

## 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 italics]

[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 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Maritime Border Secu-*  
3 *riety Review Act”.*

4 **SEC. 2. DEFINITIONS.**

5 *In this Act:*

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

9 (A) *the Committee on Homeland Security of*  
10 *the House of Representatives;*

11 (B) *the Committee on Transportation and*  
12 *Infrastructure of the House of Representatives;*

13 (C) *the Committee on Homeland Security*  
14 *and Government Affairs of the Senate; and*

15 (D) *the Committee on Commerce, Science,*  
16 *and Transportation of the Senate.*

17 (2) *MARITIME BORDER.—The term “maritime*  
18 *border” means—*

19 (A) *the transit zone; and*

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

23 (3) *TRANSIT ZONE.—The term “transit zone”*  
24 *has the meaning given such term in section*  
25 *1092(a)(8) of the National Defense Authorization Act*  
26 *for Fiscal Year 2017 (6 U.S.C. 223(a)(8)).*

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

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

7 (1) *Current and potential terrorism and crimi-*  
8 *nal threats posed by individuals and groups seeking*  
9 *to—*

10 (A) *enter the United States through the*  
11 *maritime border; or*

12 (B) *exploit border vulnerabilities on the*  
13 *maritime border.*

14 (2) *Improvements needed at United States sea*  
15 *ports to—*

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

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

21 (3) *Improvements needed with respect to the*  
22 *maritime border to—*

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

25 (B) *reduce criminal activity related to the*  
26 *maritime border.*

1           (4) *Vulnerabilities in law, policy, cooperation be-*  
2           *tween State, territorial, and local law enforcement, or*  
3           *international agreements that hinder effective and ef-*  
4           *fective border security, counterterrorism, anti-human*  
5           *trafficking efforts, and the flow of legitimate trade*  
6           *with respect to the maritime border.*

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

10          (b) *ANALYSIS REQUIREMENTS.—In preparing the*  
11          *threat analysis required under subsection (a), the Secretary*  
12          *of Homeland Security shall consider and examine the fol-*  
13          *lowing:*

14                 (1) *Technology needs and challenges.*

15                 (2) *Personnel needs and challenges.*

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

18                 (4) *The need for cooperation among Federal,*  
19                 *State, territorial, local, and appropriate inter-*  
20                 *national law enforcement entities relating to border*  
21                 *security.*

22                 (5) *The geographic challenges of the maritime*  
23                 *border.*

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

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