

114TH CONGRESS
1ST SESSION

H. R. 399

To require the Secretary of Homeland Security to gain and maintain operational control of the international borders of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2015

Mr. McCAUL (for himself, Mrs. MILLER of Michigan, Mr. SESSIONS, Mr. POE of Texas, Mr. WILLIAMS, Mr. FLORES, Mr. OLSON, Mr. BISHOP of Utah, Ms. MCSALLY, Mr. HURD of Texas, Mr. CULBERSON, Mr. FARENTHOLD, Mr. RATCLIFFE, Mr. CARTER of Texas, and Mr. BUCSHON) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Armed Services, Natural Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Secretary of Homeland Security to gain and maintain operational control of 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 “Secure Our Borders First Act of 2015”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Reports on current border security status.
- Sec. 3. Operational control of the border.
- Sec. 4. Establishment of Border Security Verification Commission.
- Sec. 5. Required consequence.
- Sec. 6. Tactical flexibility.
- Sec. 7. Deployment of certain aviation assets to the southern land border.
- Sec. 8. U.S. Customs and Border Protection officer and agent authorization.
- Sec. 9. Office of Air and Marine flight hours.
- Sec. 10. Air and Marine prioritization.
- Sec. 11. Border Patrol flexibility.
- Sec. 12. Prohibition on actions that impede border security on certain Federal land.
- Sec. 13. Biometric exit data system.
- Sec. 14. Northern border threat analysis.
- Sec. 15. Operation Stonegarden program.
- Sec. 16. Sale or donation of excess personal property for border security activities.
- Sec. 17. Reimbursement of States for deployment of National Guard to the southern border.
- Sec. 18. Definitions.
- Sec. 19. Authorization of appropriations.

3 **SEC. 2. REPORTS ON CURRENT BORDER SECURITY STATUS.**

4 (a) IN GENERAL.—

5 (1) REPORTS.—The Secretary of Homeland Se-
 6 curity shall submit to the appropriate congressional
 7 committees, the Border Security Verification Com-
 8 mission (BSVC), and the Government Accountability
 9 Office reports that assess and describe the state of
 10 situational awareness and operational control along
 11 the northern and southern borders of the United
 12 States. Such reports shall include an identification
 13 of the high traffic areas and the unlawful border
 14 crossing effectiveness rate for each sector along the
 15 northern and southern borders of the United States

1 that are within the responsibility of the Border Pa-
2 trol.

3 (2) DEADLINES.—The reports required under
4 paragraph (1) shall be submitted as follows:

5 (A) The first such report shall be sub-
6 mitted by not later than 30 days after the date
7 of the enactment of this Act.

8 (B) During the two-year period beginning
9 on the date of the submission of such first re-
10 port, such reports shall be submitted every 180
11 days.

12 (C) During the period beginning on the
13 date that is 180 days after the date of the sub-
14 mission of last report under subparagraph (B),
15 such reports shall be submitted every 360 days.

16 (b) GAO REPORT.—Not later than 90 days after re-
17 ceiving the initial report required under subsection (a), the
18 Comptroller General of the United States shall report to
19 the appropriate congressional committees and the BSVC
20 regarding the verification of the data and methodology
21 used to determine high traffic areas and the unlawful bor-
22 der crossing effectiveness rate.

23 **SEC. 3. OPERATIONAL CONTROL OF THE BORDER.**

24 (a) SECURING THE BORDER.—The Secretary of
25 Homeland Security shall gain and maintain situational

1 awareness, and operational control of high traffic areas,
2 by the date that is not later than two years after the date
3 of the enactment of this Act, and operational control and
4 situational awareness along the southern land border of
5 the United States by the date that is not later than five
6 years after such date of enactment.

7 (b) REQUIRED CAPABILITY DEPLOYMENT.—The
8 Secretary of Homeland Security, acting through the ap-
9 propriate component of the Department of Homeland Se-
10 curity, shall, at a minimum, deploy to each sector or re-
11 gion, as the case may be, of the southern border, in a
12 prioritized, risk-based manner to achieve situational
13 awareness and operational control of the border the fol-
14 lowing additional capabilities:

15 (1) SAN DIEGO SECTOR.—For the San Diego
16 sector, the following:

17 (A) Subterranean surveillance and detec-
18 tion technologies.

19 (B) To increase coastal maritime domain
20 awareness, the following:

21 (i) Deployable, lighter than air surface
22 surveillance equipment.

23 (ii) Unmanned aerial vehicles with
24 maritime surveillance capability.

25 (iii) Maritime patrol aircraft.

1 (iv) Coastal radar surveillance sys-
2 tems.

3 (v) Maritime signals intelligence capa-
4 bilities.

5 (C) Ultralight aircraft detection capabili-
6 ties.

7 (D) Advanced unattended surveillance sen-
8 sors.

9 (2) EL CENTRO SECTOR.—For the El Centro
10 sector, the following:

11 (A) Tower-based surveillance technology.

12 (B) Deployable, lighter than air ground
13 surveillance equipment.

14 (C) Man-portable unmanned aerial vehi-
15 cles.

16 (D) Ultralight aircraft detection capabili-
17 ties.

18 (E) Advanced unattended surveillance sen-
19 sors.

20 (3) YUMA SECTOR.—For the Yuma sector, the
21 following:

22 (A) Tower-based surveillance technology.

23 (B) Mobile vehicle-mounted and man-port-
24 able surveillance systems.

1 (C) Deployable, lighter-than-air ground
2 surveillance equipment.

3 (D) Ultralight aircraft detection capabili-
4 ties.

5 (E) Advanced unattended surveillance sen-
6 sors.

7 (4) TUCSON SECTOR.—For the Tucson sector,
8 the following:

9 (A) Increased flight hours for aerial detec-
10 tion, interdiction, and monitoring operations ca-
11 pability.

12 (B) Man-portable unmanned aerial vehi-
13 cles.

14 (C) Tower-based surveillance technology.

15 (D) Ultralight aircraft detection capabili-
16 ties.

17 (E) Advanced unattended surveillance sen-
18 sors.

19 (F) Deployable, lighter than air ground
20 surveillance equipment.

21 (5) EL PASO SECTOR.—For the El Paso sector,
22 the following:

23 (A) Tower-based surveillance technology.

24 (B) Ultralight aircraft detection capabili-
25 ties.

1 (C) Advanced unattended surveillance sen-
2 sors.

3 (D) Mobile vehicle-mounted and man-port-
4 able surveillance systems.

5 (E) Deployable, lighter than air ground
6 surveillance equipment.

7 (6) BIG BEND SECTOR.—For the Big Bend sec-
8 tor, the following:

9 (A) Tower-based surveillance technology.

10 (B) Deployable, lighter than air ground
11 surveillance equipment.

12 (C) Improved agent communications capa-
13 bilities.

14 (D) Ultralight aircraft detection capabili-
15 ties.

16 (E) Advanced unattended surveillance sen-
17 sors.

18 (7) DEL RIO SECTOR.—For the Del Rio sector,
19 the following:

20 (A) Increased monitoring for cross-river
21 dams, culverts, and footpaths.

22 (B) Improved communications capabilities.

23 (C) Improved maritime capabilities in the
24 Amistad Recreation Area.

1 (D) Advanced unattended surveillance sen-
2 sors.

3 (8) LAREDO SECTOR.—For the Laredo sector,
4 the following:

5 (A) Maritime detection resources for Fal-
6 con Lake region.

7 (B) Increased flight hours for aerial detec-
8 tion, interdiction, and monitoring operations ca-
9 pability.

10 (C) Increased monitoring for cross-river
11 dams, culverts, and footpaths.

12 (D) Ultralight aircraft detection capability.

13 (E) Advanced unattended surveillance sen-
14 sors.

15 (9) RIO GRANDE VALLEY SECTOR.—For the Rio
16 Grande Valley sector, the following:

17 (A) Deployable, lighter than air ground
18 surveillance equipment.

19 (B) Increased flight hours for aerial detec-
20 tion, interdiction and monitoring operations ca-
21 pability.

22 (C) Ultralight aircraft detection capability.

23 (D) Advanced unattended surveillance sen-
24 sors.

1 (E) Increased monitoring for cross-river
2 dams, culverts, footpaths.

3 (10) EASTERN PACIFIC MARITIME REGION.—

4 For the Eastern Pacific Maritime region, the fol-
5 lowing:

6 (A) Increased cutter and boat hours and
7 operation platforms to conduct interdiction op-
8 erations.

9 (B) Increased maritime signals intelligence
10 capabilities.

11 (C) To increase maritime domain aware-
12 ness, the following:

13 (i) Deployable, lighter than air surface
14 surveillance equipment.

15 (ii) Unmanned aerial vehicles with
16 maritime surveillance capability.

17 (iii) Increased maritime aviation pa-
18 trol hours.

19 (iv) Coastal radar surveillance sys-
20 tems.

21 (D) Increased operational hours for mari-
22 time security components dedicated to joint
23 counter-smuggling and interdiction efforts with
24 other Federal agencies, including the Joint
25 Interagency Task Forces, and the United

1 States Coast Guard Deployable Law Enforce-
2 ment Teams.

3 (11) CARIBBEAN AND GULF MARITIME RE-
4 GION.—For the Caribbean and Gulf Maritime re-
5 gion, the following:

6 (A) Increased cutter and boat hours and
7 operation platforms to conduct interdiction op-
8 erations.

9 (B) Increased maritime signals intelligence
10 capabilities.

11 (C) Increased maritime domain awareness
12 and surveillance capabilities, including the fol-
13 lowing:

14 (i) Deployable, lighter than air surface
15 surveillance equipment.

