

116TH CONGRESS
1ST SESSION

S. 404

To require the Commissioner of U.S. Customs and Border Protection to acquire and enhance technology and assets in rural or remote areas near the southern border and to establish an Agent Mobility Demonstration Program.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2019

Mr. HEINRICH (for himself and Mr. UDALL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require the Commissioner of U.S. Customs and Border Protection to acquire and enhance technology and assets in rural or remote areas near the southern border and to establish an Agent Mobility Demonstration Program.

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 “Remote Areas Border
5 Security Enhancements Act”.

1 **SEC. 2. DEFINED TERM.**

2 In this Act, the term “rural or remote area” means
3 an area within the United States along the international
4 border between the United States and Mexico that is not
5 within an area defined and designated by the Bureau of
6 the Census as an urbanized area.

7 **SEC. 3. BORDER SECURITY ENHANCEMENTS IN MOUN-**
8 **TAINOUS, HIGH DESERT, AND BACKCOUNTRY**
9 **TERRAIN.**

10 (a) IN GENERAL.—Notwithstanding section 102 of
11 the Illegal Immigration Reform and Immigrant Responsi-
12 bility Act of 1996 (8 U.S.C. 1103 note; Public Law 104–
13 208), the Secretary of Homeland Security may not begin
14 the construction of any infrastructure project (including
15 a pedestrian fence, vehicle barrier, levee, gate, wall, fence,
16 road, or port of entry) along the international border be-
17 tween the United States and Mexico until—

18 (1) the Comptroller General of the United
19 States conducts a study that evaluates the need for
20 enhanced technology and maintenance on existing
21 equipment and other resources in rural or remote
22 areas, prioritizing mountainous, high desert, and
23 backcountry areas, including the estimated costs for
24 carrying out the activities described in paragraph
25 (2); and

1 (2) the Commissioner of U.S. Customs and
2 Border Protection—

3 (A) increases the use of advanced detection
4 and surveillance technology;

5 (B) acquires fixed and mobile technology
6 assets, including night vision technology;

7 (C) increases and improves interoperable
8 communications;

9 (D) acquires and deploys such additional
10 horses and off-road vehicles, including all-ter-
11 rain vehicles, as may be necessary to provide
12 for enhanced security in rural or remote areas
13 near the international border between the
14 United States and Mexico;

15 (E) increases and upgrades facilities to the
16 extent necessary to accommodate personnel and
17 asset needs, including horse patrol facilities;
18 and

19 (F) performs any maintenance and care
20 that may be necessary to preserve the oper-
21 ational capability of all mountainous, high
22 desert, and backcountry assets, including tech-
23 nology assets, vehicles, forward operating bases,
24 and horse patrol facilities.

1 (b) REQUIREMENTS.—In carrying out subsection (a),
2 the Commissioner shall—

3 (1) consult with agents in the field; and

4 (2) prioritize the deployment of such technology
5 based on the needs of remote stations and forward
6 operating bases in rural or remote areas near the
7 international border between the United States and
8 Mexico.

9 **SEC. 4. REPORT.**

10 Not later than 1 year after the date of the enactment
11 of this Act, the Commissioner shall submit a report to the
12 appropriate congressional committees that describes the
13 implementation of section 3, including—

14 (1) the assets deployed in rural or remote areas
15 near the international border between the United
16 States and Mexico; and

17 (2) the expenditures incurred to acquire and de-
18 ploy such assets.

19 **SEC. 5. AGENT MOBILITY DEMONSTRATION PROGRAM.**

20 (a) IN GENERAL.—The Secretary of Homeland Secu-
21 rity shall establish a 5-year pilot program in the El Paso
22 Sector, to be known as the “Agent Mobility Program”,
23 under which agents assigned within the El Paso Sector
24 may laterally transfer to a designated, hard-to-fill station
25 within the El Paso Sector for a period of at least 3 years.

1 (b) COMPLETION OF SERVICE.—Any agent who com-
2 pletes 3 years of service at a hard-to-fill station to which
3 he or she transferred under the program established under
4 paragraph (1)—

5 (1) shall be presented to the selecting officer as
6 a preferred agent; and

7 (2) shall be eligible to transfer to 1 of 3 border
8 patrol stations in the El Paso Sector of his or her
9 choice that has an opening at the time of such
10 transfer.

11 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

12 In addition to amounts otherwise authorized to be ap-
13 propriated, there is authorized to be appropriated, to U.S.
14 Customs and Border Protection, the amount determined
15 to be necessary under the study required under section
16 3(a)(1) to carry out the activities described in section
17 3(a)(2).

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