

**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) 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.

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 northern
7 border and southern border.

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

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

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

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

24 (1) The number of infractions related to per-
25 sonnel and cargo committed by major violators who

1 are apprehended by U.S. Customs and Border Pro-
2 tection at such ports of entry.

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

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

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

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

19 (c) EVALUATION BY DEPARTMENT OF ENERGY NA-
20 TIONAL LABORATORY.—The Secretary of Homeland Secu-
21 rity shall request the head of an appropriate Department
22 of Energy National Laboratory with prior expertise in bor-
23 der security to evaluate the measurement system required
24 under subsection (b) to ensure its suitability and statis-

1 tical validity for analyzing progress for the interdiction of
2 illegal crossing and contraband at ports of entry.

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

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

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

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

5 (f) DEFINITIONS.—In this Act:

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

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

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

