

.....
(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

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 system construction.
- Sec. 4. Strengthening the requirements for barriers along the southern border.

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

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **CBP.**—The term “CBP” means U.S. Cus-
4 toms and Border Protection.

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

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

10 (4) **SECRETARY.**—The term “Secretary” means
11 the Secretary of Homeland Security.

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

17 (6) **UNMANNED AIRCRAFT SYSTEM.**—The term
18 “unmanned aircraft system” has the meaning given

1 such term in section 44801 of title 49, United
2 States Code.

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

4 (a) IN GENERAL.—

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

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

18 (3) USE OF FUNDS.—To carry out this section,
19 the Secretary shall expend all funds appropriated or
20 explicitly obligated for the construction of the border
21 wall system that were appropriated or obligated, as
22 the case may be, for use beginning October 1, 2016.

23 (b) PLAN TO COMPLETE TACTICAL INFRASTRUC-
24 TURE AND TECHNOLOGY ELEMENTS OF SYSTEM.—Not
25 later than 90 days after the date of the enactment of this

1 section, the Secretary shall submit to the appropriate con-
2 gressional committees an implementation plan, including
3 quarterly benchmarks and cost estimates, for satisfying all
4 requirements of the construction of the border wall system
5 referred to in paragraph (1) of subsection (a), including
6 tactical infrastructure, technology, and other elements as
7 identified by the Department prior to January 20, 2021,
8 through the expenditure of funds appropriated or explicitly
9 obligated, as the case may be, for use beginning October
10 1, 2016, as well as any future funds appropriated by Con-
11 gress.

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

19 (d) DEFINITIONS.—In this section:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means the Committee on Homeland Secu-
23 rity and the Committee on Appropriations of the
24 House of Representatives and the Committee on

1 Homeland Security and Governmental Affairs and
2 the Committee on Appropriations of the Senate.

3 (2) TACTICAL INFRASTRUCTURE.—The term
4 “tactical infrastructure” includes boat ramps, access
5 gates, checkpoints, lighting, and roads associated
6 with a border wall system.

7 (3) TECHNOLOGY.—The term “technology” in-
8 cludes border surveillance and detection technology,
9 including linear ground detection systems, associated
10 with a border wall system.

11 **SEC. 4. STRENGTHENING THE REQUIREMENTS FOR BAR-**
12 **RIERS ALONG THE SOUTHERN BORDER.**

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

16 (1) by amending subsection (a) to read as fol-
17 lows:

18 “(a) IN GENERAL.—The Secretary of Homeland Se-
19 curity shall take such actions as may be necessary (includ-
20 ing the removal of obstacles to detection of illegal en-
21 trants) to design, test, construct, install, deploy, integrate,
22 and operate physical barriers, tactical infrastructure, and
23 technology in the vicinity of the United States border to
24 achieve situational awareness and operational control of

1 the border and deter, impede, and detect illegal activity
2 in high traffic areas.”;

3 (2) in subsection (b)—

4 (A) in the subsection heading, by striking
5 “FENCING AND ROAD IMPROVEMENTS” and in-
6 serting “PHYSICAL BARRIERS”;

7 (B) in paragraph (1)—

8 (i) in subparagraph (A)—

9 (I) by striking “subsection (a)”
10 and inserting “this section”;

11 (II) by striking “roads, lighting,
12 cameras, and sensors” and inserting
13 “tactical infrastructure, and tech-
14 nology”; and

15 (III) by striking “gain” and in-
16 serting “achieve situational awareness
17 and”;

18 (ii) by amending subparagraph (B) to
19 read as follows:

20 “(B) PHYSICAL BARRIERS AND TACTICAL
21 INFRASTRUCTURE.—The Secretary, in carrying
22 out this section, shall deploy along the United
23 States border the most practical and effective
24 physical barriers and tactical infrastructure

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

3 (iii) in subparagraph (C)—

4 (I) by amending clause (i) to
5 read as follows:

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

18 (II) in clause (ii)—

19 (aa) in subclause (I), by
20 striking “or” after the semicolon
21 at the end;

22 (bb) by amending subclause
23 (II) to read as follows:

24 “(II) delay the transfer to the
25 United States of the possession of

1 property or affect the validity of any
2 property acquisition by the United
3 States by purchase or eminent do-
4 main, or to otherwise affect the emi-
5 nent domain laws of the United States
6 or of any State; or”;

7 (cc) by adding at the end
8 the following new subclause:

9 “(III) create any right or liability
10 for any party.”; and

11 (iv) by striking subparagraph (D);

12 (C) in paragraph (2)—

13 (i) by striking “Attorney General”
14 and inserting “Secretary of Homeland Se-
15 curity”;

16 (ii) by striking “this subsection” and
17 inserting “this section”; and

18 (iii) by striking “construction of
19 fences” and inserting “the construction of
20 physical barriers”;

21 (D) by amending paragraph (3) to read as
22 follows:

23 “(3) AGENT SAFETY.—In carrying out this sec-
24 tion, the Secretary of Homeland Security, when de-
25 signing, constructing, and deploying physical bar-

1 riers, tactical infrastructure, or technology, shall in-
2 corporate such safety features into such design, con-
3 struction, or deployment of such physical barriers,
4 tactical infrastructure, or technology, as the case
5 may be, that the Secretary determines are necessary
6 to maximize the safety and effectiveness of officers
7 or agents of the Department of Homeland Security
8 or of any other Federal agency deployed in the vicin-
9 ity of such physical barriers, tactical infrastructure,
10 or technology.”; and

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

13 (3) in subsection (c)—

14 (A) by amending paragraph (1) to read as
15 follows:

