initiatives of the De-  
5           partment with respect to operational coordination,  
6           including any relevant task forces of the Depart-  
7           ment.

8           (5) Information gathered from the lessons  
9           learned by the deployments of the National Guard to  
10          the southern border of the United States.

11          (6) A description of cooperative agreements re-  
12          lating to information sharing with State, local, Trib-  
13          al, territorial, and other Federal law enforcement  
14          agencies that have jurisdiction on the border.

15          (7) Information relating to border security in-  
16          formation received from—

17                 (A) State, local, Tribal, territorial, and  
18                 other Federal law enforcement agencies that  
19                 have jurisdiction on the border or in the mari-  
20                 time environment; and

21                 (B) border community stakeholders, in-  
22                 cluding representatives from—

23                         (i) border agricultural and ranching  
24                         organizations; and

25                         (ii) business and civic organizations.

1           (8) Information relating to the staffing require-  
2           ments with respect to border security for the De-  
3           partment.

4           (9) A prioritized list of Department research  
5           and development objectives to enhance the security  
6           of the southern border.

7           (10) An assessment of training programs, in-  
8           cluding such programs relating to—

9                   (A) identifying and detecting fraudulent  
10                  documents;

11                   (B) understanding the scope of CBP en-  
12                  forcement authorities and appropriate use of  
13                  force policies; and

14                   (C) screening, identifying, and addressing  
15                  vulnerable populations, such as children and  
16                  victims of human trafficking.

17 **SEC. 17. HOMELAND SECURITY INVESTIGATIONS INNOVA-**  
18 **TION LAB.**

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

22 **“SEC. 463. INNOVATION LAB.**

23           “(a) ESTABLISHMENT.—

24                   “(1) IN GENERAL.—There is established within  
25                  the Department a program to be known as the

1 ‘Homeland Security Investigations Innovation Lab’  
2 (referred to in this section as the ‘Innovation Lab’).

3 “(2) ASSISTANT DIRECTOR.—The Innovation  
4 Lab shall be headed by an Assistant Director, who  
5 shall be appointed by the Executive Associate Direc-  
6 tor of United States Immigration and Customs En-  
7 forcement, Homeland Security Investigations.

8 “(b) PURPOSE.—The purpose of the Innovation Lab  
9 shall be to improve investigative efficiency and mission-  
10 critical outcomes by enhancing and streamlining data  
11 processing, agility, assessment, visualization, and analysis  
12 of homeland security data, using innovative and emerging  
13 technologies and best practices for design principles. Inno-  
14 vation Lab efforts shall be informed by designated field  
15 agents and analysts with relevant experience.

16 “(c) CO-LOCATION.—The Secretary shall, if prac-  
17 ticable, co-locate Innovation Lab personnel and office  
18 space with other existing assets of—

19 “(1) the Department, where possible; or

20 “(2) Federal facilities, where appropriate.

21 “(d) COMPOSITION.—The Innovation Lab shall be  
22 comprised of personnel from the following:

23 “(1) Homeland Security Investigations of U.S.  
24 Immigration and Customs Enforcement.

1           “(2) Other appropriate agencies as determined  
2           by the Secretary.

3           “(3) The private sector (through advisory part-  
4           nerships), including developers with specializations  
5           in innovative and emerging technology, backend ar-  
6           chitecture, or user interface design.

7           “(4) Academic institutions (through advisory  
8           partnerships), including members from the Depart-  
9           ment of Homeland Security Centers of Excellence.

10          “(e) PRIORITIZATION.—The Innovation Lab shall  
11         prioritize new projects based on communicated investiga-  
12         tive challenges experienced by each Homeland Security In-  
13         vestigations field office. Such communication may be in-  
14         corporated in existing annual threat analyses conducted  
15         by Homeland Security Investigations.

16          “(f) NONAPPLICABILITY OF FACA.—The Federal  
17         Advisory Committee Act (5 U.S.C. App.) shall not apply  
18         to the Innovation Lab.

19          “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
20         is authorized to be appropriated \$24,700,000 for fiscal  
21         year 2022 and \$27,700,000 for fiscal year 2023 to carry  
22         out this section.”.

23          “(b) CLERICAL AMENDMENT.—The table of contents  
24         in section 1(b) of the Homeland Security Act of 2002 is

1 amended by inserting after the item relating to section  
2 462 the following new item:

“Sec. 463. Innovation lab.”.

3 **SEC. 18. INTEGRATED BORDER ENFORCEMENT TEAMS.**

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

7 **“SEC. 447. INTEGRATED BORDER ENFORCEMENT TEAMS.**

8 “(a) ESTABLISHMENT.—There is established within  
9 the Department a program to be known as the Integrated  
10 Border Enforcement Team program (referred to in this  
11 section as ‘IBET’) for the purposes described in sub-  
12 section (b).

13 “(b) PURPOSES.—The purposes described in this  
14 subsection are the following:

15 “(1) Enhance cooperation between the United  
16 States and Canada with respect to border security.

17 “(2) Enhance security between designated ports  
18 of entry.

19 “(3) Detect, investigate, prevent, and respond  
20 to terrorism, transnational criminal organizations,  
21 and other violations of law related to border secu-  
22 rity.

23 “(4) Facilitate collaboration among components  
24 and offices within the Department and international  
25 partners.

