

## Union Calendar No.

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5869

[Report No. 115-]

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

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### IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2018

Miss GONZÁLEZ-COLÓN of Puerto Rico (for herself, Mr. KING of New York, Mr. DONOVAN, Mr. BACON, Mrs. MURPHY of Florida, Mr. DIAZ-BALART, and Mr. DUFFY) introduced the following bill; which was referred to the Committee on Homeland Security

SEPTEMBER --, 2018

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 *italie*]

[For text of introduced bill, see copy of bill as introduced on May 17, 2018]

# **A BILL**

To require the Secretary of Homeland Security to conduct a maritime 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 “Maritime Border Secu-*  
5 *rity Review Act”.*

6 **SEC. 2. DEFINITIONS.**

7        *In this Act:*

8            (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
9 *TEES.—The term “appropriate congressional commit-*  
10 *tees” means—*

11                    (A) *the Committee on Homeland Security of*  
12 *the House of Representatives;*

13                    (B) *the Committee on Transportation and*  
14 *Infrastructure of the House of Representatives;*

15                    (C) *the Committee on Homeland Security*  
16 *and Government Affairs of the Senate; and*

17                    (D) *the Committee on Commerce, Science,*  
18 *and Transportation of the Senate.*

19            (2) *MARITIME BORDER.—The term “maritime*  
20 *border” means—*

21                    (A) *the transit zone; and*

22                    (B) *the borders and territorial waters of*  
23 *Puerto Rico and the United States Virgin Is-*  
24 *lands.*

1           (3) *TRANSIT ZONE.*—*The term “transit zone”*  
2           *has the meaning given such term in section*  
3           *1092(a)(8) of the National Defense Authorization Act*  
4           *for Fiscal Year 2017 (6 U.S.C. 223(a)(8)).*

5   **SEC. 3. MARITIME BORDER THREAT ANALYSIS.**

6           (a) *IN GENERAL.*—*Not later than 180 days after the*  
7           *date of enactment of this Act, the Secretary of Homeland*  
8           *Security shall submit to the appropriate congressional com-*  
9           *mittees a maritime border threat analysis that includes an*  
10          *identification and description of the following:*

11           (1) *Current and potential terrorism and crimi-*  
12          *nal threats posed by individuals and groups seeking*  
13          *to—*

14                   (A) *enter the United States through the*  
15                   *maritime border; or*

16                   (B) *exploit border vulnerabilities on the*  
17                   *maritime border.*

18           (2) *Improvements needed at United States sea*  
19          *ports to—*

20                   (A) *prevent terrorists and instruments of*  
21                   *terror from entering the United States; and*

22                   (B) *reduce criminal activity, as measured*  
23                   *by the total flow of illegal goods and illicit drugs,*  
24                   *related to the maritime border.*

1           (3) *Improvements needed with respect to the*  
2           *maritime border to—*

3                   (A) *prevent terrorists and instruments of*  
4                   *terror from entering the United States; and*

5                   (B) *reduce criminal activity related to the*  
6                   *maritime border.*

7           (4) *Vulnerabilities in law, policy, cooperation be-*  
8           *tween State, territorial, and local law enforcement, or*  
9           *international agreements that hinder effective and ef-*  
10           *fective border security, counterterrorism, anti-human*  
11           *trafficking efforts, and the flow of legitimate trade*  
12           *with respect to the maritime border.*

13           (5) *Metrics and performance parameters used by*  
14           *the Department of Homeland Security to evaluate*  
15           *maritime security effectiveness, as appropriate.*

16           (b) *ANALYSIS REQUIREMENTS.—In preparing the*  
17           *threat analysis required under subsection (a), the Secretary*  
18           *of Homeland Security shall consider and examine the fol-*  
19           *lowing:*

20                   (1) *Technology needs and challenges.*

21                   (2) *Personnel needs and challenges.*

22                   (3) *The role of State, territorial, and local law*  
23                   *enforcement in general border security activities.*

24                   (4) *The need for cooperation among Federal,*  
25                   *State, territorial, local, and appropriate inter-*

1        *national law enforcement entities relating to border*  
2        *security.*

3            (5) *The geographic challenges of the maritime*  
4        *border.*

5            (6) *The impact and consequences of Hurricanes*  
6        *Harvey, Irma, Maria, and Nate on general border se-*  
7        *curity activities with respect to the maritime border.*

8        (c) *CLASSIFIED THREAT ANALYSIS.—To the extent*  
9        *possible, the Secretary of Homeland Security shall submit*  
10       *the threat analysis required under subsection (a) in unclas-*  
11       *sified form. The Secretary may submit a portion of the*  
12       *threat analysis in classified form if the Secretary deter-*  
13       *mines that such form is appropriate for such portion.*