16 “(1) IN GENERAL.—Notwithstanding any other
17 provision of law, the Secretary of Homeland Security
18 shall have the authority to waive all legal require-
19 ments the Secretary determines necessary to ensure
20 the expeditious design, testing, construction, instal-
21 lation, deployment, integration, and operation of the
22 physical barriers, tactical infrastructure, and tech-
23 nology under this section. Such waiver authority
24 shall also apply with respect to any maintenance car-
25 ried out on such physical barriers, tactical infra-

1 structure, or technology. Any such decision by the
2 Secretary shall be effective upon publication in the
3 Federal Register.”;

4 (B) by redesignating paragraph (2) as
5 paragraph (3); and

6 (C) by inserting after paragraph (1) the
7 following new paragraph:

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

16 (4) by adding at the end the following new sub-
17 sections:

18 “(e) TECHNOLOGY.—The Secretary of Homeland Se-
19 curity, in carrying out this section, shall deploy along the
20 United States border the most practical and effective tech-
21 nology available for achieving situational awareness and
22 operational control of the border.

23 “(f) DEFINITIONS.—In this section:

24 “(1) ADVANCED UNATTENDED SURVEILLANCE
25 SENSORS.—The term ‘advanced unattended surveil-

1 lance sensors’ means sensors that utilize an onboard
2 computer to analyze detections in an effort to dis-
3 cern between vehicles, humans, and animals, and ul-
4 timately filter false positives prior to transmission.

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

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

10 “(B) have significant unlawful cross-border
11 activity, as determined by the Secretary of
12 Homeland Security.

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

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

20 “(5) SITUATIONAL AWARENESS.—The term ‘sit-
21 uational awareness’ has the meaning given such
22 term in section 1092(a)(7) of the National Defense
23 Authorization Act for Fiscal Year 2017 (Public Law
24 114–328; 6 U.S.C. 223(a)(7)).

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

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

7 “(A) Tower-based surveillance technology.

8 “(B) Deployable, lighter-than-air ground
9 surveillance equipment.

10 “(C) Vehicle and Dismount Exploitation
11 Radars (VADER).

12 “(D) 3-dimensional, seismic acoustic detec-
13 tion and ranging border tunneling detection
14 technology.

15 “(E) Advanced unattended surveillance
16 sensors.

17 “(F) Mobile vehicle-mounted and man-
18 portable surveillance capabilities.

19 “(G) Unmanned aircraft systems.

20 “(H) Other border detection, communica-
21 tion, and surveillance technology.

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

1 **SEC. 5. BORDER AND PORT SECURITY TECHNOLOGY IN-**
2 **VESTMENT PLAN.**

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

11 (b) CONTENTS OF PLAN.—The plan shall include the
12 following:

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

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

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

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

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

25 (4) A description of security-related technology
26 acquisitions that are listed in order of priority to ad-

1 dress the security risks and capability gaps identi-
2 fied pursuant to paragraphs (1) and (2), respec-
3 tively.

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

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

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

15 (8) An identification and assessment of ways to
16 increase opportunities for communication and col-
17 laboration with industry, small and disadvantaged
18 businesses, intra-government entities, university cen-
19 ters of excellence, and national laboratories to en-
20 sure CBP understands the market for security-re-
21 lated technologies that are available to satisfy its
22 mission needs before engaging in an acquisition of a
23 security-related technology.

1 (9) An assessment of the management of
2 planned security-related technology programs by the
3 acquisition 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, that will be
9 required to protect security-related technology from
10 physical or cyber theft, diversion, sabotage, or at-
11 tack.

12 (12) A description of initiatives to—

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

15 (B) provide greater predictability and clar-
16 ity, with respect to such process, to small, me-
17 dium, and large businesses, including informa-
18 tion relating to the timeline for testing and
19 evaluation.

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

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

1 States, a strategy to consult with industry and com-
2 munity stakeholders affected by such removal.

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

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

8 (1) leverage to the greatest extent possible
9 emerging technological trends, and research and de-
10 velopment trends, within the public and private sec-
11 tors;

12 (2) incorporate input from the private sector,
13 including from border and port security stake-
14 holders, through requests for information, industry
15 day events, and other innovative means consistent
16 with the Federal Acquisition Regulation; and

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

20 (d) FORM.—To the extent practicable, the plan shall
21 be published in unclassified form on the website of the
22 Department.

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

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

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

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

11 (2) a report that includes—

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

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

21 (h) DEFINITIONS.—In this section:

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

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

3 (B) the Committee on Homeland Security
4 and Governmental Affairs of the Senate.

5 (2) COVERED OFFICIALS.—The term “covered
6 officials” means—

7 (A) the Under Secretary for Management
8 of the Department;

9 (B) the Under Secretary for Science and
10 Technology of the Department; and

11 (C) the Chief Information Officer of the
12 Department.

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

17 **SEC. 6. COMMERCIAL SOLUTIONS OPENING ACQUISITION**
18 **PROGRAM.**

19 (a) AUTHORITY.—The Commissioner may carry out
20 a program, to be known as the “commercial solutions
21 opening acquisition program” (in this section referred to
22 as the “program”), under which commercial items that are
23 innovative may be acquired through a competitive selection
24 of proposals resulting from a general solicitation and peer
25 review of such proposals.

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

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

9 (d) GUIDANCE.—The Commissioner, in consultation
10 with the Under Secretary for Management of the Depart-
11 ment, shall—

12 (1) issue guidance for the implementation of
13 the program; and

14 (2) post such guidance on a publicly available
15 website of CBP.

16 (e) REPORT.—

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

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

24 (A) an assessment of the impact of the
25 program with respect to competition;

1 (B) a comparison of acquisition timelines
2 of procurements made using—

3 (i) the program; and

4 (ii) other competitive procedures that
5 do not rely on general solicitations; and

6 (C) a recommendation with respect to
7 whether the authority for the program should
8 be extended beyond the date of termination
9 specified in subsection (f).

