

109TH CONGRESS
2^D SESSION

H. R. 6015

To enhance border security through the use of temporary support personnel, expansion of Border Patrol agent training, increased hiring authority, support for local law enforcement agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2006

Mr. ROGERS of Alabama (for himself, Mr. BLUNT, Mr. CANTOR, Mr. HUNTER, Mr. TANCREDO, Mr. McCAUL of Texas, Mr. McCOTTER, Mr. JONES of North Carolina, Mr. EVERETT, Mr. BACHUS, Mr. ADERHOLT, Mr. BONNER, and Mrs. MUSGRAVE) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To enhance border security through the use of temporary support personnel, expansion of Border Patrol agent training, increased hiring authority, support for local law enforcement agencies, 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 “Secure the Border Now
5 Act of 2006”.

1 **SEC. 2. STRENGTHENING BORDER PATROL RECRUITMENT**
2 **AND RETENTION.**

3 In order to address the recruitment and retention
4 challenges faced by United States Customs and Border
5 Protection, the Secretary of Homeland Security shall es-
6 tablish a plan, consistent with existing Federal statutes
7 applicable to pay, recruitment, relocation, and retention
8 of Federal law enforcement officers. Such plan shall in-
9 clude the following components:

10 (1) The establishment of a recruitment incen-
11 tive for Border patrol agents.

12 (2) The establishment of a retention plan, in-
13 cluding the payment of bonuses to Border Patrol
14 agents for every year of service after the first two
15 years of service.

16 (3) An increase in the pay percentage differen-
17 tials to Border Patrol agents in certain high-cost
18 areas in the San Diego, El Centro, Yuma, and Tuc-
19 son sectors consistent with entry-level pay to other
20 Federal, State, and local law enforcement agencies.

21 (4) The establishment of a mechanism whereby
22 Border Patrol agents can transfer from one location
23 to another after the first two years of service in
24 their initial duty location.

1 **SEC. 3. COST-EFFECTIVE ENHANCEMENTS TO BORDER SE-**
2 **CURITY.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-
4 rity shall take such steps as may be necessary to control
5 the costs of hiring, training, and deploying new Border
6 Patrol agents, including—

7 (1) permitting individuals who are in training
8 to become Border Patrol agents to waive certain
9 course requirements of such training if such individ-
10 uals have earlier satisfied such requirements in a
11 similar or comparable manner as determined by the
12 Secretary; and

13 (2) conducting a competitive sourcing study to
14 compare the costs of training new Border Patrol
15 agents at a non-profit or private training facility, in-
16 cluding the use of private training facilities to con-
17 duct portions of such training.

18 (b) LIMITATION ON PER-AGENT COST OF TRAIN-
19 ING.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), the Secretary shall take such steps as
22 may be necessary to ensure that the fiscal year 2007
23 per-agent cost of hiring, training, and deploying
24 each new Border Patrol agent does not exceed
25 \$150,000.

26 (2) EXCEPTION AND CERTIFICATION.—

1 (A) IN GENERAL.—If the Secretary deter-
2 mines that the per-agent cost referred to in
3 paragraph (1) exceeds \$150,000, the Secretary
4 shall promptly submit to the Committee on
5 Homeland Security of the House of Representa-
6 tives and the Committee on Homeland Security
7 and Governmental Affairs of the Senate a cer-
8 tification explaining why such per-agent cost ex-
9 ceeds such amount.

10 (B) TEMPORARY SUSPENSION OF TRAIN-
11 ING.—Until the Secretary receives from the
12 committees specified in subparagraph (A) an
13 approval with respect to such increased per-
14 agent cost, the Secretary shall suspend any new
15 hiring, training, and deploying of Border Patrol
16 agents.

17 **SEC. 4. CONTINUATION OF AUTHORITY TO APPOINT AND**
18 **MAINTAIN A CADRE OF FEDERAL ANNU-**
19 **ITANTS TO SUPPORT TRAINING FOR BORDER**
20 **SECURITY PURPOSES.**

21 Section 1202(a) of the 2002 Supplemental Appro-
22 priations Act for Further Recovery From and Response
23 To Terrorist Attacks on the United States (Public Law
24 107–206; 42 U.S.C. 3771 note) is amended in the first
25 sentence—

1 (1) by striking “enactment of this Act” and in-
2 serting “enactment of the Secure the Border Now
3 Act of 2006”; and

4 (2) by striking “250” and inserting “350”.

