

Union Calendar No. 62

113TH CONGRESS
1ST SESSION

H. R. 1417

[Report No. 113-87]

To require the Secretary of Homeland Security to develop a comprehensive strategy to gain and maintain operational control of the international borders of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2013

Mr. McCAUL (for himself, Mrs. MILLER of Michigan, Ms. JACKSON LEE, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Homeland Security

MAY 20, 2013

Additional sponsors: Mr. CUELLAR, Mr. POE of Texas, Mr. KING of New York, Mr. DUNCAN of South Carolina, Mr. OLSON, Mr. MEEHAN, Mr. HUDSON, Mr. STEWART, Mr. FRANKS of Arizona, Mr. BARBER, Mrs. BROOKS of Indiana, Mr. FARENTHOLD, Mr. KINZINGER of Illinois, Mr. BRADY of Texas, Mr. MESSER, Mr. LONG, and Mr. BENTIVOLIO

MAY 20, 2013

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on April 9, 2013]

A BILL

To require the Secretary of Homeland Security to develop a comprehensive strategy to gain and maintain operational control of the international borders of the United States, 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 “Border Security Results*
5 *Act of 2013”.*

6 **SEC. 2. REPORTS ON CURRENT BORDER SECURITY STATUS.**

7 *(a) IN GENERAL.—Not later than 90 days after the*
8 *date of the enactment of this Act, every 180 days thereafter*
9 *until the Comptroller General of the United States reports*
10 *on the results of the review described in section 3(k)(2)(B),*
11 *and every 365 days after the date of such report, the Sec-*
12 *retary of Homeland Security shall submit to the appro-*
13 *priate congressional committees and the Government Ac-*
14 *countability Office a report that assesses and describes the*
15 *state of situational awareness and operational control. Such*
16 *reports shall include an identification of the high traffic*
17 *areas and the illegal border crossing effectiveness rate for*
18 *each sector along the northern and southern borders of the*
19 *United States that are within the responsibility of the Bor-*
20 *der Patrol.*

21 *(b) GAO REPORT.—Not later than 90 days after re-*
22 *ceiving the initial report required under subsection (a), the*
23 *Comptroller General of the United States shall report to the*
24 *appropriate congressional committees regarding the*
25 *verification of the data and methodology used to determine*

1 *high traffic areas and the illegal border crossing effective-*
2 *ness rate.*

3 **SEC. 3. STRATEGY TO ACHIEVE SITUATIONAL AWARENESS**
4 **AND OPERATIONAL CONTROL OF THE BOR-**
5 **DER.**

6 (a) *STRATEGY TO SECURE THE BORDER.*—*Not later*
7 *than 180 days after the date of the enactment of this Act,*
8 *the Secretary of Homeland Security shall submit to the ap-*
9 *propriate congressional committees a comprehensive strat-*
10 *egy for gaining and maintaining situational awareness,*
11 *and operational control of high traffic areas, by the date*
12 *that is not later than two years after the date of the submis-*
13 *sion of the implementation plan required under subsection*
14 *(c), and operational control along the southwest border of*
15 *the United States by the date that is not later than five*
16 *years after such date of submission.*

17 (b) *CONTENTS OF STRATEGY.*—*The strategy required*
18 *under subsection (a) shall include, at a minimum, a consid-*
19 *eration of the following:*

20 (1) *An assessment of principal border security*
21 *threats, including threats relating to the smuggling*
22 *and trafficking of humans, weapons, and illicit drugs.*

23 (2) *Efforts to analyze and disseminate border se-*
24 *curity and border threat information between Depart-*
25 *ment of Homeland Security border security compo-*

1 *nents and with other appropriate Federal depart-*
2 *ments and agencies with missions associated with the*
3 *border.*

4 *(3) Efforts to increase situational awareness, in*
5 *accordance with privacy, civil liberties, and civil*
6 *rights protections, including—*

7 *(A) surveillance capabilities developed or*
8 *utilized by the Department of Defense, including*
9 *any technology determined to be excess by the*
10 *Department of Defense; and*

