

BORDER SECURITY TECHNOLOGY ACCOUNTABILITY ACT OF 2017

Ms. MCSALLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 505) to amend the Homeland Security Act of 2002 to strengthen accountability for deployment of border security technology at the Department of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Border Security Technology Accountability Act of 2017”.

SEC. 2. BORDER SECURITY TECHNOLOGY ACCOUNTABILITY.

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

“SEC. 434. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

“(a) PLANNING DOCUMENTATION.—For each border security technology acquisition program of the Department that is determined to be a major acquisition program, the Secretary shall—

“(1) ensure that each such program has a written acquisition program baseline approved by the relevant acquisition decision authority;

“(2) document that each such program is meeting cost, schedule, and performance thresholds as specified in such baseline, in compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

“(3) have a plan for meeting program implementation objectives by managing contractor performance.

“(b) ADHERENCE TO STANDARDS.—The Secretary, acting through the Under Secretary for Management and the Commissioner of U.S. Customs and Border Protection, shall ensure border security technology acquisition program managers who are responsible for carrying out this section adhere to relevant internal control standards identified by the Comptroller General of the United States. The Commissioner shall provide information, as needed, to assist the Under Secretary in monitoring proper program management of border security technology acquisition programs under this section.

“(c) PLAN.—The Secretary, acting through the Under Secretary for Management, in coordination with the Under Secretary for Science and Technology and the Commissioner of U.S. Customs and Border Protection, shall submit to the appropriate congressional committees a plan for testing and evaluation, as well as 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 compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation, as well as 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 new item:

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

SEC. 3. PROHIBITION ON ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act. This Act and such amendments shall be carried out using amounts otherwise authorized for such purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Arizona (Ms. MCSALLY) and the gentleman from Massachusetts (Mr. KEATING) each will control 20 minutes.

The Chair recognizes the gentlewoman from Arizona.

GENERAL LEAVE

Ms. MCSALLY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Arizona?

There was no objection.

Ms. MCSALLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 505, the Border Security Technology Accountability Act.

This bill seeks to improve the management of border security technology projects, safeguard taxpayer dollars, and increase accountability for some of the Department of Homeland Security's largest acquisition programs.

As a subcommittee chair with responsibility for the entire 2,000-mile Southern border, and as a Member whose district in southern Arizona represents 80 miles of the border, I have spent countless hours meeting with border residents, local law enforcement, ranchers, and men and women who tirelessly patrol the border every day.

I know firsthand that when our border technology projects lack the proper oversight and accountability, it is bad for taxpayers, those who defend our border, and those who live along our border.

That is why this bill is so important.

The Government Accountability Office has repeatedly included DHS acquisition management activities on its high-risk list, demonstrating that these programs are highly susceptible to waste, fraud, abuse, or mismanagement.

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The Secure Border Initiative, also known as SBInet, is a prime example of acquisition mismanagement. Initial plans developed in 2005 and 2006 call for SBInet to extend across the entire U.S.-Mexico land border; however, SBInet deployment in Arizona was fraught with mismanagement, including a failure to adequately set requirements so the system would meet the needs of its users: our border patrol agents.

After spending nearly \$1 billion of taxpayers' money with minimal results, DHS canceled SBInet in 2011, showing the high cost of failing to properly oversee new border acquisitions. With a renewed focus from the administration and this Congress on improving border security, this bill helps ensure Americans' dollars are used as efficiently and effectively as possible. It requires that border security technology programs at the Department have an acquisition program baseline: a critical document that lays out what a program will do, what it will cost, and when it will be completed.

The bill also requires programs to adhere to internal control standards and have a plan for testing and evaluation, as well as the use of independent verification and validation resources. Being proper stewards of our limited resources requires that programs are on time, on budget, and follow sound management procedures. We cannot afford to waste another minute or another dollar. We must put into place strong, effective technology programs to secure our border.

I urge all Members to join me in supporting these basic commonsense cost-control mechanisms so that we can responsibly secure our border.

I reserve the balance of my time.

Mr. KEATING. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 505.

I would like to thank the gentlewoman from Arizona (Ms. MCSALLY) for her work on this bill.

Over the past several years, the Government Accountability Office has examined various Department of Homeland Security programs and concluded that the Department has not followed standard best practices for acquisitions management. Though DHS has taken steps to improve its performance, there remains specific deficiencies in how it carries out major acquisitions.

When a DHS acquisition program falls short in terms of effectiveness or efficiency, this not only risks undermining that program, but also risks wasting the limited homeland security dollars that are available to us. We owe it to the American public not to repeat our mistakes.

This bill is intended to strengthen accountability for the acquisition and use of border security technology by the Department of Homeland Security. This bill would require all major acquisitions for border security technology to have written documentation of costs, schedule, and performance thresholds and demonstrate that the program is meeting these thresholds.

The bill also requires coordination and submission to Congress of a plan for testing and evaluation, as well as the use of independent verification and validation of resources for border security technology.

Addressing border security technology acquisitions is an important step toward bettering acquisitions and

management overall. We owe it to the American taxpayer to make sure we are managing these investments wisely and preventing wasteful spending.

Mr. Speaker, H.R. 505 aims to focus and improve the way we invest and manage border security technology by providing a specific framework for accountability and oversight on behalf of the American taxpayer. I urge my colleagues to support this bill.

I yield back the balance of my time.