5 **SEC. 5. BORDER PATROL TRAINING EXPANSION.**

6 (a) IN GENERAL.—The Secretary of Homeland Secu-
7 rity shall enter into agreements with law enforcement
8 training academies operated by State and local govern-
9 ments, universities, nonprofit organizations, and private
10 companies to replicate, in whole or in part, the initial
11 training provided to new Border Patrol agents.

12 (b) UTILIZATION.—The Secretary shall utilize the
13 authority described in subsection (a) for fiscal years 2007
14 through 2011 or until such time as the Secretary certifies
15 to the Committee on Homeland Security of the House of
16 Representatives and the Committee on Homeland Security
17 and Governmental Affairs of the Senate that such author-
18 ity is no longer necessary or cost-effective in order to train
19 sufficient numbers of Border Patrol agents each year to
20 secure the international land and maritime borders of the
21 United States.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Secretary for
24 each of fiscal years 2007 through 2011 such sums as may
25 be necessary to fund such training.

1 **SEC. 6. AUTHORITY FOR CUSTOMS AND BORDER PROTEC-**
2 **TION TO APPOINT AND MAINTAIN A CADRE**
3 **OF FEDERAL ANNUITANTS FOR BORDER SE-**
4 **CURITY PURPOSES.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law, the Commissioner of United States Customs
7 and Border Protection (CBP) may, for a period ending
8 not later than five years after the date of the enactment
9 of this Act, appoint and employ up to 500 Federal annu-
10 itants to any position in CBP that supports the Presi-
11 dent’s initiative to aggressively accelerate the ability of
12 CBP to secure the international land and maritime bor-
13 ders of the United States—

14 (1) without regard to any provision of title 5,
15 United States Code, which might otherwise require
16 the application of competitive hiring procedures; and

17 (2) who shall not be subject to any reduction in
18 pay (for annuity allocable to the period of actual em-
19 ployment) under the provisions of section 8344 or
20 8468 of such title or similar provision of any other
21 retirement system for employees.

22 (b) RULE OF CONSTRUCTION.—A reemployed Fed-
23 eral annuitant as to whom a waiver of reduction under
24 subsection (a)(2) applies shall not, for any period during
25 which such waiver is in effect, be considered an employee
26 for purposes of subchapter III of chapter 83 or chapter

1 84 of title 5, United States Code, or such other retirement
2 system (referred to in such subsection) as may apply.

3 (c) NO DISPLACEMENT.—No appointment under this
4 section may be made if such appointment would result in
5 the displacement of any employee.

6 (d) COUNTING.—The counting of Federal annuitants
7 shall be done on a full-time equivalent basis.

8 (e) DEFINITIONS.—For purposes of this section:

9 (1) FEDERAL ANNUITANT.—The term “Federal
10 annuitant” means an employee who has retired
11 under the Civil Service Retirement System, the Fed-
12 eral Employees’ Retirement System, or any other re-
13 tirement system for Federal employees.

14 (2) EMPLOYEE.—The term “employee” has the
15 meaning given such term in section 2105 of title 5,
16 United States Code.

17 **SEC. 7. USE OF TEMPORARY SUPPORT PERSONNEL.**

18 (a) IN GENERAL.—The Secretary of Homeland Secu-
19 rity shall enter into contracts with private entities for the
20 purpose of providing necessary administrative and other
21 support to Border Patrol agents and Customs and Border
22 Protection Officers deployed at United States ports of
23 entry or along the international land and maritime borders
24 of the United States.

25 (b) REQUIREMENTS.—The Secretary shall—

1 (1) not later than 90 days after the date of the
2 enactment of this Act, publish a request for proposal
3 to hire administrative support staff to monitor cam-
4 eras, analyze intelligence, process paperwork, con-
5 struct roads and vehicle barriers, and perform such
6 other duties as determined by the Secretary; and

7 (2) terminate the use of the private entities re-
8 ferred to in subsection (a) when the Secretary sub-
9 mits to the Committee on Homeland Security of the
10 House of Representatives and the Committee on
11 Homeland Security and Governmental Affairs of the
12 Senate that a sufficient number of permanent Fed-
13 eral support staff have been hired and trained so
14 that Border Patrol agents and Customs and Border
15 Protection Officers do not perform duties for which
16 they were not specifically trained.

