

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1299

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## AN ACT

To achieve operational control of and improve security at the international land borders of the United States, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Secure Border Act of  
3 2012”.

4 **SEC. 2. STRATEGY TO ACHIEVE OPERATIONAL CONTROL**  
5 **OF THE BORDER.**

6 (a) STRATEGY TO SECURE THE BORDER BETWEEN  
7 THE PORTS OF ENTRY.—Not later than 180 days after  
8 the date of the enactment of this Act, the Secretary of  
9 Homeland Security shall submit to the appropriate con-  
10 gressional committees a comprehensive strategy for gain-  
11 ing, within five years, operational control of the inter-  
12 national borders between the ports of entry of the United  
13 States. The strategy shall include an analysis of the fol-  
14 lowing:

15 (1) Staffing requirements for all border security  
16 functions.

17 (2) Investment in infrastructure, including pe-  
18 destrian fencing, vehicle barriers, and roads.

19 (3) The use of unmanned aerial vehicles, cam-  
20 era technology, sensors, and other innovative tech-  
21 nology as the Secretary may determine.

22 (4) Cooperative agreements with international,  
23 State, local, tribal, and other Federal law enforce-  
24 ment agencies that have jurisdiction on the northern  
25 border and southern border.

1           (5) Other means designed to detect, respond to,  
2           and interdict unlawful cross-border activity and to  
3           reduce the level of violence.

4           (6) A schedule for implementing security meas-  
5           ures, including a prioritization for future invest-  
6           ments.

7           (7) A comprehensive technology plan for major  
8           surveillance and detection technology programs, in-  
9           cluding a justification and rationale for technology  
10          choices and deployment locations.

11          (8) The recommendations made in the Decem-  
12          ber 2010 Government Accountability Office report  
13          entitled “Enhanced DHS Oversight and Assessment  
14          of Interagency Coordination is Needed for the  
15          Northern Border”.

16          (b) SECURING THE BORDER AT PORTS OF ENTRY.—  
17          Not later than 180 days after the date of the enactment  
18          of this Act, the Secretary of Homeland Security shall de-  
19          velop metrics to measure the effectiveness of security at  
20          ports of entry, which shall consider, at minimum, the fol-  
21          lowing:

22                (1) The number of infractions related to per-  
23                sonnel and cargo committed by major violators who  
24                are apprehended by U.S. Customs and Border Pro-  
25                tection at such ports of entry.

1           (2) The estimated number of such infractions  
2           committed by major violators who are not so appre-  
3           hended.

4           (3) The required number of U.S. Customs and  
5           Border Protection Officers, Agricultural Specialists,  
6           and Canine Enforcement Officers necessary to  
7           achieve operational control at such ports of entry.

8           (4) Infrastructure improvements required to  
9           achieve operational control at such ports of entry,  
10          including the installation of nonintrusive detection  
11          equipment, radiation portal monitors, biometrics,  
12          and other sensors and technology that the Secretary  
13          determines necessary.

14          (5) The deployment of resources based on the  
15          overall commercial and passenger traffic, cargo vol-  
16          ume, and threat environment at such ports of entry.

17          (6) The recommendations made in the Decem-  
18          ber 2010 Government Accountability Office report  
19          entitled “Enhanced DHS Oversight and Assessment  
20          of Interagency Coordination is Needed for the  
21          Northern Border”.

22          (c) EVALUATION BY DEPARTMENT OF ENERGY NA-  
23          TIONAL LABORATORY.—The Secretary of Homeland Secu-  
24          rity shall request the head of an appropriate Department  
25          of Energy National Laboratory with prior expertise in bor-

1 der security to evaluate the measurement system required  
2 under subsection (b) to ensure its suitability and statis-  
3 tical validity for analyzing progress for the interdiction of  
4 illegal crossing and contraband at ports of entry.

5 (d) CONSIDERATION OF ALTERNATIVE BORDER SE-  
6 CURITY STANDARDS.—If in developing the strategic plan  
7 required under subsection (a) the Secretary of Homeland  
8 Security makes a determination to measure security be-  
9 tween border ports of entry by a standard other than oper-  
10 ational control, the Secretary shall request the head of an  
11 appropriate Department of Energy National Laboratory  
12 with prior expertise in border security to evaluate such al-  
13 ternative standard to ensure the suitability and statistical  
14 validity of such standard with respect to measuring the  
15 progress for the interdiction of illegal crossings and con-  
16 traband that pass between such ports of entry.

17 (e) REPORTS.—Not later than 60 days after the date  
18 of the enactment of this Act and annually thereafter, the  
19 Secretary of Homeland Security shall submit the appro-  
20 priate congressional committee a report on the following:

21 (1) A resource allocation model for current and  
22 future year staffing requirements that includes opti-  
23 mal staffing levels at all land, air, and sea ports of  
24 entry and an explanation of U.S. Customs and Bor-  
25 der Protection methodology for aligning staffing lev-

1       els and workload to threats and vulnerabilities  
2       across all mission areas.

3           (2) Detailed information on the level of man-  
4       power data available at all land, air, and sea ports  
5       of entry, including the number of canine and agri-  
6       cultural officers assigned to each such port of entry.

7       (f) DEFINITIONS.—In this Act:

8           (1) APPROPRIATE CONGRESSIONAL COM-  
9       MITTEE.—The term “appropriate congressional com-  
10      mittee” means the Committee on Homeland Security  
11      of the House of Representatives and the Committee  
12      on Homeland Security and Governmental Affairs of  
13      the Senate.

14          (2) MAJOR VIOLATOR.—The term “major viola-  
15      tor” means a person or entity that is or has engaged  
16      in serious criminal activities at any land, air, or sea  
17      port of entry, including possession of narcotics,  
18      smuggling of prohibited products, human smuggling,  
19      weapons possession, use of fraudulent United States  
20      documents, and other offenses serious enough to re-  
21      sult in arrest.

22          (3) OPERATIONAL CONTROL.—The term “oper-  
23      ational control” has the meaning given such term in

1 section 2(b) of the Secure Fence Act of 2006 (8  
2 U.S.C. 1701 note; Public Law 109–367).

Passed the House of Representatives May 30, 2012.

Attest:

*Clerk.*

112<sup>TH</sup> CONGRESS  
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