16 (ii) Unmanned aerial vehicles with
17 maritime surveillance capability.

18 (iii) Increased maritime aviation pa-
19 trol hours.

20 (iv) Coastal radar surveillance sys-
21 tems.

22 (D) Increased operational hours for mari-
23 time security components dedicated to joint
24 counter-smuggling and interdiction efforts with
25 other Federal agencies, including the Joint

1 Interagency Task Forces, and the United
2 States Coast Guard Tactical Law Enforcement
3 Teams.

4 (c) FENCING AND INFRASTRUCTURE.—

5 (1) NEW FENCING.—Not later than 18 months
6 after the date of the enactment of this Act, the Sec-
7 retary of Homeland Security shall construct, at a
8 minimum, each of the following:

9 (A) Seven miles of double layer fencing in
10 the Border Patrol's San Diego sector in addi-
11 tion to such fencing in existence as of the date
12 of the enactment of this Act.

13 (B) Ten miles of double layer pedestrian
14 fencing in the Border Patrol's Tucson sector in
15 addition to such fencing in existence as of the
16 date of the enactment of this Act.

17 (C) Ten miles of double layer pedestrian
18 fencing in the Border Patrol's Rio Grande Val-
19 ley sector in addition to such fencing in exist-
20 ence as of the date of the enactment of this
21 Act.

22 (2) FENCE REPAIR AND REPLACEMENT.—Not
23 later than 18 months after the date of the enact-
24 ment of this Act, the Secretary of Homeland Secu-

1 rity shall replace, at a minimum, each of the fol-
2 lowing:

3 (A) Thirty-one miles of landing mat fenc-
4 ing with bollard style fencing in the Border Pa-
5 trol's San Diego sector.

6 (B) Five miles of landing mat fencing with
7 bollard style fencing in the Border Patrol's El
8 Centro sector.

9 (C) Three miles of landing mat fencing
10 with bollard style fencing in the Border Patrol's
11 Yuma sector.

12 (D) Twenty-five miles of landing mat fenc-
13 ing with bollard style fencing in the Border Pa-
14 trol's Tucson sector.

15 (E) Two miles of landing mat fencing with
16 bollard style fencing in the Border Patrol's El
17 Paso sector.

18 (3) ROAD CONSTRUCTION.—Not later than 18
19 months after the date of the enactment of this Act,
20 the Secretary of Homeland Security shall complete,
21 at a minimum, each of the following road construc-
22 tion projects to allow greater access for the Border
23 Patrol:

24 (A) Seven miles of road construction in the
25 Border Patrol's San Diego sector.

1 (B) Ten miles of road construction in the
2 Border Patrol's El Centro sector.

3 (C) Sixteen miles of road construction in
4 the Border Patrol's Yuma sector.

5 (D) Fifty-four miles of road construction
6 in the Border Patrol's Tucson sector.

7 (E) One hundred ninety-two miles of road
8 construction in the Border Patrol's Big Bend
9 sector.

10 (F) Two miles of road construction in the
11 Border Patrol's El Paso sector.

12 (G) Forty-two miles of road construction
13 in the Border Patrol's Del Rio sector.

14 (H) Sixty-five miles of road construction in
15 the Border Patrol's Laredo sector.

16 (I) Fifteen miles of road construction in
17 the Border Patrol's Rio Grande Valley sector.

18 (4) ROAD MAINTENANCE.—Not later than 18
19 months after the date of the enactment of this Act,
20 the Secretary of Homeland Security shall complete,
21 at a minimum, each of the following:

22 (A) Thirty-seven miles of road mainte-
23 nance in the Border Patrol's San Diego sector.

1 (B) One thousand two hundred miles of
2 road maintenance in the Border Patrol's Del
3 Rio sector.

4 (C) Twenty-six miles of road maintenance
5 in the Border Patrol's Laredo sector.

6 (D) Ninety-four miles of road maintenance
7 in the Border Patrol's Rio Grande Valley sec-
8 tor.

9 (5) NEW VEHICLE FENCE.—Not later than one
10 year after the date of the enactment of this Act, the
11 Secretary of Homeland Security shall complete six
12 miles of vehicle fencing in the Border Patrol's Big
13 Bend sector in addition to such fencing in existence
14 of as of the date of the enactment of this Act.

15 (6) VEHICLE FENCE REPLACEMENT.—Not later
16 than one year after the date of the enactment of this
17 Act, the Secretary of Homeland Security shall re-
18 place five miles of vehicle fencing with new vehicle
19 fencing in the Border Patrol's Tucson sector in addi-
20 tion to such fencing in existence as of the date of
21 the enactment of this Act.

22 (7) BOAT RAMPS.—Not later than 180 days
23 after the date of the enactment of this Act, the Sec-
24 retary of Homeland Security shall complete, at a
25 minimum, the construction of each of the following:

1 (A) Eight boat ramps in the Border Pa-
2 trol's Del Rio sector in addition to such ramps
3 in existence as of the date of the enactment of
4 this Act.

5 (B) One boat ramp in the Border Patrol's
6 Laredo sector in addition to such ramps in ex-
7 istence as of the date of the enactment of this
8 Act.

9 (C) Twenty-one boat ramps in the Border
10 Patrol's Rio Grande Valley sector in addition to
11 such ramps in existence as of the date of the
12 enactment of this Act.

13 (8) ACCESS GATES.—Not later than 180 days
14 after the date of the enactment of this Act, the Sec-
15 retary of Homeland Security shall construct 34 ac-
16 cess gates in the Border Patrol's Rio Grande Valley
17 sector in addition to such gates in existence as of
18 the date of the enactment of this Act.

19 (9) FORWARD OPERATING BASES.—Not later
20 than one year after the date of enactment of this
21 Act, the Secretary of Homeland Security shall com-
22 plete, at a minimum, construction of each of the fol-
23 lowing:

24 (A) One forward operating base in the
25 Border Patrol's El Paso sector in addition to

1 such bases in existence as of the date of the en-
2 actment of this Act.

3 (B) Two forward operating bases in the
4 Border Patrol's Tucson sector in addition to
5 such bases in existence as of the date of the en-
6 actment of this Act.

7 (C) Three forward operating bases in the
8 Border Patrol's Big Bend sector in addition to
9 such bases in existence as of the date of the en-
10 actment of this Act.

11 (D) Two forward operating bases in the
12 Border Patrol's Del Rio sector in addition to
13 such bases in existence as of the date of the en-
14 actment of this Act.

15 (E) Two forward operating bases in the
16 Border Patrol's Laredo sector in addition to
17 such bases in existence as of the date of the en-
18 actment of this Act.

19 (F) Two forward operating bases in the
20 Border Patrol's Rio Grande Valley sector in ad-
21 dition to such bases in existence as of the date
22 of the enactment of this Act.

23 (10) ROADS.—The roads referred to in para-
24 graphs (3) and (4) shall include border roads, patrol

1 roads, access roads, and Federal, State, local, and
2 privately owned roads.

3 (11) MINIMUM FORWARD OPERATING BASE RE-
4 QUIREMENTS.—The forward operating bases re-
5 ferred to in paragraph (9) shall be equipped with
6 each of the following:

7 (A) Perimeter security.

8 (B) Temporary detention space.

9 (C) An interview room.

10 (D) Water.

11 (E) Power.

12 (F) Adequate communications, including
13 local area network connectivity.

14 (G) Helicopter landing zone.

15 (d) CARRIZO CANE ERADICATION.—

16 (1) FINDINGS.—Congress makes the following
17 findings:

18 (A) Carrizo cane is a non-native, invasive
19 plant growing along the Rio Grande River in
20 Texas, with heights of up to 27 feet tall.

21 (B) According to U.S. Customs and Bor-
22 der Protection, “the [Carrizo cane] plant causes
23 serious officer safety issues and operational
24 concerns because it hampers enforcement along
25 the [Rio Grande] river. The plant also provides

1 concealment to criminals, drug smugglers, ille-
2 gal aliens, and potential terrorists who could
3 use it as an advantage to enter the Unites
4 States illegally. The obvious officer safety haz-
5 ards created by this situation are of grave con-
6 cern to the Border Patrol and need to be rem-
7 edied”.

8 (2) ERADICATION.—The Chief of the Border
9 Patrol shall coordinate with the heads of each rel-
10 evant Federal and State agency to eradicate, to the
11 greatest extent practicable, the Carrizo cane plant
12 along the Rio Grande River.

13 (e) CONSULTATION.—The Secretary of Homeland Se-
14 curity shall consult with the governors of each southern
15 border State, including southern border maritime States,
16 representatives of the Border Patrol and U.S. Customs
17 and Border Protection, and relevant Federal, State, local,
18 and tribal agencies that have jurisdiction on the southern
19 border, or in the maritime environment, to develop the
20 operational plan required under subsection (f) and the
21 metrics required under subsections (h), (i), (j), and (k).

22 (f) OPERATIONAL PLAN.—

23 (1) IN GENERAL.—Not later than 120 days
24 after the date of the enactment of this Act, the Sec-
25 retary of Homeland Security shall submit to the ap-

1 appropriate congressional committees, the BSVC, and
2 the Comptroller General of the United States a com-
3 prehensive operational plan for each of the compo-
4 nents of the Department of Homeland Security re-
5 sponsible for border or maritime security to gain and
6 maintain situational awareness, operational control
7 of high traffic areas, and operational control along
8 the southern land border of the United States by the
9 dates, respectively, referred to in subsection (a).

