

112TH CONGRESS
2^D SESSION

H. R. 6025

To provide for annual reports on the status of operational control of the international land and maritime borders of the United States and unlawful entries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2012

Mrs. MILLER of Michigan (for herself and Mr. FLAKE) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for annual reports on the status of operational control of the international land and maritime borders of the United States and unlawful entries, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mandatory Operational
5 Control Reporting and Performance Measures Act of
6 2012”.

1 **SEC. 2. ANNUAL REPORTS ON OPERATIONAL CONTROL OF**
2 **INTERNATIONAL LAND AND MARITIME BOR-**
3 **DERS.**

4 (a) **IN GENERAL.**—The Secretary of Homeland Secu-
5 rity shall submit to the Committee on Homeland Security
6 of the House of Representatives and the Committee on
7 Homeland Security and Governmental Affairs of the Sen-
8 ate, as part of the Department of Homeland Security’s
9 Annual Performance Report, an annual report on the
10 number of miles of the international land and maritime
11 border between the United States and Canada and the
12 United States and Mexico that are under operational con-
13 trol of the Department, cumulatively and by sector.

14 (b) **TERMINOLOGY AND METHODOLOGY.**—Except as
15 provided in subsection (c), for purposes of consistent
16 usage of terminology and methodology in the annual re-
17 ports required under subsection (a), the Secretary of
18 Homeland Security shall use the methodology used to
19 measure such operational control in accordance with the
20 Department’s Annual Performance Reports for each of fis-
21 cal years 2008 through 2010.

22 (c) **ALTERNATE TERMINOLOGY AND METHOD-**
23 **ODOLOGY.**—The Secretary of Homeland Security shall use
24 the terminology and methodology described in subsection
25 (b) until such time as an alternate terminology and meth-
26 odology is—

1 (1) required by an Act of Congress; or

2 (2) certified as suitable and statistically valid
3 by a Department of Energy National Laboratory
4 with prior expertise in border security.

5 **SEC. 3. ANNUAL REPORTS ON UNLAWFUL ENTRIES.**

6 (a) BORDER SECURITY PERFORMANCE MEAS-
7 URES.—The Secretary of Homeland Security shall submit
8 to the Committee on Homeland Security of the House of
9 Representatives and the Committee on Homeland Security
10 and Governmental Affairs of the Senate, as part of the
11 Department of Homeland Security’s Annual Performance
12 Report, an annual report on the estimated number of indi-
13 viduals who unlawfully enter the United States on an an-
14 nual basis, the estimated number of individuals unlawfully
15 present in the United States as of the date of each such
16 report, and the number of individuals unlawfully present
17 in the United States who voluntarily exited the United
18 States in the preceding year.

19 (b) METHODOLOGY.—In formulating the estimates
20 and numbers required in the reports under subsection (a),
21 the Secretary of Homeland Security shall use all available
22 sources of data to determine the following:

23 (1) The estimated number of unlawful entries
24 between ports of entry along the international land
25 and maritime borders of the United States.

1 (2) The estimated number of unlawful entries
2 at ports of entry along the international land and
3 maritime borders of the United States.

4 (3) An estimate of the rate of apprehensions at
5 and between ports of entry along the international
6 land and maritime borders of the United States.

7 (4) The estimated number of visa overstays.

8 (5) The estimated number of voluntary depar-
9 tures.

10 (6) The number of deportations.

11 (7) The number of individuals unlawfully
12 present in the United States who have had their sta-
13 tus adjusted and are now lawfully present in the
14 United States.

15 (c) INDEPENDENT EVALUATION.—The Secretary of
16 Homeland Security shall make available to the Govern-
17 ment Accountability Office the data and methodology used
18 to compile the statistics used in subsection (b) to ensure
19 the suitability and statistical validity of such data and
20 methodology.

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