

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1417
OFFERED BY MRS. MILLER OF MICHIGAN

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Border Security Re-
3 sults Act of 2013”.

4 SEC. 2. REPORTS ON CURRENT BORDER SECURITY STATUS.

5 Not later than 90 days after the date of the enact-
6 ment of this Act, every 180 days thereafter until the
7 Comptroller General of the United States reports on the
8 results of the review described in section 3(j)(2)(B), and
9 every 365 days after the date of such report, the Secretary
10 of Homeland Security shall submit to the appropriate con-
11 gressional committees a report that assesses and describes
12 the state of situational awareness and operational control
13 of the international borders of the United States.

14 SEC. 3. STRATEGY TO ACHIEVE SITUATIONAL AWARENESS
15 AND OPERATIONAL CONTROL OF THE BOR-
16 DER.

17 (a) STRATEGY TO SECURE THE BORDER.—Not later
18 than 180 days after the date of the enactment of this Act,

1 the Secretary of Homeland Security shall submit to the
2 appropriate congressional committees a comprehensive
3 strategy for gaining and maintaining situational aware-
4 ness and operational control of the international borders
5 of the United States by the date that is not later than
6 two years after the date of the submission of the imple-
7 mentation plan required under subsection (c).

8 (b) CONTENTS OF STRATEGY.—The strategy re-
9 quired under subsection (a) shall include, at a minimum,
10 a consideration of the following:

11 (1) An assessment of principal border security
12 threats.

13 (2) Efforts to analyze and disseminate border
14 security and border threat information between De-
15 partment of Homeland Security border security com-
16 ponents.

17 (3) Efforts to increase situational awareness,
18 including—

19 (A) surveillance capabilities developed or
20 utilized by the Department of Defense, includ-
21 ing any technology determined to be excess by
22 the Department of Defense; and

23 (B) use of manned aircraft and unmanned
24 aerial systems, including the camera and sensor
25 technology deployed on such assets.

1 (4) Technology required to enhance security at
2 ports of entry, including nonintrusive detection
3 equipment, radiation detection equipment, biometric
4 technology, and other sensors and technology that
5 the Secretary determines necessary.

6 (5) Operational coordination of Department of
7 Homeland Security border security components.

8 (6) Cooperative agreements with State, local,
9 tribal, and other Federal law enforcement agencies
10 that have jurisdiction on the northern or southern
11 borders, or in the maritime environment.

12 (7) Agreements with foreign governments that
13 support the border security efforts of the United
14 States.

15 (8) Staffing requirements for all border security
16 functions.

17 (9) Metrics required under subsections (e), (f),
18 and (g).

19 (c) IMPLEMENTATION PLAN.—

20 (1) IN GENERAL.—Not later than 90 days after
21 the submission of the strategy required under sub-
22 section (a), the Secretary of Homeland Security
23 shall submit to the appropriate congressional com-
24 mittees an implementation plan for each of the De-
25 partment of Homeland Security border security com-

1 ponents to carry out such strategy. Such implemen-
2 tation plan shall include, at a minimum, a com-
3 prehensive border security technology plan for detec-
4 tion technology capabilities, including a documented
5 justification and rationale for technology choices, de-
6 ployment locations, fixed versus mobile assets, and a
7 timetable for procurement and deployment.

8 (2) GOVERNMENT ACCOUNTABILITY OFFICE RE-
9 VIEW.—

10 (A) IN GENERAL.—The Secretary of
11 Homeland Security shall make available to the
12 Government Accountability Office the imple-
13 mentation plan required under paragraph (1).

14 (B) REPORT.—Not later than 90 days
15 after receiving the implementation plan in ac-
16 cordance with subparagraph (A), the Comp-
17 troller General of the United States shall sub-
18 mit to the appropriate congressional committees
19 a report on such plan.

20 (d) PERIODIC UPDATES.—Not later than 180 days
21 after the submission of each Quadrennial Homeland Secu-
22 rity Review required under section 707 of the Homeland
23 Security Act of 2002 (6 U.S.C. 347) beginning with the
24 first such Review that is due after the implementation
25 plan is submitted under subsection (c), the Secretary of

1 Homeland Security shall submit to the appropriate con-
2 gressional committees an updated—

3 (1) strategy under subsection (a); and

4 (2) implementation plan under subsection (c).

