

115TH CONGRESS
1ST SESSION

S. 146

To strengthen accountability for deployment of border security technology
at the Department of Homeland Security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 12, 2017

Mr. MCCAIN introduced the following bill; which was read twice and referred
to the Committee on Homeland Security and Governmental Affairs

A BILL

To strengthen accountability for deployment of border security
technology at the Department of Homeland Security,
and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Border Security Tech-
5 nology Accountability Act of 2017”.

6 **SEC. 2. BORDER SECURITY TECHNOLOGY ACCOUNT-**
7 **ABILITY.**

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

1 **“SEC. 434. BORDER SECURITY TECHNOLOGY PROGRAM**
2 **MANAGEMENT.**

3 “(a) PLANNING DOCUMENTATION.—For each border
4 security technology acquisition program of the Depart-
5 ment that is determined to be a major acquisition pro-
6 gram, the Secretary shall—

7 “(1) ensure that each such program has a writ-
8 ten acquisition program baseline approved by the
9 relevant acquisition decision authority;

10 “(2) document that each such program is meet-
11 ing cost, schedule, and performance thresholds as
12 specified in such baseline, in compliance with rel-
13 evant departmental acquisition policies and the Fed-
14 eral Acquisition Regulation; and

15 “(3) have a plan for meeting program imple-
16 mentation objectives by managing contractor per-
17 formance.

18 “(b) ADHERENCE TO STANDARDS.—The Secretary,
19 acting through the Under Secretary for Management and
20 the Commissioner of U.S. Customs and Border Protection,
21 shall ensure that border security technology acquisition
22 program managers who are responsible for carrying out
23 this section adhere to relevant internal control standards
24 identified by the Comptroller General of the United
25 States. The Commissioner shall provide information, as
26 needed, to assist the Under Secretary in monitoring prop-

er program management of border security technology acquisition programs under this section.

“(c) PLAN.—The Secretary, acting through the Under Secretary for Management, and in coordination with the Under Secretary for Science and Technology and the Commissioner of U.S. Customs and Border Protection, shall submit a plan to the appropriate congressional committees for testing and evaluation, and the use of independent verification and validation resources, for border security technology so that new border security technologies are evaluated through a series of assessments, processes, and audits to ensure—

“(1) compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

“(2) the effectiveness of taxpayer dollars.

“(d) MAJOR ACQUISITION PROGRAM DEFINED.—In this section, the term ‘major acquisition program’ means a Department acquisition program that is estimated by the Secretary to require an eventual total expenditure of at least \$300,000,000 (based on fiscal year 2017 constant dollars) over its life cycle cost.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 433 the following:

“Sec. 434. Border security technology program management.”.

1 **SEC. 3. PROHIBITION ON ADDITIONAL AUTHORIZATION OF**
2 **APPROPRIATIONS.**

3 No additional funds are authorized to be appro-
4 priated to carry out this Act or the amendments made
5 by this Act. This Act and such amendments shall be car-
6 ried out using amounts otherwise available for such pur-
7 poses.

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