

109TH CONGRESS
1ST SESSION

H. R. 1196

To improve the security clearance process along the United States-Mexico border, to increase the number of detention beds, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2005

Mr. ORTIZ (for himself, Mr. BONILLA, Mr. HINOJOSA, Mr. GENE GREEN of Texas, Mr. DOGGETT, and Ms. JACKSON-LEE of Texas) 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 improve the security clearance process along the United States-Mexico border, to increase the number of detention beds, 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. FINDINGS.**

4 Congress finds the following:

5 (1) The United States must have adequate in-
6 frastructure and policies in place under the Depart-
7 ment of Homeland Security to protect against poten-

1 tial terrorists attempting to enter the United States
2 along the Southwest Border.

3 (2) According to top government officials, sev-
4 eral Al Qaeda leaders believe operatives can pay
5 their way into the country through Mexico and also
6 believe illegal entry is more advantageous than legal
7 entry for operational security reasons.

8 (3) Official border patrol records reveal a dis-
9 turbing trend on the southern border indicating a
10 growth in other than Mexicans (OTMs), many from
11 countries of interest, crossing into the United
12 States—between 2003 and 2004 the increase was at
13 least 35 percent.

14 (4) Because of budget constraints, the U.S. Im-
15 migration and Customs Enforcement Office of De-
16 tention and Removal does not have sufficient bed
17 space to detain all illegal immigrants from special
18 interest countries therefore releasing them on per-
19 sonal recognizance.

20 (5) The Department of Homeland Security esti-
21 mates that up to 90 percent of these immigrants do
22 not appear for their immigration hearings.

23 (6) The Department of Homeland Security
24 needs more personnel at the borders with the nec-
25 essary security clearances and equipment to ade-

1 quately screen and detain immigrants coming to the
2 United States.

3 (7) The Secretary of Homeland Security should
4 provide appropriate training for inspectors, and as-
5 sociated support staff, on an ongoing basis to utilize
6 new technologies and to ensure that the proficiency
7 levels of such personnel are acceptable to protect the
8 borders of the United States.

9 **SEC. 2. IMPROVEMENT IN SECURITY CLEARANCE PROCESS**
10 **ALONG THE UNITED STATES-MEXICO BOR-**
11 **DER AND INCREASE IN DETENTION BEDS.**

12 (a) IMPROVEMENT IN SECURITY CLEARANCE PROC-
13 ESS.—The Secretary of Homeland Security shall—

14 (1) expeditiously implement policies ensuring
15 that personnel of the Department of Homeland Se-
16 curity along the United States-Mexico border have
17 the security clearances required to access informa-
18 tion necessary to adequately screen immigrants en-
19 tering the United States at such border, including
20 IDENT and IAFIS databases and databases used
21 by the Department’s inspectors in secondary inspec-
22 tions;

23 (2) develop the interagency agreements and in-
24 formation technology infrastructure necessary for

1 border agents to adequately screen immigrants en-
2 tering the United States at such border; and

3 (3) explore information sharing programs with
4 countries of interest to adequately screen immi-
5 grants entering our borders.

6 (b) INCREASE IN DETENTION BEDS.—Subject to the
7 availability of appropriations, the Secretary of Homeland
8 Security shall increase by the amount necessary the num-
9 ber of detention beds needed to detain all immigrants ap-
10 prehended by U.S. Customs and Border Protection.

11 (c) SENSE OF CONGRESS.—It is the sense of the Con-
12 gress that the Office of Detention and Removal Operation
13 should be placed under the operational control of the Com-
14 missioner of U.S. Customs and Border Protection, since
15 the largest client of such office is the Border Patrol.

16 **SEC. 3. STUDY OF PERSONNEL LEVELS.**

17 (a) IN GENERAL.—The Secretary of Homeland Secu-
18 rity shall contract with an independent entity to undertake
19 a study to determine the necessary level and allocation of
20 personnel, including support staff, at United States ports
21 of entry and border patrol sectors.

22 (b) ITEMS TO BE INCLUDED.—Such study shall take
23 into account at least the following:

24 (1) The overall mission of U.S. Customs and
25 Border Protection.

1 (2) Threat and vulnerability information per-
2 taining to the Nation's borders and ports of entry

3 (3) The impact of new border security pro-
4 grams, policies and technologies, and the level of
5 cross-training received by all staff.

6 (c) REPORT.—Not later than 1 year after the date
7 of the enactment of this Act, the Secretary shall submit
8 to the appropriate congressional committees, as defined in
9 section 2(2) of the Homeland Security Act of 2002 (6
10 U.S.C. 101(2)), a report on the study conducted under
11 this section.

12 **SEC. 4. ONGOING TRAINING OF BORDER SECURITY PER-**
13 **SONNEL.**

14 The Secretary of Homeland Security shall provide ap-
15 propriate training for all border security personnel, and
16 associated support staff on an ongoing basis to utilize new
17 technologies and to ensure that the proficiency levels of
18 such personnel are acceptable to protect the borders of the
19 United States.

20 **SEC. 5. PROMPT AND PROPER ENFORCEMENT.**

21 (a) SENSE OF CONGRESS.—It is the sense of the Con-
22 gress that—

23 (1) prosecutors and immigration judges are
24 critical for the prompt and proper enforcement of

1 our immigration laws, and are an important part of
2 a comprehensive strategy; and

3 (2) an insufficient number of prosecutors and
4 immigration judges currently exists to enforce the
5 immigration laws of the United States.

6 (b) AUTHORIZATION.—There are hereby authorized
7 to be appropriated amounts necessary to provide for ap-
8 propriate staff increases for judicial and prosecutorial of-
9 fices, commensurate with other personnel increases di-
10 rected in this Act.

11 **SEC. 6. REPORT ON DETENTION AND REMOVAL OPER-**
12 **ATIONS.**

13 (a) IN GENERAL.—The Secretary of Homeland Secu-
14 rity shall submit to the appropriate congressional commit-
15 tees (as defined in section 2(2) of the Homeland Security
16 Act of 2002 (6 U.S.C. 101(2))) a report on detention and
17 removal operations, detailing the amount of additional de-
18 tention space and resources required to detain all persons
19 presenting a possible threat to homeland security.

20 (b) INFORMATION TO BE INCLUDED.—The report
21 shall include information on—

22 (1) alternatives to detention, including elec-
23 tronic monitoring, telephone, and voice recognition
24 programs for those on bond, and conducting depor-

1 tation proceedings prior to prisoners' release from
2 Federal, State, and local prisons; and
3 (2) countries to which removal is problematic.

4 **SEC. 7. COMPREHENSIVE BORDER SECURITY STRATEGY.**

5 The Secretary of Homeland Security, in consultation
6 with the heads of all other Federal agencies with border-
7 related functions or with facilities or lands on or along
8 the border, shall submit to the appropriate congressional
9 committees (as defined in section 2 of the Homeland Secu-
10 rity Act of 2002 (6 U.S.C. 101)) unclassified and classi-
11 fied versions of a unified, comprehensive strategy to secure
12 the land borders of the United States. Such strategy shall
13 be submitted not later than 6 months after the date of
14 the enactment of this Act and shall include a description
15 of the actions already taken to implement the strategy.

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