10 (f) TERMINATION.—The program shall terminate on
11 September 30, 2028.

12 (g) DEFINITIONS.—In this section:

13 (1) COMPETITIVE PROCEDURES.—The term
14 “competitive procedures” has the meaning given
15 such term in section 152 of title 41, United States
16 Code.

17 (2) INNOVATIVE.—The term “innovative”
18 means any new—

19 (A) technology, process, or method, includ-
20 ing research and development; or

21 (B) application of an existing technology,
22 process, or method.

1 **SEC. 7. BORDER SECURITY TECHNOLOGY PROGRAM MAN-**
2 **AGEMENT.**

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

6 **“SEC. 437. BORDER SECURITY TECHNOLOGY PROGRAM**
7 **MANAGEMENT.**

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

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

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

21 “(2) document that each such program is satis-
22 fying cost, schedule, and performance thresholds as
23 specified in such baseline, in compliance with rel-
24 evant departmental acquisition policies and the Fed-
25 eral Acquisition Regulation; and

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

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

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

1 technologies shall be evaluated through a series of assess-
2 ments, processes, and audits to ensure—

3 “(1) compliance with relevant departmental ac-
4 quisition policies and the Federal Acquisition Regu-
5 lation; and

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

7 (b) CLERICAL AMENDMENT.—The table of contents
8 in section 1(b) of the Homeland Security Act of 2002 is
9 amended by striking the items relating to sections 435 and
10 436 and inserting the following new items:

“Sec. 435. Maritime operations coordination plan.

“Sec. 436. Maritime security capabilities assessments.

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

11 (c) PROHIBITION ON ADDITIONAL AUTHORIZATION
12 OF APPROPRIATIONS.—No additional funds are author-
13 ized to be appropriated to carry out section 437 of the
14 Homeland Security Act of 2002, as added by subsection
15 (a).

16 **SEC. 8. U.S. CUSTOMS AND BORDER PROTECTION TECH-**
17 **NOLOGY UPGRADES.**

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

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

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

3 (b) BORDER SECURITY DEPLOYMENT PROGRAM.—

4 (1) EXPANSION.—Not later than September 30,
5 2023, the Commissioner shall fully implement the
6 Border Security Deployment Program of CBP and
7 expand the integrated surveillance and intrusion de-
8 tection system at land ports of entry along the
9 northern and southern borders of the United States.

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

15 (c) UPGRADE OF LICENSE PLATE READERS AT
16 PORTS OF ENTRY.—

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

23 (2) AUTHORIZATION OF APPROPRIATIONS.—In
24 addition to amounts otherwise authorized to be ap-
25 propriated for such purpose, there is authorized to

1 be appropriated \$125,000,000 for fiscal years 2022
2 and 2023 to carry out paragraph (1).

3 (d) BIOMETRIC EXIT DATA SYSTEM.—

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

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

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

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

22 “(A) an integrated master schedule and
23 cost estimate, including requirements and de-
24 sign, development, operational, and mainte-
25 nance costs of such a system, that takes into

1 account prior reports on such matters issued by
2 the Government Accountability Office and the
3 Department;

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

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

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

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

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

25 “(i) trucking industry;

1 “(ii) airport industry;

2 “(iii) airline industry;

3 “(iv) seaport industry;

4 “(v) travel industry; and

5 “(vi) biometric technology industry;

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

10 “(H) defined metrics of success and mile-
11 stones;

12 “(I) identified risks and mitigation strate-
13 gies to address such risks;

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

16 “(K) a consideration of stakeholder privacy
17 concerns; and

18 “(L) a list of statutory, regulatory, or ad-
19 ministrative authorities, if any, needed to inte-
20 grate such a system into the operations of the
21 Transportation Security Administration; and

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

1 “(A) the 15 United States airports that
2 support the highest volume of international air
3 travel, as determined by available Federal flight
4 data;

5 “(B) the 10 United States seaports that
6 support the highest volume of international sea
7 travel, as determined by available Federal travel
8 data; and

9 “(C) the 15 United States land ports of
10 entry that support the highest volume of vehi-
11 cle, pedestrian, and cargo crossings, as deter-
12 mined by available Federal border crossing
13 data.

14 “(b) IMPLEMENTATION.—

15 “(1) PILOT PROGRAM AT LAND PORTS OF
16 ENTRY.—Not later than six months after the date of
17 the enactment of this section, the Secretary, in col-
18 laboration with industry stakeholders specified in
19 subsection (a)(1)(F), shall establish a six-month
20 pilot program to test the biometric exit data system
21 referred to in subsection (a)(1) on nonpedestrian
22 outbound traffic at not fewer than three land ports
23 of entry with significant cross-border traffic, includ-
24 ing at not fewer than two land ports of entry on the
25 southern land border and at least one land port of

1 entry on the northern land border. Such pilot pro-
2 gram may include a consideration of more than one
3 biometric mode, and shall be implemented to deter-
4 mine the following:

5 “(A) How a nationwide implementation of
6 such biometric exit data system at land ports of
7 entry shall be carried out.

8 “(B) The infrastructure required to carry
9 out subparagraph (A).

10 “(C) The effects of such pilot program
11 on—

12 “(i) legitimate travel and trade;

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

15 “(iii) combating terrorism; and

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

18 “(2) AT LAND PORTS OF ENTRY.—

19 “(A) IN GENERAL.—Not later than five
20 years after the date of the enactment of this
21 section, the Secretary shall expand to all land
22 ports of entry the biometric exit data system es-
23 tablished pursuant to subsection (a)(2).