10 (2) CONTENTS OF PLAN.—The plan required
11 under paragraph (1) shall include the following:

12 (A) An assessment of principal border se-
13 curity threats, including threats relating to the
14 smuggling and trafficking of humans, weapons,
15 and illicit drugs.

16 (B) A description of the required capability
17 deployment under subsection (b).

18 (C) A plan to analyze and disseminate bor-
19 der security and border threat information
20 among the border security components of the
21 Department of Homeland Security, and be-
22 tween the Department and other appropriate
23 Federal departments and agencies with mis-
24 sions associated with the border.

1 (D) A plan to achieve situational aware-
2 ness using the capabilities deployed under sub-
3 section (b).

4 (E) A plan to ensure that any new border
5 security assets will be operationally integrated
6 with assets in use by the Department of Home-
7 land Security as of the date of the enactment
8 of this Act.

9 (F) A plan to eradicate the Carrizo cane
10 plant, as required under subsection (d).

11 (G) Lessons learned from Operation
12 Jumpstart and Operation Phalanx.

13 (H) A description of border security infor-
14 mation received from consultation with border
15 community stakeholders, including representa-
16 tives from agricultural and ranching organiza-
17 tions and business and civic organizations along
18 the northern or southern border.

19 (I) A description of the staffing require-
20 ments for all border security functions of the
21 border security components of the Department
22 of Homeland Security.

23 (J) A prioritized list of research and devel-
24 opment objectives to enhance the security of the

1 international land and maritime borders of the
2 United States.

3 (K) An assessment of the relationship be-
4 tween border security operations and crossing
5 times.

6 (L) Metrics required under subsections (h),
7 (i), (j), and (k).

8 (M) An integrated master schedule and
9 cost estimate, including lifecycle costs, for the
10 activities contained in such operational plan.

11 (N) A documented justification and ration-
12 ale for technology choices.

13 (O) Deployment locations.

14 (P) A timetable for procurement and de-
15 ployment.

16 (Q) Estimates of operation and mainte-
17 nance costs.

18 (R) An identification of any impediments
19 to the deployment of such technologies.

20 (3) CLASSIFIED ASSESSMENT.—The assessment
21 required to be included in the report under para-
22 graph (2)(A) may be submitted in classified form, if
23 the Secretary of Homeland Security determines that
24 such is appropriate.

25 (4) IMPLEMENTATION.—

1 (A) IN GENERAL.—The Secretary of
2 Homeland Security shall commence the imple-
3 mentation of the operational plan under para-
4 graph (1) not later than 30 days after the sub-
5 mission to the appropriate congressional com-
6 mittees of the report by the Comptroller Gen-
7 eral of the United States under subparagraph
8 (C).

9 (B) COMPTROLLER GENERAL REVIEW.—
10 Not later than 90 days after receiving the oper-
11 ational plan under paragraph (1), the Comp-
12 troller General of the United States shall sub-
13 mit to the appropriate congressional committees
14 and the BSVC a report on the operational plan
15 required under paragraph (1) and such congres-
16 sional justification.

17 (g) PERIODIC UPDATES.—Not later than 180 days
18 after the submission of each Quadrennial Homeland Secu-
19 rity Review required under section 707 of the Homeland
20 Security Act of 2002 (6 U.S.C. 347) beginning with the
21 first such Review that is due after the operational plan
22 is submitted under subsection (f), the Secretary of Home-
23 land Security shall submit to the appropriate congres-
24 sional committees, the BSVC, and the Comptroller Gen-

1 eral of the United States an updated operational plan
2 under paragraph (1) of subsection (f).

3 (h) METRICS FOR SECURING THE BORDER BETWEEN
4 PORTS OF ENTRY.—

5 (1) IN GENERAL.—Not later than 120 days
6 after the date of the enactment of this Act and an
7 annually thereafter, the Chief of the Border Patrol
8 shall develop metrics, informed by situational aware-
9 ness, to measure the effectiveness of security be-
10 tween ports of entry, which shall include, at a min-
11 imum, the following:

12 (A) An unlawful border crossing effective-
13 ness rate, informed by situational awareness.

14 (B) A probability of detection that meas-
15 ures the estimated total unlawful border cross-
16 ing attempts not detected by the Border Patrol
17 against the unlawful border crossing effective-
18 ness rate referred to in subparagraph (A).

19 (C) A weight-to-frequency rate which
20 measures the average weight of marijuana
21 seized per seizure by the Border Patrol in any
22 fiscal year compared to such a weight-to-fre-
23 quency rate for the immediately preceding five
24 fiscal years.

1 (D) A situational awareness achievement
2 metric that measures the amount of situational
3 awareness achieved in each Border Patrol sec-
4 tor.

5 (E) An illicit drugs seizure rate which
6 measures the amount and type of illicit drugs
7 seized by the Border Patrol in any fiscal year
8 compared to an average of the amount and type
9 of illicit drugs seized by the Border Patrol for
10 the immediately preceding five fiscal years.

11 (F) In consultation the Office of National
12 Drug Control Policy and the United States
13 Southern Command, a cocaine seizure effective-
14 ness rate measured as a percentage that results
15 from dividing the amount of cocaine seized by
16 the Border Patrol by the total documented co-
17 caine flow rate between ports of entry along the
18 southern land border.

19 (G) Estimates, using alternative meth-
20 odologies, including recidivism data, survey
21 data, known-flow data, and technologically
22 measured data, of total attempted unlawful bor-
23 der crossings, the rate of apprehension of at-
24 tempted unlawful border crossers, and the in-

1 flow into the United States of unlawful border
2 crossers who evade apprehension.

3 (H) Estimates of the impact of the Border
4 Patrol's Consequence Delivery System on the
5 rate of recidivism of unlawful border crossers.

6 (2) METRICS CONSULTATION.—In developing
7 the metrics required under paragraph (1), the Chief
8 of the Border Patrol shall consult with staff mem-
9 bers of the Office of Policy at the Department of
10 Homeland Security and staff members of the Office
11 of the Chief Financial Officer of the Department of
12 Homeland Security. Such staff members may not be
13 political appointees.

14 (3) METRICS NOT REVIEWABLE.—The metrics
15 required under paragraph (1) may not be reviewed
16 or otherwise amended by the President, any staff
17 employed by the Executive Office of the President,
18 the Secretary of Homeland Security, the Deputy
19 Secretary of Homeland Security, the Commissioner
20 of U.S. Customs and Border Protection, or the Dep-
21 uty Commissioner of U.S. Customs and Border Pro-
22 tection before the submission of such metrics to the
23 appropriate congressional committees, the BSVC,
24 and Comptroller General of the United States, as re-
25 quired under subsection (m). The prohibition de-

1 scribed in this paragraph does not apply to the Of-
2 fice of National Drug Control Policy.

3 (i) METRICS FOR SECURING THE BORDER AT PORTS
4 OF ENTRY.—

5 (1) IN GENERAL.—Not later than 120 days
6 after the date of the enactment of this Act and an-
7 nually thereafter, the Assistant Commissioner for
8 the Office of Field Operations in U.S. Customs and
9 Border Protection shall develop metrics, informed by
10 situational awareness, to measure the effectiveness
11 of security at ports of entry, which shall include, at
12 a minimum, the following:

13 (A) An inadmissible border crossing rate
14 which measures the number of known inadmis-
15 sible border crossers who are denied entry, ex-
16 cluding those border crossers who voluntarily
17 withdraw their applications for admission, di-
18 vided by the total estimated number of inadmis-
19 sible border crossers who attempt entry.

20 (B) An illicit drugs seizure rate which
21 measures the amount and type of illicit drugs
22 seized by the Office of Field Operations of U.S.
23 Customs and Border Protection in any fiscal
24 year compared to an average of the amount and
25 type of illicit drugs seized by U.S. Customs and

1 Border Protection for the immediately pre-
2 ceding five fiscal years.

3 (C) In consultation with the Office of Na-
4 tional Drug Control Policy and the United
5 States Southern Command, a cocaine seizure
6 effectiveness rate measured as a percentage
7 that results from dividing the amount of co-
8 caine seized by the Office of Field Operations
9 of U.S. Customs and Border Protection by the
10 total documented cocaine flow rate at ports of
11 entry along the southern land border.

12 (D) Estimates, using alternative meth-
13 odologies, including survey data and random-
14 ized secondary screening data, of total at-
15 tempted inadmissible border crossers, the rate
16 of apprehension of attempted inadmissible bor-
17 der crossers, and the inflow into the United
18 States of inadmissible border crossers who
19 evade apprehension.

20 (E) The number of infractions related to
21 personnel and cargo committed by major viola-
22 tors who are apprehended by the Office of Field
23 Operations of U.S. Customs and Border Protec-
24 tion at ports of entry, and the estimated num-

1 ber of such infractions committed by major vio-
2 lators who are not apprehended.

3 (F) A measurement of how border security
4 operations affect crossing times.

5 (2) METRICS CONSULTATION.—In developing
6 the metrics required under paragraph (1), the As-
7 sistant Commissioner for the Office of Field Oper-
8 ations shall consult with staff members of the Office
9 of Policy at the Department of Homeland Security
10 and staff members of the Office of the Chief Finan-
11 cial Officer of the Department of Homeland Secu-
12 rity. Such staff members may not be political ap-
13 pointees.

14 (3) METRICS NOT REVIEWABLE.—The metrics
15 required under paragraph (1) may not be reviewed
16 or otherwise amended by the President, any staff
17 employed by the Executive Office of the President,
18 the Secretary of Homeland Security, the Deputy
19 Secretary of Homeland Security, the Commissioner
20 of U.S. Customs and Border Protection, or the Dep-
21 uty Commissioner of U.S. Customs and Border Pro-
22 tection before the submission of such metrics to the
23 appropriate congressional committees, the BSVC,
24 and the Comptroller General of the United States,
25 as required under subsection (m). The prohibition

1 described in this paragraph does not apply to the
2 Office of National Drug Control Policy.

