

Calendar No. 615

109TH CONGRESS
2^D SESSION**H. R. 6061**

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2006

Received and read the first time

SEPTEMBER 15, 2006

Read the second time and placed on the calendar

AN ACT

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”.

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

8 (a) IN GENERAL.—Not later than 18 months after
9 the date of the enactment of this Act, the Secretary of
10 Homeland Security shall take all actions the Secretary de-

1 termines necessary and appropriate to achieve and main-
2 tain operational control over the entire international land
3 and maritime borders of the United States, to include the
4 following—

5 (1) systematic surveillance of the international
6 land and maritime borders of the United States
7 through more effective use of personnel and tech-
8 nology, such as unmanned aerial vehicles, ground-
9 based sensors, satellites, radar coverage, and cam-
10 eras; and

11 (2) physical infrastructure enhancements to
12 prevent unlawful entry by aliens into the United
13 States and facilitate access to the international land
14 and maritime borders by United States Customs and
15 Border Protection, such as additional checkpoints,
16 all weather access roads, and vehicle barriers.

17 (b) OPERATIONAL CONTROL DEFINED.—In this sec-
18 tion, the term “operational control” means the prevention
19 of all unlawful entries into the United States, including
20 entries by terrorists, other unlawful aliens, instruments of
21 terrorism, narcotics, and other contraband.

22 (c) REPORT.—Not later than one year after the date
23 of the enactment of this Act and annually thereafter, the
24 Secretary shall submit to Congress a report on the
25 progress made toward achieving and maintaining oper-

1 ational control over the entire international land and mari-
2 time borders of the United States in accordance with this
3 section.

4 **SEC. 3. CONSTRUCTION OF FENCING AND SECURITY IM-**
5 **PROVEMENTS IN BORDER AREA FROM PA-**
6 **CIFIC OCEAN TO GULF OF MEXICO.**

7 Section 102(b) of the Illegal Immigration Reform and
8 Immigrant Responsibility Act of 1996 (Public Law 104–
9 208; 8 U.S.C. 1103 note) is amended—

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

12 (2) by amending paragraph (1) to read as fol-
13 lows:

14 “(1) SECURITY FEATURES.—

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

21 “(i) extending from 10 miles west of
22 the Tecate, California, port of entry to 10
23 miles east of the Tecate, California, port of
24 entry;

1 “(ii) extending from 10 miles west of
2 the Calexico, California, port of entry to 5
3 miles east of the Douglas, Arizona, port of
4 entry;

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

8 “(iv) extending from 5 miles north-
9 west of the Del Rio, Texas, port of entry
10 to 5 miles southeast of the Eagle Pass,
11 Texas, port of entry; and

12 “(v) extending 15 miles northwest of
13 the Laredo, Texas, port of entry to the
14 Brownsville, Texas, port of entry.

15 “(B) PRIORITY AREAS.—With respect to
16 the border described—

17 “(i) in subparagraph (A)(ii), the Sec-
18 retary shall ensure that an interlocking
19 surveillance camera system is installed
20 along such area by May 30, 2007, and that
21 fence construction is completed by May 30,
22 2008; and

23 “(ii) in subparagraph (A)(v), the Sec-
24 retary shall ensure that fence construction
25 from 15 miles northwest of the Laredo,

1 Texas, port of entry to 15 southeast of the
2 Laredo, Texas, port of entry is completed
3 by December 31, 2008.

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

9 **SEC. 4. NORTHERN BORDER STUDY.**

10 (a) IN GENERAL.—The Secretary of Homeland Secu-
11 rity shall conduct a study on the feasibility of a state of-
12 the-art infrastructure security system along the northern
13 international land and maritime border of the United
14 States and shall include in the study—

15 (1) the necessity of implementing such a sys-
16 tem;

17 (2) the feasibility of implementing such a sys-
18 tem; and

19 (3) the economic impact implementing such a
20 system will have along the northern border.

21 (b) REPORT.—Not later than one year after the date
22 of the enactment of this Act, the Secretary of Homeland
23 Security shall submit to the Committee on Homeland Se-
24 curity of the House of Representatives and the Committee
25 on Homeland Security and Governmental Affairs of the

1 Senate a report that contains the results of the study con-
2 ducted under subsection (a).

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

4 **AUTHORITY TO STOP CERTAIN FLEEING VE-**
5 **HICLES.**

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

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

18 (2) review the equipment and technology avail-
19 able to United States Customs and Border Protec-
20 tion personnel to stop vehicles described in para-
21 graph (1) and make an assessment as to whether or
22 not better equipment or technology is available or
23 should be developed; and

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

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

Passed the House of Representatives September 14,
2006.

Attest:

KAREN L. HAAS,

Clerk.

By MARJORIE C. KELAHER,

Deputy Clerk.

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