



## **Bill Summary: The Border Response Resilience Act**

The Border Response Resilience Act, or [S. 1949](#), would establish and fund a government response plan to address future significant increases in irregular migration at the U.S.-Mexico border. The bill would further require the Department of Homeland Security (DHS) to develop border metrics that can be used to better define irregular migration events and to establish metric thresholds to trigger activation of the response plan and use of the additional funding.

The bill was introduced by Senator Rob Portman (R-Ohio) on May 17, 2021 and cosponsored by Senator Mark Kelly (D-Arizona). The bill expands on provisions in the Border Surge Response and Resilience Act, or [H.R. 2321](#), which was introduced in the House by Representative John Katko (R-New York) on April 1.

### ***Background:***

Since the summer of 2020, an increasing number of migrants have been encountered at the U.S.-Mexico border. While arrivals [have plateaued](#) in recent months, the Biden administration faced [significant logistical and humanitarian challenges](#) in its efforts to securely and humanely process migrants at the border, particularly during a [sharp increase](#) in arriving unaccompanied children during February and March of 2021.

These challenges were not novel to the Biden administration. Recent increases in irregular migration in [2014](#) and [2019](#) resulted in similar concerns regarding secure and humane migrant processing. Across administrations, migration influxes have consistently resulted in reactive and uneven federal border responses.

### ***The Border Response Resilience Act would:***

- **Require the administration to establish a border response plan to prepare for future increases in irregular migration at the southern border.**
  - The border response plan would include a strategy to respond to security vulnerabilities, streamline migrant processing at the border, expand processing capacity, and identify needed personnel and resources.
  - The plan would be developed by DHS in coordination with other relevant agencies and nongovernmental organizations.
  - As part of the plan, the bill also requires DHS to produce and publish regular analysis of border trends, tactics used by human smuggling organizations, and prospective migrants' perceptions of U.S. border policy.

- **Require DHS to develop metric thresholds to identify and define significant increases in migration.**
  - It would be the responsibility of DHS to establish and define the thresholds, but the bill provides that the Department must consider several potential metrics in this process, including the amount of time arriving migrants are held in Customs and Border Protection (CBP) custody and the capacity of various facilities sheltering and processing migrants.
  - The thresholds developed by DHS would be used to trigger activation of the border response plan when they are met and to trigger deactivation of the response plan when they are no longer being reached.
  
- **Establish a \$1 billion response fund to be used to carry out specific purposes associated with the response plan.**
  - The bill would authorize the new fund for Fiscal Year (FY) 2022 and it would authorize additional funds annually to allow the fund to remain at a balance of at least \$1 billion through FY 2025.
  - The bill sets out specific purposes for which the fund can be used, including:
    - Expanding migrant processing capacity
    - Replenishing depleted medical supplies, transportation equipment, and personnel overtime funds for border agency staffers.
    - Improving migrant detention conditions and ensuring age-appropriate, trauma-informed care for migrant children.
    - Coordinating and resourcing relevant nongovernmental organizations that assist with border processing.
    - Improving interagency coordination at the border.