3 (j) METRICS FOR SECURING THE MARITIME BOR-
4 DER.—

5 (1) IN GENERAL.—Not later than 120 days
6 after the date of the enactment of this Act and an-
7 nually thereafter, the Commandant of the United
8 States Coast Guard and the Assistant Commissioner
9 for the Office of Air and Marine for U.S. Customs
10 and Border Protection shall jointly implement
11 metrics, informed by situational awareness, to meas-
12 ure the effectiveness of security in the maritime en-
13 vironment, which shall include, at a minimum, the
14 following:

15 (A) An estimate of the total number of un-
16 documented migrants the Department of Home-
17 land Security’s maritime security components
18 fail to interdict.

19 (B) An undocumented migrant interdiction
20 rate which measures the flow of undocumented
21 migrants interdicted against the total estimated
22 number of undocumented migrants the Depart-
23 ment of Homeland Security’s maritime security
24 components fail to interdict.

1 (C) An illicit drugs removal rate which
2 measures the amount and type of illicit drugs
3 removed by the Department of Homeland Secu-
4 rity's maritime security components inside a
5 transit zone in any fiscal year compared to an
6 average of the amount and type of illicit drugs
7 removed by the Department of Homeland Secu-
8 rity's maritime security components inside a
9 transit zone for the immediately preceding five
10 fiscal years.

11 (D) An illicit drugs removal rate which
12 measures the amount and type of illicit drugs
13 removed by the Department of Homeland Secu-
14 rity's maritime security components outside a
15 transit zone in any fiscal year compared to an
16 average of the amount and type of illicit drugs
17 removed by the Department of Homeland Secu-
18 rity's maritime security components outside a
19 transit zone for the immediately preceding five
20 fiscal years.

21 (E) A cocaine removal effectiveness rate
22 inside a transit zone.

23 (F) A cocaine removal effectiveness rate
24 outside a transit zone.

1 (G) A response rate which measures the
2 ability of the maritime security components of
3 the Department of Homeland Security to re-
4 spond to and resolve known maritime threats,
5 both inside and outside a transit zone, by plac-
6 ing assets on-scene, compared to the total num-
7 ber of events with respect to which the Depart-
8 ment has known threat information.

9 (2) METRICS CONSULTATION.—In developing
10 the metrics required under paragraph (1), the Com-
11 mandant of the Coast Guard and the Assistant
12 Commissioner for Air and Marine shall consult with
13 staff members of the Office of Policy at the Depart-
14 ment of Homeland Security and staff members of
15 the Office of the Chief Financial Officer of the De-
16 partment of Homeland Security. Such staff members
17 may not be political appointees.

18 (3) METRICS NOT REVIEWABLE.—The metrics
19 required under paragraph (1) may not be reviewed
20 or otherwise amended by the President, any staff
21 employed by the Executive Office of the President,
22 the Secretary of Homeland Security, the Deputy
23 Secretary of Homeland Security, the Commissioner
24 of U.S. Customs and Border Protection, or the Dep-
25 uty Commissioner of U.S. Customs and Border Pro-

1 tection before the submission of such metrics to the
2 appropriate congressional committees, the BSVC,
3 and the Comptroller General of the United States,
4 as required under subsection (m). The prohibition
5 described in this paragraph does not apply to the
6 Office of National Drug Control Policy.

7 (k) AIR AND MARINE SECURITY METRICS IN THE
8 LAND DOMAIN.—

9 (1) IN GENERAL.—Not later than 120 days
10 after the date of the enactment of this Act and an-
11 nually thereafter, the Assistant Commissioner for
12 the Office of Air and Marine for U.S. Customs and
13 Border Protection shall implement metrics, informed
14 by situational awareness, to measure the effective-
15 ness of security in the aviation environment, which
16 shall include, at a minimum, the following:

17 (A) A requirement effectiveness rate which
18 measures U.S. Customs and Border Protec-
19 tion’s Office of Air and Marine flight hours re-
20 quirements against the number of flight hours
21 actually flown by such Office.

22 (B) A funded flight hours effectiveness
23 rate which measures the number of funded
24 flight hours appropriated to U.S. Customs and
25 Border Protection’s Office of Air and Marine

1 against the number of actual flight hours flown
2 by such Office.

3 (C) A readiness rate which measures the
4 number of aviation missions flown by U.S. Cus-
5 toms and Border Protection’s Office of Air and
6 Marine against the number of aviation missions
7 cancelled by such Office due to weather, main-
8 tenance, operations, or other causes.

9 (D) The number of subjects detected by
10 U.S. Customs and Border Protection’s Office of
11 Air and Marine through the use of unmanned
12 aerial systems.

13 (E) The number of apprehensions assisted
14 by U.S. Customs and Border Protection’s Of-
15 fice of Air and Marine through the use of un-
16 manned aerial systems.

17 (F) The number and quantity of illicit
18 drug seizures assisted by U.S. Customs and
19 Border Protection’s Office of Air and Marine
20 through the use of unmanned aerial systems.

21 (2) METRICS CONSULTATION.—In developing
22 the metrics required under paragraph (1), the As-
23 sistant Commissioner for Air and Marine shall con-
24 sult with staff members of the Office of Policy at the
25 Department of Homeland Security and staff mem-

1 bers of the Office of the Chief Financial Officer of
2 the Department of Homeland Security. Such staff
3 members may not be political appointees.

4 (3) METRICS NOT REVIEWABLE.—The metrics
5 required under paragraph (1) may not be reviewed
6 or otherwise amended by the President, any staff
7 employed by the Executive Office of the President,
8 the Secretary of Homeland Security, the Deputy
9 Secretary of Homeland Security, the Commissioner
10 of U.S. Customs and Border Protection, or the Dep-
11 uty Commissioner of U.S. Customs and Border Pro-
12 tection before the submission to the appropriate con-
13 gressional committees, the BSVC, and the Comp-
14 troller General of the United States, as required
15 under subsection (m). The prohibition described in
16 this paragraph does not apply to the Office of Na-
17 tional Drug Control Policy.

18 (l) PENALTIES FOR FAILURE TO SUBMIT
19 METRICS.—

20 (1) IN GENERAL.—If any of the officials re-
21 ferred to in subsection (h), (i), (j), or (k) fail to
22 meet any of the deadlines required under any of
23 such subsections, no political appointee of the De-
24 partment of Homeland Security may perform any

1 function described in paragraph (2) until all such of-
2 ficials have meet all of such deadlines.

3 (2) FUNCTIONS DESCRIBED.—The functions de-
4 scribed in this paragraph are the following:

5 (A) Travel using Government aircraft.

6 (B) Receipt of any non-essential training.

7 (C) Receipt of bonus pay, excluding over-
8 time pay.

9 (D) Receipt of any salary increase.

10 (m) EVALUATION BY THE GOVERNMENT ACCOUNT-
11 ABILITY OFFICE.—

12 (1) IN GENERAL.—The metrics required under
13 subsections (h), (i), (j), and (k) shall be made avail-
14 able to the appropriate congressional committees,
15 the BSVC, and the Comptroller General of the
16 United States, together with the data and method-
17 ology used to develop such metrics.

18 (2) REPORT.—Not later than 270 days after re-
19 ceiving the data and methodology referred to in
20 paragraph (1), the Comptroller General of the
21 United States shall submit to the appropriate con-
22 gressional committees and the BSVC a report on the
23 suitability and statistical validity of such data and
24 methodology, and shall make recommendations to
25 the Secretary of Homeland Security for other suit-

1 able metrics that may be used to measure the effec-
2 tiveness of border security. Such report shall inform
3 the BSVC in reviewing the notifications required
4 under subsection (n)(2).

5 (n) BSVC CERTIFICATION OF METRICS AND OPER-
6 ATIONAL CONTROL.—

7 (1) SECRETARY OF HOMELAND SECURITY NOTI-
8 FICATIONS.—

9 (A) TWO YEARS.—If the Secretary of
10 Homeland Security determines that situational
11 awareness and operational control of high traf-
12 fic areas have been achieved by the date that is
13 not later than two years after the date of the
14 enactment of this Act, the Secretary shall,
15 under penalty of perjury, submit to the appro-
16 priate congressional committees and the BSVC
17 a notification that so attests.

18 (B) FIVE YEARS.—If the Secretary of
19 Homeland Security determines that operational
20 control along the southern land border of the
21 United States has been achieved by the date
22 that is not later than five years after the date
23 of the enactment of this Act, the Secretary
24 shall, under penalty of perjury, submit to the

1 appropriate congressional committees and the
2 BSVC a notification that so attests.

3 (C) ANNUAL UPDATES.—Every year begin-
4 ning with the year after the Secretary of Home-
5 land Security submits the notification under
6 subparagraph (B), if the Secretary determines
7 that operational control along the southern land
8 border of the United States is being main-
9 tained, the Secretary shall submit to the appro-
10 priate congressional committees and the BSVC
11 a notification that so attests.

12 (2) BSVC CERTIFICATION.—

13 (A) OPERATIONAL CONTROL REVIEWS.—
14 The BSVC shall review the notifications of the
15 Secretary of Homeland Security under subpara-
16 graphs (A), (B), and (C) of paragraph (1) to
17 assess such notifications relating to the achieve-
18 ment of situational awareness, operational con-
19 trol, or both, as the case may be, in accordance
20 with such subparagraphs.