11 *(B) use of manned aircraft and unmanned*
12 *aerial systems, including camera and sensor*
13 *technology deployed on such assets.*

14 *(4) Efforts to detect and prevent terrorists and*
15 *instruments of terrorism from entering the United*
16 *States.*

17 *(5) Efforts to ensure that any new border secu-*
18 *rity technology can be operationally integrated with*
19 *existing technologies in use by the Department of*
20 *Homeland Security.*

21 *(6) An assessment of existing efforts and tech-*
22 *nologies used for border security and the effect of the*
23 *use of such efforts and technologies on civil rights,*
24 *private property rights, privacy rights, and civil lib-*
25 *erties.*

1 (7) *Technology required to maintain, support,*
2 *and enhance security and facilitate trade at ports of*
3 *entry, including nonintrusive detection equipment,*
4 *radiation detection equipment, biometric technology,*
5 *surveillance systems, and other sensors and technology*
6 *that the Secretary of Homeland Security determines*
7 *necessary.*

8 (8) *Operational coordination of Department of*
9 *Homeland Security border security components.*

10 (9) *Lessons learned from Operation Jumpstart*
11 *and Operation Phalanx.*

12 (10) *Cooperative agreements and information*
13 *sharing with State, local, tribal, territorial, and other*
14 *Federal law enforcement agencies that have jurisdic-*
15 *tion on the northern or southern borders, or in the*
16 *maritime environment.*

17 (11) *Border security information received from*
18 *consultation with State, local, tribal, and Federal law*
19 *enforcement agencies that have jurisdiction on the*
20 *northern or southern border, or in the maritime envi-*
21 *ronment, and from border community stakeholders*
22 *(including through public meetings with such stake-*
23 *holders), including representatives from border agri-*
24 *cultural and ranching organizations and representa-*

1 *tives from business and civic organizations along the*
2 *northern or southern border.*

3 *(12) Agreements with foreign governments that*
4 *support the border security efforts of the United*
5 *States, including coordinated installation of stand-*
6 *ardized land border inspection technology, such as li-*
7 *cence plate readers and RFID readers.*

8 *(13) Staffing requirements for all border security*
9 *functions.*

10 *(14) A prioritized list of research and develop-*
11 *ment objectives to enhance the security of the inter-*
12 *national land and maritime borders of the United*
13 *States.*

14 *(15) An assessment of training programs, in-*
15 *cluding training programs regarding—*

16 *(A) identifying and detecting fraudulent*
17 *documents;*

18 *(B) protecting the civil, constitutional,*
19 *human, and privacy rights of individuals;*

20 *(C) understanding the scope of enforcement*
21 *authorities and the use of force policies;*

22 *(D) screening, identifying, and addressing*
23 *vulnerable populations, such as children and vic-*
24 *tims of human trafficking; and*

1 (E) social and cultural sensitivity toward
2 border communities.

3 (16) Local crime indices of municipalities and
4 counties along the Southern border.

5 (17) An assessment of how border security oper-
6 ations affect crossing times.

7 (18) Metrics required under subsections (e), (f),
8 and (g).

9 (c) IMPLEMENTATION PLAN.—

10 (1) IN GENERAL.—Not later than 90 days after
11 the submission of the strategy required under sub-
12 section (a), the Secretary of Homeland Security shall
13 submit to the appropriate congressional committees
14 and the Government Accountability Office an imple-
15 mentation plan for each of the Department of Home-
16 land Security border security components to carry
17 out such strategy. Such implementation plan shall, at
18 a minimum—

19 (A) specify what protections will be put in
20 place to ensure that staffing and resources nec-
21 essary for the maintenance of operations at ports
22 of entry are not diverted to the detriment of such
23 operations in favor of operations between ports
24 of entry; and

25 (B) include—

1 (i) *an integrated master schedule and*
2 *cost estimate, including lifecycle costs, for*
3 *the activities contained in such implementa-*
4 *tion plan; and*

