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(Original Signature of Member)

109TH CONGRESS
2D SESSION

H. R. _____

To establish operational control over the international land and maritime borders of the United States.

IN THE HOUSE OF REPRESENTATIVES

Mr. KING of New York introduced the following bill; which was referred to the Committee on _____

A BILL

To establish operational control over the international land and maritime borders of the United States.

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 Fence Act of
5 2006”.

1 **SEC. 2. ACHIEVING OPERATIONAL CONTROL ON THE BOR-**
2 **DER.**

3 (a) IN GENERAL.—Not later than 18 months after
4 the date of the enactment of this Act, the Secretary of
5 Homeland Security shall take all actions the Secretary de-
6 termines necessary and appropriate to achieve and main-
7 tain operational control over the entire international land
8 and maritime borders of the United States, to include the
9 following—

10 (1) systematic surveillance of the international
11 land and maritime borders of the United States
12 through more effective use of personnel and tech-
13 nology, such as unmanned aerial vehicles, ground-
14 based sensors, satellites, radar coverage, and cam-
15 eras; and

16 (2) physical infrastructure enhancements to
17 prevent unlawful entry by aliens into the United
18 States and facilitate access to the international land
19 and maritime borders by United States Customs and
20 Border Protection, such as additional checkpoints,
21 all weather access roads, and vehicle barriers.

22 (b) OPERATIONAL CONTROL DEFINED.—In this sec-
23 tion, the term “operational control” means the prevention
24 of all unlawful entries into the United States, including
25 entries by terrorists, other unlawful aliens, instruments of
26 terrorism, narcotics, and other contraband.

1 (c) REPORT.—Not later than one year after the date
2 of the enactment of this Act and annually thereafter, the
3 Secretary shall submit to Congress a report on the
4 progress made toward achieving and maintaining oper-
5 ational control over the entire international land and mari-
6 time borders of the United States in accordance with this
7 section.

8 **SEC. 3. CONSTRUCTION OF FENCING AND SECURITY IM-**
9 **PROVEMENTS IN BORDER AREA FROM PA-**
10 **CIFIC OCEAN TO GULF OF MEXICO.**

11 Section 102(b) of the Illegal Immigration Reform and
12 Immigrant Responsibility Act of 1996 (Public Law 104–
13 208; 8 U.S.C. 1103 note) is amended—

14 (1) in the subsection heading by striking
15 “NEAR SAN DIEGO, CALIFORNIA”; and

16 (2) by amending paragraph (1) to read as fol-
17 lows:

18 “(1) SECURITY FEATURES.—

19 “(A) REINFORCED FENCING.—In carrying
20 out subsection (a), the Secretary of Homeland
21 Security shall provide for least 2 layers of rein-
22 forced fencing, the installation of additional
23 physical barriers, roads, lighting, cameras, and
24 sensors—

1 “(i) extending from 10 miles west of
2 the Tecate, California, port of entry to 10
3 miles east of the Tecate, California, port of
4 entry;

5 “(ii) extending from 10 miles west of
6 the Calexico, California, port of entry to 5
7 miles east of the Douglas, Arizona, port of
8 entry;

9 “(iii) extending from 5 miles west of
10 the Columbus, New Mexico, port of entry
11 to 10 miles east of El Paso, Texas;

12 “(iv) extending from 5 miles north-
13 west of the Del Rio, Texas, port of entry
14 to 5 miles southeast of the Eagle Pass,
15 Texas, port of entry; and

16 “(v) extending 15 miles northwest of
17 the Laredo, Texas, port of entry to the
18 Brownsville, Texas, port of entry.

19 “(B) PRIORITY AREAS.—With respect to
20 the border described—

21 “(i) in subparagraph (A)(ii), the Sec-
22 retary shall ensure that an interlocking
23 surveillance camera system is installed
24 along such area by May 30, 2007, and that

1 fence construction is completed by May 30,
2 2008; and

3 “(ii) in subparagraph (A)(v), the Sec-
4 retary shall ensure that fence construction
5 from 15 miles northwest of the Laredo,
6 Texas, port of entry to 15 southeast of the
7 Laredo, Texas, port of entry is completed
8 by December 31, 2008.

9 “(C) EXCEPTION.—If the topography of a
10 specific area has an elevation grade that ex-
11 ceeds 10 percent, the Secretary may use other
12 means to secure such area, including the use of
13 surveillance and barrier tools.”.

14 **SEC. 4. NORTHERN BORDER STUDY.**

15 (a) IN GENERAL.—The Secretary of Homeland Secu-
16 rity shall conduct a study on the construction of a state-
17 of-the-art barrier system along the northern international
18 land and maritime border of the United States and shall
19 include in the study—

20 (1) the necessity of constructing such a system;

21 and

22 (2) the feasibility of constructing such a sys-
23 tem.

24 (b) REPORT.—Not later than one year after the date
25 of the enactment of this Act, the Secretary of Homeland

1 Security shall submit to the Committee on Homeland Se-
2 curity of the House of Representatives and the Committee
3 on Homeland Security and Governmental Affairs of the
4 Senate a report that contains the results of the study con-
5 ducted under subsection (a).

6 **SEC. 5. EVALUATION AND REPORT RELATING TO CUSTOMS**

7 **AUTHORITY TO STOP CERTAIN FLEEING VE-**
8 **HICLES.**

9 (a) EVALUATION.—Not later than 30 days after the
10 date of the enactment of this Act, the Secretary of Home-
11 land Security shall—

12 (1) evaluate the authority of personnel of
13 United States Customs and Border Protection to
14 stop vehicles that enter the United States illegally
15 and refuse to stop when ordered to do so by such
16 personnel, compare such Customs authority with the
17 authority of the Coast Guard to stop vessels under
18 section 637 of title 14, United States Code, and
19 make an assessment as to whether such Customs au-
20 thority should be expanded;

21 (2) review the equipment and technology avail-
22 able to United States Customs and Border Protec-
23 tion personnel to stop vehicles described in para-
24 graph (1) and make an assessment as to whether or

1 not better equipment or technology is available or
2 should be developed; and

3 (3) evaluate the training provided to United
4 States Customs and Border Protection personnel to
5 stop vehicles described in paragraph (1).

6 (b) REPORT.—Not later than 60 days after the date
7 of the enactment of this Act, the Secretary of Homeland
8 Security shall submit to the Committee on Homeland Se-
9 curity of the House of Representatives and the Committee
10 on Homeland Security and Governmental Affairs of the
11 Senate a report that contains the results of the evaluation
12 conducted under subsection (a).