21 (B) REVIEW OF METRICS.—Beginning with
22 the second annual submission of each of the
23 metrics required under subsection (m) and pur-
24 suant to subsections (h), (i), (j), and (k) and
25 annually thereafter until the termination of the

1 BSVC under section 4(q), the BSVC shall re-
2 view such metrics to assess the statistical valid-
3 ity and methodology of the data used to imple-
4 ment such metrics.

5 (C) REPORTS.—

6 (i) OPERATIONAL CONTROL.—Not
7 later than 120 days after conducting a re-
8 view described in subparagraph (A), the
9 BSVC shall submit to the appropriate con-
10 gressional committees a report on the re-
11 sults of each such review and a certifi-
12 cation of the accuracy of the notification
13 reviewed, in accordance with subparagraph
14 (D).

15 (ii) OPERATIONAL CONTROL NOT
16 ACHIEVED.—If the BSVC determines that
17 any notification required under subpara-
18 graph (A), (B), or (C) of paragraph (1) is
19 not accurate, the BSVC shall include in
20 the report under clause (i) an explanation
21 of why situational awareness, operational
22 control, or both, as the case may be, was
23 not achieved. Such explanation shall in-
24 clude, at a minimum—

25 (I) impediments incurred;

1 (II) potential remedies; and

2 (III) recommendations to achieve
3 situational awareness, operational
4 control, or both, as the case may be.

5 (iii) METRICS.—Not later than 120
6 days after conducting a review described in
7 subparagraph (B), the BSVC shall submit
8 to the appropriate congressional commit-
9 tees a report on the results of each such
10 review and a determination of the accuracy
11 of the metrics implemented under sub-
12 sections (h), (i), (j), and (k).

13 (D) OPERATIONAL CONTROL CERTIFI-
14 CATION.—

15 (i) IN GENERAL.—For purposes of
16 subparagraph (C)(i), the BSVC shall cer-
17 tify the accuracy of a notification of the
18 Secretary if four members of the BSVC
19 vote that such certification is accurate.

20 (ii) PUBLIC VOTING.—A vote referred
21 to under clause (i) shall be conducted in
22 public.

23 (iii) CONSULTATION.—Before con-
24 ducting a vote referred to in clause (i), the
25 BSVC shall consult with the governors of

1 each southern border State, representatives
2 of the National Border Patrol Council, and
3 relevant State and local government agen-
4 cies that have jurisdiction on the southern
5 border.

6 (E) METRICS DETERMINATION.—For pur-
7 poses of subparagraph (C)(iii), the BSVC shall
8 concur in the accuracy of the metrics required
9 under subsections (h), (i), (j), and (k) if four
10 members of the BSVC vote that such certifi-
11 cation is accurate.

12 (o) FAILURE TO ACHIEVE OPERATIONAL CON-
13 TROL.—

14 (1) PENALTIES.—

15 (A) IN GENERAL.—If the Secretary of
16 Homeland Security determines that situational
17 awareness, operational control, or both, as the
18 case may be, has not been achieved by the dates
19 referred to in subsection (n)(1) (and thus fails
20 to submit a notification to the BSVC), or if the
21 BSVC determines pursuant to subsection (n)(2)
22 that the Secretary has failed to achieve situa-
23 tional awareness and operational control of high
24 traffic areas or has failed to achieve operational
25 control along the southern border by such re-

1 spective dates, no political appointee of the De-
2 partment of Homeland Security may perform
3 any function described in subparagraph (B)
4 until the BSVC certifies that the Secretary has
5 achieved such situational awareness, operational
6 control, or both, as the case may be.

7 (B) FUNCTIONS DESCRIBED.—The func-
8 tions described in this subparagraph are each of
9 the following:

10 (i) Travel using Government aircraft.

11 (ii) Receipt of any non-essential train-
12 ing, including conferences.

13 (iii) Receipt of bonus pay, excluding
14 overtime pay.

15 (iv) Receipt of any salary increase.

16 (2) NATIONAL SECURITY EXCEPTION.—The
17 Secretary of Homeland Security may waive the trav-
18 el prohibition in paragraph (1)(B)(i) if the Secretary
19 determines and notifies the appropriate congres-
20 sional committees that—

21 (A) such a waiver is in the national secu-
22 rity interests of the United States; or

23 (B) such travel is being carried out to
24 achieve operational control of the southern bor-
25 der of the United States.

1 (3) FURTHER ACTION REQUIRED.—If the Sec-
2 retary of Homeland Security determines that situa-
3 tion awareness, operational control, or both, as the
4 case may be, has not been achieved by the dates re-
5 ferred to in subsection (n)(1) (and thus fails to sub-
6 mit a notification to the BSVC), or if the BSVC de-
7 termines pursuant to subsection (n)(2) that the Sec-
8 retary has failed to achieve situational awareness
9 and operational control of high traffic areas or fails
10 to achieve operational control along the southern
11 border by such respective dates, the Secretary of
12 Homeland Security shall, within 180 days, submit to
13 the appropriate congressional committees and the
14 BSVC and implement a revised plan to achieve situ-
15 ational awareness, operational control, or both, as
16 the case may be, that adopts the recommendations
17 of the BSVC referred to in subsection
18 (n)(2)(C)(ii)(III).

19 (p) REPORTS.—Not later than 60 days after the date
20 of the enactment of this Act and annually thereafter, the
21 Secretary of Homeland Security shall submit to the appro-
22 priate congressional committees a report that includes
23 each of the following:

24 (1) A resource allocation model for current and
25 future year staffing requirements that includes opti-

1 mal staffing levels at all land, air, and sea ports of
2 entry, and an explanation of U.S. Customs and Bor-
3 der Protection methodology for aligning staffing lev-
4 els and workload to threats and vulnerabilities and
5 their effects on cross border trade and passenger
6 travel across all mission areas.

7 (2) Detailed information on the level of man-
8 power available at all land, air, and sea ports of
9 entry and between ports of entry, including the num-
10 ber of canine and agricultural specialists assigned to
11 each such port of entry.

12 (3) Detailed information describing the dif-
13 ference between the staffing the model suggests and
14 the actual staffing at each port of entry and between
15 the ports of entry.

16 (4) Monthly per passenger wait times, including
17 data on per passenger processing wait times at all
18 land, air, and sea ports of entry.

19 (5) A description of the infrastructure, security
20 resources, and other measures that are necessary to
21 achieve substantial reductions in the average wait
22 times of vehicles at land border ports of entry.

1 **SEC. 4. ESTABLISHMENT OF BORDER SECURITY**
2 **VERIFICATION COMMISSION.**

3 (a) **IN GENERAL.**—There is established a Border Se-
4 curity Verification Commission (in this Act referred to as
5 the “BSVC”).

6 (b) **PURPOSE.**—The BSVC shall certify the accuracy
7 of the notifications regarding situational awareness and
8 operational control required from the Secretary pursuant
9 to section 3(n).

10 (c) **COMPOSITION.**—The BSVC shall be composed
11 of—

12 (1) the head of a national laboratory within the
13 Department of Homeland Security laboratory net-
14 work with prior expertise in border security, ap-
15 pointed by the President, in coordination with the
16 Speaker and minority leader of the House of Rep-
17 resentatives and the majority and minority leaders
18 of the Senate;

19 (2) the head of a border security university-
20 based center within the Department of Homeland
21 Security Centers of Excellence network, appointed
22 by the President, in coordination with the Speaker
23 and minority leader of the House of Representatives
24 and the majority and minority leaders of the Senate;
25 and

1 (3) three individuals, appointed by the Presi-
2 dent, based on the recommendations of the special
3 congressional commission on border security estab-
4 lished pursuant to subsection (d).

5 (d) SPECIAL CONGRESSIONAL COMMISSION ON BOR-
6 DER SECURITY.—

7 (1) ESTABLISHMENT.—There is established a
8 special congressional commission on border security
9 (in this subsection referred to as the “commission”).
10 The commission shall determine the criteria for
11 making recommendations for the individuals to be
12 appointed by the President under subsection (c)(3),
13 and shall recommend not more than five individuals
14 for such appointments. The commission shall consist
15 of—

16 (A) the Speaker and minority leader of the
17 House of Representatives;

18 (B) the majority and minority leaders of
19 the Senate;

20 (C) the chairman and ranking member of
21 the Committee on Homeland Security of the
22 House of Representatives; and

23 (D) the chairman and ranking member of
24 the Committee on Homeland Security and Gov-
25 ernmental Affairs of the Senate.

1 (2) VOTING PROCEDURES.—

2 (A) IN GENERAL.—The commission may
3 make a recommendation to the President con-
4 cerning an individual referred to in subsection
5 (c)(3) only if such recommendation is approved
6 by a majority vote of the full membership of the
7 commission.

8 (B) TIE VOTE.—In the event of a tie vote
9 of the commission during its consideration of
10 whether or not to recommend an individual to
11 the President under paragraph (1), the Speaker
12 of the House of Representatives shall cast the
13 deciding vote.

14 (e) QUALIFICATIONS.—The individuals referred to in
15 subsection (c)(3) shall have a minimum of five years pro-
16 fessional experience in law enforcement and border secu-
17 rity.

18 (f) CHAIR.—The BSVC shall be chaired by the indi-
19 vidual referred to in subsection (c)(1).

20 (g) APPOINTMENT.—The members of the BSVC shall
21 be appointed not later than 60 days after the date of the
22 enactment of this Act.