5 (ii) *a comprehensive border security*
6 *technology plan to improve surveillance ca-*
7 *pabilities that includes—*

8 (I) *a documented justification and*
9 *rationale for technology choices;*

10 (II) *deployment locations;*

11 (III) *fixed versus mobile assets;*

12 (IV) *a timetable for procurement*
13 *and deployment;*

14 (V) *estimates of operation and*
15 *maintenance costs;*

16 (VI) *an identification of any im-*
17 *pediments to the deployment of such*
18 *technologies; and*

19 (VII) *estimates of the relative cost*
20 *effectiveness of various border security*
21 *strategies and operations, including de-*
22 *ployment of personnel and technology,*
23 *and construction of new physical and*
24 *virtual barriers.*

1 (2) *GOVERNMENT ACCOUNTABILITY OFFICE RE-*
2 *VIEW.*—Not later than 90 days after receiving the im-
3 *plementation plan in accordance with paragraph (1),*
4 *the Comptroller General of the United States shall*
5 *submit to the appropriate congressional committees a*
6 *report on such plan.*

7 (d) *PERIODIC UPDATES.*—Not later than 180 days
8 *after the submission of each Quadrennial Homeland Secu-*
9 *rity Review required under section 707 of the Homeland*
10 *Security Act of 2002 (6 U.S.C. 347) beginning with the first*
11 *such Review that is due after the implementation plan is*
12 *submitted under subsection (c), the Secretary of Homeland*
13 *Security shall submit to the appropriate congressional com-*
14 *mittees an updated—*

15 (1) *strategy under subsection (a); and*

16 (2) *implementation plan under subsection (c).*

17 (e) *METRICS FOR SECURING THE BORDER BETWEEN*
18 *PORTS OF ENTRY.*—Not later than 120 days after the date
19 *of the enactment of this Act, the Secretary of Homeland Se-*
20 *curity shall implement metrics, informed by situational*
21 *awareness, to measure the effectiveness of security between*
22 *ports of entry, which shall include, at a minimum, the fol-*
23 *lowing:*

24 (1) *An illegal border crossing effectiveness rate,*
25 *informed by situational awareness.*

1 (2) *An illicit drugs seizure rate which measures*
2 *the amount and type of illicit drugs seized by the*
3 *Border Patrol in any fiscal year compared to an av-*
4 *erage of the amount and type of illicit drugs seized*
5 *by the Border Patrol for the immediately preceding*
6 *five fiscal years.*

7 (3) *A cocaine seizure effectiveness rate measured*
8 *as a percentage that results from dividing the amount*
9 *of cocaine seized by the Border Patrol by the total*
10 *documented cocaine flow rate as contained in Federal*
11 *drug databases.*

12 (4) *Estimates, using alternative methodologies,*
13 *including recidivism data, survey data, known-flow*
14 *data, and technologically-measured data, of total at-*
15 *tempted illegal border crossings, total deaths and in-*
16 *juries resulting from such attempted illegal border*
17 *crossings, the rate of apprehension of attempted illegal*
18 *border crossers, and the inflow into the United States*
19 *of illegal border crossers who evade apprehension.*

20 (5) *Estimates of the impact of the Border Pa-*
21 *trol's Consequence Delivery System on the rate of re-*
22 *cidivism of illegal border crossers.*

23 (f) *METRICS FOR SECURING THE BORDER AT PORTS*
24 *OF ENTRY.—*

1 (1) *IN GENERAL.*—Not later than 120 days after
2 the date of the enactment of this Act, the Secretary of
3 Homeland Security shall implement metrics, in-
4 formed by situational awareness, to measure the effec-
5 tiveness of security at ports of entry, which shall in-
6 clude, at a minimum, the following:

7 (A) *An inadmissible border crossing rate*
8 *which measures the number of known inadmis-*
9 *sible border crossers who are apprehended, ex-*
10 *cluding those border crossers who voluntarily*
11 *withdraw their applications for admission,*
12 *against the total estimated number of inadmis-*
13 *sible border crossers U.S. Customs and Border*
14 *Protection fails to apprehend.*

15 (B) *An illicit drugs seizure rate which*
16 *measures the amount and type of illicit drugs*
17 *seized by U.S. Customs and Border Protection in*
18 *any fiscal year compared to an average of the*
19 *amount and type of illicit drugs seized by U.S.*
20 *Customs and Border Protection for the imme-*
21 *diately preceding five fiscal years.*

22 (C) *A cocaine seizure effectiveness rate*
23 *measured as a percentage that results from di-*
24 *viding the amount of cocaine seized by U.S. Cus-*
25 *toms and Border Protection by the total docu-*

1 *mented cocaine flow rate as contained in Federal*
2 *drug databases.*

3 *(D) Estimates, using alternative methodolo-*
4 *gies, including survey data and randomized sec-*
5 *ondary screening data, of total attempted inad-*
6 *missible border crossers, the rate of apprehension*
7 *of attempted inadmissible border crossers, and*
8 *the inflow into the United States of inadmissible*
9 *border crossers who evade apprehension.*

10 *(E) The number of infractions related to*
11 *personnel and cargo committed by major viola-*
12 *tors who are apprehended by U.S. Customs and*
13 *Border Protection at ports of entry, and the esti-*
14 *mated number of such infractions committed by*
15 *major violators who are not so apprehended.*

16 *(F) A measurement of how border security*
17 *operations affect crossing times.*

18 *(2) COVERT TESTING.—The Inspector General of*
19 *the Department of Homeland Security shall carry out*
20 *covert testing at ports of entry and submit to the Sec-*
21 *retary of Homeland Security and the appropriate*
22 *congressional committees a report that contains the*
23 *results of such testing. The Secretary shall use such*
24 *results to inform activities under this subsection.*

1 (g) *METRICS FOR SECURING THE MARITIME BOR-*
2 *DER.—Not later than 120 days after the date of the enact-*
3 *ment of this Act, the Secretary of Homeland Security shall*
4 *implement metrics, informed by situational awareness, to*
5 *measure the effectiveness of security in the maritime envi-*
6 *ronment, which shall include, at a minimum, the following:*

7 (1) *An estimate of the total number of undocu-*
8 *mented migrants the Department of Homeland Secu-*
9 *rity’s maritime security components fail to interdict.*

10 (2) *An undocumented migrant interdiction rate*
11 *which measures the number of undocumented mi-*
12 *grants interdicted against the total estimated number*
13 *of undocumented migrants the Department of Home-*
14 *land Security’s maritime security components fail to*
15 *interdict.*

16 (3) *An illicit drugs removal rate which measures*
17 *the amount and type of illicit drugs removed by the*
18 *Department of Homeland Security’s maritime secu-*
19 *rity components inside a transit zone in any fiscal*
20 *year compared to an average of the amount and type*
21 *of illicit drugs removed by the Department of Home-*
22 *land Security’s maritime security components inside*
23 *a transit zone for the immediately preceding five fis-*
24 *cal years.*

1 (4) *An illicit drugs removal rate which measures*
2 *the amount of illicit drugs removed by the Depart-*
3 *ment of Homeland Security’s maritime security com-*
4 *ponents outside a transit zone in any fiscal year com-*
5 *pared to an average of the amount of illicit drugs re-*
6 *moved by the Department of Homeland Security’s*
7 *maritime security components outside a transit zone*
8 *for the immediately preceding five fiscal years.*

9 (5) *A cocaine removal effectiveness rate inside a*
10 *transit zone.*

11 (6) *A cocaine removal effectiveness rate outside a*
12 *transit zone.*

13 (7) *A response rate which measures the Depart-*
14 *ment of Homeland Security’s ability to respond to*
15 *and resolve known maritime threats, both inside and*
16 *outside a transit zone, by placing assets on-scene,*
17 *compared to the total number of events with respect*
18 *to which the Department has known threat informa-*
19 *tion.*

