

# Union Calendar No. 29

118TH CONGRESS  
1ST SESSION

# H. R. 2794

[Report No. 118–45, Part I]

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2023

Mr. GREEN of Tennessee (for himself, Mr. HIGGINS of Louisiana, Mr. McCAUL, Mr. GUEST, Mr. BISHOP of North Carolina, Mr. GIMENEZ, Mr. PFLUGER, Mr. GARBARINO, Mr. LALOTA, Mr. EZELL, Mr. D'ESPOSITO, Mr. STRONG, Mr. BRECHEEN, Mr. CRANE, Ms. GREENE of Georgia, Mr. TONY GONZALES of Texas, Mr. LUTTRELL, and Ms. LEE of Florida) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Ways and Means, and 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

MAY 5, 2023

Additional sponsors: Mr. ELLZEY, Mr. RESCHENTHALER, Mr. EDWARDS, Mr. BEAN of Florida, Mr. NEHLS, Mr. SESSIONS, and Mr. PENCE

MAY 5, 2023

Reported from the Committee on Homeland Security with an amendment

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

MAY 5, 2023

Committees on Ways and Means and the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 24, 2023]

# **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 Reinforcement Act of 2023”.*

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

*Sec. 1. Short title; table of contents.*

*Sec. 2. Definitions.*

*Sec. 3. Border wall construction.*

*Sec. 4. Strengthening the requirements for barriers along the southern border.*

*Sec. 5. Border and port security technology investment plan.*

*Sec. 6. Border security technology program management.*

*Sec. 7. U.S. Customs and Border Protection technology upgrades.*

*Sec. 8. U.S. Customs and Border Protection personnel.*

*Sec. 9. Anti-Border Corruption Act reauthorization.*

*Sec. 10. Establishment of workload staffing models for U.S. Border Patrol and  
 Air and Marine Operations of CBP.*

*Sec. 11. Operation Stonegarden.*

*Sec. 12. Air and Marine Operations flight hours.*

*Sec. 13. Eradication of carrizo cane and salt cedar.*

*Sec. 14. Border patrol strategic plan.*

*Sec. 15. U.S. Customs and Border Protection spiritual readiness.*

*Sec. 16. Restrictions on funding.*

*Sec. 17. Collection of DNA and biometric information at the border.*

*Sec. 18. Eradication of narcotic drugs and formulating effective new tools to ad-  
 dress yearly losses of life; ensuring timely updates to U.S. Cus-  
 toms and Border Protection field manuals.*

*Sec. 19. Publication by U.S. Customs and Border Protection of operational statis-  
 tics.*

*Sec. 20. Alien criminal background checks.*

*Sec. 21. Prohibited identification documents at airport security checkpoints; noti-  
 fication to immigration agencies.*

*Sec. 22. Prohibition against any COVID–19 vaccine mandate or adverse action  
 against DHS employees.*

*Sec. 23. CBP One app limitation.*

*Sec. 24. Report on designation of Mexican cartels as foreign terrorist organiza-  
 tions.*

*Sec. 25. GAO study on costs incurred by States to secure the southwest border.*

*Sec. 26. Report by Inspector General of the Department of Homeland Security.*

*Sec. 27. Offsetting authorizations of appropriations.*

*Sec. 28. Report to Congress on foreign terrorist organizations.*

*Sec. 29. Assessment by Inspector General of the Department of Homeland Secu-  
 rity on the mitigation of unmanned aircraft systems at the  
 southwest border.*

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) *CBP.*—*The term “CBP” means U.S. Customs and Border Protection.*

4  
5 (2) *COMMISSIONER.*—*The term “Commissioner” means the Commissioner of U.S. Customs and Border Protection.*

6  
7  
8 (3) *DEPARTMENT.*—*The term “Department” means the Department of Homeland Security.*

9  
10 (4) *OPERATIONAL CONTROL.*—*The term “operational control” has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367; 8 U.S.C. 1701 note).*

11  
12  
13  
14 (5) *SECRETARY.*—*The term “Secretary” means the Secretary of Homeland Security.*

15  
16 (6) *SITUATIONAL AWARENESS.*—*The term “situational awareness” has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).*

17  
18  
19  
20  
21 (7) *UNMANNED AIRCRAFT SYSTEM.*—*The term “unmanned aircraft system” has the meaning given such term in section 44801 of title 49, United States Code.*

22  
23  
24  
25 **SEC. 3. BORDER WALL CONSTRUCTION.**

26 (a) *IN GENERAL.*—

1           (1) *IMMEDIATE RESUMPTION OF BORDER WALL*  
2           *CONSTRUCTION.*—Not later than seven days after the  
3           date of the enactment of this section, the Secretary  
4           shall resume all activities related to the construction  
5           of the border wall along the international border be-  
6           tween the United States and Mexico that were under-  
7           way or being planned for prior to January 20, 2021.

8           (2) *USE OF FUNDS.*—To carry out this section,  
9           the Secretary shall expend all unexpired funds appro-  
10          priated or explicitly obligated for the construction of  
11          the border wall that were appropriated or obligated,  
12          as the case may be, for use beginning on October 1,  
13          2019.

14          (3) *USE OF MATERIALS.*—Any unused materials  
15          purchased before the date of the enactment of this sec-  
16          tion for construction of the border wall may be used  
17          for activities related to the construction of the border  
18          wall in accordance with paragraph (1).

19          (b) *PLAN TO COMPLETE TACTICAL INFRASTRUCTURE*  
20          *AND TECHNOLOGY.*—Not later than 90 days after the date  
21          of the enactment of this section and annually thereafter  
22          until construction of the border wall has been completed,  
23          the Secretary shall submit to the appropriate congressional  
24          committees an implementation plan, including annual  
25          benchmarks for the construction of 200 miles of such wall

1 *and associated cost estimates for satisfying all requirements*  
2 *of the construction of the border wall, including installation*  
3 *and deployment of tactical infrastructure, technology, and*  
4 *other elements as identified by the Department prior to*  
5 *January 20, 2021, through the expenditure of funds appro-*  
6 *priated or explicitly obligated, as the case may be, for use,*  
7 *as well as any future funds appropriated or otherwise made*  
8 *available by Congress.*

9 (c) *DEFINITIONS.—In this section:*

10 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
11 *TEES.—The term “appropriate congressional commit-*  
12 *tees” means the Committee on Homeland Security*  
13 *and the Committee on Appropriations of the House of*  
14 *Representatives and the Committee on Homeland Se-*  
15 *curity and Governmental Affairs and the Committee*  
16 *on Appropriations of the Senate.*

17 (2) *TACTICAL INFRASTRUCTURE.—The term*  
18 *“tactical infrastructure” includes boat ramps, access*  
19 *gates, checkpoints, lighting, and roads associated with*  
20 *a border wall.*

21 (3) *TECHNOLOGY.—The term “technology” in-*  
22 *cludes border surveillance and detection technology,*  
23 *including linear ground detection systems, associated*  
24 *with a border wall.*

1 **SEC. 4. STRENGTHENING THE REQUIREMENTS FOR BAR-**  
2 **RIERS ALONG THE SOUTHERN BORDER.**

3 *Section 102 of the Illegal Immigration Reform and*  
4 *Immigrant Responsibility Act of 1996 (Division C of Public*  
5 *Law 104–208; 8 U.S.C. 1103 note) is amended—*

6 *(1) by amending subsection (a) to read as fol-*  
7 *lows:*

8 *“(a) IN GENERAL.—The Secretary of Homeland Secu-*  
9 *rity shall take such actions as may be necessary (including*  
10 *the removal of obstacles to detection of illegal entrants) to*  
11 *design, test, construct, install, deploy, integrate, and oper-*  
12 *ate physical barriers, tactical infrastructure, and tech-*  
13 *nology in the vicinity of the southwest border to achieve*  
14 *situational awareness and operational control of the south-*  
15 *west border and deter, impede, and detect unlawful activ-*  
16 *ity.”;*

17 *(2) in subsection (b)—*

18 *(A) in the subsection heading, by striking*  
19 *“FENCING AND ROAD IMPROVEMENTS” and in-*  
20 *serting “PHYSICAL BARRIERS”;*

21 *(B) in paragraph (1)—*

22 *(i) in the heading, by striking “FENC-*  
23 *ING” and inserting “BARRIERS”;*

24 *(ii) by amending subparagraph (A) to*  
25 *read as follows:*

1           “(A) *REINFORCED BARRIERS.*—*In carrying*  
2           *out this section, the Secretary of Homeland Se-*  
3           *curity shall construct a border wall, including*  
4           *physical barriers, tactical infrastructure, and*  
5           *technology, along not fewer than 900 miles of the*  
6           *southwest border until situational awareness and*  
7           *operational control of the southwest border is*  
8           *achieved.”;*

9                     *(iii) by amending subparagraph (B) to*  
10            *read as follows:*

11           “(B) *PHYSICAL BARRIERS AND TACTICAL*  
12            *INFRASTRUCTURE.*—*In carrying out this section,*  
13            *the Secretary of Homeland Security shall deploy*  
14            *along the southwest border the most practical*  
15            *and effective physical barriers, tactical infra-*  
16            *structure, and technology available for achieving*  
17            *situational awareness and operational control of*  
18            *the southwest border.”;*

19                     *(iv) in subparagraph (C)—*

20                     *(I) by amending clause (i) to read*  
21            *as follows:*

22           “(i) *IN GENERAL.*—*In carrying out*  
23            *this section, the Secretary of Homeland Se-*  
24            *curity shall consult with the Secretary of*  
25            *the Interior, the Secretary of Agriculture,*

1           *appropriate representatives of State, Tribal,*  
2           *and local governments, and appropriate*  
3           *private property owners in the United*  
4           *States to minimize the impact on natural*  
5           *resources, commerce, and sites of historical*  
6           *or cultural significance for the communities*  
7           *and residents located near the sites at which*  
8           *physical barriers, tactical infrastructure,*  
9           *and technology are to be constructed. Such*  
10           *consultation may not delay such construc-*  
11           *tion for longer than seven days.”; and*

12                           *(II) in clause (ii)—*

13                                   *(aa) in subclause (I), by*  
14                                   *striking “or” after the semicolon*  
15                                   *at the end;*

16                                   *(bb) by amending subclause*  
17                                   *(II) to read as follows:*

