

Calendar No. 406

114TH CONGRESS
2D SESSION**S. 1873****[Report No. 114–234]**

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

JULY 28, 2015

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

APRIL 4, 2016

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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 2015”.

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 new section:

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

8 “(a) PLANNING DOCUMENTATION.—Each border se-
 9 curity technology acquisition program of the Department
 10 with a significant lifecycle cost estimate shall—

11 “(1) have written documentation demonstrating
 12 that each such program has an acquisition program
 13 baseline approved by the relevant acquisition deci-
 14 sion authority; and

15 “(2) demonstrate that each such program is
 16 meeting agreed-upon cost, schedule, and perform-
 17 ance thresholds, in compliance with the Federal Ac-
 18 quisition Regulation.

19 “(b) ADHERENCE TO STANDARDS.—The Under Sec-
 20 retary for Management, in coordination with the Commis-
 21 sioner of U.S. Customs and Border Protection, shall en-
 22 sure border security technology acquisition program man-
 23 agers who are responsible for carrying out this section ad-
 24 here to relevant internal control standards identified by
 25 the Comptroller General of the United States. The Com-
 26 missioner shall provide information, as needed, to assist

1 the Under Secretary in monitoring proper program man-
 2 agement of border security technology acquisition pro-
 3 grams under this section.

4 “(c) PLAN.—The Under Secretary for Management,
 5 in coordination with the Commissioner of U.S. Customs
 6 and Border Protection, shall submit to the appropriate
 7 congressional committees a plan for testing and evalua-
 8 tion, as well as the use of independent verification and
 9 validation resources, for border security technology so that
 10 new border security technologies are evaluated through a
 11 series of assessments, processes, and audits to ensure the
 12 effectiveness of taxpayer dollars.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
 14 of the Homeland Security Act of 2002 is amended by in-
 15 serting after the item relating to section 433 the following
 16 new item:

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

17 **SEC. 3. PROHIBITION ON ADDITIONAL AUTHORIZATION OF**
 18 **APPROPRIATIONS.**

19 No additional funds are authorized to be appro-
 20 priated to carry out this Act and the amendments made
 21 by this Act. This Act and such amendments shall be ear-
 22 ried out using amounts otherwise available for such pur-
 23 poses.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Border Security Tech-*
 3 *nology Accountability Act of 2015”.*

4 **SEC. 2. BORDER SECURITY TECHNOLOGY ACCOUNTABILITY.**

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

8 **“SEC. 434. BORDER SECURITY TECHNOLOGY PROGRAM**
 9 **MANAGEMENT.**

10 *“(a) PLANNING DOCUMENTATION.—For each border se-*
 11 *curity technology acquisition program of the Department*
 12 *that is determined to be a major acquisition program, the*
 13 *Secretary shall—*

14 *“(1) ensure that each such program has a writ-*
 15 *ten acquisition program baseline approved by the rel-*
 16 *evant acquisition decision authority;*

17 *“(2) document that each such program is meet-*
 18 *ing cost, schedule, and performance thresholds as spec-*
 19 *ified in such baseline, in compliance with relevant de-*
 20 *partmental acquisition policies and the Federal Ac-*
 21 *quisition Regulation; and*

22 *“(3) have a plan for meeting program implemen-*
 23 *tation objectives by managing contractor performance.*

24 *“(b) ADHERENCE TO STANDARDS.—The Secretary,*
 25 *acting through the Under Secretary for Management and*
 26 *the Commissioner of U.S. Customs and Border Protection,*

1 *shall ensure border security technology acquisition program*
 2 *managers who are responsible for carrying out this section*
 3 *adhere to relevant internal control standards identified by*
 4 *the Comptroller General of the United States. The Commis-*
 5 *sioner shall provide information, as needed, to assist the*
 6 *Under Secretary in monitoring proper program manage-*
 7 *ment of border security technology acquisition programs*
 8 *under this section.*

9 “(c) *PLAN.—The Secretary, acting through the Under*
 10 *Secretary for Management, in coordination with the Under*
 11 *Secretary for Science and Technology and the Commis-*
 12 *sioner of U.S. Customs and Border Protection, shall submit*
 13 *to the appropriate congressional committees a plan for test-*
 14 *ing and evaluation, as well as the use of independent*
 15 *verification and validation resources, for border security*
 16 *technology so that new border security technologies are eval-*
 17 *uated through a series of assessments, processes, and audits*
 18 *to ensure compliance with relevant departmental acquisi-*
 19 *tion policies and the Federal Acquisition Regulation, as*
 20 *well as the effectiveness of taxpayer dollars.*

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

1 *least \$300,000,000 (based on fiscal year 2015 constant dol-*
 2 *lars) over its life cycle cost.”.*

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

“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 appropriated*
 9 *to carry out this Act and the amendments made by this*
 10 *Act. This Act and such amendments shall be carried out*
 11 *using amounts otherwise available for such purposes.*

Calendar No. 406

114TH CONGRESS
2D Session

S. 1873

[Report No. 114-234]

A BILL

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

APRIL 4, 2016

Reported with an amendment