

118TH CONGRESS
1ST SESSION

H. R. 163

To authorize certain appropriations for certain fiscal years for Operation Stonegarden, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. TONY GONZALES of Texas introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize certain appropriations for certain fiscal years for Operation Stonegarden, 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 “Security First Act”.

5 **SEC. 2. OPERATION STONEGARDEN APPROPRIATIONS AND**

6 **TRUST FUND.**

7 (a) CERTAIN APPROPRIATIONS.—There is authorized
8 to be appropriated for each of fiscal years 2024 through
9 2027 \$180,000,000 for the Operation Stonegarden grant

1 program, and not less than \$60,000,000 for each of fiscal
2 years 2024 through 2027 to procure technology and equip-
3 ment, including communications equipment, sensors, and
4 drone technology.

5 (b) OPERATION STONEGARDEN TRUST FUND.—

6 (1) CREATION OF TRUST FUND.—There is es-
7 tablished in the Treasury of the United States a
8 trust fund to be known as the “Operation
9 Stonegarden Trust Fund” (referred to in this sec-
10 tion as the “Trust Fund”), consisting of amounts
11 transferred to the Trust Fund under paragraph (2).

12 (2) TRANSFERS TO TRUST FUND.—The Sec-
13 retary of the Treasury shall transfer to the Trust
14 Fund, from the general fund of the Treasury, for
15 fiscal year 2024 and each fiscal year thereafter until
16 2027, an amount equivalent to the amount received
17 into the general fund during that fiscal year attrib-
18 utable to unreported monetary instruments seized by
19 U.S. Customs and Border Protection from individ-
20 uals crossing the United States and Mexico border.

21 (3) USE OF TRUST FUND.—Amounts in the
22 Trust Fund shall be made available to the Secretary
23 of Homeland Security, without further appropria-
24 tion, to fund the Operation Stonegarden grant pro-
25 gram.

1 (4) LIMITATION.—The Secretary may only ex-
2 pend funds made available from the Trust Fund to
3 carry out the activity described in paragraph (3).

4 (5) MONETARY INSTRUMENT.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), a monetary instrument
7 means—

8 (i) coin or currency of the United
9 States or of any other country;

10 (ii) traveler's checks in any form;

11 (iii) negotiable instruments, including
12 checks, promissory notes, and money or-
13 ders in bearer form, endorsed without re-
14 striction, made out to a fictitious payee, or
15 otherwise in such form that title thereto
16 passes upon delivery;

17 (iv) incomplete instruments, including
18 checks, promissory notes, and money or-
19 ders that are signed but on which the
20 name of the payee has been omitted; and

21 (v) securities or stock in bearer form
22 or otherwise in such form that title thereto
23 passes upon delivery.

1 (B) EXCEPTION.—A monetary instrument
2 referred to in subparagraph (A) does not in-
3 clude—

4 (i) checks or money orders made pay-
5 able to the order of a named person which
6 have not been endorsed or which bear re-
7 strictive endorsements;

8 (ii) warehouse receipts; or

9 (iii) bills of lading.

10 **SEC. 3. REPORT RELATING TO HIRING PRACTICES OF THE**
11 **DEPARTMENT FROM 2018 TO 2021.**

12 (a) REPORT.—Not later than 120 days after the date
13 of the enactment of this Act, the Secretary shall submit
14 to the appropriate congressional committees a report relat-
15 ing to the hiring practices of the Department that in-
16 cludes—

17 (1) information relating to the recruiting prac-
18 tices of the Department from 2018 to 2021; and

19 (2) recommendations with respect to improving
20 the operational capacity of the Department work-
21 force.

22 (b) DEFINITIONS.—In this section:

23 (1) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means—

1 (A) the Committee on Homeland Security
2 and the Committee on Appropriations of the
3 House of Representatives; and

4 (B) the Committee on Homeland Security
5 and Governmental Affairs and the Committee
6 on Appropriations of the Senate.

