

110TH CONGRESS  
1ST SESSION

# H. R. 3469

To assist the Secretary of Homeland Security in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 2007

Mr. RUPPERSBERGER introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Armed Services, 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

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## A BILL

To assist the Secretary of Homeland Security in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration, 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 “America’s Border Se-  
5       curity Act of 2007”.

1 **SEC. 2. TECHNOLOGICAL ASSETS.**

2 (a) INCREASED AVAILABILITY OF EQUIPMENT.—The  
3 Secretary of Homeland Security and the Secretary of De-  
4 fense shall develop and implement a plan to use authori-  
5 ties provided to the Secretary of Defense under chapter  
6 18 of title 10, United States Code, to increase the avail-  
7 ability and use of Department of Defense equipment, in-  
8 cluding unmanned aerial vehicles, tethered aerostat ra-  
9 dars, and other surveillance equipment, to assist the Sec-  
10 retary of Homeland Security in carrying out surveillance  
11 activities conducted at or near the international land bor-  
12 ders of the United States to prevent illegal immigration.

13 (b) REPORT.—Not later than 6 months after the date  
14 of enactment of this Act, the Secretary of Homeland Secu-  
15 rity and the Secretary of Defense shall submit to Congress  
16 a report that contains—

17 (1) a description of the current use of Depart-  
18 ment of Defense equipment to assist the Secretary  
19 of Homeland Security in carrying out surveillance of  
20 the international land borders of the United States  
21 and assessment of the risks to citizens of the United  
22 States and foreign policy interests associated with  
23 the use of such equipment;

24 (2) the plan developed under subsection (b) to  
25 increase the use of Department of Defense equip-  
26 ment to assist such surveillance activities; and

5 (c) UNMANNED AERIAL VEHICLE PILOT PRO-  
6 GRAM.—During the 1-year period beginning on the date  
7 on which the report is submitted under subsection (b), the  
8 Secretary of Homeland Security shall conduct a pilot pro-  
9 gram to test unmanned aerial vehicles for border surveil-  
10 lance along the international border between Canada and  
11 the United States.

12 (d) CONSTRUCTION.—Nothing in this section may be  
13 construed as altering or amending the prohibition on the  
14 use of any part of the Army or the Air Force as a posse  
15 comitatus under section 1385 of title 18, United States  
16 Code.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to the Secretary of  
19 Homeland Security such sums as may be necessary for  
20 each of the fiscal years 2008 through 2012 to carry out  
21 subsection (a).

## 22 SEC. 3. INFRASTRUCTURE.

23 (a) CONSTRUCTION OF BORDER CONTROL FACILI-  
24 TIES.—Subject to the availability of appropriations, the  
25 Secretary of Homeland Security shall construct all-weather-

1 er roads and acquire additional vehicle barriers and facil-  
2 ties necessary to achieve operational control of the inter-  
3 national borders of the United States.

4 (b) REPORTS.—The Secretary of Homeland Security  
5 shall submit quarterly reports to the Congress on the  
6 progress made in carrying out subsection (a).

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated to the Secretary of  
9 Homeland Security such sums as may be necessary for  
10 each of the fiscal years 2008 through 2012 to carry out  
11 subsection (a).

12 **SEC. 4. PORTS OF ENTRY.**

13 The Secretary of Homeland Security is authorized  
14 to—

15 (1) construct additional ports of entry along the  
16 international land borders of the United States, at  
17 locations to be determined by the Secretary of  
18 Homeland Security; and

19 (2) make necessary improvements to the ports  
20 of entry in existence on the date of enactment of this  
21 Act.

22 **SEC. 5. SECURE COMMUNICATION.**

23 The Secretary of Homeland Security shall, as expedi-  
24 tiously as practicable, develop and implement a plan to  
25 improve the use of satellite communications and other

1 technologies to ensure clear and secure 2-way communica-  
2 tion capabilities—

3 (1) among all Border Patrol agents conducting  
4 operations between ports of entry;

5 (2) between Border Patrol agents and their re-  
6 spective Border Patrol stations;

7 (3) between Border Patrol agents and residents  
8 in remote areas along the international land borders  
9 of the United States; and

10 (4) between all appropriate border security  
11 agencies of the Department and State, local, and  
12 tribal law enforcement agencies.