18                                   *“(II) delay the transfer to the*  
19                                   *United States of the possession of prop-*  
20                                   *erty or affect the validity of any prop-*  
21                                   *erty acquisition by the United States*  
22                                   *by purchase or eminent domain, or to*  
23                                   *otherwise affect the eminent domain*  
24                                   *laws of the United States or of any*  
25                                   *State; or”;* and

1                                   (cc) by adding at the end the  
2                                   following new subclause:

3                                   “(III) create any right or liability  
4                                   for any party.”; and

5                                   (v) by striking subparagraph (D);  
6                                   (C) in paragraph (2)—

7                                   (i) by striking “Attorney General” and  
8                                   inserting “Secretary of Homeland Secu-  
9                                   rity”;

10                                   (ii) by striking “this subsection” and  
11                                   inserting “this section”; and

12                                   (iii) by striking “construction of  
13                                   fences” and inserting “the construction of  
14                                   physical barriers, tactical infrastructure,  
15                                   and technology”;

16                                   (D) by amending paragraph (3) to read as  
17                                   follows:

18                                   “(3) *AGENT SAFETY.*—In carrying out this sec-  
19                                   tion, the Secretary of Homeland Security, when de-  
20                                   signing, testing, constructing, installing, deploying,  
21                                   integrating, and operating physical barriers, tactical  
22                                   infrastructure, or technology, shall incorporate such  
23                                   safety features into such design, test, construction, in-  
24                                   stallation, deployment, integration, or operation of  
25                                   such physical barriers, tactical infrastructure, or tech-

1        *nology, as the case may be, that the Secretary deter-*  
2        *mines are necessary to maximize the safety and effec-*  
3        *tiveness of officers and agents of the Department of*  
4        *Homeland Security or of any other Federal agency*  
5        *deployed in the vicinity of such physical barriers, tac-*  
6        *tical infrastructure, or technology.”; and*

7                *(E) in paragraph (4), by striking “this sub-*  
8                *section” and inserting “this section”;*

9                *(3) in subsection (c)—*

10                *(A) by amending paragraph (1) to read as*  
11                *follows:*

12                *“(1) IN GENERAL.—Notwithstanding any other*  
13                *provision of law, the Secretary of Homeland Security*  
14                *shall waive all legal requirements necessary to ensure*  
15                *the expeditious design, testing, construction, installa-*  
16                *tion, deployment, integration, operation, and mainte-*  
17                *nance of the physical barriers, tactical infrastructure,*  
18                *and technology under this section. The Secretary shall*  
19                *ensure the maintenance and effectiveness of such*  
20                *physical barriers, tactical infrastructure, or tech-*  
21                *nology. Any such action by the Secretary shall be ef-*  
22                *fective upon publication in the Federal Register.”;*

23                *(B) by redesignating paragraph (2) as*  
24                *paragraph (3); and*

1                   (C) by inserting after paragraph (1) the fol-  
2                   lowing new paragraph:

3                   “(2) *NOTIFICATION.*—Not later than seven days  
4                   after the date on which the Secretary of Homeland  
5                   Security exercises a waiver pursuant to paragraph  
6                   (1), the Secretary shall notify the Committee on  
7                   Homeland Security of the House of Representatives  
8                   and the Committee on Homeland Security and Gov-  
9                   ernmental Affairs of the Senate of such waiver.”; and

10                  (4) by adding at the end the following new sub-  
11                  sections:

12                  “(e) *TECHNOLOGY.*—In carrying out this section, the  
13                  Secretary of Homeland Security shall deploy along the  
14                  southwest border the most practical and effective technology  
15                  available for achieving situational awareness and oper-  
16                  ational control.

17                  “(f) *DEFINITIONS.*—In this section:

18                         “(1) *ADVANCED UNATTENDED SURVEILLANCE*  
19                         *SENSORS.*—The term ‘advanced unattended surveil-  
20                         lance sensors’ means sensors that utilize an onboard  
21                         computer to analyze detections in an effort to discern  
22                         between vehicles, humans, and animals, and ulti-  
23                         mately filter false positives prior to transmission.

24                         “(2) *OPERATIONAL CONTROL.*—The term ‘oper-  
25                         ational control’ has the meaning given such term in

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

3 “(3) *PHYSICAL BARRIERS.*—*The term ‘physical*  
4 *barriers’ includes reinforced fencing, the border wall,*  
5 *and levee walls.*

6 “(4) *SITUATIONAL AWARENESS.*—*The term ‘situ-*  
7 *ational awareness’ has the meaning given such term*  
8 *in section 1092(a)(7) of the National Defense Author-*  
9 *ization Act for Fiscal Year 2017 (Public Law 114–*  
10 *328; 6 U.S.C. 223(a)(7)).*

11 “(5) *TACTICAL INFRASTRUCTURE.*—*The term*  
12 *‘tactical infrastructure’ includes boat ramps, access*  
13 *gates, checkpoints, lighting, and roads.*

14 “(6) *TECHNOLOGY.*—*The term ‘technology’ in-*  
15 *cludes border surveillance and detection technology,*  
16 *including the following:*

17 “(A) *Tower-based surveillance technology.*

18 “(B) *Deployable, lighter-than-air ground*  
19 *surveillance equipment.*

20 “(C) *Vehicle and Dismount Exploitation*  
21 *Radars (VADER).*

22 “(D) *3-dimensional, seismic acoustic detec-*  
23 *tion and ranging border tunneling detection*  
24 *technology.*

1                   “(E) *Advanced unattended surveillance sen-*  
2                   *sors.*

3                   “(F) *Mobile vehicle-mounted and man-port-*  
4                   *able surveillance capabilities.*

5                   “(G) *Unmanned aircraft systems.*

6                   “(H) *Tunnel detection systems and other*  
7                   *seismic technology.*

8                   “(I) *Fiber-optic cable.*

9                   “(J) *Other border detection, communica-*  
10                  *tion, and surveillance technology.*

11                  “(7) *UNMANNED AIRCRAFT SYSTEM.—The term*  
12                  *‘unmanned aircraft system’ has the meaning given*  
13                  *such term in section 44801 of title 49, United States*  
14                  *Code.’’.*

15   **SEC. 5. BORDER AND PORT SECURITY TECHNOLOGY IN-**  
16                   **VESTMENT PLAN.**

17                  *(a) IN GENERAL.—Not later than 180 days after the*  
18                  *date of the enactment of this section, the Commissioner, in*  
19                  *consultation with covered officials and border and port se-*  
20                  *curity technology stakeholders, shall submit to the appro-*  
21                  *priate congressional committees a strategic 5-year tech-*  
22                  *nology investment plan (in this section referred to as the*  
23                  *“plan”). The plan may include a classified annex, if appro-*  
24                  *priate.*

1       **(b) CONTENTS OF PLAN.**—*The plan shall include the*  
2 *following:*

3           (1) *An analysis of security risks at and between*  
4 *ports of entry along the northern and southern bor-*  
5 *ders of the United States.*

6           (2) *An identification of capability gaps with re-*  
7 *spect to security at and between such ports of entry*  
8 *to be mitigated in order to—*

9                   (A) *prevent terrorists and instruments of*  
10 *terror from entering the United States;*

11                   (B) *combat and reduce cross-border crimi-*  
12 *nal activity, including—*

13                           (i) *the transport of illegal goods, such*  
14 *as illicit drugs; and*

15                           (ii) *human smuggling and human*  
16 *trafficking; and*

17                   (C) *facilitate the flow of legal trade across*  
18 *the southwest border.*

19           (3) *An analysis of current and forecast trends*  
20 *relating to the number of aliens who—*

21                   (A) *unlawfully entered the United States by*  
22 *crossing the northern or southern border of the*  
23 *United States; or*

24                   (B) *are unlawfully present in the United*  
25 *States.*

1           (4) *A description of security-related technology*  
2 *acquisitions, to be listed in order of priority, to ad-*  
3 *dress the security risks and capability gaps analyzed*  
4 *and identified pursuant to paragraphs (1) and (2),*  
5 *respectively.*

6           (5) *A description of each planned security-re-*  
7 *lated technology program, including objectives, goals,*  
8 *and timelines for each such program.*

9           (6) *An identification of each deployed security-*  
10 *related technology that is at or near the end of the life*  
11 *cycle of such technology.*

12           (7) *A description of the test, evaluation, mod-*  
13 *eling, and simulation capabilities, including target*  
14 *methodologies, rationales, and timelines, necessary to*  
15 *support the acquisition of security-related technologies*  
16 *pursuant to paragraph (4).*

17           (8) *An identification and assessment of ways to*  
18 *increase opportunities for communication and col-*  
19 *laboration with the private sector, small and dis-*  
20 *advantaged businesses, intragovernment entities, uni-*  
21 *versity centers of excellence, and federal laboratories*  
22 *to ensure CBP is able to engage with the market for*  
23 *security-related technologies that are available to sat-*  
24 *isfy its mission needs before engaging in an acquisi-*  
25 *tion of a security-related technology.*

1           (9) *An assessment of the management of planned*  
2 *security-related technology programs by the acquisi-*  
3 *tion workforce of CBP.*

4           (10) *An identification of ways to leverage al-*  
5 *ready-existing acquisition expertise within the Fed-*  
6 *eral Government.*

7           (11) *A description of the security resources, in-*  
8 *cluding information security resources, required to*  
9 *protect security-related technology from physical or*  
10 *cyber theft, diversion, sabotage, or attack.*

11           (12) *A description of initiatives to—*

12                 (A) *streamline the acquisition process of*  
13 *CBP; and*

14                 (B) *provide to the private sector greater*  
15 *predictability and transparency with respect to*  
16 *such process, including information relating to*  
17 *the timeline for testing and evaluation of secu-*  
18 *rity-related technology.*

19           (13) *An assessment of the privacy and security*  
20 *impact on border communities of security-related*  
21 *technology.*

22           (14) *In the case of a new acquisition leading to*  
23 *the removal of equipment from a port of entry along*  
24 *the northern or southern border of the United States,*

1        *a strategy to consult with the private sector and com-*  
2        *munity stakeholders affected by such removal.*

3                *(15) A strategy to consult with the private sector*  
4        *and community stakeholders with respect to security*  
5        *impacts at a port of entry described in paragraph*  
6        *(14).*

