

117TH CONGRESS  
1ST SESSION

# H. R. 1707

To ensure operational control of the southwest border, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2021

Mr. ROY (for himself, Mr. CUELLAR, Mr. MCCLINTOCK, Mr. STEUBE, Mr. CLOUD, Mr. BABIN, Mr. GOODEN of Texas, Mr. GREEN of Tennessee, Mr. SCHWEIKERT, Mr. CRENSHAW, Ms. VAN DUYNE, Mr. SESSIONS, Mr. HICE of Georgia, Mr. CAWTHORN, Mr. TAYLOR, Mr. BURGESS, Mr. WEBER of Texas, and Mr. GOHMERT) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, 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 ensure operational control of the southwest border, 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 “Border Visibility and  
5 Security Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1           (1) COMMISSIONER.—The term “Commis-  
2           sioner” means the Commissioner of U.S. Customs  
3           and Border Protection.

4           (2) OPERATIONAL CONTROL.—The term “oper-  
5           ational control” has the meaning given such term in  
6           section 2(b) of the Secure Fence Act of 2006 (8  
7           U.S.C. 1701 note; Public Law 109–367).

8           (3) SECRETARY.—The term “Secretary” means  
9           the Secretary of Homeland Security.

10          (4) SITUATIONAL AWARENESS.—The term “sit-  
11          uational awareness” has the meaning given such  
12          term in section 1092(a)(7) of the National Defense  
13          Authorization Act for Fiscal Year 2017 (Public Law  
14          114–328).

15 **SEC. 3. STRENGTHENING THE REQUIREMENTS FOR BOR-**  
16 **DER SECURITY TECHNOLOGY ALONG THE**  
17 **SOUTHERN BORDER.**

18          Section 102 of the Illegal Immigration Reform and  
19          Immigrant Responsibility Act of 1996 (division C of Pub-  
20          lic Law 104–208; 8 U.S.C. 1103 note) is amended—

21               (1) in subsection (a)—

22                       (A) by inserting “and border technology”  
23                       before “in the vicinity of”; and

24                       (B) by striking “illegal crossings in areas  
25                       of high illegal entry into the United States” and

1 inserting “, impede, and detect illegal activity  
2 and entry into the United States”;

3 (2) in subsection (b)—

4 (A) in the heading by striking “ROAD IM-  
5 PROVEMENTS” and inserting “NAVIGABLE  
6 ROADS”; and

7 (B) by adding at the end the following new  
8 paragraph:

9 “(5) ADDITIONAL NAVIGABLE ROADS ALONG  
10 THE SOUTHWEST BORDER.—

11 “(A) NAVIGABLE ROAD DEFINED.—In this  
12 subsection, the term ‘navigable road’ means a  
13 contiguous, navigable road.

14 “(B) NAVIGABLE ROADS.—In carrying out  
15 subsection (a), the Secretary of Homeland Se-  
16 curity shall construct a navigable road along  
17 not less than 700 miles of the southwest border  
18 where most practical and effective to gain oper-  
19 ational control of the southwest border.

20 “(C) PRIORITY AREAS.—In carrying out  
21 this paragraph, the Secretary of Homeland Se-  
22 curity shall—

23 “(i) identify the 700 miles, or other  
24 mileage determined by the Secretary, along  
25 the southwest border where a navigable

1 road would be most practical and effective  
2 in deterring smugglers and aliens attempt-  
3 ing to gain illegal entry into the United  
4 States; and

5 “(ii) not later than December 31,  
6 2021, complete construction of a navigable  
7 road along the miles identified under  
8 clause (i).

9 “(D) CONSULTATION.—

10 “(i) IN GENERAL.—In carrying out  
11 this paragraph, the Secretary of Homeland  
12 Security shall consult with the Secretary of  
13 the Interior, the Secretary of Agriculture,  
14 States, local governments, Indian Tribes,  
15 and property owners in the United States  
16 to minimize the impact on the environ-  
17 ment, culture, commerce, and quality of  
18 life for the communities and residents lo-  
19 cated near the sites at which navigable  
20 roads are to be constructed.

21 “(ii) SAVINGS PROVISION.—Nothing  
22 in this subparagraph may be construed  
23 to—

24 “(I) create or negate any right of  
25 action for a State, local government,

1 Indian Tribe, or other person or enti-  
2 ty affected by this subsection; or

3 “(II) affect the eminent domain  
4 laws of the United States or of any  
5 State.”;

6 (3) in subsection (c)(1), by inserting “and, pur-  
7 suant to subsection (d), the installation, operation,  
8 and maintenance of technology,” after “barriers and  
9 roads”; and

10 (4) by adding at the end the following new sub-  
11 sections:

12 “(e) INSTALLATION, OPERATION, AND MAINTENANCE OF TECHNOLOGY.—

13  
14 “(1) IN GENERAL.—Not later than January 20,  
15 2022, the Secretary of Homeland Security, in car-  
16 rying out subsection (a), shall deploy the most prac-  
17 tical and effective technology available along the  
18 United States border for achieving situational  
19 awareness and operational control of the border.