1           “(5) Execute coordinated activities in further-  
2           ance of border security and homeland security.

3           “(6) Enhance information sharing, including  
4           the dissemination of homeland security information  
5           among such components and offices of the Depart-  
6           ment and international partners.

7           “(c) COMPOSITION AND ESTABLISHMENT OF  
8           UNITS.—

9           “(1) COMPOSITION.—IBET units may be com-  
10          posed of personnel from the following:

11           “(A) U.S. Customs and Border Protection.

12           “(B) U.S. Immigration and Customs En-  
13          forcement, led by Homeland Security Investiga-  
14          tions.

15           “(C) Other Department personnel, as ap-  
16          propriate.

17           “(D) Other Federal, State, local, Tribal,  
18          and foreign law enforcement agencies, as appro-  
19          priate.

20           “(E) Other appropriate personnel at the  
21          discretion of the Secretary.

22          “(2) ESTABLISHMENT OF UNITS.—

23           “(A) IN GENERAL.—The Secretary may es-  
24          tablish IBET units in regions in which such  
25          units can contribute to the purpose of IBET.

1           “(B) ASSESSMENT.—Prior to establishing  
2           an IBET unit pursuant to subparagraph (A),  
3           the Secretary shall assess the establishment of  
4           such unit in a particular region with the fol-  
5           lowing criteria:

6                   “(i) The likelihood that the establish-  
7                   ment of such unit in such region would sig-  
8                   nificantly mitigate cross-border threats, in-  
9                   cluding such threats posed by  
10                  transnational criminal organizations and  
11                  terrorist groups.

12                  “(ii) The availability of Federal,  
13                  State, local, Tribal, and foreign law en-  
14                  forcement resources to participate in such  
15                  unit.

16                  “(iii) Whether the establishment of  
17                  such unit would duplicate the efforts of ex-  
18                  isting interagency task forces or centers  
19                  within such region, including the Border  
20                  Enforcement Security Task Force estab-  
21                  lished under section 432.

22           “(d) OPERATION.—After establishing an IBET unit  
23           pursuant to paragraph (2) of subsection (c), the Secretary  
24           may—



1           “(1) direct the assignment of Federal personnel  
2           to such unit;

3           “(2) take other actions to assist Federal, State,  
4           local, and Tribal entities to participate in such unit,  
5           including providing financial assistance for oper-  
6           ational, administrative, and technological costs asso-  
7           ciated with such participation;

8           “(3) direct the development of policy and guid-  
9           ance necessary to identify, assess, and integrate the  
10          available partner resources in relevant border sector  
11          security assessments and resource planning docu-  
12          ments;

13          “(4) establish targets and performance meas-  
14          ures for such unit; and

15          “(5) direct leadership of such unit to monitor  
16          the progress with respect to such targets and per-  
17          formance measures.

18          “(e) COORDINATION.—The Secretary shall coordinate  
19          IBET activities with other similar border security and  
20          antiterrorism programs within the Department in accord-  
21          ance with the strategic objectives of the Cross-Border Law  
22          Enforcement Advisory Committee.

23          “(f) MEMORANDA OF UNDERSTANDING.—The Sec-  
24          retary may enter into memoranda of understanding with  
25          appropriate representatives of the entities specified in

1 paragraph (1) of subsection (c), as necessary, to carry out  
2 this section.

3 “(g) REPORT.—Not later than 180 days after the  
4 date on which IBET is established and biannually there-  
5 after for the following six years, the Secretary shall submit  
6 to the Committee on Homeland Security of the House of  
7 Representatives and the Committee on Homeland Security  
8 and Governmental Affairs of the Senate a report that—

9 “(1) describes the effectiveness of IBET units  
10 in fulfilling the purposes specified in subsection (b);

11 “(2) identifies challenges on the sustainment of  
12 cross-border IBET operations, including challenges  
13 faced by international partners, and planned correc-  
14 tive actions;

15 “(3) identifies costs associated with IBET units  
16 disaggregated by relevant categories designated at  
17 the discretion of the Secretary;

18 “(4) identifies ways to support joint training  
19 for IBET stakeholder agencies and radio interoper-  
20 ability to allow for secure cross-border radio commu-  
21 nications; and

22 “(5) identifies and assesses ways IBET, Border  
23 Tunnel Task Forces, Border Enforcement Security  
24 Task Forces, and the Integrated Cross-Border Mari-  
25 time Law Enforcement Operation Program can bet-

1 ter align operations, including interdiction and inves-  
2 tigation activities.”.

3 (b) CLERICAL AMENDMENT.—The table of contents  
4 in section 1(b) of the Homeland Security Act of 2002 is  
5 amended by inserting after the item relating to section  
6 446 the following new item:

“Sec. 447. Integrated Border Enforcement Teams.”.

7 **SEC. 19. DNA COLLECTION CONSISTENT WITH FEDERAL**  
8 **LAW.**

9 Not later than 14 days after the date of the enact-  
10 ment of this section, the Secretary shall ensure and certify  
11 to the Committee on Homeland Security of the House of  
12 Representatives and the Committee on Homeland Security  
13 and Governmental Affairs of the Senate that CBP is fully  
14 compliant with the DNA Fingerprint Act of 2005 (Public  
15 Law 109–162; 119 Stat. 3084) at all border facilities that  
16 process adults, including as part of a family unit, in the  
17 custody of CBP at the border.

○