7                *(16) An identification of recent technological ad-*  
8        *vancements in the following:*

9                        *(A) Manned aircraft sensor, communica-*  
10        *tion, and common operating picture technology.*

11                       *(B) Unmanned aerial systems and related*  
12        *technology, including counter-unmanned aerial*  
13        *system technology.*

14                       *(C) Surveillance technology, including the*  
15        *following:*

16                                *(i) Mobile surveillance vehicles.*

17                                *(ii) Associated electronics, including*  
18        *cameras, sensor technology, and radar.*

19                                *(iii) Tower-based surveillance tech-*  
20        *nology.*

21                                *(iv) Advanced unattended surveillance*  
22        *sensors.*

23                                *(v) Deployable, lighter-than-air,*  
24        *ground surveillance equipment.*

1           (D) *Nonintrusive inspection technology, in-*  
2           *cluding non-X-ray devices utilizing muon tomog-*  
3           *raphy and other advanced detection technology.*

4           (E) *Tunnel detection technology.*

5           (F) *Communications equipment, including*  
6           *the following:*

7                   (i) *Radios.*

8                   (ii) *Long-term evolution broadband.*

9                   (iii) *Miniature satellites.*

10          (c) *LEVERAGING THE PRIVATE SECTOR.—To the ex-*  
11          *tent practicable, the plan shall—*

12                   (1) *leverage emerging technological capabilities,*  
13                   *and research and development trends, within the pub-*  
14                   *lic and private sectors;*

15                   (2) *incorporate input from the private sector, in-*  
16                   *cluding from border and port security stakeholders,*  
17                   *through requests for information, industry day events,*  
18                   *and other innovative means consistent with the Fed-*  
19                   *eral Acquisition Regulation; and*

20                   (3) *identify security-related technologies that are*  
21                   *in development or deployed, with or without adapta-*  
22                   *tion, that may satisfy the mission needs of CBP.*

23          (d) *FORM.—To the extent practicable, the plan shall*  
24          *be published in unclassified form on the website of the De-*  
25          *partment.*

1           (e) *DISCLOSURE.*—*The plan shall include an identi-*  
2 *fication of individuals not employed by the Federal Govern-*  
3 *ment, and their professional affiliations, who contributed*  
4 *to the development of the plan.*

5           (f) *UPDATE AND REPORT.*—*Not later than the date*  
6 *that is two years after the date on which the plan is sub-*  
7 *mitted to the appropriate congressional committees pursu-*  
8 *ant to subsection (a) and biennially thereafter for ten years,*  
9 *the Commissioner shall submit to the appropriate congres-*  
10 *sional committees—*

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

12                 (2) *a report that includes—*

13                         (A) *the extent to which each security-related*  
14 *technology acquired by CBP since the initial*  
15 *submission of the plan or most recent update of*  
16 *the plan, as the case may be, is consistent with*  
17 *the planned technology programs and projects*  
18 *described pursuant to subsection (b)(5); and*

19                         (B) *the type of contract and the reason for*  
20 *acquiring each such security-related technology.*

21           (g) *DEFINITIONS.*—*In this section:*

22                 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
23 *TEES.*—*The term “appropriate congressional commit-*  
24 *tees” 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 on*  
6           *Appropriations of the Senate.*

7           (2) *COVERED OFFICIALS.—The term “covered of-*  
8           *ficials” means—*

9           (A) *the Under Secretary for Management of*  
10           *the Department;*

11           (B) *the Under Secretary for Science and*  
12           *Technology of the Department; and*

13           (C) *the Chief Information Officer of the De-*  
14           *partment.*

15           (3) *UNLAWFULLY PRESENT.—The term “unlaw-*  
16           *fully present” has the meaning provided such term in*  
17           *section 212(a)(9)(B)(i) of the Immigration and Na-*  
18           *tionality Act (8 U.S.C. 1182(a)(9)(B)(i)).*

19 **SEC. 6. BORDER SECURITY TECHNOLOGY PROGRAM MAN-**  
20 **AGEMENT.**

21           (a) *IN GENERAL.—Subtitle C of title IV of the Home-*  
22           *land Security Act of 2002 (6 U.S.C. 231 et seq.) is amended*  
23           *by adding at the end the following new section:*

1 **“SEC. 437. BORDER SECURITY TECHNOLOGY PROGRAM**  
2 **MANAGEMENT.**

3 “(a) *MAJOR ACQUISITION PROGRAM DEFINED.*—In  
4 *this section, the term ‘major acquisition program’ means*  
5 *an acquisition program of the Department that is estimated*  
6 *by the Secretary to require an eventual total expenditure*  
7 *of at least \$100,000,000 (based on fiscal year 2023 constant*  
8 *dollars) over its life-cycle cost.*

9 “(b) *PLANNING DOCUMENTATION.*—For each border se-  
10 *curity technology acquisition program of the Department*  
11 *that is determined to be a major acquisition program, the*  
12 *Secretary shall—*

13 “(1) *ensure that each such program has a writ-*  
14 *ten acquisition program baseline approved by the rel-*  
15 *evant acquisition decision authority;*

16 “(2) *document that each such program is satis-*  
17 *fying cost, schedule, and performance thresholds as*  
18 *specified in such baseline, in compliance with rel-*  
19 *evant departmental acquisition policies and the Fed-*  
20 *eral Acquisition Regulation; and*

21 “(3) *have a plan for satisfying program imple-*  
22 *mentation objectives by managing contractor perform-*  
23 *ance.*

24 “(c) *ADHERENCE TO STANDARDS.*—The Secretary,  
25 *acting through the Under Secretary for Management and*  
26 *the Commissioner of U.S. Customs and Border Protection,*

1 *shall ensure border security technology acquisition program*  
2 *managers who are responsible for carrying out this section*  
3 *adhere to relevant internal control standards identified by*  
4 *the Comptroller General of the United States. The Commis-*  
5 *sioner shall provide information, as needed, to assist the*  
6 *Under Secretary in monitoring management of border secu-*  
7 *rity technology acquisition programs under this section.*

8       “(d) *PLAN.—The Secretary, acting through the Under*  
9 *Secretary for Management, in coordination with the Under*  
10 *Secretary for Science and Technology and the Commis-*  
11 *sioner of U.S. Customs and Border Protection, shall submit*  
12 *to the Committee on Homeland Security of the House of*  
13 *Representatives and the Committee on Homeland Security*  
14 *and Governmental Affairs of the Senate a plan for testing,*  
15 *evaluating, and using independent verification and valida-*  
16 *tion of resources relating to the proposed acquisition of bor-*  
17 *der security technology. Under such plan, the proposed ac-*  
18 *quisition of new border security technologies shall be evalu-*  
19 *ated through a series of assessments, processes, and audits*  
20 *to ensure—*

21               “(1) *compliance with relevant departmental ac-*  
22 *quisition policies and the Federal Acquisition Regula-*  
23 *tion; and*

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

1           (b) *CLERICAL AMENDMENT.*—*The table of contents in*  
 2 *section 1(b) of the Homeland Security Act of 2002 is*  
 3 *amended by inserting after the item relating to section 436*  
 4 *the following new item:*

          “*Sec. 437. Border security technology program management.*”.

5           (c) *PROHIBITION ON ADDITIONAL AUTHORIZATION OF*  
 6 *APPROPRIATIONS.*—*No additional funds are authorized to*  
 7 *be appropriated to carry out section 437 of the Homeland*  
 8 *Security Act of 2002, as added by subsection (a).*

9   **SEC. 7. U.S. CUSTOMS AND BORDER PROTECTION TECH-**  
 10                                   **NOLOGY UPGRADES.**

11          (a) *SECURE COMMUNICATIONS.*—*The Commissioner*  
 12 *shall ensure that each CBP officer or agent, as appropriate,*  
 13 *is equipped with a secure radio or other two-way commu-*  
 14 *nication device that allows each such officer or agent to*  
 15 *communicate—*

16               (1) *between ports of entry and inspection sta-*  
 17 *tions; and*

18               (2) *with other Federal, State, Tribal, and local*  
 19 *law enforcement entities.*

20          (b) *BORDER SECURITY DEPLOYMENT PROGRAM.*—

21               (1) *EXPANSION.*—*Not later than September 30,*  
 22 *2025, the Commissioner shall—*

23                       (A) *fully implement the Border Security*  
 24 *Deployment Program of CBP; and*

1           (B) *expand the integrated surveillance and*  
2           *intrusion detection system at land ports of entry*  
3           *along the northern and southern borders of the*  
4           *United States.*

5           (2) *AUTHORIZATION OF APPROPRIATIONS.—In*  
6           *addition to amounts otherwise authorized to be ap-*  
7           *propriated for such purpose, there is authorized to be*  
8           *appropriated \$33,000,000 for fiscal years 2024 and*  
9           *2025 to carry out paragraph (1).*

10          (c) *UPGRADE OF LICENSE PLATE READERS AT PORTS*  
11 *OF ENTRY.—*

12           (1) *UPGRADE.—Not later than two years after*  
13           *the date of the enactment of this section, the Commis-*  
14           *sioner shall upgrade all existing license plate readers*  
15           *in need of upgrade, as determined by the Commis-*  
16           *sioner, on the northern and southern borders of the*  
17           *United States.*

18           (2) *AUTHORIZATION OF APPROPRIATIONS.—In*  
19           *addition to amounts otherwise authorized to be ap-*  
20           *propriated for such purpose, there is authorized to be*  
21           *appropriated \$125,000,000 for fiscal years 2023 and*  
22           *2024 to carry out paragraph (1).*

1 **SEC. 8. U.S. CUSTOMS AND BORDER PROTECTION PER-**  
2 **SONNEL.**

3 (a) *RETENTION BONUS.*—To carry out this section,  
4 there is authorized to be appropriated up to \$100,000,000  
5 to the Commissioner to provide a retention bonus to any  
6 front-line U.S. Border Patrol law enforcement agent—

7 (1) whose position is equal to or below level GS-  
8 12 of the General Schedule;

9 (2) who has five years or more of service with the  
10 U.S. Border Patrol; and

11 (3) who commits to two years of additional serv-  
12 ice with the U.S. Border Patrol upon acceptance of  
13 such bonus.