**13 SEC. 6. UNMANNED AERIAL VEHICLES.**

14 (a) UNMANNED AERIAL VEHICLES AND ASSOCIATED  
15 INFRASTRUCTURE.—The Secretary of Homeland Security  
16 shall acquire and maintain not fewer than 5 unmanned  
17 aerial vehicles and related equipment for use to patrol the  
18 international borders of the United States, including  
19 equipment such as—

20 (1) additional sensors;

21 (2) critical spares;

22 (3) satellite command and control; and

23 (4) other necessary equipment for operational  
24 support.

25 (b) AUTHORIZATION OF APPROPRIATIONS.—

10 SEC. 7. SURVEILLANCE TECHNOLOGIES PROGRAMS.

11 (a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary of Homeland Security, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

4 (A) consider current and proposed aerial  
5 surveillance technologies;

6 (B) assess the feasibility and advisability  
7 of utilizing such technologies to address border  
8 threats, including an assessment of the tech-  
9 nologies considered best suited to address re-  
10 spective threats;

11 (C) consult with the Secretary of Defense  
12 regarding any technologies or equipment, which  
13 the Secretary of Homeland Security may deploy  
14 along an international border of the United  
15 States; and

16 (D) consult with the Administrator of the  
17 Federal Aviation Administration regarding safe-  
18 ty, airspace coordination and regulation, and  
19 any other issues necessary for implementation  
20 of the program.

21 (3) ADDITIONAL REQUIREMENTS.—

22 (A) IN GENERAL.—The program developed  
23 under this subsection shall include the use of a  
24 variety of aerial surveillance technologies in a  
25 variety of topographies and areas, including

5 (i) the significance of previous experi-  
6 ences with such technologies in border se-  
7 curity or critical infrastructure protection;

8 (ii) the cost and effectiveness of var-  
9 ious technologies for border security, in-  
10 cluding varying levels of technical com-  
11 plexity; and

12 (iii) liability, safety, and privacy con-  
13 cerns relating to the utilization of such  
14 technologies for border security.

1       gether with any recommendations that the Secretary  
2       finds appropriate for enhancing the program.

3                     (6) AUTHORIZATION OF APPROPRIATIONS.—  
4       There are authorized to be appropriated such sums  
5       as may be necessary to carry out this subsection.

6                     (b) INTEGRATED AND AUTOMATED SURVEILLANCE  
7       PROGRAM.—

8                     (1) REQUIREMENT FOR PROGRAM.—Subject to  
9       the availability of appropriations, the Secretary of  
10      Homeland Security shall establish a program to pro-  
11      cure additional unmanned aerial vehicles, cameras,  
12      poles, sensors, satellites, radar coverage, and other  
13      technologies necessary to achieve operational control  
14      of the international borders of the United States and  
15      to establish a security perimeter known as a “virtual  
16      fence” along such international borders to provide a  
17      barrier to illegal immigration. Such program shall be  
18      known as the Integrated and Automated Surveil-  
19      lance Program.

20                    (2) PROGRAM COMPONENTS.—The Secretary  
21       shall ensure, to the maximum extent feasible, that—

22                    (A) the technologies utilized in the Inte-  
23      grated and Automated Surveillance Program  
24      are integrated and function cohesively in an  
25      automated fashion, including the integration of

1 motion sensor alerts and cameras in a manner  
2 where a sensor alert automatically activates a  
3 corresponding camera to pan and tilt in the di-  
4 rection of the triggered sensor;

5 (B) cameras utilized in the Program do  
6 not have to be manually operated;

7 (C) such camera views and positions are  
8 not fixed;

9 (D) surveillance video taken by such cam-  
10 eras is able to be viewed at multiple designated  
11 communications centers;

12 (E) a standard process is used to collect,  
13 catalog, and report intrusion and response data  
14 collected under the Program;

15 (F) future remote surveillance technology  
16 investments and upgrades for the Program can  
17 be integrated with existing systems;

