

HR 4312

Border Security and Terrorism Prevention Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Immigration

Introduced: Nov 14, 2005

Current Status: Placed on the Union Calendar, Calendar No. 181.

Latest Action: Placed on the Union Calendar, Calendar No. 181. (Dec 6, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/4312>

Sponsor

Name: Rep. King, Peter T. [R-NY-3]

Party: Republican • **State:** NY • **Chamber:** House

Cosponsors (20 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Lungren, Daniel E. [R-CA-3]	R · CA		Nov 14, 2005
Rep. Sanchez, Loretta [D-CA-47]	D · CA		Nov 14, 2005
Rep. Brown-Waite, Ginny [R-FL-5]	R · FL		Nov 18, 2005
Rep. Dent, Charles W. [R-PA-15]	R · PA		Nov 18, 2005
Rep. Gibbons, Jim [R-NV-2]	R · NV		Nov 18, 2005
Rep. Harris, Katherine [R-FL-13]	R · FL		Nov 18, 2005
Rep. Linder, John [R-GA-7]	R · GA		Nov 18, 2005
Rep. McCaul, Michael T. [R-TX-10]	R · TX		Nov 18, 2005
Rep. McHugh, John M. [R-NY-23]	R · NY		Nov 18, 2005
Rep. Myrick, Sue Wilkins [R-NC-9]	R · NC		Nov 18, 2005
Rep. Pearce, Stevan [R-NM-2]	R · NM		Nov 18, 2005
Rep. Reichert, David G. [R-WA-8]	R · WA		Nov 18, 2005
Rep. Rogers, Mike D. [R-AL-3]	R · AL		Nov 18, 2005
Rep. Royce, Edward R. [R-CA-40]	R · CA		Nov 18, 2005
Rep. Simmons, Rob [R-CT-2]	R · CT		Nov 18, 2005
Rep. Smith, Lamar [R-TX-21]	R · TX		Nov 18, 2005
Rep. Souder, Mark E. [R-IN-3]	R · IN		Nov 18, 2005
Rep. Gordon, Bart [D-TN-6]	D · TN		Dec 6, 2005
Rep. Istook, Ernest J., Jr. [R-OK-5]	R · OK		Dec 6, 2005
Rep. Shuster, Bill [R-PA-9]	R · PA		Dec 6, 2005

Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	House	Referred to	Nov 30, 2005
Homeland Security Committee	House	Reported By	Dec 7, 2005
Judiciary Committee	House	Discharged From	Dec 7, 2005

Subjects & Policy Tags

Policy Area:

Immigration

Related Bills

Bill	Relationship	Last Action
109 HR 5067	Related bill	Apr 17, 2006: Referred to the Subcommittee on Terrorism, Unconventional Threats and Capabilities.

Border Security and Terrorism Prevention Act of 2005 - **Title I: Securing United States Borders** - (Sec. 101) Directs the Secretary of Homeland Security to take all appropriate action to achieve and maintain operational control over U.S. international land and maritime borders, including: (1) systematic border surveillance 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 by aliens such as additional checkpoints, all weather access roads, and vehicle barriers; (3) hiring and training additional Border Patrol agents; and (4) increasing deployment of United States Customs and Border Protection personnel to border areas with high levels of unlawful entry.

(Sec. 102) Directs the Secretary to: (1) submit to the appropriate congressional committees: (1) a comprehensive border surveillance plan; and (2) a National Strategy for Border Security to achieve operational control over all U.S. borders and ports of entry.

(Sec. 103) Directs the Secretary to report to the appropriate congressional committees respecting implementation of the cross-border security agreements with Mexico and Canada, including border security enhancements with such countries.

(Sec. 104) Directs the Secretary to: (1) enhance connectivity between the IDENT and IAFIS fingerprint databases; and (2) collect ten fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system.

(Sec. 105) Directs the Secretary to report to Congress respecting the One Face at the Border Initiative.

(Sec. 106) Directs the Secretary to implement a plan to ensure clear and secure two-way communication capabilities: (1) among all Border Patrol agents conducting operations between ports of entry; (2) between Border Patrol agents and their respective Border Patrol stations; (3) between Border Patrol agents and residents in remote areas along the international land border who do not have mobile communications; and (4) between all appropriate Department of Homeland Security (DHS) border security agencies and state, local, and tribal law enforcement agencies.

