

115TH CONGRESS
2D SESSION

H. R. 5869

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 2018

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Maritime Border Security Review Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

9 (A) the Committee on Homeland Security
10 of 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 Islands.
22

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
26 Act 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
5 committees a maritime border threat analysis that in-
6 cludes an 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
20 drugs, 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
2 between State, territorial, and local law enforcement,
3 or international agreements that hinder effective and
4 efficient border security, counterterrorism, anti-
5 human trafficking efforts, and the flow of legitimate
6 trade with respect to the maritime border.

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

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

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 international
20 law enforcement entities relating to border security.

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

23 (6) The impact and consequences of Hurricanes
24 Harvey, Irma, Maria, and Nate on general border

1 security activities with respect to the maritime bor-
2 der.

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

Passed the House of Representatives September 4,
2018.

Attest:

KAREN L. HAAS,

Clerk.