111TH CONGRESS 1ST SESSION H.R. 3289

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to authorize the Secretary of Homeland Security to construct not less than 350 miles of reinforced fencing along the United States-Mexico border and to gain operational control over such border.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2009

Mr. HUNTER (for himself, Mr. ROYCE, Mr. RYAN of Ohio, Mr. STUPAK, Mr. MCINTYRE, Mr. BILBRAY, Mr. ROHRABACHER, Mr. SHULER, and Mr. GARY G. MILLER of California) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

- To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to authorize the Secretary of Homeland Security to construct not less than 350 miles of reinforced fencing along the United States-Mexico border and to gain operational control over such border.
 - 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 "Unlawful Border Entry

5 Prevention Act of 2009".

1 SEC. 2. REINFORCED FENCING ALONG THE SOUTHWEST 2 BORDER.

3 (a) IN GENERAL.—Section 102(A)(b)(1) of the Ille4 gal Immigration Reform and Immigrant Responsibility
5 Act of 1996 (Public Law 104–208; 8 U.S.C. 1103 note)
6 is amended by adding at the end the following new sub7 paragraph:

8 "(E) Reinforced fencing.— 9 "(i) IN GENERAL.—In carrying out 10 subsection (a), and in addition to subpara-11 graph (A), the Secretary of Homeland Se-12 curity may construct reinforced fencing 13 along not less than 350 miles of the south-14 west border where such fencing would be 15 most practical and effective and provide 16 for the installation of additional physical 17 barriers, roads, lighting, cameras, and sen-18 sors to gain operational control of the 19 southwest border.

20 "(ii) PROHIBITION ON PREEXISTING
21 FENCING TO SATISFY MILEAGE REQUIRE22 MENT.—In carrying out clause (i), the Sec23 retary may not consider fencing or any
24 other similar physical infrastructure along
25 the southwest border in existence on De26 cember 31, 2009, for purposes of satis-

1	fying the mileage requirement under such
2	clause.".
3	(b) Conforming Amendments.—Subsection
4	(b)(1)(B) of section 102 of the Illegal Immigration Reform
5	and Immigrant Responsibility Act of 1996 is amended—
6	(1) in clause (i), by striking "fencing" and in-
7	serting "reinforced fencing"; and
8	(2) in clause (ii), by inserting "such" before
9	"reinforced fencing".
10	(c) Authorization of Appropriations.—There
11	are authorized to be appropriated such sums as may be
10	necessary to carry out the amendment made by subsection
12	necessary to carry out the amendment made by subsection
12	(a).
13	(a).
13 14	(a). SEC. 3. PLAN FOR OPERATIONAL CONTROL OF SOUTHWEST
13 14 15	(a). SEC. 3. PLAN FOR OPERATIONAL CONTROL OF SOUTHWEST BORDER.
13 14 15 16	 (a). SEC. 3. PLAN FOR OPERATIONAL CONTROL OF SOUTHWEST BORDER. (a) IN GENERAL.—If the Secretary of Homeland Se-
 13 14 15 16 17 	 (a). SEC. 3. PLAN FOR OPERATIONAL CONTROL OF SOUTHWEST BORDER. (a) IN GENERAL.—If the Secretary of Homeland Security determines that, with respect to any fiscal year,
 13 14 15 16 17 18 	 (a). SEC. 3. PLAN FOR OPERATIONAL CONTROL OF SOUTHWEST BORDER. (a) IN GENERAL.—If the Secretary of Homeland Security determines that, with respect to any fiscal year, there has been a 40-percent increase over the immediately
 13 14 15 16 17 18 19 	 (a). SEC. 3. PLAN FOR OPERATIONAL CONTROL OF SOUTHWEST BORDER. (a) IN GENERAL.—If the Secretary of Homeland Security determines that, with respect to any fiscal year, there has been a 40-percent increase over the immediately preceding fiscal year in any sector of the southwest border
 13 14 15 16 17 18 19 20 	 (a). SEC. 3. PLAN FOR OPERATIONAL CONTROL OF SOUTHWEST BORDER. (a) IN GENERAL.—If the Secretary of Homeland Security determines that, with respect to any fiscal year, there has been a 40-percent increase over the immediately preceding fiscal year in any sector of the southwest border of apprehensions by the Department of Homeland Secu-
 13 14 15 16 17 18 19 20 21 	 (a). SEC. 3. PLAN FOR OPERATIONAL CONTROL OF SOUTHWEST BORDER. (a) IN GENERAL.—If the Secretary of Homeland Security determines that, with respect to any fiscal year, there has been a 40-percent increase over the immediately preceding fiscal year in any sector of the southwest border of apprehensions by the Department of Homeland Security of individuals unlawfully entering the United States,

3

 $24 \quad {\rm operational\ control\ of\ such\ sector}.$

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