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(Original Signature of Member)

114TH CONGRESS  
2D SESSION

# H. R.

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

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## IN THE HOUSE OF REPRESENTATIVES

Ms. MCSALLY introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# 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”.

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

7 (a) IN GENERAL.—Not later than 180 days after the  
8 date of the enactment of this Act, the Secretary of Home-  
9 land Security shall submit to the Committee on Homeland

1 Security of the House of Representatives and the Com-  
2 mittee on Homeland Security and Governmental Affairs  
3 of the Senate a southwest border threat analysis that in-  
4 cludes the following:

5 (1) An assessment of current and potential ter-  
6 rorism and criminal threats posed by individuals and  
7 organized groups seeking to—

8 (A) unlawfully enter the United States  
9 through the southwest border; or

10 (B) exploit border vulnerabilities along the  
11 southwest border.

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

16 (3) An assessment of gaps in law, policy, co-  
17 operation between State, local, or tribal law enforce-  
18 ment, international agreements, or tribal agreements  
19 that hinder effective and efficient border security,  
20 counter-terrorism, anti-human smuggling and traf-  
21 ficking efforts, and the flow of legitimate trade along  
22 the southwest border.

23 (4) An assessment of the current percentage of  
24 situational awareness achieved by the Department of

1 Homeland Security of the international land and  
2 maritime borders of the United States.

3 (5) An assessment of the current percentage of  
4 operational control (as such term is defined in sec-  
5 tion 2 of the Secure Fence Act of 2006 (8 U.S.C.  
6 1701 note; Public Law 109–367) achieved by the  
7 Department of Homeland Security of the inter-  
8 national land and maritime borders of the United  
9 States.

10 (b) ANALYSIS REQUIREMENTS.—For the southwest  
11 border threat analysis required under subsection (a), the  
12 Secretary of Homeland Security shall consider and exam-  
13 ine the following:

14 (1) Technology needs and challenges.

15 (2) Personnel needs and challenges.

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

19 (4) The need for cooperation among Federal,  
20 State, local, tribal, and Mexican law enforcement en-  
21 tities relating to border security.

22 (5) The terrain, population density, and climate  
23 along the southwest border.

24 (c) CLASSIFIED THREAT ANALYSIS.—To the extent  
25 possible, the Secretary of Homeland Security shall submit

1 the southwest border threat analysis required under sub-  
2 section (a) in unclassified form. The Secretary may submit  
3 a portion of such threat analysis in classified form if the  
4 Secretary determines such is appropriate.

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

6 (a) IN GENERAL.—Not later than March 1, 2017,  
7 and every five years thereafter, the Chief of the Border  
8 Patrol shall issue a Border Patrol Strategic Plan.

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

12 (1) An evaluation of the southwest border  
13 threat analysis required under section 2, with an  
14 emphasis on efforts to mitigate threats identified in  
15 such threat analysis.

16 (2) An assessment of principal border security  
17 threats.

18 (3) Efforts to analyze and disseminate border  
19 security and border threat information between De-  
20 partment of Homeland Security border security com-  
21 ponents and with other appropriate Federal depart-  
22 ments and agencies with missions associated with  
23 the border.

24 (4) Efforts to increase situational awareness,  
25 including the following:

1 (A) Surveillance capabilities developed or  
2 utilized by the Department of Defense, includ-  
3 ing any technology determined to be excess by  
4 the Department of Defense.

5 (B) Use of manned aircraft and unmanned  
6 aerial systems, including camera and sensor  
7 technology deployed on such assets.

8 (5) Efforts to detect and prevent terrorists and  
9 instruments of terrorism from entering the United  
10 States.

11 (6) Efforts to detect, interdict, and disrupt  
12 aliens and illicit drugs at the earliest possible point  
13 upon entry into the United States.

14 (7) Efforts to focus intelligence collection to  
15 disrupt transnational criminal organizations outside  
16 of the international and maritime borders of the  
17 United States.

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

22 (9) Technology required to maintain, support,  
23 and enhance security and facilitate trade at ports of  
24 entry, including nonintrusive detection equipment,  
25 radiation detection equipment, biometric technology,

1 surveillance systems, and other sensors and tech-  
2 nology that the Secretary of Homeland Security de-  
3 termines necessary.

4 (10) Operational coordination unity of effort  
5 initiatives of Department of Homeland Security bor-  
6 der security components, including any relevant task  
7 forces of the Department.

8 (11) Lessons learned from Operation Jumpstart  
9 and Operation Phalanx.

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

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

24 (14) Staffing requirements for all border secu-  
25 rity functions.

1           (15) A prioritized list of research and develop-  
2           ment objectives to enhance the security of the inter-  
3           national land and maritime borders of the United  
4           States.

5           (16) An assessment of training programs, in-  
6           cluding training programs regarding the following:

7                   (A) Identifying and detecting fraudulent  
8                   documents.

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

11                  (C) Screening, identifying, and addressing  
12                  vulnerable populations, such as children and  
13                  victims of human trafficking.

14           (17) An assessment of how border security op-  
15           erations affect crossing times.

16 **SEC. 4. DEFINITIONS.**

17           In this Act:

18                   (1) **SITUATIONAL AWARENESS.**—The term “sit-  
19                   uational awareness” means a knowledge and unified  
20                   understanding of unlawful cross-border activity, in-  
21                   cluding threats and trends concerning illicit traf-  
22                   ficking and unlawful crossings, and the ability to  
23                   forecast future shifts in such threats and trends, the  
24                   ability to evaluate such threats and trends at a level  
25                   sufficient to create actionable plans, and the oper-

1       ational capability to conduct continuous and inte-  
2       grated surveillance of the international borders of  
3       the United States.

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