

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4482
OFFERED BY MS. MCSALLY OF ARIZONA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Southwest Border Se-
3 curity Threat Assessment Act of 2016”.

4 SEC. 2. SOUTHWEST BORDER THREAT ANALYSIS.

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

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

15 (A) unlawfully enter the United States
16 through the southwest border; or

17 (B) exploit security vulnerabilities along
18 the southwest border.

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

5 (3) An assessment of gaps in law, policy, and
6 coordination between State, local, or tribal law en-
7 forcement, international agreements, or tribal agree-
8 ments that hinder effective and efficient border secu-
9 rity, counterterrorism, and anti-human smuggling
10 and trafficking efforts.

11 (4) An assessment of the flow of legitimate
12 trade along the southwest border.

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

16 (6) An assessment of the current percentage of
17 operational control (as such term is defined in sec-
18 tion 2 of the Secure Fence Act of 2006 (8 U.S.C.
19 1701 note; Public Law 109–367)) achieved by the
20 Department of Homeland Security of the southwest.

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

25 (1) Technology needs and challenges.

1 (2) Personnel needs and challenges.

2 (3) Infrastructure needs and challenges.

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

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

9 (6) The terrain, population density, and climate
10 along the southwest border.

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

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

18 (a) IN GENERAL.—Not later than 180 days after the
19 submission of the threat analysis required under section
20 2 but not later than June 30, 2017, and every five years
21 thereafter, the Secretary of Homeland Security, acting
22 through the Chief of U.S. Border Patrol, shall issue a Bor-
23 der Patrol Strategic Plan.

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

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

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

13 (3) Efforts to increase situational awareness,
14 including the following:

15 (A) Surveillance capabilities, including ca-
16 pabilities developed or utilized by the Depart-
17 ment of Defense, and any appropriate tech-
18 nology determined to be excess by the Depart-
19 ment of Defense.

20 (B) Use of manned aircraft and unmanned
21 aerial systems, including camera and sensor
22 technology deployed on such assets.

23 (4) Efforts to detect and prevent terrorists and
24 instruments of terrorism from entering the United
25 States.

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

3 (6) Efforts to focus intelligence collection to
4 disrupt transnational criminal organizations outside
5 of the international and maritime borders of the
6 United States.

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

11 (8) Technology required to maintain, support,
12 and enhance security and facilitate trade at ports of
13 entry, including nonintrusive detection equipment,
14 radiation detection equipment, biometric technology,
15 surveillance systems, and other sensors and tech-
16 nology that the Secretary of Homeland Security de-
17 termines necessary.

18 (9) Operational coordination unity of effort ini-
19 tiatives of the border security components of the De-
20 partment of Homeland Security, including any rel-
21 evant task forces of the Department.

22 (10) Lessons learned from Operation Jumpstart
23 and Operation Phalanx.

24 (11) Cooperative agreements and information
25 sharing with State, local, tribal, territorial, and

1 other Federal law enforcement agencies that have
2 jurisdiction on the northern or southern border.

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

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

15 (14) A prioritized list of departmental research
16 and development objectives to enhance the security
17 of the southwest border.

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

20 (A) Identifying and detecting fraudulent
21 documents.

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

1 (C) Screening, identifying, and addressing
2 vulnerable populations, such as children and
3 victims of human trafficking.

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

6 **SEC. 4. DEFINITIONS.**

7 In this Act:

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

17 (2) SOUTHWEST BORDER.—The term “south-
18 west border” means the land and maritime borders
19 between the United States and Mexico.