24 “(B) EXTENSION.—The Secretary may ex-
25 tend for a single two-year period the date speci-

1 fied in subparagraph (A) if the Secretary cer-
2 tifies to the Committee on Homeland Security
3 and the Committee on the Judiciary of the
4 House of Representatives and the Committee
5 on Homeland Security and Governmental Af-
6 fairs and the Committee on the Judiciary of the
7 Senate that the 15 land ports of entry that sup-
8 port the highest volume of vehicle, pedestrian,
9 and cargo crossings, as determined by available
10 Federal border crossing data, do not have the
11 physical infrastructure or characteristics to in-
12 stall the systems necessary to implement a bio-
13 metric exit data system. Such extension shall
14 apply only in the case of nonpedestrian out-
15 bound traffic at such land ports of entry.

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

21 “(c) EFFECTS ON AIR, SEA, AND LAND TRANSPOR-
22 TATION.—The Secretary, in consultation with appropriate
23 industry stakeholders, shall ensure that the collection of
24 biometric data under this section causes the least possible
25 disruption to the movement of people or cargo in air, sea,

1 or land transportation, while fulfilling the goals of improv-
2 ing counterterrorism efforts and identifying visa holders
3 who violate the terms of their visas.

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

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

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

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

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

3 “(A) store biometrics of known or sus-
4 pected terrorists; and

5 “(B) identify visa holders who violate the
6 terms of their visas.

7 “(f) SCOPE.—

8 “(1) IN GENERAL.—The biometric exit data
9 system established under this section shall include a
10 requirement for the collection of biometric exit data
11 at the time of departure for all categories of individ-
12 uals who are required by the Secretary to provide bi-
13 ometric entry data.

14 “(2) EXCEPTION FOR CERTAIN OTHER INDIVID-
15 UALS.—This section shall not apply in the case of an
16 individual who exits and then enters the United
17 States on a passenger vessel (as such term is defined
18 in section 2101 of title 46, United States Code) the
19 itinerary of which originates and terminates in the
20 United States.

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

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

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

10 “(i) FACILITIES.—

11 “(1) IN GENERAL.—All facilities at which the
12 biometric exit data system established under this
13 section is implemented shall provide and maintain
14 space for Federal use that is adequate to support bi-
15 ometric data collection and other inspection-related
16 activity.

17 “(2) NON-FEDERAL FACILITIES.—With respect
18 to each non-Federal facility at which the biometric
19 exit data system is implemented pursuant to para-
20 graph (1), the space required under such paragraph
21 shall be provided and maintained at no cost to the
22 Federal Government.

23 “(3) LAND PORTS OF ENTRY.—With respect to
24 each facility at a land port of entry at which the bio-
25 metric exit data system is implemented pursuant to

1 paragraph (1), the space required under such para-
2 graph shall be coordinated with the Administrator of
3 General Services.

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

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

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

18 “(m) CONGRESSIONAL REVIEW.—Not later than 90
19 days after the date of the enactment of this section, the
20 Secretary shall submit to the Committee on Homeland Se-
21 curity and the Committee on the Judiciary of the House
22 of Representatives and the Committee on Homeland Secu-
23 rity and Governmental Affairs and the Committee on the
24 Judiciary of the Senate reports and recommendations re-
25 garding the Directorate of Science and Technology’s Air

1 Entry and Exit Re-Engineering Program and the U.S.
2 Customs and Border Protection entry and exit mobility
3 program demonstrations.

4 “(n) SAVINGS CLAUSE.—Nothing in this section may
5 prohibit the collection of user fees permitted by section
6 13031 of the Consolidated Omnibus Budget Reconciliation
7 Act of 1985 (19 U.S.C. 58c).”.

8 (2) AUTHORIZATION OF APPROPRIATIONS.—

9 There is authorized to be appropriated \$50,000,000
10 for each of fiscal years 2022 and 2023 to carry out
11 section 420 of the Homeland Security Act of 2002,
12 as added by this subsection.

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

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

17 **SEC. 9. NONINTRUSIVE INSPECTION OPERATIONS.**

18 The Secretary shall fully implement the requirements
19 of the Securing America’s Ports Act (Public Law 116–
20 299; 6 U.S.C. 211 note).

21 **SEC. 10. ADDITIONAL U.S. CUSTOMS AND BORDER PROTEC-**
22 **TION PERSONNEL.**

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

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

3 (2) not fewer than 1,200 CBP processing coor-
4 dinators.

5 (b) CBP OFFICERS.—In addition to positions author-
6 ized before the date of the enactment of this section and
7 any existing officer vacancies within CBP as of such date,
8 the Commissioner shall, not later than September 30,
9 2025, hire, train, and assign to duty sufficient CBP offi-
10 cers to maintain an active duty presence of—

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

13 (2) the required associated full-time support
14 staff distributed among all United States ports of
15 entry.

16 (c) AIR AND MARINE OPERATIONS.—Not later than
17 September 30, 2025, the Commissioner shall hire, train,
18 and assign agents for Air and Marine Operations of CBP
19 to maintain not fewer than 1,675 full-time equivalent
20 agents.

21 (d) CBP K–9 UNITS AND HANDLERS.—

22 (1) K–9 UNITS.—Not later than September 30,
23 2025, the Commissioner shall deploy not fewer than
24 200 new K–9 units, with supporting officers of CBP
25 and other required staff, at land ports of entry and

1 checkpoints, along the northern and southern bor-
2 ders of the United States.

3 (2) USE OF CANINES.—The Commissioner shall
4 prioritize the use of K–9 units at the primary in-
5 spection lanes at land ports of entry and check-
6 points.

