

111TH CONGRESS  
2D SESSION

# H. R. 5675

To improve border security and to increase prosecutions and penalties for illegal entry into the United States, to prevent and combat the smuggling of weapons of mass destruction into the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2010

Mr. FRANKS of Arizona introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, Natural Resources, and Agriculture, 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 improve border security and to increase prosecutions and penalties for illegal entry into the United States, to prevent and combat the smuggling of weapons of mass destruction into 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 “National Border and  
5       Homeland Security Act of 2010”.

1 **SEC. 2. PRIORITY DISTRIBUTIONS UNDER THE STATE**  
2 **CRIMINAL ALIEN ASSISTANCE PROGRAM.**

3 Section 241(i) of the Immigration and Nationality  
4 Act (8 U.S.C. 1231(i)) is amended by adding at the end  
5 the following:

6 “(7) In distributing amounts under this sub-  
7 section to a State or political subdivision of a State  
8 for a fiscal year, the Attorney General shall  
9 prioritize compensating—

10 “(A) States that are on the northern or  
11 southern border; or

12 “(B) political subdivisions of States that,  
13 in the determination of the Attorney General,  
14 have one of the 4 largest populations of aliens  
15 unlawfully present in the United States for the  
16 preceding fiscal year.”.

17 **SEC. 3. FENCING ALONG AND OPERATIONAL CONTROL OF**  
18 **THE SOUTHWEST BORDER.**

19 (a) FENCING.—Subparagraph (A) of section  
20 102(b)(1) of the Illegal Immigration Reform and Immi-  
21 grant Responsibility Act of 1996 (8 U.S.C. 1103 note) is  
22 amended by inserting “not later than December 31,  
23 2012,” before “construct”.

24 (b) OPERATIONAL CONTROL.—Subsection (a) of the  
25 Secure Fence Act of 2006 (Public Law 109–367) is  
26 amended, in the matter preceding paragraph (1), by strik-

1 ing “18 months after the date of the enactment of this  
2 Act,” and inserting “December 31, 2012,”.

3 **SEC. 4. BORDER PATROL AGENTS.**

4 The Secretary of Homeland Security shall increase  
5 the number of positions for full-time, active-duty Border  
6 Patrol agents over the number of such agents for the pre-  
7 ceding fiscal year as follows:

8 (1) Three thousand such agents for fiscal year  
9 2011 (with 2,500 such agents deployed to the south-  
10 ern border and 500 such agents deployed to the  
11 northern border).

12 (2) One thousand such agents for fiscal year  
13 2012 (with 800 such agents deployed to the south-  
14 ern border and 200 such agents deployed to the  
15 northern border).

16 (3) One thousand such agents for fiscal year  
17 2013 (with 800 such agents deployed to the south-  
18 ern border and 200 such agents deployed to the  
19 northern border).

20 (4) One thousand such agents for fiscal year  
21 2014 (with 800 such agents deployed to the south-  
22 ern border and 200 such agents deployed to the  
23 northern border).

1 **SEC. 5. CUSTOMS AND BORDER PROTECTION.**

2 For each of fiscal years 2011, 2012, 2013, and 2014,  
3 the Secretary of Homeland Security shall increase by not  
4 fewer than 200 the number of United States Customs and  
5 Border Protection officers at United States ports of entry  
6 over the number of such officers at such ports for the pre-  
7 ceding fiscal year.

8 **SEC. 6. COMPLETE IMPLEMENTATION OF US-VISIT.**

9 Not later than December 31, 2011, the Secretary of  
10 Homeland Security shall ensure that for the automated  
11 entry and exit control system under section 110 of the  
12 Illegal Immigration Reform and Immigrant Responsibility  
13 Act of 1996 (8 U.S.C. 1365a) for aliens arriving in or  
14 departing from the United States at any port of entry,  
15 the requirement under subsection (a)(1) of such section  
16 has been completely implemented.

17 **SEC. 7. PROHIBITION ON IMPEDING CERTAIN ACTIVITIES**  
18 **OF THE SECRETARY OF HOMELAND SECU-**  
19 **RITY RELATED TO BORDER SECURITY.**

20 On public lands of the United States, neither the Sec-  
21 retary of the Interior nor the Secretary of Agriculture may  
22 impede, prohibit, or restrict activities of the Secretary of  
23 Homeland Security to achieve operational control (as de-  
24 fined in section 2(b) of the Secure Fence Act of 2006 (8  
25 U.S.C. 1701 note; Public Law 109–367)).

1 **SEC. 8. OPERATION STREAMLINE.**

2 (a) CAPACITY EXPANDED.—To the extent necessary  
3 to double the number of Operation Streamline prosecu-  
4 tions that a Federal district court may consider during  
5 a fiscal year, the following actions are authorized:

6 (1) The clerk of each district court described in  
7 subsection (b)(2) shall appoint under section 751(b)  
8 of title 28, United States Code, in addition to depu-  
9 ties, clerical assistants, and employees otherwise ap-  
10 pointed under such section, any number of deputies,  
11 clerical assistants, or employees without regard to  
12 the requirement under such section for approval by  
13 the Director of the Administrative Office of the  
14 United States Courts.

15 (2) The chief judge of each district court de-  
16 scribed in subsection (b)(2) may appoint under sec-  
17 tion 631 of title 28, United States Code, in addition  
18 to magistrate judges otherwise appointed under such  
19 section, 1 magistrate judge who meets the qualifica-  
20 tions under such section.