5 (e) METRICS FOR SECURING THE BORDER BETWEEN
6 PORTS OF ENTRY.—Not later than 120 days after the
7 date of the enactment of this Act, the Secretary of Home-
8 land Security shall implement metrics to measure the ef-
9 fectiveness of security between ports of entry, which shall
10 include, at a minimum, the following:

11 (1) A border crossing effectiveness rate which
12 measures the number of known illegal border cross-
13 ers who are turned back or who are apprehended,
14 against the total estimated number of illegal border
15 crossers the Border Patrol fails to apprehend.

16 (2) A narcotics seizure effectiveness rate which
17 measures the amount of narcotics seized against the
18 total estimated amount of narcotics the Border Pa-
19 trol fails to seize.

20 (3) Estimates, using alternative methodologies,
21 including recidivism data, survey data, known-flow
22 data, and technologically-measured data, of total at-
23 tempted illegal border crossings, the rate of appre-
24 hension of attempted illegal border crossers, and the

1 inflow into the United States of illegal border cross-
2 ers who evade apprehension.

3 (4) Estimates of the impacts of the Border Pa-
4 trol's Consequence Delivery System on the rate of
5 recidivism of illegal border crossers.

6 (5) The current level of situational awareness.

7 (6) Amount of narcotics seized between ports of
8 entry.

9 (f) METRICS FOR SECURING THE BORDER AT PORTS
10 OF ENTRY.—Not later than 120 days after the date of
11 the enactment of this Act, the Secretary of Homeland Se-
12 curity shall implement metrics to measure the effective-
13 ness of security at ports of entry, which shall include, at
14 a minimum, the following:

15 (1) A border crossing effectiveness rate which
16 measures the number of known inadmissible border
17 crossers who are turned back or who are appre-
18 hended against the total estimated number of inad-
19 missible border crossers U.S. Customs and Border
20 Protection fails to apprehend.

21 (2) A narcotics seizure effectiveness rate which
22 measures the amount of narcotics seized against the
23 total estimated amount of narcotics U.S. Customs
24 and Border Protection fails to seize.

1 (3) Estimates, using alternative methodologies,
2 including recidivism data, survey data, known-flow
3 data, and randomized secondary screening data, of
4 total attempted inadmissible border crossers, the
5 rate of apprehension of attempted inadmissible bor-
6 der crossers, and the inflow into the United States
7 of inadmissible border crossers who evade apprehen-
8 sion.

9 (4) The number of infractions related to per-
10 sonnel and cargo committed by major violators who
11 are apprehended by U.S. Customs and Border Pro-
12 tection at ports of entry, and the estimated number
13 of such infractions committed by major violators
14 who are not so apprehended.

15 (g) METRICS FOR SECURING THE MARITIME BOR-
16 DER.—Not later than 120 days after the date of the enact-
17 ment of this Act, the Secretary of Homeland Security shall
18 implement metrics to measure the effectiveness of security
19 in the maritime environment, which shall include, at a
20 minimum, the following:

21 (1) A migrant interdiction effectiveness rate
22 which measures the number of migrants interdicted
23 against the total estimated number of migrants the
24 Department of Homeland Security's maritime secu-
25 rity components fail to interdict.

1 (2) A narcotics seizure effectiveness rate which
2 measures the amount of narcotics seized against the
3 total estimated amount of narcotics the Department
4 of Homeland Security's maritime security compo-
5 nents fail to seize.

6 (3) The current level of situational awareness.

7 (4) A response rate which measures the Depart-
8 ment of Homeland Security's ability to respond to
9 and resolve known maritime threats by placing as-
10 sets on-scene, compared to the total number of
11 events with respect to which the Department has
12 known threat information.

13 (h) INDEPENDENT ASSESSMENT BY A NATIONAL
14 LABORATORY WITHIN THE DEPARTMENT OF HOMELAND
15 SECURITY LABORATORY NETWORK.—The Secretary of
16 Homeland Security shall request the head of a national
17 laboratory within the Department of Homeland Security
18 laboratory network with prior expertise in border security
19 to—

20 (1) provide an independent assessment of the
21 metrics implemented in accordance with subsections
22 (e), (f), and (g) to ensure each such metric's suit-
23 ability and statistical validity; and

1 (2) make recommendations for other suitable
2 metrics that may be used to measure the effective-
3 ness of border security.

4 (i) EVALUATION BY THE GOVERNMENT ACCOUNT-
5 ABILITY OFFICE.—

6 (1) IN GENERAL.—The Secretary of Homeland
7 Security shall make available to the Government Ac-
8 countability Office the data and methodology used to
9 develop the metrics implemented under subsections
10 (e), (f), and (g) and the independent assessment de-
11 scribed under subsection (h).