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

11 (1) the deployment and operation of border tun-
12 nel detection technology;

13 (2) the apprehension of individuals using such
14 tunnels for—

15 (A) unlawfully entering the United States;

16 (B) drug trafficking; or

17 (C) human smuggling; and

18 (3) the remediation of such illicit tunnels.

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

1 (g) U.S. CUSTOMS AND BORDER PROTECTION OF-
2 FICE OF INTELLIGENCE.—Not later than September 30,
3 2025, the Commissioner shall hire, train, and assign suffi-
4 cient Office of Intelligence personnel to maintain not fewer
5 than 500 full-time equivalent employees.

6 (h) GAO REPORT.—If the staffing levels required
7 under this section are not achieved by September 30,
8 2025, the Comptroller General of the United States shall
9 conduct a review of the reasons why such levels were not
10 achieved.

11 **SEC. 11. ANTI-BORDER CORRUPTION ACT REAUTHORIZA-**
12 **TION.**

13 (a) HIRING FLEXIBILITY.—Section 3 of the Anti-
14 Border Corruption Act of 2010 (6 U.S.C. 221; Public Law
15 111–376) is amended by striking subsection (b) and in-
16 serting the following new subsections:

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

20 “(1) to a current, full-time law enforcement of-
21 ficer employed by a State or local law enforcement
22 agency who—

23 “(A) has continuously served as a law en-
24 forcement officer for not fewer than three
25 years;

1 “(B) is authorized by law to engage in or
2 supervise the prevention, detection, investiga-
3 tion, or prosecution of, or the incarceration of
4 any person for, any violation of law, and has
5 statutory powers for arrest or apprehension;

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

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

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

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

22 “(B) is authorized to make arrests, con-
23 duct investigations, conduct searches, make sei-
24 zures, carry firearms, and serve orders, war-
25 rants, and other processes;

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

8 “(D) holds a current Tier 4 background
9 investigation or current Tier 5 background in-
10 vestigation; and

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

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

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

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

23 “(D) received, or is eligible to receive, an
24 honorable discharge from service in the Armed
25 Forces and has not engaged in criminal activity

1 or committed a serious military or civil offense
2 under the Uniform Code of Military Justice;
3 and

4 “(E) was not granted any waivers to ob-
5 tain the clearance referred to in subparagraph
6 (B).

7 “(c) **TERMINATION OF WAIVER AUTHORITY.**—The
8 authority to issue a waiver under subsection (b) shall ter-
9minate on the date that is four years after the date of
10 the enactment of the Border Security for America Act of
11 2021.”

12 (b) **SUPPLEMENTAL COMMISSIONER AUTHORITY AND**
13 **DEFINITIONS.**—

14 (1) **SUPPLEMENTAL COMMISSIONER AUTHOR-**
15 **ITY.**—The Anti-Border Corruption Act of 2010 is
16 amended by adding at the end the following new sec-
17 tion:

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

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

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

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

15 (2) REPORT.—The Anti-Border Corruption Act
16 of 2010, as amended by paragraph (1), is further
17 amended by adding at the end the following new sec-
18 tion:

19 **“SEC. 6. REPORTING.**

20 “(a) ANNUAL REPORT.—Not later than one year
21 after the date of the enactment of this section and annu-
22 ally thereafter while the waiver authority under section
23 3(b) is in effect, the Commissioner of U.S. Customs and
24 Border Protection shall submit to Congress a report that
25 includes, with respect to each such reporting period—

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

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

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

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

9 “(5) an assessment of the current impact of the
10 polygraph waiver program on filling law enforcement
11 positions at U.S. Customs and Border Protection;
12 and

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

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

18 “(1) an analysis of other methods of employ-
19 ment suitability tests that detect deception and could
20 be used in conjunction with traditional background
21 investigations to evaluate potential employees for
22 suitability; and

23 “(2) a recommendation regarding whether a
24 test referred to in paragraph (1) should be adopted
25 by U.S. Customs and Border Protection when the

1 polygraph examination requirement is waived pursu-
2 ant to section 3(b).”.

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

7 **“SEC. 7. DEFINITIONS.**

8 “In this Act:

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

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

17 “(A) a member of the Armed Forces may
18 be discharged or separated from service in the
19 Armed Forces; and

20 “(B) a punitive discharge is, or would be,
21 authorized for the same or a closely related of-
22 fense under the Manual for Court-Martial, as
23 pursuant to Army Regulation 635–200, chapter
24 14–12.

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

5 “(4) VETERAN.—The term ‘veteran’ has the
6 meaning given such term in section 101(2) of title
7 38, United States Code.”.

8 (c) POLYGRAPH EXAMINERS.—Not later than Sep-
9 tember 30, 2025, the Secretary shall increase to not fewer
10 than 150 the number of trained full-time equivalent poly-
11 graph examiners for administering polygraphs under the
12 Anti-Border Corruption Act of 2010, as amended by this
13 section.

14 **SEC. 12. ESTABLISHMENT OF WORKLOAD STAFFING MOD-**
15 **ELS FOR U.S. BORDER PATROL AND AIR AND**
16 **MARINE OPERATIONS OF CBP.**

17 (a) IN GENERAL.—Not later than one year after the
18 date of the enactment of this Act, the Commissioner, in
19 coordination with the Under Secretary for Management,
20 the Chief Human Capital Officer, and the Chief Financial
21 Officer of the Department, shall implement a workload
22 staffing model for each of the following:

- 23 (1) The U.S. Border Patrol.
24 (2) Air and Marine Operations of CBP.

