



Ranking Member John Katko

BORDER SECURITY for AMERICA ACT of 2021

SECTION BY SECTION SUMMARY

SEC. 3. BORDER WALL SYSTEM CONSTRUCTION.

Resumes all activities related to the construction of the border wall system while prohibiting the Secretary of the Department of Homeland Security from cancelling border wall construction contracts and diverting funds appropriated by Congress for wall construction.

SEC. 4. STRENGTHENING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER.

Amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 by adding that such actions shall be taken as necessary to design, test, construct, install, deploy, integrate, and operate physical barriers, tactical infrastructure, and technology near the border to achieve situational awareness and operational control of the border and impede illegal activity in high traffic areas. This would include deployment of the most effective technology available, such as advanced surveillance sensors and drones.

SEC. 5. BORDER AND PORT SECURITY TECHNOLOGY INVESTMENT PLAN.

Requires a strategic five-year technology investment plan, which will include an analysis of security risks at ports of entry, identification of capability gaps, an analysis of current and forecast trends of aliens who unlawfully entered the United States and who are unlawfully present in the United States, and descriptions/assessments of technology plans and programs.

SEC. 6. COMMERCIAL SOLUTIONS OPENING ACQUISITION PROGRAM.

Permits a program under which innovative commercial items may be acquired through a competitive selection of proposals resulting from a general solicitation and peer review of such proposals. The cap for contracts under this program is \$10,000,000.

SEC. 7. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

Amends the Homeland Security Act of 2002 to add a section on border security technology program management. For each technology acquisition program that is determined to be a major acquisition program, the Secretary will ensure that the program has a written

acquisition program baseline approved, that the program follows relevant departmental acquisition policies, and that the program has a plan for meeting objectives. And a plan for testing, evaluating, and using independent verification and validation resources for border security technology.

SEC. 8. U.S. CUSTOMS AND BORDER PROTECTION TECHNOLOGY UPGRADES.

Ensures that each CBP officer or agent where appropriate, is equipped with a radio. Implements the Border Security Deployment Program of CBP and expands the integrated surveillance and intrusion detection system at land ports of entry. Upgrade all outdated license plate readers. Amends the Homeland Security Act of 2002, so DHS must submit an implementation plan to establish a biometric exit data system and begin establishing said biometric exit data system at ports of entry.

SEC. 9. NONINTRUSIVE INSPECTION OPERATIONS.

Requires implementation of the Securing America's Ports Act.

SEC. 10. ADDITIONAL U.S. CUSTOMS AND BORDER PROTECTION AGENTS AND OFFICERS.

For Border Patrol, maintain no fewer than 22,478 full-time equivalent (FTE) agents and no fewer than 1,200 processing coordinators. For CBP officers, maintain no fewer than 27,725 FTE officers and the required associated support staff. For Air and Marine Operations, maintain no fewer than 1,675 FTE agents. For K-9 units, deploy no fewer than 200 new units. For CBP tunnel detection and remediation, increase by no fewer than 50 officers. Add additional Agricultural Specialists and maintain no fewer than 500 FTE in the Office of Intelligence.

SEC. 11. ANTI-BORDER CORRUPTION ACT REAUTHORIZATION.

Amends the Anti-Border Corruption Act of 2010 to grant the Commissioner of CBP waiver authority for hiring flexibility. Any individual who receives a waiver under this would not be exempt from other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position.

SEC. 12. ESTABLISHMENT OF WORKLOAD STAFFING MODELS FOR U.S. BORDER PATROL AND AIR AND MARINE OPERATIONS OF CBP.

Requires CBP to develop and implement a workload staffing model for the U.S. Border Patrol and for Air and Marine Operations. The model will include (1) consideration

for essential frontline operator activities and functions, (2) variations in operating environments, and (3) present and planned infrastructure and technology. Requires CBP to develop standard operating procedures for a workforce tracking system, train the workforce on the use of such system, and implement internal controls to ensure accurate scheduling and reporting.

SEC. 13. OPERATION STONEGARDEN.

Establishes 'Operation Stonegarden', which will make grants to eligible law enforcement agencies to enhance border security. To be eligible for such a grant, a law enforcement agency would need to be in a state bordering Canada or Mexico or a state or territory with a maritime border and involved in an active, ongoing CBP operation. It would authorize \$110,000,000 for each fiscal year 2022 through 2026 for grants.

SEC. 14. AIR AND MARINE OPERATIONS FLIGHT HOURS.

Ensures that Air and Marine Operations carry out no fewer than 95,000 annual flight hours and operate unmanned aerial systems on the southern border 24/7.

SEC. 15. ERADICATION OF CARRIZO CANE AND SALT CEDAR.

Requires Federal, State, and local agencies to begin eradicating the carrizo cane plant and salt cedar along the Rio Grande river that impedes border security operations.

SEC. 16. BORDER PATROL STRATEGIC PLAN.

Requires that the U.S. Border Patrol issue a Border Patrol Strategic Plan to enhance the security of the international borders of the United States every five years. It will include consideration of U.S. Border Patrol documents to address security gaps at ports of entry, dissemination of information relating to border security, situational awareness efforts, an assessment of training programs, and information relating to staffing requirements.

SEC. 17. HOMELAND SECURITY INVESTIGATIONS INNOVATION LAB.

Adds the 'Homeland Security Investigations Innovation Lab' program to the Homeland Security Act of 2002. The Innovation Lab will improve investigative efficiency and mission-critical outcomes by enhancing and streamlining data processing, agility, assessment, visualization, and analysis of homeland security data, using innovative and emerging technologies.

SEC. 18. INTEGRATED BORDER ENFORCEMENT TEAMS.

Establishes within DHS a program called the 'Integrated Border Enforcement Team', which will enhance cooperation between the United States and Canada, enhance security between ports of entry, investigate violations related to border security, facilitate collaboration among components and with international partners, execute coordinated activities, and enhance information sharing.

SEC. 19. DNA COLLECTION CONSISTENT WITH FEDERAL LAW.

Requires DHS to ensure and certify that CBP is fully compliant with the DNA Fingerprint Act of 2005 at all border facilities that process adults, including as part of a family unit, in CBP custody at the border.