14 (b) *BORDER PATROL AGENTS.*—Not later than Sep-  
15 tember 30, 2025, the Commissioner shall hire, train, and  
16 assign a sufficient number of Border Patrol agents to main-  
17 tain an active duty presence of not fewer than 22,000 full-  
18 time equivalent Border Patrol agents, who may not perform  
19 the duties of processing coordinators.

20 (c) *PROHIBITION AGAINST ALIEN TRAVEL.*—No per-  
21 sonnel or equipment of Air and Marine Operations may  
22 be used for the transportation of non-detained aliens, or de-  
23 tained aliens expected to be administratively released upon  
24 arrival, from the southwest border to destinations within  
25 the United States.

1           (d) *GAO REPORT.*—If the staffing level required under  
2 this section is not achieved by the date associated with such  
3 level, the Comptroller General of the United States shall—

4           (1) *conduct a review of the reasons why such*  
5 *level was not so achieved; and*

6           (2) *not later than September 30, 2027, publish*  
7 *on a publicly available website of the Government Ac-*  
8 *countability Office a report relating thereto.*

9 **SEC. 9. ANTI-BORDER CORRUPTION ACT REAUTHORIZA-**  
10 **TION.**

11           (a) *HIRING FLEXIBILITY.*—Section 3 of the *Anti-Bor-*  
12 *der Corruption Act of 2010 (6 U.S.C. 221; Public Law 111-*  
13 *376) is amended by striking subsection (b) and inserting*  
14 *the following new subsections:*

15           “(b) *WAIVER REQUIREMENT.*—Subject to subsection  
16 (c), the Commissioner of U.S. Customs and Border Protec-  
17 tion shall waive the application of subsection (a)(1)—

18           “(1) *to a current, full-time law enforcement offi-*  
19 *cer employed by a State or local law enforcement*  
20 *agency who—*

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

23           “(B) *is authorized by law to engage in or*  
24 *supervise the prevention, detection, investigation,*  
25 *or prosecution of, or the incarceration of any*

1           *person for, any violation of law, and has statu-*  
2           *tory powers for arrest or apprehension; and*

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

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

12                 *“(A) has continuously served as a law en-*  
13                 *forcement officer for not fewer than three years;*

14                 *“(B) is authorized to make arrests, conduct*  
15                 *investigations, conduct searches, make seizures,*  
16                 *carry firearms, and serve orders, warrants, and*  
17                 *other processes;*

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

1           “(D) holds a current Tier 4 background in-  
2           vestigation or current Tier 5 background inves-  
3           tigation; or

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

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

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

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

16          “(D) received, or is eligible to receive, an  
17          honorable discharge from service in the Armed  
18          Forces and has not engaged in criminal activity  
19          or committed a serious military or civil offense  
20          under the Uniform Code of Military Justice; and

21          “(E) was not granted any waivers to obtain  
22          the clearance referred to in subparagraph (B).

23          “(c) *TERMINATION OF WAIVER REQUIREMENT; SNAP-*  
24          *BACK.*—*The requirement to issue a waiver under subsection*  
25          *(b) shall terminate if the Commissioner of U.S. Customs*

1 *and Border Protection (CBP) certifies to the Committee on*  
2 *Homeland Security of the House of Representatives and the*  
3 *Committee on Homeland Security and Governmental Af-*  
4 *airs of the Senate that CBP has met all requirements pur-*  
5 *suant to section 8 of the Border Reinforcement Act of 2023*  
6 *relating to personnel levels. If at any time after such certifi-*  
7 *cation personnel levels fall below such requirements, the*  
8 *Commissioner shall waive the application of subsection*  
9 *(a)(1) until such time as the Commissioner re-certifies to*  
10 *such Committees that CBP has so met all such require-*  
11 *ments.”.*

12 *(b) SUPPLEMENTAL COMMISSIONER AUTHORITY; RE-*  
13 *PORTING; DEFINITIONS.—The Anti-Border Corruption Act*  
14 *of 2010 is amended by adding at the end the following new*  
15 *sections:*

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

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

23 *“(b) BACKGROUND INVESTIGATIONS.—An individual*  
24 *who receives a waiver under section 3(b) who holds a cur-*

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

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

13 **“SEC. 6. REPORTING.**

14       “(a) *ANNUAL REPORT.—Not later than one year after*  
15 *the date of the enactment of this section and annually there-*  
16 *after while the waiver authority under section 3(b) is in*  
17 *effect, the Commissioner of U.S. Customs and Border Pro-*  
18 *tection shall submit to Congress a report that includes, with*  
19 *respect to each such reporting period, the following:*

20               “(1) *Information relating to the number of waiv-*  
21 *ers granted under such section 3(b).*

22               “(2) *Information relating to the percentage of*  
23 *applicants who were hired after receiving such a*  
24 *waiver.*

1           “(3) *Information relating to the number of in-*  
2           *stances that a polygraph was administered to an ap-*  
3           *plicant who initially received such a waiver and the*  
4           *results of such polygraph.*

5           “(4) *An assessment of the current impact of such*  
6           *waiver authority on filling law enforcement positions*  
7           *at U.S. Customs and Border Protection.*

8           “(5) *An identification of additional authorities*  
9           *needed by U.S. Customs and Border Protection to bet-*  
10          *ter utilize such waiver authority for its intended*  
11          *goals.*

12          “(b) *ADDITIONAL INFORMATION.—The first report sub-*  
13          *mitted under subsection (a) shall include the following:*

14               “(1) *An analysis of other methods of employment*  
15               *suitability tests that detect deception and could be*  
16               *used in conjunction with traditional background in-*  
17               *vestigations to evaluate potential applicants or em-*  
18               *ployees for suitability for employment or continued*  
19               *employment, as the case may be.*

20               “(2) *A recommendation regarding whether a test*  
21               *referred to in paragraph (1) should be adopted by*  
22               *U.S. Customs and Border Protection when the poly-*  
23               *graph examination requirement is waived pursuant*  
24               *to section 3(b).*

1 **“SEC. 7. DEFINITIONS.**

2 *“In this Act:*

3 *“(1) FEDERAL LAW ENFORCEMENT OFFICER.—*

4 *The term ‘Federal law enforcement officer’ means a*  
5 *‘law enforcement officer’, as such term is defined in*  
6 *section 8331(20) or 8401(17) of title 5, United States*  
7 *Code.*

8 *“(2) SERIOUS MILITARY OR CIVIL OFFENSE.—*

9 *The term ‘serious military or civil offense’ means an*  
10 *offense for which—*

11 *“(A) a member of the Armed Forces may be*  
12 *discharged or separated from service in the*  
13 *Armed Forces; and*

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

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

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

1           (c) *POLYGRAPH EXAMINERS.*—Not later than Sep-  
2   tember 30, 2025, the Secretary shall increase to not fewer  
3   than 150 the number of trained full-time equivalent poly-  
4   graph examiners for administering polygraphs under the  
5   Anti-Border Corruption Act of 2010, as amended by this  
6   section.

7   **SEC. 10. ESTABLISHMENT OF WORKLOAD STAFFING MOD-**  
8                           **ELS FOR U.S. BORDER PATROL AND AIR AND**  
9                           **MARINE OPERATIONS OF CBP.**

10           (a) *IN GENERAL.*—Not later than one year after the  
11   date of the enactment of this Act, the Commissioner, in co-  
12   ordination with the Under Secretary for Management, the  
13   Chief Human Capital Officer, and the Chief Financial Offi-  
14   cer of the Department, shall implement a workload staffing  
15   model for each of the following:

16                   (1) *The U.S. Border Patrol.*

17                   (2) *Air and Marine Operations of CBP.*

18           (b) *RESPONSIBILITIES OF THE COMMISSIONER.*—Sub-  
19   section (c) of section 411 of the Homeland Security Act of  
20   2002 (6 U.S.C. 211), is amended—

21                   (1) *by redesignating paragraphs (18) and (19)*  
22                   *as paragraphs (20) and (21), respectively; and*

23                   (2) *by inserting after paragraph (17) the fol-*  
24                   *lowing new paragraphs:*

1           “(18) implement a staffing model for the U.S.  
2           *Border Patrol, Air and Marine Operations, and the*  
3           *Office of Field Operations that includes consideration*  
4           *for essential frontline operator activities and func-*  
5           *tions, variations in operating environments, present*  
6           *and planned infrastructure, present and planned*  
7           *technology, and required operations support levels to*  
8           *enable such entities to manage and assign personnel*  
9           *of such entities to ensure field and support posts pos-*  
10           *sess adequate resources to carry out duties specified in*  
11           *this section;*

12           “(19) develop standard operating procedures for  
13           *a workforce tracking system within the U.S. Border*  
14           *Patrol, Air and Marine Operations, and the Office of*  
15           *Field Operations, train the workforce of each of such*  
16           *entities on the use, capabilities, and purpose of such*  
17           *system, and implement internal controls to ensure*  
18           *timely and accurate scheduling and reporting of ac-*  
19           *tual completed work hours and activities;”.*

20           (c) *REPORT.*—

21           (1) *IN GENERAL.*—*Not later than one year after*  
22           *the date of the enactment of this section with respect*  
23           *to subsection (a) and paragraphs (18) and (19) of sec-*  
24           *tion 411(c) of the Homeland Security Act of 2002 (as*  
25           *amended by subsection (b)), and annually thereafter*

1       with respect to such paragraphs (18) and (19), the  
2       Secretary shall submit to the appropriate congress-  
3       sional committees a report that includes a status up-  
4       date on the following:

5               (A) The implementation of such subsection  
6               (a) and such paragraphs (18) and (19).

7               (B) Each relevant workload staffing model.