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

4 (1) by redesignating paragraphs (18) and (19)
5 as paragraphs (20) and (21), respectively; and

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

8 “(18) implement a staffing model that includes
9 consideration for essential frontline operator activi-
10 ties and functions, variations in operating environ-
11 ments, present and planned infrastructure, present
12 and planned technology, and required operations
13 support levels for the U.S. Border Patrol, Air and
14 Marine Operations, and the Office of Field Oper-
15 ations, to manage and assign personnel of such enti-
16 ties to ensure field and support posts possess ade-
17 quate resources to carry out duties specified in this
18 section;

19 “(19) develop standard operating procedures
20 for a workforce tracking system within the U.S.
21 Border Patrol, Air and Marine Operations, and the
22 Office of Field Operations, train the workforce of
23 each of such entities on the use, capabilities, and
24 purpose of such system, and implement internal con-
25 trols to ensure timely and accurate scheduling and

1 reporting of actual completed work hours and activi-
2 ties;”.

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than one year
5 after the date of the enactment of this section with
6 respect to subsection (a) and paragraphs (18) and
7 (19) of section 411(c) of the Homeland Security Act
8 of 2002 (as amended by subsection (b)), and annu-
9 ally thereafter with respect to such paragraphs (18)
10 and (19), the Secretary shall submit to the appro-
11 priate congressional committees a report that in-
12 cludes a status update on—

13 (A) the implementation of such subsection
14 (a) and such paragraphs (18) and (19); and

15 (B) each relevant workload staffing model.

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

21 (d) INSPECTOR GENERAL REVIEW.—Not later than
22 120 days after the Commissioner develops the workload
23 staffing models pursuant to subsection (a), the Inspector
24 General of the Department shall review such model and
25 provide feedback to the Secretary and the appropriate con-

1 gressional committees with respect to the degree to which
2 such model is responsive to the recommendations of the
3 Inspector General, including—

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

6 (2) any further recommendations to improve
7 such model.

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

11 (1) the Committee on Homeland Security of the
12 House of Representatives; and

13 (2) the Committee on Homeland Security and
14 Governmental Affairs of the Senate.

15 **SEC. 13. OPERATION STONEGARDEN.**

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

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

20 “(a) ESTABLISHMENT.—There is established in the
21 Department a program to be known as ‘Operation
22 Stonegarden’, under which the Secretary, acting through
23 the Administrator, shall make grants to eligible law en-
24 forcement agencies, through the State administrative

1 agency, to enhance border security in accordance with this
2 section.

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

6 “(1) shall be located in—

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

8 or

9 “(B) a State or territory with a maritime
10 border; and

11 “(2) shall be involved in an active, ongoing,
12 U.S. Customs and Border Protection operation co-
13 ordinated through a U.S. Border Patrol sector of-
14 fice.

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

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

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

22 “(3) any activity permitted for Operation
23 Stonegarden under the most recent fiscal year De-
24 partment of Homeland Security’s Homeland Secu-

1 rity Grant Program Notice of Funding Opportunity;
2 and

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

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

10 “(e) REPORT.—For each of fiscal years 2022 through
11 2026, the Administrator shall submit to the Committee
12 on Homeland Security of the House of Representatives
13 and the Committee on Homeland Security and Govern-
14 mental Affairs of the Senate a report that contains infor-
15 mation on the expenditure of grants made under this sec-
16 tion by each grant recipient.

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

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

24 “(a) GRANTS AUTHORIZED.—The Secretary, through
25 the Administrator, may award grants under sections 2003,

1 2004, 2009, and 2009A to State, local, and Tribal govern-
2 ments, as appropriate.”.

3 (c) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) of the Homeland Security Act of 2002 is
5 amended by inserting after the item relating to section
6 2009 the following new item:

“Sec. 2009A. Operation Stonegarden.”.

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

8 (a) AIR AND MARINE OPERATIONS FLIGHT
9 HOURS.—The Secretary shall ensure that not fewer than
10 95,000 annual flight hours are carried out by Air and Ma-
11 rine Operations of CBP.

12 (b) UNMANNED AIRCRAFT SYSTEMS.—The Sec-
13 retary, after coordination with the Administrator of the
14 Federal Aviation Administration, shall ensure that Air and
15 Marine Operations operate unmanned aircraft systems on
16 the southern border of the United States for not less than
17 24 hours per day for 7 days per week.

18 (c) PRIMARY MISSIONS.—The Commissioner shall
19 ensure that—

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

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

24 (B) Joint Interagency Task Force South
25 operations in the transit zone; and

1 (2) the Executive Assistant Commissioner of
2 Air and Marine Operations assigns the greatest pri-
3 ority to support missions outlined under paragraph
4 (1).

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

8 (1) identify air support mission-critical hours;
9 and

10 (2) direct Air and Marine Operations to sup-
11 port requests from Sector Chiefs as their primary
12 mission.

13 (e) CONTRACT AIR SUPPORT AUTHORIZATIONS.—
14 The Commissioner shall contract for the unfulfilled air
15 support mission-critical hours, as identified pursuant to
16 subsection (d).

17 (f) SMALL UNMANNED AIRCRAFT SYSTEMS.—

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

22 (A) meeting the unmet flight hour oper-
23 ational requirements of the U.S. Border Patrol;
24 and

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

5 (2) COORDINATION.—In carrying out para-
6 graph (1), the Chief of the U.S. Border Patrol shall
7 coordinate—

8 (A) flight operations with the Adminis-
9 trator of the Federal Aviation Administration to
10 ensure the safe and efficient operation of the
11 National Airspace System; and

12 (B) with the Executive Assistant Commis-
13 sioner for Air and Marine Operations of CBP
14 to—

15 (i) ensure the safety of other CBP
16 aircraft flying in the vicinity of small un-
17 manned aircraft systems operated by the
18 U.S. Border Patrol; and

19 (ii) establish a process to include data
20 from flight hours in the calculation of got
21 away statistics.