23 (h) PROHIBITION ON COMPENSATION.—Members of
24 the BSVC may not receive pay, allowances, or benefits

1 from the Federal Government by reason of their service
2 on the BSVC.

3 (i) PROHIBITION ON CERTAIN MEMBERSHIP.—Mem-
4 bers of the BSVC may not be current Federal employees
5 or current Members of Congress.

6 (j) SECURITY CLEARANCES.—A member or employee
7 of the BSVC shall receive an appropriate security clear-
8 ance, as determined by the BSVC in consultation with the
9 Secretary of Homeland Security, that is commensurate
10 with the sensitivity of the classified information to which
11 such member or employee will be given access by reason
12 of membership in or employment by the BSVC.

13 (k) MEETINGS.—The BSVC shall meet on the call
14 of the chairperson. The BSVC shall meet and begin oper-
15 ations not later than 180 days after the date of the enact-
16 ment of this Act.

17 (l) PUBLIC HEARINGS.—

18 (1) IN GENERAL.—The BSVC shall hold not
19 fewer than two public hearings each calendar year.

20 (2) WITNESS TESTIMONY.—In holding the
21 hearings required under paragraph (1), the BSVC
22 shall request the public testimony of Federal, State,
23 and local officials, and any private citizen or organi-
24 zation the BSVC determines is relevant to carrying
25 out its mission.

1 (m) QUORUM.—Four members of the BSVC shall
2 constitute a quorum to conduct business, but the BSVC
3 may establish a lesser quorum for conducting hearings
4 scheduled by the BSVC.

5 (n) RULES.—The BSVC may establish by majority
6 vote any other rules for the conduct of business, if such
7 rules are not inconsistent with this Act.

8 (o) VACANCIES.—Any vacancy in the membership of
9 the BSVC shall be filled within 60 days and in the same
10 manner as the original appointment.

11 (p) PERSONNEL MATTERS.—

12 (1) TRAVEL EXPENSES.—The members of the
13 BSVC shall be allowed travel expenses, including per
14 diem in lieu of subsistence, at rates authorized for
15 employees of agencies under subchapter I of chapter
16 57 of title 5, United States Code, while away from
17 their homes or regular places of business in the per-
18 formance of service for the BSVC.

19 (2) DETAIL OF FEDERAL EMPLOYEES.—With
20 the affirmative vote of four of the members of the
21 BSVC, any Federal Government employee, with the
22 approval of the head of the appropriate Federal
23 agency or congressional office, may be detailed to
24 the BSVC without reimbursement, and such detail

1 shall be without interruption or loss of civil service
2 status, salary, benefits, or privileges.

3 (3) OFFICE SPACE AND ASSISTANCE.—Upon
4 the request of the BSVC, the Secretary of Homeland
5 Security shall provide reasonable and appropriate of-
6 fice space, supplies, and administrative assistance.

7 (q) TERMINATION.—The BSVC shall terminate after
8 determining the accuracy of the seventh annual metrics
9 submission required under subsection (n)(2) of section 3.

10 **SEC. 5. REQUIRED CONSEQUENCE.**

11 The Chief of the Border Patrol shall impose a con-
12 sequence for each alien apprehended pursuant to the Bor-
13 der Patrol’s Consequence Delivery System.

14 **SEC. 6. TACTICAL FLEXIBILITY.**

15 The Chief of the Border Patrol may alter the capa-
16 bility deployment referred to in subsection (b) of section
17 3 if the Chief determines, after consultation with the ap-
18 propriate congressional committees, that the principal bor-
19 der security threats referred to in subsection (f)(2)(A) of
20 such section require such alteration.

21 **SEC. 7. DEPLOYMENT OF CERTAIN AVIATION ASSETS TO**
22 **THE SOUTHERN LAND BORDER.**

23 (a) IN GENERAL.—The Secretary of Defense, in col-
24 laboration with the Secretary of Homeland Security, may
25 allocate additional aviation assets of the Department of

1 Defense to the southern land border of the United States
2 to assist the Secretary of Homeland Security in achieving
3 situational awareness and operational control in accord-
4 ance with section 3(a).

5 (b) ADDITIONAL REQUIREMENTS.—

6 (1) PLAN.—Not later than 180 days after the
7 date of the enactment of this Act, the Secretary of
8 Homeland Security shall submit to the appropriate
9 congressional committees and the BSVC a plan for
10 the Department of Homeland Security to acquire
11 and deploy aviation capabilities of the Department
12 along the southern land border of the United States.

13 (2) DHS DEPLOYMENT.—Not later than 180
14 days after the submission of the plan under para-
15 graph (1), the Secretary of Homeland Security shall
16 begin acquiring and deploying to the southern land
17 border of the United States aviation capabilities of
18 the Department of Homeland Security acquired in
19 accordance with such plan.

20 **SEC. 8. U.S. CUSTOMS AND BORDER PROTECTION OFFICER**
21 **AND AGENT AUTHORIZATION.**

22 (a) BORDER PATROL.—The Border Patrol shall
23 maintain an active duty presence of not fewer than 21,370
24 full time equivalent agents.

1 (b) OFFICE OF FIELD OPERATIONS.—The Office of
2 Field Operations of U.S. Customs and Border Protection
3 shall maintain not fewer than 23,775 full time equivalent
4 officers.

5 (c) OFFICE OF AIR AND MARINE.—The Office of Air
6 and Marine of U.S. Customs and Border Protection shall
7 maintain not fewer than 1,675 full time equivalent agents.

8 **SEC. 9. OFFICE OF AIR AND MARINE FLIGHT HOURS.**

9 (a) INCREASED FLIGHT HOURS.—The Secretary of
10 Homeland Security shall ensure not fewer than 130,000
11 annual flight hours of the Office of Air and Marine of U.S.
12 Customs and Border Protection.

13 (b) UNMANNED AERIAL SYSTEMS.—The Office of
14 Air and Marine of U.S. Customs and Border Protection
15 shall operate unmanned aerial systems not less than 16
16 hours per day, seven days per week.

17 **SEC. 10. AIR AND MARINE PRIORITIZATION.**

18 The Assistant Commissioner for the Office of Air and
19 Marine of U.S. Customs and Border Protection shall as-
20 sign the greatest prioritization to support requests from
21 the Chief of the Border Patrol to carry out the require-
22 ments of section 3(a).

1 **SEC. 11. BORDER PATROL FLEXIBILITY.**

2 (a) TRANSFER.—The Chief of the Border Patrol may
3 transfer Border Patrol agents, on a voluntary basis, to
4 high traffic areas, as determined by the Chief.

5 (b) INCENTIVE BONUS.—At the discretion of the
6 Chief of the Border Patrol, a Border Patrol agent may
7 be eligible for an incentive bonus for any transfer carried
8 out pursuant to subsection (a) if the Chief determines that
9 such transfer is critical to the risk-based approach of the
10 Border Patrol to patrolling the international borders of
11 the United States.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section
14 \$30,000,000 for each fiscal year.

15 **SEC. 12. PROHIBITION ON ACTIONS THAT IMPEDE BORDER**
16 **SECURITY ON CERTAIN FEDERAL LAND.**

17 (a) PROHIBITION ON SECRETARIES OF THE INTE-
18 RIOR AND AGRICULTURE.—The Secretary of the Interior
19 or the Secretary of Agriculture shall not impede, prohibit,
20 or restrict activities of U.S. Customs and Border Protec-
21 tion on Federal land located within 100 miles of the
22 United States border with Mexico that is under the juris-
23 diction of the Secretary of the Interior or the Secretary
24 of Agriculture, to execute search and rescue operations,
25 and to prevent all unlawful entries into the United States,
26 including entries by terrorists, other unlawful aliens, in-

1 struments of terrorism, narcotics, and other contraband
2 through such international border. These authorities of
3 U.S. Customs and Border Protection on such Federal land
4 apply whether or not a state of emergency exists.

5 (b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND
6 BORDER PROTECTION.—U.S. Customs and Border Pro-
7 tection shall have immediate access to Federal land within
8 100 miles of the United States border with Mexico that
9 is under the jurisdiction of the Secretary of the Interior
10 or the Secretary of Agriculture for purposes of conducting
11 the following activities on such land to prevent all unlawful
12 entries into the United States, including entries by terror-
13 ists, other unlawful aliens, instruments of terrorism, nar-
14 cotics, and other contraband through such international
15 border:

16 (1) Construction and maintenance of roads.

17 (2) Construction and maintenance of barriers.

18 (3) Use of vehicles to patrol, apprehend, or res-
19 cue.

20 (4) Installation, maintenance, and operation of
21 communications and surveillance equipment and sen-
22 sors.

23 (5) Deployment of temporary tactical infra-
24 structure.

1 (c) CLARIFICATION RELATING TO WAIVER AUTHOR-
2 ITY.—

3 (1) IN GENERAL.—Notwithstanding any other
4 provision of law (including any termination date re-
5 lating to the waiver referred to in this subsection),
6 the waiver by the Secretary of Homeland Security
7 on April 1, 2008, under section 102(e)(1) of the Ille-
8 gal Immigration Reform and Immigrant Responsi-
9 bility Act of 1996 (8 U.S.C. 1103 note; Public Law
10 104–208) of the laws described in paragraph (2)
11 with respect to certain sections of the international
12 border between the United States and Mexico shall
13 be considered to apply to all Federal land under the
14 jurisdiction of the Secretary of the Interior or the
15 Secretary of Agriculture within 100 miles of such
16 international border for the activities of U.S. Cus-
17 toms and Border Protection described in subsection
18 (b).