8               (2) *DATA SOURCES AND METHODOLOGY RE-*  
9       *QUIRED.—Each report required under paragraph (1)*  
10       *shall include information relating to the data sources*  
11       *and methodology used to generate each relevant staff-*  
12       *ing model.*

13       (d) *INSPECTOR GENERAL REVIEW.—Not later than 90*  
14       *days after the Commissioner develops the workload staffing*  
15       *models pursuant to subsection (a), the Inspector General of*  
16       *the Department shall review such models and provide feed-*  
17       *back to the Secretary and the appropriate congressional*  
18       *committees with respect to the degree to which such models*  
19       *are responsive to the recommendations of the Inspector Gen-*  
20       *eral, including the following:*

21               (1) *Recommendations from the Inspector Gen-*  
22       *eral's February 2019 audit.*

23               (2) *Any further recommendations to improve*  
24       *such models.*

1           (e) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*  
2 *FINED.*—*In this section, the term “appropriate congres-*  
3 *sional committees” means—*

4                   (1) *the Committee on Homeland Security of the*  
5 *House of Representatives; and*

6                   (2) *the Committee on Homeland Security and*  
7 *Governmental Affairs of the Senate.*

8 **SEC. 11. OPERATION STONEGARDEN.**

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

12 **“SEC. 2010. OPERATION STONEGARDEN.**

13           “(a) *ESTABLISHMENT.*—*There is established in the De-*  
14 *partment a program to be known as ‘Operation*  
15 *Stonegarden’, under which the Secretary, acting through the*  
16 *Administrator, shall make grants to eligible law enforce-*  
17 *ment agencies, through State administrative agencies, to en-*  
18 *hance border security in accordance with this section.*

19           “(b) *ELIGIBLE RECIPIENTS.*—*To be eligible to receive*  
20 *a grant under this section, a law enforcement agency*  
21 *shall—*

22                   “(1) *be located in—*

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

24                           *or*

1           “(B) a State or territory with a maritime  
2           border;

3           “(2) be involved in an active, ongoing, U.S. Cus-  
4           toms and Border Protection operation coordinated  
5           through a U.S. Border Patrol sector office; and

6           “(3) have an agreement in place with U.S. Im-  
7           migration and Customs Enforcement to support en-  
8           forcement operations.

9           “(c) *PERMITTED USES.*—A recipient of a grant under  
10          this section may use such grant for costs associated with  
11          the following:

12           “(1) *Equipment, including maintenance and*  
13           *sustainment.*

14           “(2) *Personnel, including overtime and backfill,*  
15           *in support of enhanced border law enforcement activi-*  
16           *ties.*

17           “(3) *Any activity permitted for Operation*  
18           *Stonegarden under the most recent fiscal year Depart-*  
19           *ment of Homeland Security’s Homeland Security*  
20           *Grant Program Notice of Funding Opportunity.*

21           “(d) *PERIOD OF PERFORMANCE.*—The Secretary shall  
22          award grants under this section to grant recipients for a  
23          period of not fewer than 36 months.

24           “(e) *NOTIFICATION.*—Upon denial of a grant to a law  
25          enforcement agency, the Administrator shall provide writ-

1 *ten notice to the Committee on Homeland Security of the*  
2 *House of Representatives and the Committee on Homeland*  
3 *Security and Governmental Affairs of the Senate, including*  
4 *the reasoning for such denial.*

5       “(f) *REPORT.—For each of fiscal years 2024 through*  
6 *2028 the Administrator shall submit to the Committee on*  
7 *Homeland Security of the House of Representatives and the*  
8 *Committee on Homeland Security and Governmental Af-*  
9 *airs of the Senate a report that contains—*

10           “(1) *information on the expenditure of grants*  
11 *made under this section by each grant recipient; and*

12           “(2) *recommendations for other uses of such*  
13 *grants to further support eligible law enforcement*  
14 *agencies.*

15       “(g) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
16 *authorized to be appropriated \$110,000,000 for each of fis-*  
17 *cal years 2024 through 2028 for grants under this section.”.*

18       “(b) *CONFORMING AMENDMENT.—Subsection (a) of sec-*  
19 *tion 2002 of the Homeland Security Act of 2002 (6 U.S.C.*  
20 *603) is amended to read as follows:*

21           “(a) *GRANTS AUTHORIZED.—The Secretary, through*  
22 *the Administrator, may award grants under sections 2003,*  
23 *2004, 2009, and 2010 to State, local, and Tribal govern-*  
24 *ments, as appropriate.”.*

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

          “*Sec. 2010. Operation Stonegarden.*”.

5 **SEC. 12. AIR AND MARINE OPERATIONS FLIGHT HOURS.**

6           (a) *AIR AND MARINE OPERATIONS FLIGHT HOURS.*—  
7 *Not later than 120 days after the date of enactment of this*  
8 *Act, the Secretary shall ensure that not fewer than 110,000*  
9 *annual flight hours are carried out by Air and Marine Op-*  
10 *erations of CBP.*

11           (b) *UNMANNED AIRCRAFT SYSTEMS.*—*The Secretary,*  
12 *after coordination with the Administrator of the Federal*  
13 *Aviation Administration, shall ensure that Air and Marine*  
14 *Operations operate unmanned aircraft systems on the*  
15 *southern border of the United States for not less than 24*  
16 *hours per day.*

17           (c) *PRIMARY MISSIONS.*—*The Commissioner shall en-*  
18 *sure the following:*

19                   (1) *The primary missions for Air and Marine*  
20 *Operations are to directly support the following:*

21                           (A) *U.S. Border Patrol activities along the*  
22 *borders of the United States.*

23                           (B) *Joint Interagency Task Force South*  
24 *and Joint Task Force East operations in the*  
25 *transit zone.*

1           (2) *The Executive Assistant Commissioner of Air*  
2           *and Marine Operations assigns the greatest priority*  
3           *to support missions specified in paragraph (1).*

4           (d) *HIGH DEMAND FLIGHT HOUR REQUIREMENTS.—*  
5           *The Commissioner shall—*

6           (1) *ensure that U.S. Border Patrol Sector Chiefs*  
7           *identify air support mission-critical hours; and*

8           (2) *direct Air and Marine Operations to support*  
9           *requests from such Sector Chiefs as a component of*  
10          *the primary mission of Air and Marine Operations*  
11          *in accordance with subsection (c)(1)(A).*

12          (e) *CONTRACT AIR SUPPORT AUTHORIZATIONS.—The*  
13          *Commissioner shall contract for air support mission-crit-*  
14          *ical hours to meet the requests for such hours, as identified*  
15          *pursuant to subsection (d).*

16          (f) *SMALL UNMANNED AIRCRAFT SYSTEMS.—*

17                 (1) *IN GENERAL.—The Chief of the U.S. Border*  
18                 *Patrol shall be the executive agent with respect to the*  
19                 *use of small unmanned aircraft by CBP for the pur-*  
20                 *poses of the following:*

21                         (A) *Meeting the unmet flight hour oper-*  
22                         *ational requirements of the U.S. Border Patrol.*

23                         (B) *Achieving situational awareness and*  
24                         *operational control of the borders of the United*  
25                         *States.*

1           (2) *COORDINATION.*—*In carrying out paragraph*  
2 *(1), the Chief of the U.S. Border Patrol shall coordi-*  
3 *nate—*

4                   (A) *flight operations with the Administrator*  
5 *of the Federal Aviation Administration to ensure*  
6 *the safe and efficient operation of the national*  
7 *airspace system; and*

8                   (B) *with the Executive Assistant Commis-*  
9 *sioner for Air and Marine Operations of CBP*  
10 *to—*

11                           (i) *ensure the safety of other CBP air-*  
12 *craft flying in the vicinity of small un-*  
13 *manned aircraft operated by the U.S. Bor-*  
14 *der Patrol; and*

15                           (ii) *establish a process to include data*  
16 *from flight hours in the calculation of got*  
17 *away statistics.*

18           (3) *CONFORMING AMENDMENT.*—*Paragraph (3)*  
19 *of section 411(e) of the Homeland Security Act of*  
20 *2002 (6 U.S.C. 211(e)) is amended—*

21                   (A) *in subparagraph (B), by striking “and”*  
22 *after the semicolon at the end;*

23                   (B) *by redesignating subparagraph (C) as*  
24 *subparagraph (D); and*

1                   (C) by inserting after subparagraph (B) the  
2                   following new subparagraph:

3                   “(C) carry out the small unmanned aircraft  
4                   (as such term is defined in section 44801 of title  
5                   49, United States Code) requirements pursuant  
6                   to subsection (f) of section 12 of the Border Rein-  
7                   forcement Act of 2023; and”.

8                   (g) SAVINGS CLAUSE.—Nothing in this section may be  
9                   construed as conferring, transferring, or delegating to the  
10                  Secretary, the Commissioner, the Executive Assistant Com-  
11                  missioner for Air and Marine Operations of CBP, or the  
12                  Chief of the U.S. Border Patrol any authority of the Sec-  
13                  retary of Transportation or the Administrator of the Fed-  
14                  eral Aviation Administration relating to the use of airspace  
15                  or aviation safety.

16                  (h) DEFINITIONS.—In this section:

17                   (1) GOT AWAY.—The term “got away” has the  
18                   meaning given such term in section 1092(a)(3) of the  
19                   National Defense Authorization Act for Fiscal Year  
20                   2017 (Public Law 114–328; 6 U.S.C. 223(a)(3)).

21                   (2) TRANSIT ZONE.—The term “transit zone”  
22                   has the meaning given such term in section  
23                   1092(a)(8) of the National Defense Authorization Act  
24                   for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C.  
25                   223(a)(8)).

1 **SEC. 13. ERADICATION OF CARRIZO CANE AND SALT CEDAR.**

2 (a) *IN GENERAL.*—Not later than 30 days after the  
3 date of the enactment of this Act, the Secretary, in coordina-  
4 tion with the heads of relevant Federal, State, and local  
5 agencies, shall hire contractors to begin eradicating the  
6 carrizo cane plant and any salt cedar along the Rio Grande  
7 River that impedes border security operations. Such eradi-  
8 cation shall be completed—

9 (1) by not later than September 30, 2027, except  
10 for required maintenance; and

11 (2) in the most expeditious and cost-effective  
12 manner possible to maintain clear fields of view.

13 (b) *APPLICATION.*—The waiver authority under sub-  
14 section (c) of section 102 of the Illegal Immigration Reform  
15 and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103  
16 note), as amended by section 4 of this Act, shall apply to  
17 activities carried out pursuant to subsection (a).

18 (c) *REPORT.*—Not later than 180 days after the date  
19 of the enactment of this Act, the Secretary shall submit to  
20 the Committee on Homeland Security of the House of Rep-  
21 resentatives and the Committee on Homeland Security and  
22 Governmental Affairs of the Senate a strategic plan to  
23 eradicate all carrizo cane plant and salt cedar along the  
24 Rio Grande River that impedes border security operations  
25 by not later than September 30, 2027.