20 (h) *COLLABORATION.—The Secretary of Homeland Se-*
21 *curity shall collaborate with the head of a national labora-*
22 *tory within the Department of Homeland Security labora-*
23 *tory network with prior expertise in border security and*
24 *the head of a border security university-based center within*
25 *the Department of Homeland Security centers of excellence*

1 *network to develop the metrics required under subsections*
2 *(e), (f), and (g) to ensure the suitability and statistical va-*
3 *lidity of each such metric. Such collaboration shall also in-*
4 *clude consultation by the Secretary with the Governors of*
5 *every border State and representatives of the Border Patrol*
6 *and U.S. Customs and Border Protection.*

7 *(i) RECOMMENDATIONS RELATING TO CERTAIN OTHER*
8 *METRICS.—In carrying out subsection (h), the head of the*
9 *national laboratory and the head of a border security uni-*
10 *versity-based center referred to in such subsection shall*
11 *make recommendations to the Secretary of Homeland Secu-*
12 *rity for other suitable metrics that may be used to measure*
13 *the effectiveness of border security.*

14 *(j) EVALUATION BY THE GOVERNMENT ACCOUNT-*
15 *ABILITY OFFICE.—*

16 *(1) IN GENERAL.—The Secretary of Homeland*
17 *Security shall make available to the Government Ac-*
18 *countability Office the data and methodology used to*
19 *develop the metrics implemented under subsections*
20 *(e), (f), and (g).*

21 *(2) REPORT.—Not later than 270 days after re-*
22 *ceiving the data and methodology referred to in para-*
23 *graph (1), the Comptroller General of the United*
24 *States shall submit to the appropriate congressional*

1 *committees a report on the suitability and statistical*
2 *validity of such data and methodology.*

3 *(k) CERTIFICATIONS AND REPORTS RELATING TO*
4 *OPERATIONAL CONTROL.—*

5 *(1) BY THE SECRETARY OF HOMELAND SECU-*
6 *RITY.—*

7 *(A) TWO YEARS.—If the Secretary of Home-*
8 *land Security determines that situational aware-*
9 *ness and operational control of high traffic areas*
10 *have been achieved by the date that is not later*
11 *than two years after the date of the submission*
12 *of the implementation plan required under sub-*
13 *section (c), the Secretary shall submit to the ap-*
14 *propriate congressional committees and the*
15 *Comptroller General of the United States a cer-*
16 *tification that so attests.*

17 *(B) FIVE YEARS.—If the Secretary of*
18 *Homeland Security determines that operational*
19 *control along the southwest border of the United*
20 *States has been achieved by the date that is not*
21 *later than five years after the date of the submis-*
22 *sion of the implementation plan required under*
23 *subsection (c), the Secretary shall submit to the*
24 *appropriate congressional committees and the*

1 *Comptroller General of the United States a cer-*
2 *tification that so attests.*

3 (C) *ANNUAL UPDATES.*—*Every year begin-*
4 *ning with the year after the Secretary of Home-*
5 *land Security submits the certification under*
6 *subparagraph (B), if the Secretary determines*
7 *that operational control along the southwest bor-*
8 *der of the United States is being maintained, the*
9 *Secretary shall submit to the appropriate con-*
10 *gressional committees and the Comptroller Gen-*
11 *eral of the United States a certification that so*
12 *attests.*

13 (2) *BY THE COMPTROLLER GENERAL.*—

14 (A) *REVIEWS.*—*The Comptroller General of*
15 *the United States shall review the certifications*
16 *of the Secretary of Homeland Security under*
17 *subparagraphs (A), (B), and (C) of paragraph*
18 *(1) to assess the certifications of the Secretary re-*
19 *lating to the achievement of situational aware-*
20 *ness, operational control, or both, as the case*
21 *may be, in accordance with such subparagraphs.*