Ms. MCSALLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I once again urge my colleagues to support H.R. 505 to have transparency, accountability, and efficiency of vital border security technology projects.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Arizona (Ms. MCSALLY) that the House suspend the rules and pass the bill, H.R. 505, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CBRN INTELLIGENCE AND INFORMATION SHARING ACT OF 2017

Ms. MCSALLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 677) to amend the Homeland Security Act of 2002 to establish chemical, biological, radiological, and nuclear intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “CBRN Intelligence and Information Sharing Act of 2017”.

SEC. 2. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR INTELLIGENCE AND INFORMATION SHARING.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following new section:

“SEC. 210G. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR INTELLIGENCE AND INFORMATION SHARING.

“(a) IN GENERAL.—The Office of Intelligence and Analysis of the Department of Homeland Security shall—

“(1) support homeland security-focused intelligence analysis of terrorist actors, their claims, and their plans to conduct attacks involving chemical, biological, radiological, or nuclear materials against the United States;

“(2) support homeland security-focused intelligence analysis of global infectious dis-

ease, public health, food, agricultural, and veterinary issues;

“(3) support homeland security-focused risk analysis and risk assessments of the homeland security hazards described in paragraphs (1) and (2), including the transportation of chemical, biological, nuclear, and radiological materials, by providing relevant quantitative and nonquantitative threat information;

“(4) leverage existing and emerging homeland security intelligence capabilities and structures to enhance prevention, protection, response, and recovery efforts with respect to a chemical, biological, radiological, or nuclear attack;

“(5) share information and provide tailored analytical support on these threats to State, local, and tribal authorities, other Federal agencies, as well as relevant national biosecurity and biodefense stakeholders, as appropriate; and

“(6) perform other responsibilities, as assigned by the Secretary.

“(b) COORDINATION.—Where appropriate, the Office of Intelligence and Analysis shall coordinate with other relevant Department components, including the National Biosurveillance Integration Center, other agencies within the intelligence community, including the National Counter Proliferation Center, and other Federal, State, local, and tribal authorities, including officials from high-threat urban areas, State and major urban area fusion centers, and local public health departments, as appropriate, and enable such entities to provide recommendations on optimal information sharing mechanisms, including expeditious sharing of classified information, and on how such entities can provide information to the Department.

“(c) DEFINITIONS.—In this section:

“(1) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(2) NATIONAL BIOSECURITY AND BIODEFENSE STAKEHOLDERS.—The term ‘national biosecurity and biodefense stakeholders’ means officials from Federal, State, local, and tribal authorities and individuals from the private sector who are involved in efforts to prevent, protect against, respond to, and recover from a biological attack or other phenomena that may have serious health consequences for the United States, including infectious disease outbreaks.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 201F the following new item:

“Sec. 210G. Chemical, biological, radiological, and nuclear intelligence and information sharing.”.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of Homeland Security shall report to the appropriate congressional committees on—

(A) the intelligence and information sharing activities under section 210G of the Homeland Security Act of 2002 (as added by subsection (a) of this section) and of all relevant entities within the Department of Homeland Security to counter the threat from attacks using chemical, biological, radiological, or nuclear materials; and

(B) the Department’s activities in accordance with relevant intelligence strategies.

(2) ASSESSMENT OF IMPLEMENTATION.—The reports required under paragraph (1) shall include—

(A) an assessment of the progress of the Office of Intelligence and Analysis of the De-

partment of Homeland Security in implementing such section 210G; and

(B) a description of the methods established to carry out such assessment.

(3) TERMINATION.—This subsection shall terminate on the date that is five years after the date of the enactment of this Act.

(4) DEFINITION.—In this subsection, the term “appropriate congressional committees” means the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate and any committee of the House of Representatives or the Senate having legislative jurisdiction under the rules of the House of Representatives or Senate, respectively, over the matter concerned.

SEC. 3. DISSEMINATION OF INFORMATION ANALYZED BY THE DEPARTMENT TO STATE, LOCAL, TRIBAL, AND PRIVATE ENTITIES WITH RESPONSIBILITIES RELATING TO HOMELAND SECURITY.

Paragraph (8) of section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended by striking “and to agencies of State” and all that follows through the period at the end and inserting “to State, local, tribal, and private entities with such responsibilities, and, as appropriate, to the public, in order to assist in preventing, deterring, or responding to acts of terrorism against the United States.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Arizona (Ms. MCSALLY) and the gentleman from Massachusetts (Mr. KEATING) each will control 20 minutes.

The Chair recognizes the gentlewoman from Arizona.

GENERAL LEAVE

Ms. MCSALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Arizona?

There was no objection.

Ms. MCSALLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 677, the CBRN Intelligence and Information Sharing Act of 2017.

We know that terrorist groups have long sought to employ chemical, biological, radiological, and nuclear, or CBRN, materials in their attacks. In his 2016 Worldwide Threat Assessment, Director of National Intelligence James Clapper noted that weapons of mass destruction continue to pose a threat to the United States, whether from North Korea’s nuclear tests or the dual-use nature of biological materials that make threats difficult to detect.

In addition, last year, the Organisation for the Prohibition of Chemical Weapons completed a year-long investigation that found both Syria and ISIS have used chemical weapons. ISIS’ interest in using weapons of mass destruction material in its attack against the West is also well documented.

H.R. 677 will enhance intelligence analysis and information sharing and will work to ensure that State and