

NORTHERN BORDER SECURITY REVIEW ACT

JULY 28, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MCCAUL, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 455]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 455) to require the Secretary of Homeland Security to conduct a northern border threat analysis, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. NORTHERN BORDER THREAT ANALYSIS.

(a) **IN GENERAL.**—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a northern border threat analysis. Such analysis, at a minimum, shall include the following:

(1) An analysis of current and potential terrorism threats posed by individuals seeking to enter the United States through the northern border.

(2) An analysis of improvements needed at ports of entry along the northern border to prevent terrorists and instruments of terror from entering the United States.

(3) An analysis of the number of additional U.S. Customs and Border Protection agents and officers needed at and between ports of entry along the northern border.

(4) An analysis of gaps in law, policy, international agreements, or tribal agreements that hinder the border security and counterterrorism efforts along the northern border.

(5) An analysis of illegal cross border activity between ports of entry, including the maritime borders of the Great Lakes.

(6) An analysis of the scope of border security challenges that shall include the terrain, population density, and climate along the northern border.

(7) An analysis of whether additional preclearance and pre-inspection by U.S. Customs and Border Protection at ports of entry along the northern border could help prevent terrorists and their instruments from entering the United States.

(b) **CLASSIFIED THREAT ANALYSIS.**—The threat analysis required under subsection (a) may be submitted in classified form, if the Secretary of Homeland Security determines that such is appropriate.

PURPOSE AND SUMMARY

H.R. 455 requires the Secretary of Homeland Security to submit to the appropriate congressional committees, within six months from the date of enactment of this Act, a northern border threat analysis. The threat analysis must include an analysis of current and potential terrorist threats posed by individuals seeking to enter the United States through the northern border; an analysis of improvements needed at ports of entry along the northern border to prevent terrorists and instruments of terror from crossing the border; an analysis of gaps in law, policy, international agreements, or tribal agreements that hinder border security efforts along the northern border; an analysis of unlawful cross border activity between ports of entry, including the maritime border of the Great lakes; an analysis of the terrain, population density, and climate; and an analysis of adding new preclearance and pre-inspection locations.

BACKGROUND AND NEED FOR LEGISLATION

The Department of Homeland Security has never before conducted a threat analysis for the Northern border, which would help inform future homeland security resourcing needs. Due to the vast expanse along the 4,000 miles of the Northern border, it would be cost prohibitive to allocate enforcement resources using a brute force model of additional agents, technology, and infrastructure in an ad hoc fashion.

A more cost-effective approach to resource allocation on the Northern border would be to first analyze the security gaps and most pressing needs to inform the location and type of solutions required to secure the Northern border.

HEARINGS

No hearings were held on H.R. 455.

COMMITTEE CONSIDERATION

The Committee met on June 23, 2015, to consider H.R. 455, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

An amendment offered by MR. VELA consisting of an amendment by Ms. Jackson Lee (#1); was AGREED TO by voice vote.

Page 2, after line 16, insert the following:

(5) An analysis of the scope of border security challenges that shall include the terrain, population density, and climate along the northern border.

An en bloc amendment offered by MR. HIGGINS (#2); was AGREED TO by voice vote.

Consisting of the following amendments:

Page 2, line 10, insert the following (and redesignate subsequent paragraphs accordingly):

(3) An analysis of the number of additional U.S. Customs and Border Protection agents and officers needed at and between ports of entry along the northern border.

(5) An analysis of whether additional preclearance and pre-inspection by U.S. Customs and Border Protection at ports of entry along the northern border could help prevent terrorists and their instruments from entering the United States.

COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 455.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 455, the Northern Border Security Review Act, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 8, 2015.

Hon. MICHAEL MCCAUL,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 455, the Northern Border Security Review Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Mark Grabowicz and Ben Christopher.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 455—Northern Border Security Review Act

H.R. 455 would require the Department of Homeland Security (DHS) to conduct an analysis of potential threats and security gaps along the northern border of the United States. Based on information from DHS, CBO estimates that implementing H.R. 455 would cost about \$1 million in 2016, assuming appropriation of the necessary amounts. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

H.R. 455 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contacts for this estimate are Mark Grabowicz and Ben Christopher. The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 455 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The general performance goal or objective of this bill is to ensure the Secretary of Homeland Security conducts a comprehensive threat assessment of the Northern Border that would inform future homeland security resourcing needs on the Northern Border.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 455 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED
TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 455 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 455 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section provides that bill may be cited as the “Northern Border Security Review Act”.

*Section 2. Northern Border Threat Analysis.**Subsection (a) In General.*

This section requires the Secretary of Homeland Security to submit to the appropriate congressional committees, within six months from the date of enactment of this Act, a northern border threat analysis. The threat analysis shall include, at a minimum, an analysis of current and potential terrorist threats posed by individuals seeking to enter the United States through the northern border; the number of U.S. Customs and Border Protection (CBP) personnel needed; an analysis of improvements needed at ports of entry along the northern border to prevent terrorists and instruments of terror from crossing the border; an analysis of gaps in law, policy, international agreements, or tribal agreements that hinder border security efforts along the northern border; an analysis of unlawful cross border activity between ports of entry, including the maritime border of the Great lakes; an analysis of the terrain, population density and climate; and an analysis of adding new preclearance and pre-inspection locations.

The Committee recognizes that while there is significant attention paid to the security of the southern border of the United States, there are also real security threats to the northern border, which cannot be neglected. The Committee believes a threat analysis of the unique challenges along the northern border is necessary to better determine appropriate capability deployment. While the Committee recognizes that other analysis have focused on drug smuggling, the type of analysis required in this bill will better provide CBP with the foundation needed to ensure adequate security coverage, at and between the ports of entry, along the northern border and will provide Congress with the information necessary to conduct proper oversight.

Subsection (b) Classified Threat Analysis.

Subsection (b) allows the threat analysis required be submitted in classified form if the Secretary deems it appropriate.

The Committee expects that as much of the assessment as possible will be published in an unclassified and transparent form. The Committee understands, however, that this assessment will contain sensitive information and stresses the need to balance properly classifying material with the need to share such information and expects that it will be classified at the lowest appropriate classification.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported, H.R. 455 makes no changes to existing law.