22 (B) *REPORTS.*—*Not later than 120 days*
23 *after conducting the reviews described in sub-*
24 *paragraph (A), the Comptroller General of the*
25 *United States shall submit to the appropriate*

1 *congressional committees a report on the results*
2 *of each such review.*

3 *(l) FAILURE TO ACHIEVE SITUATIONAL AWARENESS*
4 *OR OPERATIONAL CONTROL.—If the Secretary of Homeland*
5 *Security determines that situational awareness, operational*
6 *control, or both, as the case may be, has not been achieved*
7 *by the dates referred to in subparagraphs (A) and (B) of*
8 *subsection (k)(1), as the case may be, or if the Secretary*
9 *determines that operational control is not being annually*
10 *maintained pursuant to subparagraph (C) of such sub-*
11 *section, the Secretary shall, not later than 60 days after*
12 *such dates, submit to the appropriate congressional commit-*
13 *tees a report that describes why situational awareness or*
14 *operational control, or both, as the case may be, was not*
15 *achieved. Such report shall include, at a minimum, impedi-*
16 *ments incurred, potential remedies, and recommendations*
17 *to achieve situational awareness, operational control, or*
18 *both, as the case may be.*

19 *(m) GOVERNMENT ACCOUNTABILITY OFFICE REPORT*
20 *ON BORDER SECURITY DUPLICATION AND COST EFFEC-*
21 *TIVENESS.—Not later than one year after the date of the*
22 *enactment of this Act, the Comptroller General of the United*
23 *States shall submit to the appropriate congressional com-*
24 *mittees a report addressing areas of overlap in responsibil-*
25 *ities within the border security functions of the Department*

1 *of Homeland Security and the relative cost effectiveness of*
2 *border security strategies, including deployment of addi-*
3 *tional personnel and technology, and construction of virtual*
4 *and physical barriers.*

5 *(n) REPORTS.—Not later than 60 days after the date*
6 *of the enactment of this Act and annually thereafter, the*
7 *Secretary of Homeland Security shall submit to the appro-*
8 *priate congressional committees a report on the following:*

9 *(1) A resource allocation model for current and*
10 *future year staffing requirements that includes opti-*
11 *mal staffing levels at all land, air, and sea ports of*
12 *entry, and an explanation of U.S. Customs and Bor-*
13 *der Protection methodology for aligning staffing levels*
14 *and workload to threats and vulnerabilities and their*
15 *effects on cross border trade and passenger travel*
16 *across all mission areas.*

17 *(2) Detailed information on the level of man-*
18 *power available at all land, air, and sea ports of*
19 *entry and between ports of entry, including the num-*
20 *ber of canine and agricultural specialists assigned to*
21 *each such port of entry.*

22 *(3) Detailed information that describes the dif-*
23 *ference between the staffing the model suggests and the*
24 *actual staffing at each port of entry and between the*
25 *ports of entry.*

1 (4) *Detailed information that examines both the*
2 *security impacts and competitive impacts of entering*
3 *into a reimbursement agreement with foreign govern-*
4 *ments for U.S. Customs and Border Protection*
5 *preclearance facilities.*

6 (o) *DEFINITIONS.—In this Act:*

7 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
8 *TEES.—The term “appropriate congressional commit-*
9 *tees” means the Committee on Homeland Security of*
10 *the House of Representatives and the Committee on*
11 *Homeland Security and Governmental Affairs of the*
12 *Senate.*

13 (2) *COCAINE REMOVAL EFFECTIVENESS RATE.—*
14 *The term “cocaine removal effectiveness rate” means*
15 *the percentage that results from dividing the amount*
16 *of cocaine removed by the Department of Homeland*
17 *Security’s maritime security components inside or*
18 *outside a transit zone, as the case may be, by the total*
19 *documented cocaine flow rate as contained in Federal*
20 *drug databases.*

21 (3) *CONSEQUENCE DELIVERY SYSTEM.—The*
22 *term “Consequence Delivery System” means the series*
23 *of consequences applied to persons illegally entering*
24 *the United States by the Border Patrol to prevent ille-*
25 *gal border crossing recidivism.*

1 (4) *GOT AWAY*.—The term “got away” means an
2 illegal border crosser who, after making an illegal
3 entry into the United States, is not turned back or
4 apprehended.