22 (3) CONFORMING AMENDMENT.—Paragraph (3)
23 of section 411(e) of the Homeland Security Act of
24 2002 (6 U.S.C. 211(e)) is amended—

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

3 (B) by redesignating subparagraph (C) as
4 subparagraph (D); and

5 (C) by inserting after subparagraph (B)
6 the following new subparagraph:”.

7 “(C) carry out the small unmanned air-
8 craft system (as such term is defined in section
9 44801 of title 49, United States Code) require-
10 ments pursuant to subsection (f) of section 14
11 of the Border Security for America Act of
12 2021; and”.

13 (g) SAVINGS CLAUSE.—Nothing in this section shall
14 confer, transfer, or delegate to the Secretary, the Commis-
15 sioner, the Executive Assistant Commissioner for Air and
16 Marine Operations of CBP, or the Chief of the U.S. Bor-
17 der Patrol any authority of the Secretary of Transpor-
18 tation or the Administrator of the Federal Aviation Ad-
19 ministration relating to the use of airspace or aviation
20 safety.

21 (h) DEFINITIONS.—In this section:

22 (1) GOT AWAY.—The term “got away” has the
23 meaning given such term in section 1092(a)(3) of
24 the National Defense Authorization Act for Fiscal

1 Year 2017 (Public Law 114–328; 6 U.S.C.
2 223(a)(3)).

3 (2) TRANSIT ZONE.—The term “transit zone”
4 has the meaning given such term in section
5 1092(a)(8) of the National Defense Authorization
6 Act for Fiscal Year 2017 (Public Law 114–328; 6
7 U.S.C. 223(a)(8)).

8 **SEC. 15. ERADICATION OF CARRIZO CANE AND SALT**
9 **CEDAR.**

10 (a) IN GENERAL.—Not later than September 30,
11 2026, the Secretary, in coordination with the heads of the
12 relevant Federal, State, and local agencies, shall begin
13 eradicating the carrizo cane plant and any salt cedar along
14 the Rio Grande River that impedes border security oper-
15 ations.

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

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

22 (a) IN GENERAL.—Not later than one year after the
23 date of enactment of this section and every five years
24 thereafter, the Secretary, acting through the Chief of the
25 U.S. Border Patrol, shall issue a Border Patrol Strategic

1 Plan (referred to in this section as the “plan”) to enhance
2 the security of the international borders of the United
3 States.

4 (b) ELEMENTS.—The plan shall include the fol-
5 lowing:

6 (1) A consideration of Border Patrol Capability
7 Gap Analysis reporting, Border Security Improve-
8 ment Plans, and any other strategic document au-
9 thored by the U.S. Border Patrol to address security
10 gaps with respect to ports of entry, including efforts
11 to mitigate threats identified in such analyses, plans,
12 and documents.

13 (2) Information relating to the dissemination of
14 information relating to border security or border
15 threats with respect to the efforts of the Department
16 and other appropriate Federal agencies.

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

19 (A) increase situational awareness, includ-
20 ing—

21 (i) surveillance capabilities, such as
22 capabilities developed or utilized by the
23 Department of Defense, and any appro-
24 priate technology determined to be excess
25 by the Department of Defense; and

1 (ii) the use of manned aircraft and
2 unmanned aircraft systems;

3 (B) detect and prevent terrorists and in-
4 struments of terrorism from entering the
5 United States;

6 (C) detect, interdict, and disrupt human
7 smuggling, human trafficking, drug trafficking
8 and other illicit cross-border activity;

9 (D) focus intelligence collection to disrupt
10 transnational criminal organizations outside of
11 the international and maritime borders of the
12 United States; and

13 (E) ensure that any new border security
14 technology can be operationally integrated with
15 existing technologies in use by the Department.

16 (4) Information relating to initiatives of the De-
17 partment with respect to operational coordination,
18 including any relevant task forces of the Depart-
19 ment.

20 (5) Information gathered from the lessons
21 learned by the deployments of the National Guard to
22 the southern border of the United States.

23 (6) A description of cooperative agreements re-
24 lating to information sharing with State, local, Trib-

1 al, territorial, and other Federal law enforcement
2 agencies that have jurisdiction on the border.

3 (7) Information relating to border security in-
4 formation received from—

5 (A) State, local, Tribal, territorial, and
6 other Federal law enforcement agencies that
7 have jurisdiction on the border or in the mari-
8 time environment; and

9 (B) border community stakeholders, in-
10 cluding representatives from—

11 (i) border agricultural and ranching
12 organizations; and

13 (ii) business and civic organizations.

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

17 (9) A prioritized list of Department research
18 and development objectives to enhance the security
19 of the southern border.

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

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; and

4 (C) screening, identifying, and addressing
5 vulnerable populations, such as children and
6 victims of human trafficking.

7 **SEC. 17. HOMELAND SECURITY INVESTIGATIONS INNOVA-**
8 **TION LAB.**

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

12 **“SEC. 463. INNOVATION LAB.**

13 “(a) ESTABLISHMENT.—

14 “(1) IN GENERAL.—There is established within
15 the Department a program to be known as the
16 ‘Homeland Security Investigations Innovation Lab’
17 (referred to in this section as the ‘Innovation Lab’).

18 “(2) ASSISTANT DIRECTOR.—The Innovation
19 Lab shall be headed by an Assistant Director, who
20 shall be appointed by the Executive Associate Direc-
21 tor of United States Immigration and Customs En-
22 forcement, Homeland Security Investigations.

23 “(b) PURPOSE.—The purpose of the Innovation Lab
24 shall be to improve investigative efficiency and mission-
25 critical outcomes by enhancing and streamlining data

1 processing, agility, assessment, visualization, and analysis
2 of homeland security data, using innovative and emerging
3 technologies and best practices for design principles. Inno-
4 vation Lab efforts shall be informed by designated field
5 agents and analysts with relevant experience.