7 (2) DEPARTMENT.—The term “Department”
8 means the Department of Homeland Security.

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of Homeland Security.

11 **SEC. 4. DESIGNATION OF MEXICAN DRUG CARTELS AS TER-**
12 **RORIST ORGANIZATIONS.**

13 (a) REPORT.—

14 (1) IN GENERAL.—Not later than 60 days after
15 the date of the enactment of this Act, the Secretary
16 shall submit to the appropriate congressional com-
17 mittees a report on whether Mexican drug cartels
18 meet the criteria for designation as foreign terrorist
19 organizations.

20 (2) MEXICAN DRUG CARTELS DESCRIBED.—The
21 Mexican drug cartels described in this paragraph are
22 each of the following:

23 (A) Jalisco New Generation Cartel.

24 (B) Sinaloa Cartel.

25 (C) Juarez Cartel.

1 (D) Tijuana Cartel.

2 (E) Gulf Cartel.

3 (F) Los Zetas.

4 (b) DEFINITIONS.—In this section:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Foreign Affairs and
9 the Committee on Homeland Security of the
10 House of Representatives; and

11 (B) the Committee on Foreign Relations
12 and the Committee on Homeland Security and
13 Governmental Affairs of the Senate.

14 (2) FOREIGN TERRORIST ORGANIZATION.—The
15 term “foreign terrorist organization” has the mean-
16 ing given the term in section 219 of the Immigration
17 and Nationality Act (8 U.S.C. 1189).

18 (3) SECRETARY.—The term “Secretary” means
19 the Secretary of State.

20 **SEC. 5. SOUTHERN BORDER TECHNOLOGY NEEDS ANAL-**
21 **YSIS AND UPDATES.**

22 (a) TECHNOLOGY NEEDS ANALYSIS.—Not later than
23 1 year after the date of the enactment of this Act, the
24 Secretary shall submit, to the appropriate congressional

1 committees, a technology needs analysis for border secu-
2 rity technology along the Southwest border.

3 (b) CONTENTS.—The analysis required under sub-
4 section (a) shall include an assessment of—

5 (1) the technology needs and gaps along the
6 Southwest border—

7 (A) to prevent terrorists and instruments
8 of terror from entering the United States;

9 (B) to combat and reduce cross-border
10 criminal activity, including, but not limited to—

11 (i) the transport of illegal goods, such
12 as illicit drugs; and

13 (ii) human smuggling and human
14 trafficking; and

15 (C) to facilitate the flow of legal trade
16 across the Southwest border;

17 (2) recent technological advancements in—

18 (A) manned aircraft sensor, communica-
19 tion, and common operating picture technology;

20 (B) unmanned aerial systems and related
21 technology, including counter-unmanned aerial
22 system technology;

23 (C) surveillance technology, including—

24 (i) mobile surveillance vehicles;

1 (ii) associated electronics, including
2 cameras, sensor technology, and radar;

3 (iii) tower-based surveillance tech-
4 nology;

5 (iv) advanced unattended surveillance
6 sensors; and

7 (v) deployable, lighter-than-air,
8 ground surveillance equipment;

9 (D) nonintrusive inspection technology, in-
10 cluding non-X-ray devices utilizing muon to-
11 mography and other advanced detection tech-
12 nology;

13 (E) tunnel detection technology; and

14 (F) communications equipment, includ-
15 ing—

16 (i) radios;

17 (ii) long-term evolution broadband;

18 and

19 (iii) miniature satellites;

20 (3) any other technological advancements that
21 the Secretary determines to be critical to the De-
22 partment's mission along the Southwest border;

23 (4) whether the use of the technological ad-
24 vances described in paragraphs (2) and (3) will—

25 (A) improve border security;

1 (B) improve the capability of the Depart-
2 ment to accomplish its mission along the South-
3 west border;

4 (C) reduce technology gaps along the
5 Southwest border; and

6 (D) enhance the safety of any officer or
7 agent of the Department or any other Federal
8 agency;