12 (2) REPORT.—Not later than 270 days after re-
13 ceiving the data and methodology and the inde-
14 pendent assessment referred to in paragraph (1), the
15 Comptroller General of the United States shall sub-
16 mit to the appropriate congressional committees a
17 report on the suitability and statistical validity of
18 such data and methodology.

19 (j) CERTIFICATION AND REPORT RELATING TO
20 OPERATIONAL CONTROL.—

21 (1) BY THE SECRETARY OF HOMELAND SECU-
22 RITY.—If the Secretary of Homeland Security deter-
23 mines that operational control of the international
24 borders of the United States has been achieved, the
25 Secretary shall submit to the appropriate congres-

1 sional committees and the Comptroller General of
2 the United States a certification that so attests.

3 (2) BY THE COMPTROLLER GENERAL.—

4 (A) REVIEW.—The Comptroller General of
5 the United States shall review the certification
6 of the Secretary of Homeland Security under
7 paragraph (1) to verify if operational control
8 has been achieved in accordance with such
9 paragraph.

10 (B) REPORT.—Not later than 120 days
11 after conducting the review described in sub-
12 paragraph (A), the Comptroller General of the
13 United States shall submit to the appropriate
14 congressional committees a report on the re-
15 sults of such review.

16 (k) GOVERNMENT ACCOUNTABILITY OFFICE REPORT
17 ON BORDER SECURITY DUPLICATION.—Not later than
18 one year after the date of the enactment of this Act, the
19 Comptroller General of the United States shall submit to
20 the appropriate congressional committees a report ad-
21 dressing areas of overlap in responsibilities within the bor-
22 der security functions of the Department of Homeland Se-
23 curity.

24 (l) REPORTS.—Not later than 60 days after the date
25 of the enactment of this Act and annually thereafter, the

1 Secretary of Homeland Security shall submit to the appro-
2 priate congressional committee a report on the following:

3 (1) A resource allocation model for current and
4 future year staffing requirements that includes opti-
5 mal staffing levels at all land, air, and sea ports of
6 entry, and an explanation of U.S. Customs and Bor-
7 der Protection methodology for aligning staffing lev-
8 els and workload to threats and vulnerabilities
9 across all mission areas.

10 (2) Detailed information on the level of man-
11 power available at all land, air, and sea ports of
12 entry and between ports of entry, including the num-
13 ber of canine and agricultural specialists assigned to
14 each such port of entry.

15 (3) Detailed information that describes the dif-
16 ference between the staffing the model suggests and
17 the actual staffing at each port of entry and between
18 the ports of entry.

19 (m) DEFINITIONS.—In this Act:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means the Committee on Homeland Secu-
23 rity of the House of Representatives and the Com-
24 mittee on Homeland Security and Governmental Af-
25 fairs of the Senate.

1 (2) CONSEQUENCE DELIVERY SYSTEM.—The
2 term “Consequence Delivery System” means the se-
3 ries of consequences applied to persons illegally en-
4 tering the United States by the Border Patrol to
5 prevent illegal border crossing recidivism.

6 (3) HIGH TRAFFIC AREAS.—The term “high
7 traffic areas” means locations identified through sit-
8 uational awareness that are within close proximity of
9 the northern and southern borders of the United
10 States that are within the responsibility of the Bor-
11 der Patrol that have the most illicit cross-border ac-
12 tivity.

13 (4) MAJOR VIOLATOR.—The term “major viola-
14 tor” means a person or entity that has engaged in
15 serious criminal activities at any land, air, or sea
16 port of entry, including possession of narcotics,
17 smuggling of prohibited products, human smuggling,
18 weapons possession, use of fraudulent United States
19 documents, or other offenses serious enough to re-
20 sult in arrest.

21 (5) OPERATIONAL CONTROL.—The term “oper-
22 ational control” means, with respect to high traffic
23 areas, a condition in which there is a 90 percent ef-
24 fectiveness rate for the apprehension of illegal bor-

1 der crossers, and a significant increase in the seizure
2 of narcotics and other contraband is being achieved.

3 (6) SITUATIONAL AWARENESS.—The term “sit-
4 uational awareness” means knowledge and an under-
5 standing of current illicit cross-border activity, in-
6 cluding cross-border threats and trends concerning
7 illicit trafficking and unlawful crossings along the
8 international borders of the United States and in the
9 maritime environment, and the ability to predict fu-
10 ture shifts in such threats and trends.