21 (3) Each district judge of each district court  
22 described in subsection (b)(2) may appoint under  
23 section 752 of title 28, United States Code, in addi-  
24 tion to law clerks otherwise appointed under such  
25 section, 1 law clerk.

26 (b) OPERATION STREAMLINE PROSECUTIONS.—

1           (1) DEFINITION.—For purposes of this section,  
2           an “Operation Streamline prosecution” is any crimi-  
3           nal prosecution of an alien for an offense under sec-  
4           tion 275 of the Immigration and Nationality Act (8  
5           U.S.C. 1325) in any district court described in para-  
6           graph (2).

7           (2) DISTRICT COURTS DESCRIBED.—A district  
8           court described in this paragraph is the United  
9           States district court for any of the following:

10                   (A) The District of Arizona.

11                   (B) The District of New Mexico.

12                   (C) The Southern District of California.

13                   (D) The Southern District of Texas.

14                   (E) The Western District of Texas.

15   **SEC. 9. INCREASED PENALTY FOR ENTRY OF ALIEN AT IM-**  
16                   **PROPER TIME OR PLACE OR MISREPRESENTATION AND CONCEALMENT OF FACTS.**  
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18           Section 275 of the Immigration and Nationality Act  
19   (8 U.S.C. 1325) is amended—

20                   (1) in subsection (a)—

21                           (A) by striking “not more than 6 months,  
22                           or both”;

23                           (B) by striking “not more than 2 years, or  
24                           both”;

1 (C) by inserting after “for the first com-  
 2 mission of any such offense,” the following: “be  
 3 imprisoned for not less than 30 days and not  
 4 more than 6 months, and may in addition be”;  
 5 and

6 (D) by inserting after “for a subsequent  
 7 commission of any such offense,” the following:  
 8 “be imprisoned not less than 6 months and not  
 9 more than 2 years, and may in addition be”;  
 10 and

11 (2) by adding at the end the following:

12 “(e) The minimum mandatory terms of imprisonment  
 13 under subsection (a) shall not apply to any alien who is—

14 “(1) a child under the age of 18;

15 “(2) a parent traveling with a child under the  
 16 age of 18; or

17 “(3) an alien who has a life-threatening health  
 18 condition.”.

19 **SEC. 10. GLOBAL NUCLEAR DETECTION ARCHITECTURE.**

20 Section 1902(a) of the Homeland Security Act of  
 21 2002 (6 U.S.C. 592(a)) is amended—

22 (1) in paragraph (1), by inserting before the  
 23 semicolon at the end the following: “particularly  
 24 with respect to potential smuggling routes in land  
 25 border areas between ports of entry, railcars enter-

1       ing the United States from Canada or Mexico, and  
2       private aircraft or small vessels”;

3               (2) by redesignating paragraphs (13) and (14)  
4       as paragraphs (14) and (15), respectively;

5               (3) by inserting after paragraph (12) the fol-  
6       lowing new paragraph:

7               “(13) develop objectives to be accomplished to  
8       carry out this subsection, identify roles and respon-  
9       sibilities for meeting such objectives, ensure that the  
10      funding necessary to achieve such objectives is avail-  
11      able, and employ monitoring mechanisms to deter-  
12      mine progress toward achieving such objectives;”;  
13      and

14              (4) in paragraph (14), as so redesignated, by  
15      striking “paragraphs (10), (11), and (12)” and in-  
16      serting “this subsection”.

17 **SEC. 11. PORTABLE RADIATION DETECTORS AND RADIO-**  
18 **ACTIVE ISOTOPE IDENTIFICATION DEVICES.**

19       Not later than July 1, 2011, the Secretary of Home-  
20      land Security shall determine the number of next genera-  
21      tion portable radiation detectors (PRD) and radioactive  
22      isotope identification devices (RIID) required by Border  
23      Patrol agents patrolling the southern and northern bor-  
24      ders of the United States and procure such detectors and  
25      devices.



1 **SEC. 12. PORT SECURITY GRANTS.**

2 Section 70107(l) of title 46, United States Code, is  
3 amended to read as follows:

4 “(l) AUTHORIZATION OF APPROPRIATIONS.—

5 “(1) FISCAL YEARS 2007 THROUGH 2011.—

6 There are authorized to be appropriated  
7 \$400,000,000 for each of fiscal years 2007 through  
8 2011 to carry out this section.

9 “(2) FISCAL YEARS 2012 THROUGH 2014.—

10 There are authorized to be appropriated not less  
11 than \$500,000,000 for each of fiscal years 2012  
12 through 2014 to carry out this section.”.

13 **SEC. 13. STRATEGIC PLAN TO DETECT AND INTERDICT BIO-**  
14 **LOGICAL AND CHEMICAL WEAPONS.**

15 (a) IN GENERAL.—

16 (1) DEVELOPMENT.—Not later than July 1,  
17 2011, the Secretary of Homeland Security shall de-  
18 velop a strategic plan (hereinafter in this section re-  
19 ferred to as the “Plan”) to detect and interdict bio-  
20 logical and chemical weapons entering the United  
21 States.

22 (2) IMPLEMENTATION.—The Secretary shall  
23 complete implementation of the Plan not later than  
24 July 1, 2014.

25 (b) REPORTS TO CONGRESS.—

1           (1) INITIAL REPORT.—Not later than July 1,  
2           2011, the Secretary shall submit to Congress a re-  
3           port that describes the Plan.

4           (2) ANNUAL REPORT.—Beginning on July 1,  
5           2012, and annually thereafter, the Secretary shall  
6           submit reports to Congress on the implementation of  
7           the Plan.

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