17 **SEC. 8. USE OF TEMPORARY SECURITY PERSONNEL FOR**
18 **BORDER SECURITY FUNCTIONS.**

19 (a) **IN GENERAL.**—The Secretary of Homeland Secu-
20 rity shall enter into contracts with private entities for the
21 purpose of providing enhanced capacity to United States
22 Customs and Border Protection to secure the international
23 land and maritime borders of the United States.

24 (b) **REQUIREMENTS.**—The Secretary shall—

1 (1) not later than 90 days after the date of the
2 enactment of this Act, direct the Federal Protective
3 Service of United States Immigration and Customs
4 Enforcement to hire level II security personnel
5 drawn from the General Services Administration
6 General Schedule, or publish a request for proposal
7 to hire similar, highly trained, private security per-
8 sonnel, in accordance with the Secretary's authority
9 described in subsection (a);

10 (2) ensure that such security personnel shall
11 number not fewer than 5,000 and not more than
12 8,000 individuals;

13 (3) in accordance with subsection (d), ensure
14 that the Chief Security Officer of United States
15 Customs and Border Protection specifies the re-
16 quirements that such security personnel must meet
17 or exceed; and

18 (4) terminate the use of such security personnel
19 at the time that the number of full-time active-duty
20 Border Patrol agents reaches authorized levels of
21 personnel as provided in such section.

22 (c) REDUCTION.—The number of personnel hired
23 under this section shall be reduced at a rate commensu-
24 rate with the number of new Border Patrol agents hired
25 in accordance with section 5202 of the Intelligence Reform

1 and Terrorism Prevention Act of 2004 (Public Law 108–
2 458).

3 (d) REQUIREMENTS RELATING TO SECURITY PER-
4 SONNEL.—The requirements referred to in subsection
5 (b)(3) for security personnel shall include a background
6 investigation consisting of criminal and financial history
7 checks, a review of the individual’s citizenship status, a
8 drug test, and health and psychological screening. Security
9 personnel described in this section shall also possess prior
10 law enforcement, military, or other similar experience.

11 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed as providing the Secretary with the
13 authority to hire private citizens for the purpose stated
14 in this section.

15 **SEC. 9. PERMITTED USE OF HOMELAND SECURITY GRANT**
16 **FUNDS FOR BORDER SECURITY ACTIVITIES.**

17 (a) REIMBURSEMENT.—The Secretary of Homeland
18 Security may allow the recipient of amounts under a cov-
19 ered grant to use those amounts to reimburse itself for
20 costs it incurs in carrying out any terrorism prevention
21 or deterrence activity that—

22 (1) relates to the enforcement of Federal laws
23 aimed at preventing the unlawful entry of persons or
24 things into the United States, including activities
25 such as detecting or responding to such an unlawful

1 entry or providing support to another entity relating
2 to preventing such an unlawful entry;

3 (2) is usually a Federal duty carried out by a
4 Federal agency; and

5 (3) is carried out under agreement with a Fed-
6 eral agency.

7 (b) USE OF PRIOR YEAR FUNDS.—Subsection (a)
8 shall apply to all covered grant funds received by a State,
9 local government, or Indian tribe at any time on or after
10 October 1, 2001.

11 (c) COVERED GRANTS.—For purposes of subsection
12 (a), the term “covered grant” means grants provided by
13 the Department of Homeland Security to States, local gov-
14 ernments, or Indian tribes administered under the fol-
15 lowing programs:

16 (1) STATE HOMELAND SECURITY GRANT PRO-
17 GRAM.—The State Homeland Security Grant Pro-
18 gram of the Department, or any successor to such
19 grant program.

20 (2) URBAN AREA SECURITY INITIATIVE.—The
21 Urban Area Security Initiative of the Department,
22 or any successor to such grant program.

23 (3) LAW ENFORCEMENT TERRORISM PREVEN-
24 TION PROGRAM.—The Law Enforcement Terrorism

- 1 Prevention Program of the Department, or any suc-
- 2 cessor to such grant program.

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