1       (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
2 *authorized to be appropriated \$7,000,000 for each of fiscal*  
3 *years 2024 through 2028 to the Secretary to carry out this*  
4 *subsection.*

5 **SEC. 14. BORDER PATROL STRATEGIC PLAN.**

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

13       (b) *ELEMENTS.*—*The plan shall include the following:*

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

21           (2) *Information relating to the dissemination of*  
22 *information relating to border security or border*  
23 *threats with respect to the efforts of the Department*  
24 *and other appropriate Federal agencies.*

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

3           (A) *increase situational awareness, includ-*  
4 *ing—*

5           (i) *surveillance capabilities, such as*  
6 *capabilities developed or utilized by the De-*  
7 *partment of Defense, and any appropriate*  
8 *technology determined to be excess by the*  
9 *Department of Defense; and*

10          (ii) *the use of manned aircraft and un-*  
11 *manned aircraft;*

12          (B) *detect and prevent terrorists and in-*  
13 *struments of terrorism from entering the United*  
14 *States;*

15          (C) *detect, interdict, and disrupt between*  
16 *ports of entry aliens unlawfully present in the*  
17 *United States;*

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

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

1           (F) 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 Department.

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

10          (6) A description of cooperative agreements relat-  
11          ing to information sharing with State, local, Tribal,  
12          territorial, and other Federal law enforcement agen-  
13          cies that have jurisdiction on the borders of the  
14          United States.

15          (7) Information relating to border security infor-  
16          mation received from the following:

17                (A) State, local, Tribal, territorial, and  
18                other Federal law enforcement agencies that have  
19                jurisdiction on the borders of the United States  
20                or in the maritime environment.

21                (B) Border community stakeholders, includ-  
22                ing representatives from the following:

23                       (i) Border agricultural and ranching  
24                       organizations.

25                       (ii) Business and civic organizations.

1                   (iii) *Hospitals and rural clinics within*  
2                   150 miles of the borders of the United  
3                   States.

4                   (iv) *Victims of crime committed by*  
5                   aliens unlawfully present in the United  
6                   States.

7                   (v) *Victims impacted by drugs,*  
8                   *transnational criminal organizations, car-*  
9                   *tels, gangs, or other criminal activity.*

10                  (vi) *Farmers, ranchers, and property*  
11                  owners along the border.

12                  (vii) *Other individuals negatively im-*  
13                  *acted by illegal immigration.*

14                  (8) *Information relating to the staffing require-*  
15                  *ments with respect to border security for the Depart-*  
16                  *ment.*

17                  (9) *A prioritized list of Department research and*  
18                  *development objectives to enhance the security of the*  
19                  *borders of the United States.*

20                  (10) *An assessment of training programs, in-*  
21                  *cluding such programs relating to the following:*

22                         (A) *Identifying and detecting fraudulent*  
23                         documents.

1           (B) *Understanding the scope of CBP en-*  
2           *forcement authorities and appropriate use of*  
3           *force policies.*

4           (C) *Screening, identifying, and addressing*  
5           *vulnerable populations, such as children and vic-*  
6           *tims of human trafficking.*

7   **SEC. 15. U.S. CUSTOMS AND BORDER PROTECTION SPIR-**  
8           **ITUAL READINESS.**

9           *Not later than one year after the enactment of this Act*  
10          *and annually thereafter for five years, the Commissioner*  
11          *shall submit to the Committee on Homeland Security of the*  
12          *House of Representatives and the Committee on Homeland*  
13          *Security and Governmental Affairs of the Senate a report*  
14          *on the availability and usage of the assistance of chaplains,*  
15          *prayer groups, houses of worship, and other spiritual re-*  
16          *sources for members of CBP who identify as religiously-af-*  
17          *filiated and have attempted suicide, have suicidal ideation,*  
18          *or are at risk of suicide, and metrics on the impact such*  
19          *resources have in assisting religiously-affiliated members*  
20          *who have access to and utilize such resources compared to*  
21          *religiously-affiliated members who do not.*

22   **SEC. 16. RESTRICTIONS ON FUNDING.**

23          (a) *ARRIVING ALIENS.*—*No funds are authorized to be*  
24          *appropriated to the Department to process the entry into*

1 *the United States of aliens arriving in between ports of*  
2 *entry.*

3       **(b) RESTRICTION ON NONGOVERNMENTAL ORGANIZA-**  
4 *TION SUPPORT FOR UNLAWFUL ACTIVITY.—No funds are*  
5 *authorized to be appropriated to the Department for dis-*  
6 *bursement to any nongovernmental organization that facili-*  
7 *tates or encourages unlawful activity, including unlawful*  
8 *entry, human trafficking, human smuggling, drug traf-*  
9 *ficking, and drug smuggling.*

10       **(c) RESTRICTION ON NONGOVERNMENTAL ORGANIZA-**  
11 *TION FACILITATION OF ILLEGAL IMMIGRATION.—No funds*  
12 *are authorized to be appropriated to the Department for*  
13 *disbursement to any nongovernmental organization to pro-*  
14 *vide, or facilitate the provision of, transportation, lodging,*  
15 *or immigration legal services to inadmissible aliens who*  
16 *enter the United States after the date of the enactment of*  
17 *this Act.*

18 **SEC. 17. COLLECTION OF DNA AND BIOMETRIC INFORMA-**  
19 **TION AT THE BORDER.**

20       *Not later than 14 days after the date of the enactment*  
21 *of this Act, the Secretary shall ensure and certify to the*  
22 *Committee on Homeland Security of the House of Rep-*  
23 *resentatives and the Committee on Homeland Security and*  
24 *Governmental Affairs of the Senate that CBP is fully com-*

1 *pliant with Federal DNA and biometric collection require-*  
2 *ments at United States land borders.*

3 **SEC. 18. ERADICATION OF NARCOTIC DRUGS AND FORMU-**  
4 **LATING EFFECTIVE NEW TOOLS TO ADDRESS**  
5 **YEARLY LOSSES OF LIFE; ENSURING TIMELY**  
6 **UPDATES TO U.S. CUSTOMS AND BORDER**  
7 **PROTECTION FIELD MANUALS.**

8 *(a) IN GENERAL.—Not later than 90 days after the*  
9 *date of the enactment of this Act, and not less frequently*  
10 *than triennially thereafter, the Commissioner of U.S. Cus-*  
11 *toms and Border Protection shall review and update, as*  
12 *necessary, the current policies and manuals of the Office*  
13 *of Field Operations related to inspections at ports of entry,*  
14 *and the U.S. Border Patrol related to inspections between*  
15 *ports of entry, to ensure the uniform implementation of in-*  
16 *spection practices that will effectively respond to techno-*  
17 *logical and methodological changes designed to disguise un-*  
18 *lawful activity, such as the smuggling of drugs and humans,*  
19 *along the border.*

20 *(b) REPORTING REQUIREMENT.—Not later than 90*  
21 *days after each update required under subsection (a), the*  
22 *Commissioner of U.S. Customs and Border Protection shall*  
23 *submit to the Committee on Homeland Security and the*  
24 *Committee on the Judiciary of the House of Representatives*  
25 *and the Committee on Homeland Security and Govern-*

1 *mental Affairs and the Committee on the Judiciary of the*  
2 *Senate a report that summarizes any policy and manual*  
3 *changes pursuant to subsection (a).*

4 **SEC. 19. PUBLICATION BY U.S. CUSTOMS AND BORDER PRO-**  
5 **TECTION OF OPERATIONAL STATISTICS.**

6 *(a) IN GENERAL.—Not later than the seventh day of*  
7 *each month beginning with the second full month after the*  
8 *date of the enactment of this Act, the Commissioner of U.S.*  
9 *Customs and Border Protection shall publish on a publicly*  
10 *available website of the Department of Homeland Security*  
11 *information relating to the total number of alien encounters*  
12 *and nationalities, unique alien encounters and nationali-*  
13 *ties, gang affiliated apprehensions and nationalities, drug*  
14 *seizures, alien encounters included in the terrorist screening*  
15 *database and nationalities, arrests of criminal aliens or in-*  
16 *dividuals wanted by law enforcement and nationalities,*  
17 *known got aways, encounters with deceased aliens, and all*  
18 *other related or associated statistics recorded by U.S. Cus-*  
19 *toms and Border Protection during the immediately pre-*  
20 *ceding month. Each such publication shall include the fol-*  
21 *lowing:*

22 *(1) The aggregate such number, and such num-*  
23 *ber disaggregated by geographic regions, of such re-*  
24 *cordings and encounters, including specifications re-*

1        *lating to whether such recordings and encounters were*  
2        *at the southwest, northern, or maritime border.*

3                *(2) An identification of the Office of Field Oper-*  
4        *ations field office, U.S. Border Patrol sector, or Air*  
5        *and Marine Operations branch making each record-*  
6        *ing or encounter.*

7                *(3) Information relating to whether each record-*  
8        *ing or encounter of an alien was of a single adult, an*  
9        *unaccompanied alien child, or an individual in a*  
10        *family unit.*

11                *(4) Information relating to the processing dis-*  
12        *position of each alien recording or encounter.*

13                *(5) Information relating to the nationality of*  
14        *each alien who is the subject of each recording or en-*  
15        *counter.*

16                *(6) The total number of individuals included in*  
17        *the terrorist screening database (as such term is de-*  
18        *defined in section 2101 of the Homeland Security Act*  
19        *of 2002 (6 U.S.C. 621)) who have repeatedly at-*  
20        *tempted to cross unlawfully into the United States.*

21                *(7) The total number of individuals included in*  
22        *the terrorist screening database who have been appre-*  
23        *hended, including information relating to whether*  
24        *such individuals were released into the United States*  
25        *or removed.*

1           (b) *EXCEPTIONS.*—*If the Commissioner of U.S. Customs and Border Protection in any month does not publish*  
2 *the information required under subsection (a), or does not*  
3 *publish such information by the date specified in such sub-*  
4 *section, the Commissioner shall brief the Committee on*  
5 *Homeland Security of the House of Representatives and the*  
6 *Committee on Homeland Security and Governmental Af-*  
7 *airs of the Senate regarding the reason relating thereto,*  
8 *as the case may be, by not later than the date that is two*  
9 *business days after the tenth day of such month.*

