

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6061

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Secure Fence Act of  
3 2006”.

4 **SEC. 2. ACHIEVING OPERATIONAL CONTROL ON THE BOR-**  
5 **DER.**

6 (a) IN GENERAL.—Not later than 18 months after  
7 the date of the enactment of this Act, the Secretary of  
8 Homeland Security shall take all actions the Secretary de-  
9 termines necessary and appropriate to achieve and main-  
10 tain operational control over the entire international land  
11 and maritime borders of the United States, to include the  
12 following—

13 (1) systematic surveillance of the international  
14 land and maritime borders of the United States  
15 through more effective use of personnel and tech-  
16 nology, such as unmanned aerial vehicles, ground-  
17 based sensors, satellites, radar coverage, and cam-  
18 eras; and

19 (2) physical infrastructure enhancements to  
20 prevent unlawful entry by aliens into the United  
21 States and facilitate access to the international land  
22 and maritime borders by United States Customs and  
23 Border Protection, such as additional checkpoints,  
24 all weather access roads, and vehicle barriers.

25 (b) OPERATIONAL CONTROL DEFINED.—In this sec-  
26 tion, the term “operational control” means the prevention

1 of all unlawful entries into the United States, including  
2 entries by terrorists, other unlawful aliens, instruments of  
3 terrorism, narcotics, and other contraband.

4 (c) REPORT.—Not later than one year after the date  
5 of the enactment of this Act and annually thereafter, the  
6 Secretary shall submit to Congress a report on the  
7 progress made toward achieving and maintaining oper-  
8 ational control over the entire international land and mari-  
9 time borders of the United States in accordance with this  
10 section.

11 **SEC. 3. CONSTRUCTION OF FENCING AND SECURITY IM-**  
12 **PROVEMENTS IN BORDER AREA FROM PA-**  
13 **CIFIC OCEAN TO GULF OF MEXICO.**

14 Section 102(b) of the Illegal Immigration Reform and  
15 Immigrant Responsibility Act of 1996 (Public Law 104–  
16 208; 8 U.S.C. 1103 note) is amended—

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

19 (2) by amending paragraph (1) to read as fol-  
20 lows:

21 “(1) SECURITY FEATURES.—

22 “(A) REINFORCED FENCING.—In carrying  
23 out subsection (a), the Secretary of Homeland  
24 Security shall provide for least 2 layers of rein-  
25 forced fencing, the installation of additional

1 physical barriers, roads, lighting, cameras, and  
2 sensors—

3 “(i) extending from 10 miles west of  
4 the Tecate, California, port of entry to 10  
5 miles east of the Tecate, California, port of  
6 entry;

7 “(ii) extending from 10 miles west of  
8 the Calexico, California, port of entry to 5  
9 miles east of the Douglas, Arizona, port of  
10 entry;

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

14 “(iv) extending from 5 miles north-  
15 west of the Del Rio, Texas, port of entry  
16 to 5 miles southeast of the Eagle Pass,  
17 Texas, port of entry; and

18 “(v) extending 15 miles northwest of  
19 the Laredo, Texas, port of entry to the  
20 Brownsville, Texas, port of entry.

21 “(B) PRIORITY AREAS.—With respect to  
22 the border described—

23 “(i) in subparagraph (A)(ii), the Sec-  
24 retary shall ensure that an interlocking  
25 surveillance camera system is installed

1 along such area by May 30, 2007, and that  
2 fence construction is completed by May 30,  
3 2008; and

4 “(ii) in subparagraph (A)(v), the Sec-  
5 retary shall ensure that fence construction  
6 from 15 miles northwest of the Laredo,  
7 Texas, port of entry to 15 southeast of the  
8 Laredo, Texas, port of entry is completed  
9 by December 31, 2008.

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

15 **SEC. 4. NORTHERN BORDER STUDY.**

16 (a) IN GENERAL.—The Secretary of Homeland Secu-  
17 rity shall conduct a study on the feasibility of a state of-  
18 the-art infrastructure security system along the northern  
19 international land and maritime border of the United  
20 States and shall include in the study—

- 21 (1) the necessity of implementing such a sys-  
22 tem;  
23 (2) the feasibility of implementing such a sys-  
24 tem; and

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

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

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

11                           **AUTHORITY TO STOP CERTAIN FLEEING VE-**  
12                           **HICLES.**

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

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

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

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

10          (b) REPORT.—Not later than 60 days after the date  
11          of the enactment of this Act, the Secretary of Homeland  
12          Security shall submit to the Committee on Homeland Se-  
13          curity of the House of Representatives and the Committee  
14          on Homeland Security and Governmental Affairs of the  
15          Senate a report that contains the results of the evaluation  
16          conducted under subsection (a).

          Passed the House of Representatives September 14,  
2006.

Attest:

*Clerk.*

109<sup>TH</sup> CONGRESS  
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