9 (5) the Department's ongoing border security
10 technology development efforts, including efforts
11 by—

12 (A) U.S. Customs and Border Protection;

13 (B) the Science and Technology Direc-
14 torate; and

15 (C) the technology assessment office of any
16 other operational component;

17 (6) the technology needs for improving border
18 security, such as—

19 (A) information technology or other com-
20 puter or computing systems data capture;

21 (B) biometrics;

22 (C) cloud storage; and

23 (D) intelligence data sharing capabilities
24 among agencies within the Department;

1 (7) any other technological needs or factors, in-
2 cluding border security infrastructure, such as phys-
3 ical barriers or dual-purpose infrastructure, that the
4 Secretary determines should be considered; and

5 (8) currently deployed technology or new tech-
6 nology that would improve the Department’s abil-
7 ity—

8 (A) to reasonably achieve operational con-
9 trol and situational awareness along the South-
10 west border; and

11 (B) to collect metrics for securing the bor-
12 der at and between ports of entry, as required
13 under subsections (b) and (c) of section 1092 of
14 division A of the National Defense Authoriza-
15 tion Act for Fiscal Year 2017 (6 U.S.C. 223).

16 (c) UPDATES.—

17 (1) IN GENERAL.—Not later than 2 years after
18 the submission of the analysis required under sub-
19 section (a), and biannually thereafter for the fol-
20 lowing 4 years, the Secretary shall submit an update
21 to such analysis to the appropriate congressional
22 committees.

23 (2) CONTENTS.—Each update required under
24 paragraph (1) shall include a plan for utilizing the
25 resources of the Department to meet the border se-

1 security technology needs and gaps identified pursuant
2 to subsection (b), including developing or acquiring
3 technologies not currently in use by the Department
4 that would allow the Department to bridge existing
5 border technology gaps along the Southwest border.

6 (d) ITEMS TO BE CONSIDERED.—In compiling the
7 technology needs analysis and updates required under this
8 section, the Secretary shall consider and examine—

9 (1) technology that is deployed and is sufficient
10 for the Department’s use along the Southwest bor-
11 der;

12 (2) technology that is deployed, but is insuffi-
13 cient for the Department’s use along the Southwest
14 border;

15 (3) technology that is not deployed, but is nec-
16 essary for the Department’s use along the Southwest
17 border;

18 (4) current formal departmental requirements
19 documentation examining current border security
20 threats and challenges faced by any component of
21 the Department;

22 (5) trends and forecasts regarding migration
23 across the Southwest border;

24 (6) the impact on projected staffing and deploy-
25 ment needs for the Department, including staffing

1 needs that may be fulfilled through the use of tech-
2 nology;

3 (7) the needs and challenges faced by employees
4 of the Department who are deployed along the
5 Southwest border;

6 (8) the need to improve cooperation among
7 Federal, State, Tribal, local, and Mexican law en-
8 forcement entities to enhance security along the
9 Southwest border;

10 (9) the privacy implications of existing tech-
11 nology and the acquisition and deployment of new
12 technologies and supporting infrastructure, with an
13 emphasis on how privacy risks might be mitigated
14 through the use of technology, training, and policy;

15 (10) the impact of any ongoing public health
16 emergency that impacts Department operations
17 along the Southwest border; and

18 (11) the ability of, and the needs for, the De-
19 partment to assist with search and rescue efforts for
20 individuals or groups that may be in physical danger
21 or in need of medical assistance.

22 (e) FORM.—To the extent possible, the Secretary
23 shall submit the technology needs analysis and updates re-
24 quired under this section in unclassified form, but may
25 submit such documents, or portions of such documents,

1 in classified form if the Secretary determines that such
2 action is appropriate.

3 (f) DEFINITIONS.—In this section:

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

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

9 (B) the Committee on Homeland Security
10 of the House of Representatives.

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

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

15 (4) SOUTHWEST BORDER.—The term “South-
16 west border” means the international land border
17 between the United States and Mexico, including the
18 ports of entry along such border.

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