(Sec. 107) Authorizes FY2007-FY2010 appropriations for Border Patrol agent increases.

(Sec. 108) Directs the Secretary, subject to appropriations, to increase full-time port of entry inspectors by at least 250 for each of FY2007-FY2010. Authorizes appropriations for related training and support.

(Sec. 109) Directs the Secretary, subject to appropriations, to increase border and port canine detection teams by at least 25% for each of FY2007-FY2011.

(Sec. 110) Directs: (1) the Inspector General of DHS to review and report to the Secretary respecting the compliance of each Secure Border Initiative contract above \$20 million with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned businesses, and timelines; and (2) the Secretary to report to the appropriate congressional committees respecting such review.

Authorizes additional FY2007-FY2009 appropriations for the Inspector General.

(Sec. 111) Directs the Comptroller General of the United States to review the basic training provided to Border Patrol agents by DHS.

(Sec. 112) Directs the Secretary to report to the Committee on Homeland Security of the House of Representatives

respecting the National Capital Region (NCR) airspace security mission's impact on border security, including: (1) resources and resource sources devoted or planned to be devoted to NCR airspace security; and (2) an assessment of such resources' impact upon traditional border missions.

(Sec. 113) Directs the Secretary to reimburse (up to prior-to-damage value) property owners for costs associated with repairing damages to the property owners' private infrastructure constructed on a U.S. government right-of-way delineating the international land border when such damages are: (1) the result of unlawful entry of aliens; and (2) confirmed by the appropriate DHS personnel and submitted to the Secretary. Authorizes appropriations.

(Sec. 114) Directs the Secretary to establish at least one Border Patrol unit for the U.S. Virgin Islands by September 30, 2006.

(Sec. 115) Directs the Secretary to report to the Committee on Homeland Security respecting DHS progress in tracking Central American gangs across the U.S.-Mexico border.

(Sec. 116) Directs the Secretary to annually compile data on the following categories of information: (1) the number of unauthorized aliens who require medical care taken into custody by Border Patrol officials; (2) the number of unauthorized aliens with serious injuries or medical conditions Border Patrol officials refer to local hospitals or other health facilities; (3) the number of unauthorized aliens with serious injuries or medical conditions who arrive at U.S. ports of entry and subsequently are admitted into the United States for emergency medical care; and (4) the number of unauthorized aliens described in clauses (2) and (3) who subsequently are taken into DHS custody.

(Sec. 117) Directs the Secretary to deploy radiation detection portal monitors at all U.S. ports of entry and facilities within one year of enactment of this Act. Authorizes FY2006-FY2007 appropriations.

(Sec. 118) Expresses the sense of Congress that as the Secretary implements the Secure Border Initiative and other border initiatives, the Secretary shall conduct private sector outreach, and identify technologies and best practices to enhance financial accountability and mission effectiveness of border security programs.

Title II: Border Security Cooperation and Enforcement - (Sec. 201) Directs the Secretary and the Secretary of Defense to: (1) develop a joint strategic plan to increase Department of Defense (DOD) surveillance equipment along U.S. land and maritime borders; and (2) report to Congress.

(Sec. 202) Directs the Secretary to assess border security vulnerabilities on Department of Interior land directly adjacent to the U.S. land border, and provide additional border security assistance as necessary.

(Sec. 203) Directs the Secretary to design and carry out a national border security exercise for the purposes of: (1) involving officials from federal, state, territorial, local, tribal, and international governments and private sector representatives; (2) testing and evaluating U.S. capacity to detect and disrupt border threats; and (3) testing and evaluating information sharing capability among federal, state, territorial, local, tribal, and international governments.

(Sec. 204) Directs the Secretary to establish the Border Security Advisory Committee.

(Sec. 205) Authorizes the Secretary to permit a state, local government, or Indian tribe to use federal funds received under the State Homeland Security Grant Program, the Urban Area Security Initiative, or the Law Enforcement Terrorism Prevention Program for border security activities usually performed by a federal agency but which, pursuant to an agreement, are being performed by state, local, or tribal government.