5 (5) *HIGH TRAFFIC AREAS*.—The term “high traf-
6 fic areas” means sectors along the northern and
7 southern borders of the United States that are within
8 the responsibility of the Border Patrol that have the
9 most illicit cross-border activity, informed through
10 situational awareness.

11 (6) *ILLEGAL BORDER CROSSING EFFECTIVENESS*
12 *RATE*.—The term “illegal border crossing effectiveness
13 rate” means the percentage that results from dividing
14 the number of apprehensions and turn backs by the
15 number of apprehensions, turn backs, and got aways.
16 The data used by the Secretary of Homeland Security
17 to determine such rate shall be collected and reported
18 in a consistent and standardized manner across all
19 Border Patrol sectors.

20 (7) *MAJOR VIOLATOR*.—The term “major viola-
21 tor” means a person or entity that has engaged in se-
22 rious criminal activities at any land, air, or sea port
23 of entry, including possession of illicit drugs, smug-
24 gling of prohibited products, human smuggling, weap-
25 ons possession, use of fraudulent United States docu-

1 *ments, or other offenses serious enough to result in ar-*
2 *rest.*

3 (8) *OPERATIONAL CONTROL.*—*The term “oper-*
4 *ational control” means a condition in which there is*
5 *a not lower than 90 percent illegal border crossing ef-*
6 *fectiveness rate, informed by situational awareness,*
7 *and a significant reduction in the movement of illicit*
8 *drugs and other contraband through such areas is*
9 *being achieved.*

10 (9) *SITUATIONAL AWARENESS.*—*The term “situa-*
11 *tional awareness” means knowledge and an under-*
12 *standing of current illicit cross-border activity, in-*
13 *cluding cross-border threats and trends concerning il-*
14 *licit trafficking and unlawful crossings along the*
15 *international borders of the United States and in the*
16 *maritime environment, and the ability to forecast fu-*
17 *ture shifts in such threats and trends.*

18 (10) *TRANSIT ZONE.*—*The term “transit zone”*
19 *means the sea corridors of the western Atlantic Ocean,*
20 *the Gulf of Mexico, the Caribbean Sea, and the east-*
21 *ern Pacific Ocean through which undocumented mi-*
22 *grants and illicit drugs transit, either directly or in-*
23 *directly, to the United States.*

24 (11) *TURN BACK.*—*The term “turn back” means*
25 *an illegal border crosser who, after making an illegal*

1 *entry into the United States, returns to the country*
2 *from which such crosser entered.*

3 **SEC. 4. US-VISIT IMPLEMENTATION.**

4 *Not later than 180 days after the date of the enactment*
5 *of this Act, the Secretary of Homeland Security shall sub-*
6 *mit to the appropriate congressional committees a plan to*
7 *implement immediately a biometric exit capability at ports*
8 *of entry under the US-VISIT program, in accordance with*
9 *the Enhanced Security and Visa Entry Reform Act of 2002*
10 *(Public Law 107–173). If the Secretary determines that de-*
11 *velopment of such a system is not feasible, the Secretary*
12 *shall, not later than 180 days after the date of the enact-*
13 *ment of this Act, submit to the appropriate congressional*
14 *committees a plan to implement, not later than two years*
15 *after such date of enactment, an alternative program to pro-*
16 *vide the same level of security.*

17 **SEC. 5. PROHIBITION ON LAND BORDER CROSSING FEE**
18 **STUDY.**

19 *The Secretary of Homeland Security may not conduct*
20 *any study relating to the imposition of a border crossing*
21 *fee for pedestrians or passenger vehicles at land ports of*
22 *entry along the southern border or the northern border of*
23 *the United States.*

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