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

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

10 “(2) Federal facilities, where appropriate.

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

13 “(1) Homeland Security Investigations of U.S.
14 Immigration and Customs Enforcement.

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

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

21 “(4) Academic institutions (through advisory
22 partnerships), including members from the Depart-
23 ment of Homeland Security Centers of Excellence.

24 “(e) PRIORITIZATION.—The Innovation Lab shall
25 prioritize new projects based on communicated investiga-

1 tive challenges experienced by each Homeland Security In-
2 vestigations field office. Such communication may be in-
3 corporated in existing annual threat analyses conducted
4 by Homeland Security Investigations.

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

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

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Homeland Security Act of 2002 is
14 amended by inserting after the item relating to section
15 462 the following new item:

“Sec. 463. Innovation lab.”.

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

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

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

21 “(a) ESTABLISHMENT.—There is established within
22 the Department a program to be known as the Integrated
23 Border Enforcement Team program (referred to in this
24 section as ‘IBET’) for the purposes described in sub-
25 section (b).

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

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

5 “(2) Enhance security between designated ports
6 of entry.

7 “(3) Detect, investigate, prevent, and respond
8 to terrorism, transnational criminal organizations,
9 and other violations of law related to border secu-
10 rity.

11 “(4) Facilitate collaboration among components
12 and offices within the Department and international
13 partners.

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

16 “(6) Enhance information sharing, including
17 the dissemination of homeland security information
18 among such components and offices of the Depart-
19 ment and international partners.

20 “(c) COMPOSITION AND ESTABLISHMENT OF
21 UNITS.—

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

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

1 “(B) U.S. Immigration and Customs En-
2 forcement, led by Homeland Security Investiga-
3 tions.

4 “(C) Other Department personnel, as ap-
5 propriate.

6 “(D) Other Federal, State, local, Tribal,
7 and foreign law enforcement agencies, as appro-
8 priate.

9 “(E) Other appropriate personnel at the
10 discretion of the Secretary.

11 “(2) ESTABLISHMENT OF UNITS.—

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

15 “(B) ASSESSMENT.—Prior to establishing
16 an IBET unit pursuant to subparagraph (A),
17 the Secretary shall assess the establishment of
18 such unit in a particular region with the fol-
19 lowing criteria:

20 “(i) The likelihood that the establish-
21 ment of such unit in such region would sig-
22 nificantly mitigate cross-border threats, in-
23 cluding such threats posed by
24 transnational criminal organizations and
25 terrorist groups.

1 “(ii) The availability of Federal,
2 State, local, Tribal, and foreign law en-
3 forcement resources to participate in such
4 unit.

5 “(iii) Whether the establishment of
6 such unit would duplicate the efforts of ex-
7 isting interagency task forces or centers
8 within such region, including the Border
9 Enforcement Security Task Force estab-
10 lished under section 432.

11 “(d) OPERATION.—After establishing an IBET unit
12 pursuant to paragraph (2) of subsection (c), the Secretary
13 may—

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

16 “(2) take other actions to assist Federal, State,
17 local, and Tribal entities to participate in such unit,
18 including providing financial assistance for oper-
19 ational, administrative, and technological costs asso-
20 ciated with such participation;

21 “(3) direct the development of policy and guid-
22 ance necessary to identify, assess, and integrate the
23 available partner resources in relevant border sector
24 security assessments and resource planning docu-
25 ments;

1 “(4) establish targets and performance meas-
2 ures for such unit; and

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

6 “(e) COORDINATION.—The Secretary shall coordinate
7 IBET activities with other similar border security and
8 antiterrorism programs within the Department in accord-
9 ance with the strategic objectives of the Cross-Border Law
10 Enforcement Advisory Committee.

11 “(f) MEMORANDA OF UNDERSTANDING.—The Sec-
12 retary may enter into memoranda of understanding with
13 appropriate representatives of the entities specified in
14 paragraph (1) of subsection (c), as necessary, to carry out
15 this section.

16 “(g) REPORT.—Not later than 180 days after the
17 date on which IBET is established and biannually there-
18 after for the following six years, the Secretary shall submit
19 to the Committee on Homeland Security of the House of
20 Representatives and the Committee on Homeland Security
21 and Governmental Affairs of the Senate a report that—

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

24 “(2) identifies challenges on the sustainment of
25 cross-border IBET operations, including challenges

1 faced by international partners, and planned correc-
2 tive actions;

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

6 “(4) identifies ways to support joint training
7 for IBET stakeholder agencies and radio interoper-
8 ability to allow for secure cross-border radio commu-
9 nications; and

10 “(5) identifies and assesses ways IBET, Border
11 Tunnel Task Forces, Border Enforcement Security
12 Task Forces, and the Integrated Cross-Border Mari-
13 time Law Enforcement Operation Program can bet-
14 ter align operations, including interdiction and inves-
15 tigation activities.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 in section 1(b) of the Homeland Security Act of 2002 is
18 amended by inserting after the item relating to section
19 446 the following new item:

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

20 **SEC. 19. DNA COLLECTION CONSISTENT WITH FEDERAL**
21 **LAW.**

22 Not later than 14 days after the date of the enact-
23 ment of this section, the Secretary shall ensure and certify
24 to the Committee on Homeland Security of the House of
25 Representatives and the Committee on Homeland Security

1 and Governmental Affairs of the Senate that CBP is fully
2 compliant with the DNA Fingerprint Act of 2005 (Public
3 Law 109–162; 119 Stat. 3084) at all border facilities that
4 process adults, including as part of a family unit, in the
5 custody of CBP at the border.