(Sec. 206) Directs the Secretary to establish a university-based Center for Excellence for Border Security, which shall address the most significant threats, vulnerabilities, and consequences posed by U.S. borders and border control systems.

(Sec. 207) Expresses the sense of Congress that in developing the National Strategy for Border Security DHS should include recommendations from sovereign Indian Nations, consider whether a Tribal Smart Border working group is necessary, and ensure that border security agencies work cooperatively on issues involving tribal lands.

Title III: Detention and Removal - (Sec. 301) Requires mandatory detention of an alien apprehended illegally seeking to enter the United States at a U.S. port of entry or land or maritime border as of October 1, 2006, unless such alien is: (1) paroled into the United States for humanitarian or public benefit reasons; or (2) is permitted to withdraw an application for admission and immediately departs from the United States.

Provides that during the period 60 days after enactment of this Act and prior to October 1, 2006, an apprehended alien may be released with notice to appear only if: (1) the Secretary determines that the alien is not a national security risk; and (2) the alien provides a bond of not less than \$5,000.

(Sec. 302) Authorizes FY2007-FY2010 appropriations for enhanced detention capacity.

(Sec. 303) Directs the Secretary, subject to appropriations, to fully utilize: (1) all bed space owned or contracted by DHS; and (2) all other options to cost effectively increase detention capacity including temporary facilities, contracting with state and local jails, and secure alternatives to detention.

(Sec. 304) Authorizes the Secretary to enter into contracts with qualifying private companies to transport aliens from United States Customs and Border Protection custody to detention facilities.

(Sec. 305) Amends the Immigration and Nationality Act (INA) to deny admission to the nationals of a country that refuses or delays acceptance of its nationals ordered removed from the United States.

(Sec. 306) Directs the Secretary to annually report to the Secretary of State and Congress respecting DHS repatriation costs, including details relating to cost per country and recommendations for more cost effective repatriations.

(Sec. 307) Directs the Secretary to review Border Patrol agent and port of entry inspector asylum training.

(Sec. 308) Amends INA to require that the Secretary place an alien (other than from Mexico or Canada) who has not been admitted or paroled into expedited removal if apprehended within 100 miles of the border and within 14 days of unauthorized entry.

Title IV: Effective Organization of Border Security Agencies - (Sec. 401) Directs the Secretary to take specified actions to ensure coordination of DHS border security efforts.

(Sec. 402) Amends the Homeland Security Act of 2002 to establish in DHS an Office of Air and Marine Operations whose primary mission shall be to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States, and whose secondary mission shall be to assist other agencies with such protective functions.

Directs the Office to operate and maintain the Air and Marine Operations Center in Riverside, California, or other designated facility.

(Sec. 403) Directs the Secretary to transfer to United States Immigration and Customs Enforcement all functions of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation (the "Shadow Wolves" unit). Authorizes the Secretary to establish within United States Immigration and Customs Enforcement additional Customs Patrol units to operate on Indian lands.

Actions Timeline

- **Dec 6, 2005:** Reported (Amended) by the Committee on Homeland Security. H. Rept. 109-329, Part I.
- **Dec 6, 2005:** Reported (Amended) by the Committee on Homeland Security. H. Rept. 109-329, Part I.
- **Dec 6, 2005:** Committee on Judiciary discharged.
- **Dec 6, 2005:** Committee on Judiciary discharged.
- **Dec 6, 2005:** Committee on Armed Services discharged.
- **Dec 6, 2005:** Committee on Armed Services discharged.
- **Dec 6, 2005:** Placed on the Union Calendar, Calendar No. 181.
- **Nov 30, 2005:** Referred to the Subcommittee on Terrorism, Unconventional Threats and Capabilities.
- **Nov 17, 2005:** Committee Consideration and Mark-up Session Held.
- **Nov 17, 2005:** Ordered to be Reported (Amended) by Voice Vote.
- **Nov 16, 2005:** Committee Consideration and Mark-up Session Held.
- **Nov 14, 2005:** Introduced in House
- **Nov 14, 2005:** Introduced in House
- **Nov 14, 2005:** Referred to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and 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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