

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1299  
OFFERED BY MRS. MILLER OF MICHIGAN**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Secure Border Act of  
3 2011”.

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

6       (a) FINDINGS.—Congress finds the following:

7           (1) The border shared by the United States and  
8 Mexico, and numerous Mexican towns in close prox-  
9 imity to that border, have experienced a dramatic  
10 surge in crime and violence due to ongoing activity  
11 among rival Mexican drug cartels and criminal  
12 smuggling organizations that employ predatory tac-  
13 tics to realize their profits.

14           (2) In August 2005, the States of New Mexico  
15 and Arizona declared states of emergency in order to  
16 provide local law enforcement immediate assistance  
17 in addressing criminal activity along the Southwest  
18 border.

1           (3) A recent Government Accountability Office  
2           report found that only 44 percent of the Southwest  
3           border was under operational control, and less than  
4           two percent of the Northern border is under oper-  
5           ational control.

6           (4) It is the obligation of the Federal Govern-  
7           ment to adequately secure the borders of the United  
8           States and prevent the flow into the United States  
9           of undocumented persons, unlawful drugs, and other  
10          contraband.

11          (b) STRATEGY TO SECURE THE BORDER BETWEEN  
12          THE PORTS OF ENTRY.—Not later than 180 days after  
13          the date of the enactment of this Act, the Secretary of  
14          Homeland Security shall submit to the Committee on  
15          Homeland Security of the House of Representatives and  
16          the Committee on Homeland Security and Governmental  
17          Affairs of the Senate a comprehensive strategy for gain-  
18          ing, within five years, operational control of the inter-  
19          national borders between the official ports of entry of the  
20          United States. The strategy shall include an analysis of  
21          the following:

22                (1) Staffing requirements for all border security  
23                functions.

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

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

4           (4) Cooperative agreements with international,  
5           State, local, tribal, and other Federal law enforce-  
6           ment agencies that have jurisdiction on the border.

7           (5) Other means designed to detect, respond to,  
8           and interdict unlawful cross-border activity and to  
9           reduce the level of violence.

10          (6) A schedule for implementing security meas-  
11          ures, including a prioritization for future invest-  
12          ments.

13          (7) A comprehensive technology plan for major  
14          surveillance and detection technology programs, in-  
15          cluding a justification and rationale for technology  
16          choices and deployment locations.

17          (c) SECURING THE BORDER AT PORTS OF ENTRY.—  
18          Not later than 180 days after the date of the enactment  
19          of this Act, the Secretary of Homeland Security shall sub-  
20          mit to the Committee on Homeland Security of the House  
21          of Representatives and the Committee on Homeland Secu-  
22          rity and Governmental Affairs of the Senate a comprehen-  
23          sive measurement system that analyzes the effectiveness  
24          of security at all land, air, and sea ports of entry. Such

1 measurement system shall consider, at a minimum, the  
2 following:

3 (1) Infractions by major violators, related to  
4 personnel and cargo, apprehended by U.S. Customs  
5 and Border Protection at such ports of entry.

6 (2) Estimates of infractions by major violators,  
7 related to personnel and cargo, not apprehended by  
8 U.S. Customs and Border Protection at such ports  
9 of entry.

10 (3) Staffing requirements for all U.S. Customs  
11 and Border Protection Officers, Agricultural Special-  
12 ists, and Canine Enforcement Officers for use in the  
13 detection of contraband, including agricultural prod-  
14 ucts, drugs, currency, and explosives at such ports  
15 of entry.

16 (4) Infrastructure at such ports of entry.

17 (5) The use of technology, including nonintru-  
18 sive detection equipment, radiation portal monitors,  
19 biometrics, and other sensors and technology as the  
20 Secretary may determine at such ports of entry.

21 (6) Commercial and passenger traffic, and  
22 cargo volume at such ports of entry.

23 (7) Consideration of the threat environment at  
24 such ports of entry.

1           (d) EVALUATION BY SANDIA NATIONAL LABORA-  
2 TORY.—The Secretary of Homeland Security shall request  
3 the head of Sandia National Laboratory to evaluate the  
4 measurement system developed pursuant to subsection (c)  
5 to ensure its suitability and statistical validity with respect  
6 to analyzing progress for the interdiction of illegal cross-  
7 ing and contraband that pass through all land, air, and  
8 sea ports of entry.

9           (e) METRICS RELATING TO BORDER SECURITY.—If  
10 the Secretary of Homeland Security makes a determina-  
11 tion to measure security between border ports of entry by  
12 a standard other than operational control, the Secretary  
13 shall request the head of Sandia National Laboratory to  
14 evaluate such new standard to ensure the suitability and  
15 statistical validity of such standard with respect to meas-  
16 uring the progress for the interdiction of illegal crossings  
17 and contraband that pass between such ports of entry.

18           (f) REPORTS.—Not later than 60 days after the date  
19 of the enactment of this Act and annually thereafter, the  
20 Secretary of Homeland Security shall submit the Com-  
21 mittee on Homeland Security of the House of Representa-  
22 tives and the Committee on Homeland Security and Gov-  
23 ernmental Affairs of the Senate a report that includes in-  
24 formation on the following:

1           (1) A resource allocation model for current and  
2           future year staffing requirements that includes opti-  
3           mal staffing levels at all land, air, and sea ports of  
4           entry and an explanation of U.S. Customs and Bor-  
5           der Protection methodology for aligning staffing lev-  
6           els and workload to threats and vulnerabilities  
7           across all mission areas.

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

12          (g) AUTHORIZATION OF APPROPRIATIONS.—

13           (1) IN GENERAL.—There is authorized to be  
14           appropriated to the Secretary of Homeland Security  
15           \$5,000,000 to carry out this Act.

16           (2) REDUCTIONS IN FUNDING TO OFFSET  
17           COSTS OF BORDER SECURITY STRATEGIES.—To off-  
18           set amounts authorized to be appropriated pursuant  
19           to paragraph (1), amounts otherwise appropriated to  
20           the Department of Homeland Security, Office of the  
21           Secretary and Executive Management, pursuant to  
22           section 1602 of the Department of Defense and  
23           Full-Year Continuing Appropriations Act, 2011  
24           (Public Law 112–10) for fiscal year 2011 is hereby  
25           reduced by \$5,000,000.

1 (h) DEFINITIONS.—In this Act:

2 (1) MAJOR VIOLATOR.—The term “major viola-  
3 tor” means a person or entity that is or has engaged  
4 in serious criminal activities at any land, air, or sea  
5 port of entry, including possession of narcotics,  
6 smuggling of prohibited products, human smuggling,  
7 weapons possession, use of fraudulent United States  
8 documents, and other offenses serious enough to re-  
9 sult in arrest.

10 (2) OPERATIONAL CONTROL.—The term “oper-  
11 ational control” has the meaning given such term in  
12 section 2(b) of the Secure Fence Act of 2006 (8  
13 U.S.C. 1701 note; Public Law 109–367).

