

Calendar No. 379

115TH CONGRESS
2D SESSION

S. 146

[Report No. 115–230]

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 (for himself, Ms. HASSAN, and Mrs. MCCASKILL) introduced the
following bill; which was read twice and referred to the Committee on
Homeland Security and Governmental Affairs

APRIL 16, 2018

Reported by Mr. JOHNSON, without amendment

A BILL

To strengthen accountability for deployment of border secu-
rity 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”.

1 **SEC. 2. BORDER SECURITY TECHNOLOGY ACCOUNT-**
2 **ABILITY.**

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:

6 **“SEC. 434. BORDER SECURITY TECHNOLOGY PROGRAM**
7 **MANAGEMENT.**

8 “(a) PLANNING DOCUMENTATION.—For each border
9 security technology acquisition program of the Depart-
10 ment that is determined to be a major acquisition pro-
11 gram, the Secretary shall—

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

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

20 “(3) have a plan for meeting program imple-
21 mentation objectives by managing contractor per-
22 formance.

23 “(b) ADHERENCE TO STANDARDS.—The Secretary,
24 acting through the Under Secretary for Management and
25 the Commissioner of U.S. Customs and Border Protection,
26 shall ensure that border security technology acquisition

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

8 “(c) PLAN.—The Secretary, acting through the
9 Under Secretary for Management, and in coordination
10 with the Under Secretary for Science and Technology and
11 the Commissioner of U.S. Customs and Border Protection,
12 shall submit a plan to the appropriate congressional com-
13 mittees for testing and evaluation, and the use of inde-
14 pendent verification and validation resources, for border
15 security technology so that new border security tech-
16 nologies are evaluated through a series of assessments,
17 processes, and audits to ensure—

18 “(1) compliance with relevant departmental ac-
19 quisition policies and the Federal Acquisition Regu-
20 lation; and

21 “(2) the effectiveness of taxpayer dollars.

22 “(d) MAJOR ACQUISITION PROGRAM DEFINED.—In
23 this section, the term ‘major acquisition program’ means
24 a Department acquisition program that is estimated by
25 the Secretary to require an eventual total expenditure of

1 at least \$300,000,000 (based on fiscal year 2017 constant
2 dollars) over its life cycle cost.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 of the Homeland Security Act of 2002 is amended by in-
5 serting after the item relating to section 433 the following:

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

6 **SEC. 3. PROHIBITION ON ADDITIONAL AUTHORIZATION OF**
7 **APPROPRIATIONS.**

8 No additional funds are authorized to be appro-
9 priated to carry out this Act or the amendments made
10 by this Act. This Act and such amendments shall be car-
11 ried out using amounts otherwise available for such pur-
12 poses.

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