

Union Calendar No. 374

114TH CONGRESS
2^D SESSION

H. R. 4482

[Report No. 114–492]

To require the Secretary of Homeland Security to prepare a southwest border threat analysis, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2016

Ms. MCSALLY (for herself, Mr. CARTER of Georgia, Mr. FRANKS of Arizona, Mr. GOSAR, Mr. McCAUL, Mr. WALKER, Mr. YOUNG of Iowa, Ms. SINEMA, Mr. ZINKE, Mr. SALMON, and Mr. SCHWEIKERT) introduced the following bill; which was referred to the Committee on Homeland Security

APRIL 13, 2016

Additional sponsor: Mr. CULBERSON

APRIL 13, 2016

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 4, 2016]

A BILL

To require the Secretary of Homeland Security to prepare a southwest border threat analysis, 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 “Southwest Border Secu-*
5 *rity Threat Assessment Act of 2016”.*

6 **SEC. 2. SOUTHWEST BORDER THREAT ANALYSIS.**

7 *(a) IN GENERAL.—Not later than 180 days after the*
8 *date of the enactment of this Act, the Secretary of Homeland*
9 *Security shall submit to the Committee on Homeland Secu-*
10 *rity of the House of Representatives and the Committee on*
11 *Homeland Security and Governmental Affairs of the Senate*
12 *a southwest border threat analysis that includes the fol-*
13 *lowing:*

14 *(1) An assessment of current and potential ter-*
15 *rorism and criminal threats posed by individuals and*
16 *organized groups seeking to—*

17 *(A) unlawfully enter the United States*
18 *through the southwest border; or*

19 *(B) exploit security vulnerabilities along the*
20 *southwest border.*

21 *(2) An assessment of improvements needed at*
22 *and between ports of entry along the southwest border*
23 *to prevent terrorists and instruments of terror from*
24 *entering the United States.*

1 (3) *An assessment of gaps in law, policy, and co-*
2 *ordination between State, local, or tribal law enforce-*
3 *ment, international agreements, or tribal agreements*
4 *that hinder effective and efficient border security,*
5 *counterterrorism, and anti-human smuggling and*
6 *trafficking efforts.*

7 (4) *An assessment of the flow of legitimate trade*
8 *along the southwest border.*

9 (5) *An assessment of the current percentage of*
10 *situational awareness achieved by the Department of*
11 *Homeland Security along the southwest border.*

12 (6) *An assessment of the current percentage of*
13 *operational control (as such term is defined in section*
14 *2 of the Secure Fence Act of 2006 (8 U.S.C. 1701*
15 *note; Public Law 109–367)) achieved by the Depart-*
16 *ment of Homeland Security of the southwest.*

17 (7) *An assessment of impact of trusted traveler*
18 *programs on border wait times and border security.*

19 (8) *An assessment of traveler crossing times and*
20 *any potential security vulnerability associated with*
21 *prolonged wait times.*

22 (b) *ANALYSIS REQUIREMENTS.—For the southwest*
23 *border threat analysis required under subsection (a), the*
24 *Secretary of Homeland Security shall consider and examine*
25 *the following:*

1 (1) *Technology needs and challenges, including*
2 *such needs and challenges identified as a result of*
3 *previous investments that have not fully realized the*
4 *security and operational benefits that were sought.*

5 (2) *Personnel needs and challenges, including*
6 *such needs and challenges associated with recruitment*
7 *and hiring.*

8 (3) *Infrastructure needs and challenges.*

9 (4) *The roles and authorities of State, local, and*
10 *tribal law enforcement in general border security ac-*
11 *tivities.*

12 (5) *The status of coordination among Federal,*
13 *State, local, tribal, and Mexican law enforcement en-*
14 *tities relating to border security.*

15 (6) *The terrain, population density, and climate*
16 *along the southwest border.*

17 (7) *International agreements between the United*
18 *States and Mexico related to border security.*

19 (c) *CLASSIFIED THREAT ANALYSIS.—To the extent*
20 *possible, the Secretary of Homeland Security shall submit*
21 *the southwest border threat analysis required under sub-*
22 *section (a) in unclassified form. The Secretary may submit*
23 *a portion of such threat analysis in classified form if the*
24 *Secretary determines such is appropriate.*

1 **SEC. 3. BORDER PATROL STRATEGIC PLAN.**

2 (a) *IN GENERAL.*—Not later than 180 days after the
3 submission of the threat analysis required under section 2
4 but not later than June 30, 2017, and every five years there-
5 after, the Secretary of Homeland Security, acting through
6 the Chief of U.S. Border Patrol, shall, in consultation with
7 the Officer for Civil Rights and Civil Liberties of the De-
8 partment of Homeland Security, issue a Border Patrol
9 Strategic Plan.