11           (c) *DEFINITIONS.*—*In this section:*

12           (1) *ALIEN ENCOUNTERS.*—*The term “alien en-*  
13 *counters” means aliens apprehended, determined in-*  
14 *admissible, or processed for removal by U.S. Customs*  
15 *and Border Protection.*

16           (2) *GOT AWAY.*—*The term “got away” has the*  
17 *meaning given such term in section 1092(a) of the*  
18 *National Defense Authorization Act for Fiscal Year*  
19 *2017 (6 U.S.C. 223(a)).*

20           (3) *TERRORIST SCREENING DATABASE.*—*The*  
21 *term “terrorist screening database” has the meaning*  
22 *given such term in section 2101 of the Homeland Se-*  
23 *curity Act of 2002 (6 U.S.C. 621).*

24           (4) *UNACCOMPANIED ALIEN CHILD.*—*The term*  
25 *“unaccompanied alien child” has the meaning given*

1        *such term in section 462(g) of the Homeland Security*  
2        *Act of 2002 (6 U.S.C. 279(g)).*

3        **SEC. 20. ALIEN CRIMINAL BACKGROUND CHECKS.**

4        (a) *IN GENERAL.*—*Not later than seven days after the*  
5        *date of the enactment of this Act, the Commissioner shall*  
6        *certify to the Committee on Homeland Security and the*  
7        *Committee on the Judiciary of the House of Representatives*  
8        *and the Committee on Homeland Security and Govern-*  
9        *mental Affairs and the Committee on the Judiciary of the*  
10       *Senate that CBP has real-time access to the criminal his-*  
11       *tory databases of all countries of origin and transit for*  
12       *aliens encountered by CBP to perform criminal history*  
13       *background checks for such aliens.*

14       (b) *STANDARDS.*—*The certification required under*  
15       *subsection (a) shall also include a determination whether*  
16       *the criminal history databases of a country are accurate,*  
17       *up to date, digitized, searchable, and otherwise meet the*  
18       *standards of the Federal Bureau of Investigation for crimi-*  
19       *nal history databases maintained by State and local gov-*  
20       *ernments.*

21       (c) *CERTIFICATION.*—*The Secretary shall annually*  
22       *submit to the Committee on Homeland Security and the*  
23       *Committee on the Judiciary of the House of Representatives*  
24       *and the Committee on Homeland Security and Govern-*  
25       *mental Affairs and the Committee on the Judiciary of the*

1 *Senate a certification that each database referred to in sub-*  
2 *section (b) which the Secretary accessed or sought to access*  
3 *pursuant to this section met the standards described in sub-*  
4 *section (b).*

5 **SEC. 21. PROHIBITED IDENTIFICATION DOCUMENTS AT AIR-**  
6 **PORT SECURITY CHECKPOINTS; NOTIFICA-**  
7 **TION TO IMMIGRATION AGENCIES.**

8 (a) *IN GENERAL.—The Administrator may not accept*  
9 *as valid proof of identification a prohibited identification*  
10 *document at an airport security checkpoint.*

11 (b) *NOTIFICATION TO IMMIGRATION AGENCIES.—If an*  
12 *individual presents a prohibited identification document to*  
13 *an officer of the Transportation Security Administration*  
14 *at an airport security checkpoint, the Administrator shall*  
15 *promptly notify the Director of U.S. Immigration and Cus-*  
16 *toms Enforcement, the Director of U.S. Customs and Border*  
17 *Protection, and the head of the appropriate local law en-*  
18 *forcement agency to determine whether the individual is in*  
19 *violation of any term of release from the custody of any*  
20 *such agency.*

21 (c) *ENTRY INTO STERILE AREAS.—*

22 (1) *IN GENERAL.—Except as provided in para-*  
23 *graph (2), if an individual is found to be in violation*  
24 *of any term of release under subsection (b), the Ad-*

1        *administrator may not permit such individual to enter*  
2        *a sterile area.*

3            (2) *EXCEPTION.—An individual presenting a*  
4        *prohibited identification document under this section*  
5        *may enter a sterile area if the individual—*

6            (A) *is leaving the United States for the pur-*  
7        *poses of removal or deportation; or*

8            (B) *presents a covered identification docu-*  
9        *ment.*

10        (d) *COLLECTION OF BIOMETRIC INFORMATION FROM*  
11        *CERTAIN INDIVIDUALS SEEKING ENTRY INTO THE STERILE*  
12        *AREA OF AN AIRPORT.—Beginning not later than 120 days*  
13        *after the date of the enactment of this Act, the Adminis-*  
14        *trator shall collect biometric information from an indi-*  
15        *vidual described in subsection (e) prior to authorizing such*  
16        *individual to enter into a sterile area.*

17        (e) *INDIVIDUAL DESCRIBED.—An individual described*  
18        *in this subsection is an individual who—*

19            (1) *is seeking entry into the sterile area of an*  
20        *airport;*

21            (2) *does not present a covered identification docu-*  
22        *ment; and*

23            (3) *the Administrator cannot verify is a national*  
24        *of the United States.*

1           (f) *PARTICIPATION IN IDENT.*—Beginning not later  
2 than 120 days after the date of the enactment of this Act,  
3 the Administrator, in coordination with the Secretary, shall  
4 submit biometric data collected under this section to the  
5 Automated Biometric Identification System (*IDENT*).

6           (g) *DEFINITIONS.*—In this section:

7                 (1) *ADMINISTRATOR.*—The term “Adminis-  
8 trator” means the Administrator of the Transpor-  
9 tation Security Administration.

10                (2) *BIOMETRIC INFORMATION.*—The term “bio-  
11 metric information” means any of the following:

12                         (A) A fingerprint.

13                         (B) A palm print.

14                         (C) A photograph, including—

15                                 (i) a photograph of an individual’s  
16 face for use with facial recognition tech-  
17 nology; and

18                                 (ii) a photograph of any physical or  
19 anatomical feature, such as a scar, skin  
20 mark, or tattoo.

21                         (D) A signature.

22                         (E) A voice print.

23                         (F) An iris image.

1           (3) *COVERED IDENTIFICATION DOCUMENT.*—*The*  
2           *term “covered identification document” means any of*  
3           *the following, if the document is valid and unexpired:*

4                   (A) *A United States passport or passport*  
5                   *card.*

6                   (B) *A biometrically secure card issued by a*  
7                   *trusted traveler program of the Department of*  
8                   *Homeland Security, including—*

9                           (i) *Global Entry;*

10                           (ii) *Nexus;*

11                           (iii) *Secure Electronic Network for*  
12                           *Travelers Rapid Inspection (SENTRI); and*

13                           (iv) *Free and Secure Trade (FAST).*

14                   (C) *An identification card issued by the De-*  
15                   *partment of Defense, including such a card*  
16                   *issued to a dependent.*

17                   (D) *Any document required for admission*  
18                   *to the United States under section 211(a) of the*  
19                   *Immigration and Nationality Act (8 U.S.C.*  
20                   *1181(a)).*

21                   (E) *An enhanced driver’s license issued by*  
22                   *a State.*

23                   (F) *A photo identification card issued by a*  
24                   *federally recognized Indian Tribe.*

1           (G) *A personal identity verification creden-*  
2 *tial issued in accordance with Homeland Secu-*  
3 *rity Presidential Directive 12.*

4           (H) *A driver’s license issued by a province*  
5 *of Canada.*

6           (I) *A Secure Certificate of Indian Status*  
7 *issued by the Government of Canada.*

8           (J) *A Transportation Worker Identification*  
9 *Credential.*

10          (K) *A Merchant Mariner Credential issued*  
11 *by the Coast Guard.*

12          (L) *A Veteran Health Identification Card*  
13 *issued by the Department of Veterans Affairs.*

14          (M) *Any other document the Administrator*  
15 *determines, pursuant to a rule making in ac-*  
16 *cordance with section 553 of title 5, United*  
17 *States Code, will satisfy the identity verification*  
18 *procedures of the Transportation Security Ad-*  
19 *ministration.*

20          (4) *IMMIGRATION LAWS.—The term “immigra-*  
21 *tion laws” has the meaning given that term in section*  
22 *101 of the Immigration and Nationality Act (8*  
23 *U.S.C. 1101).*

24          (5) *PROHIBITED IDENTIFICATION DOCUMENT.—*  
25 *The term “prohibited identification document” means*

1        *any of the following (or any applicable successor*  
2        *form):*

3                (A) *U.S. Immigration and Customs En-*  
4        *forcement Form I-200, Warrant for Arrest of*  
5        *Alien.*

6                (B) *U.S. Immigration and Customs En-*  
7        *forcement Form I-205, Warrant of Removal/De-*  
8        *portation.*

9                (C) *U.S. Immigration and Customs En-*  
10        *forcement Form I-220A, Order of Release on Re-*  
11        *cognizance.*

12               (D) *U.S. Immigration and Customs En-*  
13        *forcement Form I-220B, Order of Supervision.*

14               (E) *Department of Homeland Security*  
15        *Form I-862, Notice to Appear.*

16               (F) *U.S. Customs and Border Protection*  
17        *Form I-94, Arrival/Departure Record (including*  
18        *a print-out of an electronic record).*

19               (G) *Department of Homeland Security*  
20        *Form I-385, Notice to Report.*

21               (H) *Any document that directs an indi-*  
22        *vidual to report to the Department of Homeland*  
23        *Security.*

1           (I) Any Department of Homeland Security  
2           work authorization or employment verification  
3           document.

4           (6) *STERILE AREA*.—The term “sterile area” has  
5           the meaning given that term in section 1540.5 of title  
6           49, Code of Federal Regulations, or any successor reg-  
7           ulation.

8 **SEC. 22. PROHIBITION AGAINST ANY COVID-19 VACCINE**  
9                                   **MANDATE OR ADVERSE ACTION AGAINST DHS**  
10                                   **EMPLOYEES.**

11           (a) *LIMITATION ON IMPOSITION OF NEW MANDATE*.—  
12           The Secretary may not issue any COVID-19 vaccine man-  
13           date unless Congress expressly authorizes such a mandate.

14           (b) *PROHIBITION ON ADVERSE ACTION*.—The Sec-  
15           retary may not take any adverse action against a Depart-  
16           ment employee based solely on the refusal of such employee  
17           to receive a vaccine for COVID-19.