19 (2) DESCRIPTION OF LAWS WAIVED.—The laws
20 referred to in paragraph (1) are limited to the Wil-
21 derness Act (16 U.S.C. 1131 et seq.), the National
22 Environmental Policy Act of 1969 (42 U.S.C. 4321
23 et seq.), the Endangered Species Act of 1973 (16
24 U.S.C. 1531 et seq.), the National Historic Preser-
25 vation Act (16 U.S.C. 470 et seq.), Public Law 86–

1 523 (16 U.S.C. 469 et seq.), the Act of June 8,
2 1906 (commonly known as the “Antiquities Act of
3 1906”; 16 U.S.C. 431 et seq.), the Wild and Scenic
4 Rivers Act (16 U.S.C. 1271 et seq.), the Federal
5 Land Policy and Management Act of 1976 (43
6 U.S.C. 1701 et seq.), the National Wildlife Refuge
7 System Administration Act of 1966 (16 U.S.C.
8 668dd et seq.), the Fish and Wildlife Act of 1956
9 (16 U.S.C. 742a et seq.), the Fish and Wildlife Co-
10 ordination Act (16 U.S.C. 661 et seq.), subchapter
11 II of chapter 5, and chapter 7, of title 5, United
12 States Code (commonly known as the “Administra-
13 tive Procedure Act”), the National Park Service Or-
14 ganic Act (16 U.S.C. 1 et seq.), the General Au-
15 thorities Act of 1970 (Public Law 91–383) (16
16 U.S.C. 1a–1 et seq.), sections 401(7), 403, and 404
17 of the National Parks and Recreation Act of 1978
18 (Public Law 95–625, 92 Stat. 3467), and the Ari-
19 zona Desert Wilderness Act of 1990 (16 U.S.C.
20 1132 note; Public Law 101–628).

21 (d) PROTECTION OF LEGAL USES.—This section may
22 not be construed to provide—

23 (1) authority to restrict legal uses, such as
24 grazing, hunting, mining, or public-use recreational
25 and backcountry airstrips on land under the jurisdic-

1 tion of the Secretary of the Interior or the Secretary
2 of Agriculture; or

3 (2) any additional authority to restrict legal ac-
4 cess to such land.

5 (e) EFFECT ON STATE AND PRIVATE LAND.—This
6 section shall—

7 (1) have no force or effect on State or private
8 lands; and

9 (2) not provide authority on or access to State
10 or private lands.

11 (f) TRIBAL SOVEREIGNTY.—Nothing in this section
12 supersedes, replaces, negates, or diminishes treaties or
13 other agreements between the United States and Indian
14 tribes.

15 **SEC. 13. BIOMETRIC EXIT DATA SYSTEM.**

16 (a) ESTABLISHMENT.—The Secretary of Homeland
17 Security shall—

18 (1) not later than 180 days after the date of
19 the enactment of this Act, submit to the appropriate
20 congressional committees an implementation plan to
21 establish a biometric exit data system to complete
22 the integrated biometric entry and exit data system
23 required under section 7208 of the Intelligence Re-
24 form and Terrorism Prevention Act of 2004 (8
25 U.S.C. 1365b), including—

1 (A) an integrated master schedule and cost
2 estimate, including requirements and design,
3 development, operational, and maintenance
4 costs, of such a system that takes into account
5 prior reports on such matters issued by the
6 Government Accountability Office and the De-
7 partment of Homeland Security;

8 (B) cost-effective staffing and personnel
9 requirements of such a system that leverages
10 existing resources of the Department of Home-
11 land Security that takes into account prior re-
12 ports on such matters issued by the Govern-
13 ment Accountability Office and the Department
14 of Homeland Security;

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

20 (D) a consideration of how such a system
21 will affect wait times that takes into account
22 prior reports on such matter issued by the Gov-
23 ernment Accountability Office and the Depart-
24 ment of Homeland Security;

1 (E) information received after consultation
2 with private sector stakeholders, including—

3 (i) the trucking industry;

4 (ii) the airport industry;

5 (iii) the airline industry;

6 (iv) the seaport industry;

7 (v) the travel industry; and

8 (vi) the biometric technology industry;

9 (F) a consideration of how trusted traveler
10 programs in existence as of the date of the en-
11 actment of this Act may be impacted by, or in-
12 corporated into, such a system;

13 (G) defined metrics of success and mile-
14 stones;

15 (H) identified risks and mitigation strate-
16 gies to address such risks; and

17 (I) a consideration of how other countries
18 have implemented a biometric exit data system;
19 and

20 (2) not later than two years after the date of
21 the enactment of this Act, establish a biometric exit
22 data system at—

23 (A) the 15 United States airports that
24 support the highest volume of international air

1 travel, as determined by available Federal flight
2 data;

3 (B) the 15 United States seaports that
4 support the highest volume of international sea
5 travel, as determined by available Federal travel
6 data; and

7 (C) the 15 United States land ports of
8 entry that support the highest volume of pedes-
9 trian crossings, as determined by available Fed-
10 eral border crossing data.

11 (b) IMPLEMENTATION.—

12 (1) PILOT PROGRAM AT LAND PORTS OF ENTRY
13 FOR NON-PEDESTRIAN OUTBOUND TRAFFIC.—Not
14 later than one year after the date of the enactment
15 of this Act, the Secretary of Homeland Security, in
16 collaboration with industry stakeholders, shall estab-
17 lish a six-month pilot program to test the biometric
18 exit data system referred to in subsection (a)(2) on
19 non-pedestrian outbound traffic at not fewer than
20 three land ports of entry with significant cross-bor-
21 der traffic, including at not fewer than two land
22 ports of entry on the southern border and at least
23 one land port of entry on the northern border. Such
24 pilot program may include a consideration of more

1 than one biometric mode, and shall be implemented
2 to determine the following:

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

6 (B) The infrastructure required to carry
7 out subparagraph (A).

8 (C) The effects of such pilot program on
9 legitimate travel and trade.

10 (D) The effects of such pilot program on
11 wait times, including processing times, for such
12 non-pedestrian traffic.

13 (E) Its effectiveness in combating ter-
14 rorism.

15 (2) AT LAND PORTS OF ENTRY FOR NON-PE-
16 DESTRIAN OUTBOUND TRAFFIC.—

17 (A) IN GENERAL.—Not later than five
18 years after the date of the enactment of this
19 Act, the Secretary of Homeland Security shall
20 expand the biometric exit data system referred
21 to in subsection (a)(2) to all land ports of
22 entry, and such system shall apply only in the
23 case of non-pedestrian outbound traffic.

24 (B) EXTENSION.—The Secretary of Home-
25 land Security may extend by two years the ini-

1 tial date specified in subparagraph (A), and
2 may renew such extension for a single addi-
3 tional two-year period, if the Secretary certifies
4 to the appropriate congressional committees
5 that the 15 land ports of entry that support the
6 highest volume of passenger vehicles, as deter-
7 mined by available Federal data, do not have
8 the physical infrastructure or characteristics to
9 install the systems necessary to implement a bi-
10 ometric exit data system.

11 (3) AT AIR AND SEA PORTS OF ENTRY.—Not
12 later than five years after the date of the enactment
13 of this Act, the Secretary of Homeland Security
14 shall expand the biometric exit data system referred
15 to in subsection (a)(2) to all air and sea ports of
16 entry.

17 (4) AT LAND PORTS OF ENTRY FOR PEDES-
18 TRIANS.—Not later than five years after the date of
19 the enactment of this Act, the Secretary of Home-
20 land Security shall expand the biometric exit data
21 system referred to in subsection (a)(2) to all land
22 ports of entry, and such system shall apply only in
23 the case of pedestrians.

24 (c) EFFECTS ON AIR, SEA, AND LAND TRANSPOR-
25 TATION.—The Secretary of Homeland Security, in con-

1 sultation with appropriate private sector stakeholders,
2 shall ensure that the collection of biometric data under
3 this section causes the least possible disruption to the
4 movement of people or cargo in air, sea, or land transpor-
5 tation.

6 (d) TERMINATION OF PROCEEDING.—Notwith-
7 standing any other provision of law, the Secretary of
8 Homeland Security shall, on the date of the enactment
9 of this Act, terminate the proceeding entitled “Collection
10 of Alien Biometric Data Upon Exit From the United
11 States at Air and Sea Ports of Departure”, issued on
12 April 24, 2008 (73 C.F.R. 22065; DHS Docket No. 2008–
13 0039).

14 (e) DATA-MATCHING.—The biometric exit data sys-
15 tem established under this section shall—

16 (1) require that the biometric data that is ob-
17 tained for a person upon entry to the United States
18 is matched against the biometric data of such person
19 when such person exits the United States;

20 (2) leverage the infrastructure and databases of
21 the current entry system established pursuant to
22 section 7208 of the Intelligence Reform and Ter-
23 rorism Prevention Act of 2004 (8 U.S.C. 1365b) for
24 the purpose described in paragraph (1); and

1 (3) be interoperable with, and allow matching
2 against, other Federal databases that store bio-
3 metrics of known or suspected terrorists.

4 (f) SCOPE.—

5 (1) IN GENERAL.—The biometric exit data sys-
6 tem established under this section shall include a re-
7 quirement for the collection of biometric exit data
8 for all categories of individuals who are required to
9 provide biometric entry data.

10 (2) EXCEPTION.—This section shall not apply
11 in the case of a citizen of the United States.

12 (g) COLLECTION OF DATA.—The Secretary of Home-
13 land Security may not require any non-Federal person to
14 collect biometric data pursuant to the biometric exit data
15 system established under this section, except through a
16 contractual agreement.