10 (b) *CONTENTS.*—The Border Patrol Strategic Plan re-
11 quired under subsection (a) shall include, at a minimum,
12 a consideration of the following:

13 (1) *The southwest border threat analysis required*
14 *under section 2, with an emphasis on efforts to miti-*
15 *gate threats identified in such threat analysis.*

16 (2) *Efforts to analyze and disseminate border se-*
17 *curity and border threat information between Depart-*
18 *ment of Homeland Security border security compo-*
19 *nents and with other appropriate Federal depart-*
20 *ments and agencies with missions associated with the*
21 *border.*

22 (3) *Efforts to increase situational awareness, in-*
23 *cluding the following:*

24 (A) *Surveillance capabilities, including ca-*
25 *pabilities developed or utilized by the Depart-*
26 *ment of Defense, and any appropriate technology*

1 *determined to be excess by the Department of De-*
2 *fense.*

3 *(B) Use of manned aircraft and unmanned*
4 *aerial systems, including camera and sensor*
5 *technology deployed on such assets.*

6 *(4) Efforts to detect and prevent terrorists and*
7 *instruments of terrorism from entering the United*
8 *States.*

9 *(5) Efforts to detect, interdict, and disrupt aliens*
10 *and illicit drugs at the earliest possible point.*

11 *(6) Efforts to focus intelligence collection to dis-*
12 *rupt transnational criminal organizations outside of*
13 *the international and maritime borders of the United*
14 *States.*

15 *(7) Efforts to ensure that any new border secu-*
16 *rity technology can be operationally integrated with*
17 *existing technologies in use by the Department of*
18 *Homeland Security.*

19 *(8) Technology required to maintain, support,*
20 *and enhance security and facilitate trade at ports of*
21 *entry, including nonintrusive detection equipment,*
22 *radiation detection equipment, biometric technology,*
23 *surveillance systems, and other sensors and technology*
24 *that the Secretary of Homeland Security determines*
25 *necessary.*

1 (9) *Operational coordination unity of effort ini-*
2 *tiatives of the border security components of the De-*
3 *partment of Homeland Security, including any rel-*
4 *evant task forces of the Department.*

5 (10) *Lessons learned from Operation Jumpstart*
6 *and Operation Phalanx.*

7 (11) *Cooperative agreements and information*
8 *sharing with State, local, tribal, territorial, and other*
9 *Federal law enforcement agencies that have jurisdic-*
10 *tion on the northern or southern border.*

11 (12) *Border security information received from*
12 *consultation with State, local, tribal, territorial, and*
13 *Federal law enforcement agencies that have jurisdic-*
14 *tion on the northern or southern border, or in the*
15 *maritime environment, and from border community*
16 *stakeholders (including through public meetings with*
17 *such stakeholders), including representatives from bor-*
18 *der agricultural and ranching organizations and rep-*
19 *resentatives from business and civic organizations*
20 *along the northern or southern border.*

21 (13) *Staffing requirements for all departmental*
22 *border security functions.*

23 (14) *A prioritized list of departmental research*
24 *and development objectives to enhance the security of*
25 *the southwest border.*

1 (15) *An assessment of training programs, in-*
2 *cluding training programs regarding the following:*

3 (A) *Identifying and detecting fraudulent*
4 *documents.*

5 (B) *Understanding the scope of enforcement*
6 *authorities and the use of force policies.*

7 (C) *Screening, identifying, and addressing*
8 *vulnerable populations, such as children and vic-*
9 *tims of human trafficking.*

10 (16) *An assessment of how border security oper-*
11 *ations affect crossing times.*

12 **SEC. 4. DEFINITIONS.**

13 *In this Act:*

14 (1) *SITUATIONAL AWARENESS.—The term “situa-*
15 *tional awareness” means a knowledge and unified un-*
16 *derstanding of unlawful cross-border activity, includ-*
17 *ing threats and trends concerning illicit trafficking*
18 *and unlawful crossings (which may be used to fore-*
19 *cast future shifts in such threats and trends), and the*
20 *operational capability to conduct continuous and in-*
21 *tegrated surveillance of the international borders of*
22 *the United States.*

23 (2) *SOUTHWEST BORDER.—The term “southwest*
24 *border” means the land and maritime borders be-*
25 *tween the United States and Mexico.*

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