20 “(2) TECHNOLOGY DEFINED.—In this subpara-  
21 graph, the term ‘technology’ includes border surveil-  
22 lance and detection technology, including—

23 “(A) radar surveillance systems;

24 “(B) Vehicle and Dismount Exploitation  
25 Radars (VADER);

1           “(C) 3-dimensional, seismic acoustic detec-  
2           tion and ranging border tunneling detection  
3           technology;

4           “(D) sensors;

5           “(E) unmanned cameras;

6           “(F) man-portable and mobile vehicle-  
7           mounted unmanned aerial vehicles; and

8           “(G) any other devices, tools, or systems  
9           found to be more effective or advanced than  
10          those specified in subparagraphs (A) through  
11          (F).

12          “(f) DEFINITIONS.—In this section, the term ‘situa-  
13          tional awareness’ has the meaning given the term in sec-  
14          tion 1092(a)(7) of the National Defense Authorization Act  
15          for Fiscal Year 2017 (Public Law 114–328).”.

16          **SEC. 4. COMPREHENSIVE SOUTHERN BORDER STRATEGY.**

17          (a) IN GENERAL.—Not later than 12 months after  
18          the date of the enactment of this section, the Secretary  
19          shall submit to the Committee on Homeland Security of  
20          the House of Representatives and the Committee on  
21          Homeland Security and Governmental Affairs of the Sen-  
22          ate a comprehensive Southern border strategy.

23          (b) CONTENTS.—The strategy submitted under sub-  
24          section (a) shall include—

1           (1) a list of known physical barriers, tech-  
2           nologies, tools, and other devices that can be used to  
3           achieve and maintain situational awareness and  
4           operational control along the southern border;

5           (2) a projected per mile cost estimate for each  
6           physical barrier, technology, tool, and other device  
7           included on the list required under paragraph (1);

8           (3) a detailed account of which type of physical  
9           barrier, technology, tool, or other device the Depart-  
10          ment believes is necessary to achieve and maintain  
11          situational awareness and operational control for  
12          each linear mile of the southern border;

13          (4) an explanation for why such physical bar-  
14          rier, technology, tool, or other device was chosen to  
15          achieve and maintain situational awareness and  
16          operational control for each linear mile of the south-  
17          ern border, including—

18                 (A) the methodology used to determine  
19                 which type of physical barrier, technology, tool,  
20                 or other device was chosen for such linear mile;

21                 (B) an examination of existing manmade  
22                 and natural barriers for each linear mile of the  
23                 southern border; and

24                 (C) the information collected and evaluated  
25                 from—

- 1 (i) the appropriate U.S. Customs and  
2 Border Protection Sector Chief;
- 3 (ii) the Joint Task Force Commander;
- 4 (iii) the appropriate State Governor;
- 5 (iv) local law enforcement officials;
- 6 (v) private property owners; and
- 7 (vi) other affected stakeholders;

8 (5) a per mile cost calculation for each linear  
9 mile of the southern border given the type of phys-  
10 ical barrier, technology, tool, or other device chosen  
11 to achieve and maintain operational control for each  
12 linear mile; and

13 (6) a cost justification for each time a more ex-  
14 pensive physical barrier, technology, tool, or other  
15 device is chosen over a less expensive option, as es-  
16 tablished by the per mile cost estimates required in  
17 paragraph (2).

18 **SEC. 5. ERADICATION OF CANE ALONG THE RIO GRANDE**  
19 **RIVER.**

20 (a) IN GENERAL.—The Secretary of Homeland Secu-  
21 rity shall take such actions as may be necessary, including  
22 through cooperation with appropriate Federal and State  
23 agencies, to permanently eradicate the cane, or *Arundo*  
24 *donax*, that grows along the Rio Grande river.



1 (b) PROHIBITION ON ADDITIONAL FUNDING.—No  
2 additional funds are authorized to be appropriated to  
3 carry out this section. This section shall be carried out  
4 using amounts otherwise authorized.

5 **SEC. 6. FUNDING.**

6 (a) USE OF CERTAIN FORFEITED CRIMINAL PRO-  
7 CEEDS FOR BORDER SECURITY MEASURES.—Notwith-  
8 standing any other provision of law, any illegally obtained  
9 profits resulting from any criminal drug trafficking enter-  
10 prise led by Joaquin Archivaldo Guzman Loera (commonly  
11 known as “El Chapo”), which are criminally forfeited to  
12 the United States Government as a result of the conviction  
13 of Mr. Guzman Loera in Federal district court, shall be  
14 reserved for security measures along the border between  
15 the United States and Mexico, including to carry out this  
16 Act and the amendments made by this Act, for the pur-  
17 pose of furthering the Nation’s security.

18 (b) USE OF FORFEITED CRIMINAL PROCEEDS OF  
19 OTHER CONVICTED CARTEL MEMBERS.—Notwith-  
20 standing any other provision of law, any funds that are  
21 criminally forfeited to the United States Government as  
22 the result of a felony conviction in a Federal district court  
23 of a member of a drug cartel—an individual engaging in  
24 a continuing criminal enterprise involving knowingly and  
25 intentionally distributing a controlled substance, intending

1 and knowing that such substance would be unlawfully im-  
2 ported into the United States from a place outside of the  
3 United States—shall be reserved for security measures  
4 along the border between the United States and Mexico,  
5 including to carry out this Act and the amendments made  
6 by this Act, for the purpose of furthering the Nation’s se-  
7 curity.

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