



Legislative Bulletin.....September 14, 2006

Contents:

H.R. 6061 — Secure Fence Act of 2006

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: Unknown

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 1

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

H.R. 6061 — Secure Fence Act of 2006 — *as introduced* (King, R-NY)

Order of Business: The bill is scheduled for consideration on Wednesday, September 14, 2006, under a closed rule ([H.Res. 1002](#)), providing for one self-enacting manager's amendment.

Summary: H.R. 6061 directs the Department of Homeland Security (DHS) to achieve and maintain operational control over the entire U.S. international land and maritime border. The specific provisions of the bill are as follows:

- Directs the Secretary of the Department of Homeland Security (DHS) to take all actions necessary and appropriate to achieve and maintain “operational control” (see definition below) over the entire international land and maritime borders of the U.S., including:
 - 1) systematic surveillance of U.S. borders through more effective use of personnel and technology, such as unmanned aerial vehicles, ground-based sensors, satellites, radar coverage, and cameras;

- 2) physical infrastructure enhancements to prevent unlawful entry, including additional checkpoints, all weather access roads, and vehicle barriers;
- Operational control is defined as “the prevention of all unlawful entries into the U.S., including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband;”
 - Directs DHS to submit a report to Congress within one year and annually thereafter on the progress made in achieving and maintaining operational control over the entire international land and maritime borders of the U.S.;
 - Directs DHS to provide at least two layers of reinforced fencing, additional physical barriers, roads, lighting, cameras, and sensors that:
 - extend 10 miles west and 10 miles east of the Tecate, CA, port of entry;
 - extend 10 miles west of Calexico, CA, port of entry to 5 miles east of the Douglas, AZ
 - extend 5 miles west of Columbus, NM port of entry to 10 miles east of El Paso, TX;
 - extend 5 miles northwest and 5 miles southeast of Eagle Pass, TX, port of entry;
 - extend 15 miles northwest of the Laredo, TX, port of entry to the Brownsville, TX port of entry (required to be completed by December 31, 2008).
 - Directs DHS to install an interlocking surveillance camera by May 30, 2007, (and construction completed by May 30, 2008) along the Calexico, CA border area noted above;
 - Requires DHS to conduct a study on the construction of a state-of-the-art barrier system along the *northern* international land and maritime border of the U.S., and the study must address the necessity and feasibility of this barrier; the report must be submitted to the relevant Congressional committees within one year of enactment;
 - Requires DHS (within 30 days of enactment of this Act) to evaluate (and submit a report to Congress on) the authority of U.S. Customs and Border Protection personnel to:
 - stop vehicles that enter the U.S. illegally and refuse to stop when ordered, and compare that authority with that of the Coast Guard to stop vessels;
 - review the equipment and technology available to Customs to stop vehicles, and determine if better equipment and technology is available or should be developed; and
 - evaluate the training provided to Customs personnel to stop vehicles.

Additional Information: Several of the above-mentioned provisions were included in H.R. 4437, the House-passed border protection bill. H.R. 4437 passed the House by a vote of [239-182](#). For additional information on H.R. 4437, please see the [RSC Legislative Bulletin](#).

Amendments: Below is the summary of the one amendment that will self-execute upon passage of the rule. Note: Under the rule, the amendment is considered adopted. This summary is based on RSC staff’s review of actual amendment text:

1. King (R-NY). *Self-enacting* manager’s amendment. The underlying bill directs DHS to perform a feasibility study on constructing a state-of-the art northern international border security system. This amendment would require DHS to perform an economic impact study (in addition to the necessity and feasibility study) on the effect of constructing that system.

Committee Action: H.R. 6061 was introduced on September 13, 2006, and referred to the Committee on Homeland Security, which took no official action.

Administration Position: A Statement of Administration Policy (SAP) was not available at press time.

Cost to Taxpayers: A CBO score of H.R. 6061 is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

However, Article I, Section 8, Clause 1 of the Constitution grants Congress the power to provide for the common defense and general welfare of the United States.

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