

# 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.

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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

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# 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”.

## 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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