18 (G) performance measures are developed  
19 and applied that can evaluate whether the Pro-  
20 gram is providing desired results and increasing  
21 response effectiveness in monitoring and detect-  
22 ing illegal intrusions along the international  
23 borders of the United States;

24 (H) plans are developed under the Pro-  
25 gram to streamline site selection, site valida-

4 (I) standards are developed under the Pro-  
5 gram to expand the shared use of existing pri-  
6 vate and governmental structures to install re-  
7 mote surveillance technology infrastructure  
8 where possible; and

9 (J) standards are developed under the Pro-  
10 gram to identify and deploy the use of non-  
11 permanent or mobile surveillance platforms that  
12 will increase the Secretary's mobility and ability  
13 to identify illegal border intrusions.

23 (4) EVALUATION OF CONTRACTORS.—

24 (A) REQUIREMENT FOR STANDARDS.—The  
25 Secretary of Homeland Security shall develop

1                   appropriate standards to evaluate the perform-  
2                   ance of any contractor providing goods or serv-  
3                   ices to carry out the Integrated and Automated  
4                   Surveillance Program.

5                   (B) REVIEW BY THE INSPECTOR GEN-  
6                   ERAL.—

7                   (i) IN GENERAL.—The Inspector General  
8                   of the Department shall review each  
9                   new contract related to the Program that  
10                   has a value of more than \$5,000,000 in a  
11                   timely manner, to determine whether such  
12                   contract fully complies with applicable cost  
13                   requirements, performance objectives, pro-  
14                   gram milestones, and schedules.

15                   (ii) REPORTS.—The Inspector General  
16                   shall report the findings of each review  
17                   carried out under clause (i) to the Sec-  
18                   retary of Homeland Security in a timely  
19                   manner. Not later than 30 days after the  
20                   date the Secretary receives a report of  
21                   findings from the Inspector General, the  
22                   Secretary shall submit to the Committee  
23                   on Homeland Security and Governmental  
24                   Affairs of the Senate and the Committee  
25                   on Homeland Security of the House of

5 (5) AUTHORIZATION OF APPROPRIATIONS.—

6 There are authorized to be appropriated such sums  
7 as may be necessary to carry out this subsection.

8 SEC. 8. HIRING AND TRAINING OF BORDER AND TRANS-  
9 PORTATION SECURITY PERSONNEL.

10 (a) INSPECTORS AND AGENTS.—

14 (A) increase the number of full-time agents  
15 and associated support staff in the Bureau of  
16 Immigration and Customs Enforcement of the  
17 Department of Homeland Security by 400; and

18 (B) increase the number of full-time in-  
19 spectors and associated support staff in the Bu-  
20 reau of Customs and Border Protection by 600.

1       (b) TRAINING.—The Secretary shall provide appro-  
2 priate training for agents, inspectors, and associated sup-  
3 port staff of the Department of Homeland Security on an  
4 ongoing basis to utilize new technologies and to ensure  
5 that the proficiency levels of such personnel are acceptable  
6 to protect the borders of the United States.

7 **SEC. 9. NATIONAL BORDER SECURITY PLAN.**

8       (a) REQUIREMENT FOR PLAN.—Not later than Janu-  
9 ary 31 of each year, the Secretary of Homeland Security  
10 shall prepare a National Border Security Plan and submit  
11 such plan to the Congress.

12       (b) CONSULTATION.—In preparing the plan required  
13 in subsection (a), the Secretary shall consult with the  
14 Under Secretary for Information Analysis and Infrastruc-  
15 ture Protection and the Federal, State, and local law en-  
16 forcement agencies and private entities that are involved  
17 in international trade across the northern border or the  
18 southern border.

19       (c) VULNERABILITY ASSESSMENT.—

20           (1) IN GENERAL.—The plan required in sub-  
21 section (a) shall include a vulnerability assessment  
22 of each port of entry located on the northern border  
23 or the southern border.

24           (2) PORT SECURITY COORDINATORS.—The Sec-  
25 retary may establish 1 or more port security coordi-

1       nators at each port of entry located on the northern  
2       border or the southern border—

3               (A) to assist in conducting a vulnerability  
4               assessment at such port; and

5               (B) to provide other assistance with the  
6               preparation of the plan required in subsection  
7               (a).

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