17 (h) MULTI-MODAL COLLECTION.—In carrying out
18 subsections (a)(1) and (b), the Secretary of Homeland Se-
19 curity shall make every effort to collect biometric data
20 using additional modes of biometric technology.

21 (i) PENALTIES FOR FAILURE TO MEET DEAD-
22 LINES.—

23 (1) BIOMETRIC EXIT DATA SYSTEM.—If the
24 Secretary fails to meet any of the following require-
25 ments by the applicable deadline, no political ap-

1 pointee of the Department of Homeland Security
2 may perform any function described in paragraph
3 (2) until the Secretary has complied with the re-
4 quirement:

5 (A) The submission of the implementation
6 plan under subsection (a)(1).

7 (B) The establishment of a biometric exit
8 data system under subsection (a)(2).

9 (C) The establishment a six-month pilot
10 program to test such biometric exit data system
11 under subsection (b)(1)(A).

12 (D) The expansion of such biometric exit
13 data system under subsection (b)(2)(A).

14 (E) Any extension of the deadline for such
15 expansion authorized by the Secretary under
16 subsection (b)(2)(B)(ii).

17 (2) FUNCTIONS DESCRIBED.—The functions de-
18 scribed in this subparagraph are each of the fol-
19 lowing:

20 (A) Travel using government aircraft.

21 (B) Receipt of any non-essential training.

22 (C) Receipt of bonus pay, excluding over-
23 time pay.

24 (D) Receipt of any salary increase.

1 **SEC. 14. NORTHERN BORDER THREAT ANALYSIS.**

2 (a) IN GENERAL.—Not later than six months after
3 the date of the enactment of this Act, the Secretary of
4 Homeland Security shall submit to the appropriate con-
5 gressional committees a northern border threat analysis.
6 Such analysis, at a minimum, shall include the following:

7 (1) An analysis of current and potential ter-
8 rorism threats posed by individuals seeking to enter
9 the United States through the northern border.

10 (2) An analysis of improvements needed at
11 ports of entry along the northern border to prevent
12 terrorists and instruments of terror from entering
13 the United States.

14 (3) An analysis of gaps in law, policy, inter-
15 national agreements, or tribal agreements that
16 hinder the border security and counter-terrorism ef-
17 forts along the northern border.

18 (4) An analysis of unlawful cross border activity
19 between ports of entry, including the maritime bor-
20 ders of the Great Lakes.

21 (b) CLASSIFIED THREAT ANALYSIS.—The threat
22 analysis required under subsection (a) may be submitted
23 in classified form, if the Secretary of Homeland Security
24 determines that such is appropriate.

1 **SEC. 15. OPERATION STONEGARDEN PROGRAM.**

2 (a) IN GENERAL.—Title XX of the Homeland Secu-
3 rity Act of 2002 (6 U.S.C. 601 et seq.) is amended by
4 adding the following new subtitle:

5 **“Subtitle C—Other Grant Programs**

6 **“SEC. 2031. OPERATION STONEGARDEN.**

7 “(a) ESTABLISHMENT.—There is established in the
8 Department a program to be known as ‘Operation
9 Stonegarden’. Under such program, the Secretary, acting
10 through the Administrator, shall make grants to eligible
11 law enforcement agencies to enhance border security in ac-
12 cordance with this section.

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

16 “(1) be located in—

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

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

21 “(2) be involved in an active ongoing U.S. Cus-
22 toms and Border Protection operation coordinated
23 through a sector office.

24 “(c) PERMITTED USES.—The recipient of a grant
25 under this section may use the grant for any of the fol-
26 lowing activities:

1 “(1) Equipment, including maintenance and
2 sustainment costs.

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

6 “(3) Any activity permitted under the Depart-
7 ment of Homeland Security’s Fiscal Year 2014
8 Funding Opportunity Announcement for Operation
9 Stonegarden.

10 “(4) Any other appropriate activity, as deter-
11 mined by the Administrator.

12 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
13 is authorized to be appropriated \$110,000,000 for each
14 of fiscal years 2015 through 2019 for grants under this
15 section.

16 “(e) REPORT.—The Administrator shall annually
17 submit to the Committee on Homeland Security and Gov-
18 ernmental Affairs of the Senate and the Committee on
19 Homeland Security of the House of Representatives a re-
20 port containing information on the expenditure of grants
21 made under this section by each grant recipient.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 in section 1(b) of such Act is amended by inserting after
24 the items relating to subtitle B of title XX the following
25 new items:

“Sec. 2031. Operation Stonegarden.”.

1 **SEC. 16. SALE OR DONATION OF EXCESS PERSONAL PROP-**
2 **ERTY FOR BORDER SECURITY ACTIVITIES.**

3 Section 2576a of title 10, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1)(A), by striking
7 “counter-drug and counter-terrorism activities”
8 and inserting “counterdrug, counterterrorism,
9 and border security activities”; and

10 (B) in paragraph (2), by striking “the At-
11 torney General and the Director of National
12 Drug Control Policy” and inserting “the Attor-
13 ney General, the Director of National Drug
14 Control Policy, and the Secretary of Homeland
15 Security, as appropriate.”; and

16 (2) in subsection (d), by striking “counter-drug
17 or counter-terrorism activities” and inserting
18 “counterdrug, counterterrorism, or border security
19 activities”.

20 **SEC. 17. REIMBURSEMENT OF STATES FOR DEPLOYMENT**
21 **OF NATIONAL GUARD TO THE SOUTHERN**
22 **BORDER.**

23 (a) REIMBURSEMENT AUTHORIZED.—The Secretary
24 of Defense shall reimburse States for the cost of the de-

1 ployment of any units or personnel of the National Guard
2 to perform operations and missions under State Active
3 Duty status in support of a southern border mission.

4 (b) LIMITATION.—The total amount of reimburse-
5 ments under subsection (a) for any fiscal year may not
6 exceed \$35,000,000.

7 **SEC. 18. DEFINITIONS.**

8 In this Act:

9 (1) **ADVANCED UNATTENDED SURVEILLANCE**
10 **SENSORS.**—The term “advanced unattended surveil-
11 lance sensors” means sensors that utilize an onboard
12 computer to analyze detections in an effort to dis-
13 cern between vehicles, humans, and animals, and ul-
14 timately filter false positives prior to transmission.

15 (2) **APPROPRIATE CONGRESSIONAL COMMIT-**
16 **TEES.**—The term “appropriate congressional com-
17 mittees” means the Committee on Homeland Secu-
18 rity of the House of Representatives and the Com-
19 mittee on Homeland Security and Governmental Af-
20 fairs of the Senate.

21 (3) **COCAINE REMOVAL EFFECTIVENESS**
22 **RATE.**—The term “cocaine removal effectiveness
23 rate” means the percentage that results from divid-
24 ing the amount of cocaine removed by the Depart-
25 ment of Homeland Security’s maritime security com-

1 ponents inside or outside a transit zone, as the case
2 may be, by the total documented cocaine flow rate
3 as contained in Federal drug databases.

4 (4) CONSEQUENCE DELIVERY SYSTEM.—The
5 term “Consequence Delivery System” means the se-
6 ries of consequences applied to persons unlawfully
7 entering the United States by the Border Patrol to
8 prevent unlawful border crossing recidivism.

9 (5) GOT AWAY.—The term “got away” means
10 an unlawful border crosser who, after making an un-
11 lawful entry into the United States, is not turned
12 back or apprehended.

13 (6) HIGH TRAFFIC AREAS.—The term “high
14 traffic areas” means sectors along the northern and
15 southern borders of the United States that are with-
16 in the responsibility of the Border Patrol that have
17 significant unlawful cross-border activity, informed
18 through situational awareness.

19 (7) UNLAWFUL BORDER CROSSING EFFECTIVE-
20 NESS RATE.—The term “unlawful border crossing
21 effectiveness rate” means the percentage that results
22 from dividing the number of apprehensions and turn
23 backs by the number of apprehensions, turn backs,
24 and got aways. The data used by the Secretary of
25 Homeland Security to determine such rate shall be

1 collected and reported in a consistent and standard-
2 ized manner across all Border Patrol sectors, in-
3 formed by situational awareness.

4 (8) MAJOR VIOLATOR.—The term “major viola-
5 tor” means a person or entity that has engaged in
6 serious criminal activities at any land, air, or sea
7 port of entry, including possession of illicit drugs,
8 smuggling of prohibited products, human smuggling,
9 weapons possession, use of fraudulent United States
10 documents, or other offenses serious enough to re-
11 sult in arrest.

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

16 (10) SITUATIONAL AWARENESS.—The term
17 “situational awareness” means knowledge and an
18 understanding of current unlawful cross-border ac-
19 tivity, including cross-border threats and trends con-
20 cerning illicit trafficking and unlawful crossings
21 along the international borders of the United States,
22 the ability to forecast future shifts in such threats
23 and trends, and the operational capability to conduct
24 continuous and integrated surveillance of the inter-
25 national borders of the United States.

1 (11) TRANSIT ZONE.—The term “transit zone”
2 means the sea corridors of the western Atlantic
3 Ocean, the Gulf of Mexico, the Caribbean Sea, and
4 the eastern Pacific Ocean through which undocu-
5 mented migrants and illicit drugs transit, either di-
6 rectly or indirectly, to the United States.

7 (12) TURN BACK.—The term “turn back”
8 means an unlawful border crosser who, after making
9 an unlawful entry into the United States, returns to
10 the country from which such crosser entered.

11 **SEC. 19. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated for each of
13 fiscal years 2016 through 2025 \$1,000,000,000 to carry
14 out this Act and the amendments made by this Act.

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