

**Suspend the Rules and Pass the Bill, H. R. 4482, With an
Amendment**

**(The amendment strikes all after the enacting clause and inserts a
new text)**

114TH CONGRESS
2^D SESSION

H. R. 4482

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

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 Se-
5 curity Threat Assessment Act of 2016”.

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

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of the enactment of this Act, the Secretary of Home-
4 land Security shall submit to the Committee on Homeland
5 Security of the House of Representatives and the Com-
6 mittee on Homeland Security and Governmental Affairs
7 of the Senate a southwest border threat analysis that in-
8 cludes the following:

9 (1) An assessment of current and potential ter-
10 rorism and criminal threats posed by individuals and
11 organized groups seeking to—

12 (A) unlawfully enter the United States
13 through the southwest border; or

14 (B) exploit security vulnerabilities along
15 the southwest border.

16 (2) An assessment of improvements needed at
17 and between ports of entry along the southwest bor-
18 der to prevent terrorists and instruments of terror
19 from entering the United States.

20 (3) An assessment of gaps in law, policy, and
21 coordination between State, local, or tribal law en-
22 forcement, international agreements, or tribal agree-
23 ments that hinder effective and efficient border secu-
24 rity, counterterrorism, and anti-human smuggling
25 and trafficking efforts.

1 (4) An assessment of the flow of legitimate
2 trade along the southwest border.

3 (5) An assessment of the current percentage of
4 situational awareness achieved by the Department of
5 Homeland Security along the southwest border.

6 (6) An assessment of the current percentage of
7 operational control (as such term is defined in sec-
8 tion 2 of the Secure Fence Act of 2006 (8 U.S.C.
9 1701 note; Public Law 109–367)) achieved by the
10 Department of Homeland Security of the southwest.

11 (7) An assessment of impact of trusted traveler
12 programs on border wait times and border security.

13 (8) An assessment of traveler crossing times
14 and any potential security vulnerability associated
15 with prolonged wait times.

16 (b) ANALYSIS REQUIREMENTS.—For the southwest
17 border threat analysis required under subsection (a), the
18 Secretary of Homeland Security shall consider and exam-
19 ine the following:

20 (1) Technology needs and challenges, including
21 such needs and challenges identified as a result of
22 previous investments that have not fully realized the
23 security and operational benefits that were sought.

1 (2) Personnel needs and challenges, including
2 such needs and challenges associated with recruit-
3 ment and hiring.

4 (3) Infrastructure needs and challenges.

5 (4) The roles and authorities of State, local,
6 and tribal law enforcement in general border secu-
7 rity activities.

8 (5) The status of coordination among Federal,
9 State, local, tribal, and Mexican law enforcement en-
10 tities relating to border security.

11 (6) The terrain, population density, and climate
12 along the southwest border.

13 (7) International agreements between the
14 United States and Mexico related to border security.

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

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

22 (a) IN GENERAL.—Not later than 180 days after the
23 submission of the threat analysis required under section
24 2 but not later than June 30, 2017, and every five years
25 thereafter, the Secretary of Homeland Security, acting

1 through the Chief of U.S. Border Patrol, shall, in con-
2 sultation with the Officer for Civil Rights and Civil Lib-
3 erties of the Department of Homeland Security, issue a
4 Border Patrol Strategic Plan.

5 (b) CONTENTS.—The Border Patrol Strategic Plan
6 required under subsection (a) shall include, at a minimum,
7 a consideration of the following:

8 (1) The southwest border threat analysis re-
9 quired under section 2, with an emphasis on efforts
10 to mitigate threats identified in such threat analysis.

11 (2) Efforts to analyze and disseminate border
12 security and border threat information between De-
13 partment of Homeland Security border security com-
14 ponents and with other appropriate Federal depart-
15 ments and agencies with missions associated with
16 the border.

17 (3) Efforts to increase situational awareness,
18 including the following:

19 (A) Surveillance capabilities, including ca-
20 pabilities developed or utilized by the Depart-
21 ment of Defense, and any appropriate tech-
22 nology determined to be excess by the Depart-
23 ment of Defense.

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

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

7 (5) Efforts to detect, interdict, and disrupt
8 aliens and illicit drugs at the earliest possible point.

9 (6) Efforts to focus intelligence collection to
10 disrupt transnational criminal organizations outside
11 of the international and maritime borders of the
12 United States.

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

17 (8) Technology required to maintain, support,
18 and enhance security and facilitate trade at ports of
19 entry, including nonintrusive detection equipment,
20 radiation detection equipment, biometric technology,
21 surveillance systems, and other sensors and tech-
22 nology that the Secretary of Homeland Security de-
23 termines necessary.

24 (9) Operational coordination unity of effort ini-
25 tiatives of the border security components of the De-

1 department of Homeland Security, including any rel-
2 evant task forces of the Department.

3 (10) Lessons learned from Operation Jumpstart
4 and Operation Phalanx.

5 (11) Cooperative agreements and information
6 sharing with State, local, tribal, territorial, and
7 other Federal law enforcement agencies that have
8 jurisdiction on the northern or southern border.

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

19 (13) Staffing requirements for all departmental
20 border security functions.

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

24 (15) An assessment of training programs, in-
25 cluding training programs regarding the following:

1 (A) Identifying and detecting fraudulent
2 documents.

3 (B) Understanding the scope of enforce-
4 ment authorities and the use of force policies.

5 (C) Screening, identifying, and addressing
6 vulnerable populations, such as children and
7 victims of human trafficking.

8 (16) An assessment of how border security op-
9 erations affect crossing times.

10 **SEC. 4. DEFINITIONS.**

11 In this Act:

12 (1) **SITUATIONAL AWARENESS.**—The term “sit-
13 uational awareness” means a knowledge and unified
14 understanding of unlawful cross-border activity, in-
15 cluding threats and trends concerning illicit traf-
16 ficking and unlawful crossings (which may be used
17 to forecast future shifts in such threats and trends),
18 and the operational capability to conduct continuous
19 and integrated surveillance of the international bor-
20 ders of the United States.

21 (2) **SOUTHWEST BORDER.**—The term “south-
22 west border” means the land and maritime borders
23 between the United States and Mexico.