18           (c) *REPORT*.—Not later than 90 days after the date  
19           of the enactment of this Act, the Secretary shall report to  
20           the Committee on Homeland Security of the House of Rep-  
21           resentatives and the Committee on Homeland Security and  
22           Governmental Affairs of the Senate on the following:

23                           (1) The number of Department employees who  
24                           were terminated or resigned due to the COVID-19  
25                           vaccine mandate.

1           (2) *An estimate of the cost to reinstate such em-*  
2           *ployees.*

3           (3) *How the Department would effectuate rein-*  
4           *statement of such employees.*

5           (d)     *RETENTION     AND     DEVELOPMENT     OF*  
6     *UNVACCINATED EMPLOYEES.—The Secretary shall make*  
7     *every effort to retain Department employees who are not*  
8     *vaccinated against COVID–19 and provide such employees*  
9     *with professional development, promotion and leadership*  
10    *opportunities, and consideration equal to that of their peers.*

11    **SEC. 23. CBP ONE APP LIMITATION.**

12       (a) *LIMITATION.—The Department may use the CBP*  
13    *One Mobile Application or any other similar program, ap-*  
14    *plication, internet-based portal, website, device, or initia-*  
15    *tive only for inspection of perishable cargo.*

16       (b) *REPORT.—Not later than 60 days after the date*  
17    *of the enactment of this section, the Commissioner shall re-*  
18    *port to the Committee on Homeland Security of the House*  
19    *of Representatives and the Committee on Homeland Secu-*  
20    *rity and Governmental Affairs of the Senate the date on*  
21    *which CBP began using CBP One to allow aliens to sched-*  
22    *ule interviews at land ports of entry, how many aliens have*  
23    *scheduled interviews at land ports of entry using CBP One,*  
24    *the nationalities of such aliens, and the stated final destina-*  
25    *tions of such aliens within the United States, if any.*

1 **SEC. 24. REPORT ON DESIGNATION OF MEXICAN CARTELS**  
2 **AS FOREIGN TERRORIST ORGANIZATIONS.**

3 (a) *REPORT.*—

4 (1) *IN GENERAL.*—Not later than 60 days after  
5 the date of the enactment of this Act, the Secretary of  
6 Homeland Security, in coordination with the Sec-  
7 retary of State, shall submit to the appropriate con-  
8 gressional committees a report on whether a Mexican  
9 drug cartel described in paragraph (2) meets the cri-  
10 teria for designation as a foreign terrorist organiza-  
11 tion.

12 (2) *MEXICAN DRUG CARTELS DESCRIBED.*—The  
13 Mexican drug cartels described in this paragraph in-  
14 clude the following:

15 (A) *Jalisco New Generation Cartel.*

16 (B) *Sinaloa Cartel.*

17 (C) *Juarez Cartel.*

18 (D) *Tijuana Cartel.*

19 (E) *Gulf Cartel.*

20 (F) *Los Zetas.*

21 (G) *Las Moicas.*

22 (H) *Los Caballeros Templarios.*

23 (I) *Beltran-Leyva Organization.*

24 (J) *Los Rojos.*

25 (K) *La Familia Michoacana.*

26 (b) *DEFINITIONS.*—In this section:

1           (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
2           *TEES.*—*The term “appropriate congressional commit-*  
3           *tees” means—*

4                     (A) *the Committee on Foreign Affairs, the*  
5                     *Committee on Homeland Security, and the Com-*  
6                     *mittee on the Judiciary of the House of Rep-*  
7                     *resentatives; and*

8                     (B) *the Committee on Foreign Relations,*  
9                     *the Committee on Homeland Security and Gov-*  
10                    *ernmental Affairs, and the Committee on the Ju-*  
11                    *diciary of the Senate.*

12           (2) *FOREIGN TERRORIST ORGANIZATION.*—*The*  
13           *term “foreign terrorist organization” means an orga-*  
14           *nization described in section 219 of the Immigration*  
15           *and Nationality Act (8 U.S.C. 1189).*

16           (c) *RULE OF CONSTRUCTION.*—*Nothing in this section*  
17           *may be construed to expand the eligibility for asylum of*  
18           *any alien by reason of the designation of a drug cartel as*  
19           *a foreign terrorist organization.*

20           **SEC. 25. GAO STUDY ON COSTS INCURRED BY STATES TO**  
21                     **SECURE THE SOUTHWEST BORDER.**

22           (a) *IN GENERAL.*—*Not later than 90 days after the*  
23           *date of the enactment of this Act, the Comptroller General*  
24           *of the United States shall conduct a study to examine the*  
25           *costs incurred by individual States as a result of actions*

1 *taken by such States in support of the Federal mission to*  
2 *secure the southwest border, and the feasibility of a program*  
3 *to reimburse such States for such costs.*

4 (b) *CONTENTS.*—*The study required under subsection*  
5 *(a) shall include consideration of the following:*

6 (1) *Actions taken by the Department of Home-*  
7 *land Security that have contributed to costs described*  
8 *in such subsection incurred by States to secure the*  
9 *border in the absence of Federal action, including the*  
10 *termination of the Migrant Protection Protocols and*  
11 *cancellation of border wall construction.*

12 (2) *Actions taken by individual States along the*  
13 *southwest border to secure their borders, and the costs*  
14 *associated with such actions.*

15 (3) *The feasibility of a program within the De-*  
16 *partment of Homeland Security to reimburse States*  
17 *for the costs incurred in support of the Federal mis-*  
18 *sion to secure the southwest border.*

19 **SEC. 26. REPORT BY INSPECTOR GENERAL OF THE DEPART-**  
20 **MENT OF HOMELAND SECURITY.**

21 (a) *REPORT.*—*Not later than one year after the date*  
22 *of the enactment of this Act and annually thereafter for five*  
23 *years, the Inspector General of the Department of Home-*  
24 *land Security shall submit to the Committee on Homeland*  
25 *Security of the House of Representatives and the Committee*

1 *on Homeland Security and Governmental Affairs of the*  
2 *Senate a report examining the economic and security im-*  
3 *act of mass migration to municipalities and States along*  
4 *the southwest border. Such report shall include information*  
5 *regarding costs incurred by the following:*

6           (1) *State and local law enforcement to secure the*  
7 *southwest border.*

8           (2) *Public school districts to educate students*  
9 *who are aliens unlawfully present in the United*  
10 *States.*

11           (3) *Healthcare providers to provide care to*  
12 *aliens unlawfully present in the United States who*  
13 *have not paid for such care.*

14           (4) *Farmers and ranchers due to migration im-*  
15 *pacts to their properties.*

16       (b) *CONSULTATION.—To produce the report required*  
17 *under subsection (a), the Inspector General of the Depart-*  
18 *ment of Homeland Security shall consult with the individ-*  
19 *uals and representatives of the entities described in para-*  
20 *graphs (1) through (4) of such subsection.*

21 **SEC. 27. OFFSETTING AUTHORIZATIONS OF APPROPRIA-**  
22 **TIONS.**

23       (a) *OFFICE OF THE SECRETARY AND EMERGENCY*  
24 *MANAGEMENT.—No funds are authorized to be appro-*  
25 *priated for the Alternatives to Detention Case Management*

1 *Pilot Program or the Office of the Immigration Detention*  
2 *Ombudsman for the Office of the Secretary and Emergency*  
3 *Management of the Department of Homeland Security.*

4 (b) *MANAGEMENT DIRECTORATE.*—No funds are au-  
5 *thorized to be appropriated for electric vehicles or St. Eliza-*  
6 *beths campus construction for the Management Directorate*  
7 *of the Department of Homeland Security.*

8 (c) *INTELLIGENCE, ANALYSIS, AND SITUATIONAL*  
9 *AWARENESS.*—There is authorized to be appropriated  
10 \$216,000,000 for *Intelligence, Analysis, and Situational*  
11 *Awareness of the Department of Homeland Security.*

12 (d) *U.S. CUSTOMS AND BORDER PROTECTION.*—No  
13 *funds are authorized to be appropriated for the Shelter*  
14 *Services Program for U.S. Customs and Border Protection.*

15 **SEC. 28. REPORT TO CONGRESS ON FOREIGN TERRORIST**  
16 **ORGANIZATIONS.**

17 (a) *IN GENERAL.*—Not later than 90 days after the  
18 *date of the enactment of this Act and annually thereafter*  
19 *for five years, the Secretary of Homeland Security shall*  
20 *submit to the Committee on Homeland Security of the*  
21 *House of Representatives and the Committee on Homeland*  
22 *Security and Governmental Affairs of the Senate an assess-*  
23 *ment of foreign terrorist organizations attempting to move*  
24 *their members or affiliates into the United States through*  
25 *the southern, northern, or maritime border.*

1           (b) *DEFINITION.*—*The term “foreign terrorist organi-*  
2 *zation” means an organization described in section 219 of*  
3 *the Immigration and Nationality Act (8 U.S.C. 1189).*

4 ***SEC. 29. ASSESSMENT BY INSPECTOR GENERAL OF THE DE-***  
5 ***PARTMENT OF HOMELAND SECURITY ON THE***  
6 ***MITIGATION OF UNMANNED AIRCRAFT SYS-***  
7 ***TEMS AT THE SOUTHWEST BORDER.***

8           *Not later than 90 days after the date of the enactment*  
9 *of this Act, the Inspector General of the Department of*  
10 *Homeland Security shall submit to the Committee on*  
11 *Homeland Security of the House of Representatives and the*  
12 *Committee on Homeland Security and Governmental Af-*  
13 *airs of the Senate an assessment of U.S. Customs and Bor-*  
14 *der Protection’s ability to mitigate unmanned aircraft sys-*  
15 *tems at the southwest border. Such assessment shall include*  
16 *information regarding any intervention between January*  
17 *1, 2021, and the date of the enactment of this Act, by any*  
18 *Federal agency affecting in any manner U.S. Customs and*  
19 *Border Protection’s authority to so mitigate such systems.*

Union Calendar No. 29

118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2794**

[Report No. 118-45, Part I]

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**A BILL**

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

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MAY 5, 2023

Reported from the Committee on Homeland Security  
with an amendment

MAY 5, 2023

Committees on Ways and Means and the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed