

INLAND WATERS SECURITY REVIEW ACT

NOVEMBER 19, 2019.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 4402]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4402) to require the Secretary of Homeland Security to conduct an inland waters threat analysis, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 4402, the “Inland Waters Security Review Act,” will require DHS to submit to Congress an analysis of the following: (1) current and potential terrorism and criminal threats with respect to inland waters; (2) security challenges at inland water ports; (3) security mitigation efforts with respect to inland waters; (4) any vulnerabilities related to law enforcement cooperation or international agreements with respect to inland waters that may affect

security, counterterrorism, anti-trafficking efforts, or trade; and (5) any metrics used by the Department of Homeland Security (DHS) to assess inland waters security. In doing so, DHS must take into account technology, personnel, law enforcement cooperation, public-private partnerships, and challenges posed by geography.

#### BACKGROUND AND NEED FOR LEGISLATION

Maritime security is critical to homeland security. However, most terrorism assessments related to maritime security have focused on the risks present on the high seas and in coastal areas. Inland waters, such as lakes, rivers, and streams—including more than 25,000 miles of navigable waters across the United States—present unique security challenges. These risks must be analyzed by DHS to ensure that the threats facing inland waters, inland water ports, nearby communities, and trade, are effectively addressed.

#### HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearing was used to develop H.R. 4402:

- On April 9, 2019, the Committee held a hearing entitled “Securing America’s Transportation and Maritime Systems: A Review of the Fiscal Year 2020 Budget Requests for the Transportation Security Administration and the U.S. Coast Guard.” The Committee received testimony from David P. Pekoske, Administrator, Transportation Security Administration, U.S. Department of Homeland Security; and Admiral Karl L. Schultz, Commandant, U.S. Coast Guard, U.S. Department of Homeland Security.

#### COMMITTEE CONSIDERATION

The Committee met on October 23, 2019, with a quorum being present, to consider H.R. 4402 and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by unanimous consent.

#### 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. 4402.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

#### CONGRESSIONAL BUDGET OFFICE ESTIMATE, NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the

Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office.

#### FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

#### DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 4402 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

#### PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the objective of H.R. 4402 is to require the Department of Homeland Security to submit a threat analysis of inland waters security. The submission must be unclassified but may include a classified portion if deemed appropriate by the Department.

#### ADVISORY ON EARMARKS

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(d), 9(e), or 9(f) of the rule XXI.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title*

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

##### *Sec. 2. Definitions*

This section defines “appropriate congressional committees” to refer to the House Committee on Homeland Security, the Senate Committee on Homeland Security and Governmental Affairs, and the Senate Committee on Commerce, Science, and Transportation.

This section also defines “inland waters” by reference to the Code of Federal Regulations, which defines the term as “the navigable waters of the United States shoreward of the navigational demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the United States and the waters of the Great Lakes on the United States side of the International Boundary.”

*Sec. 3. Inland waters threat analysis*

This section requires DHS to submit a threat analysis on inland waters security to the appropriate congressional committees within 180 days of the enactment of this Act.

The analysis must include the following: (1) current and potential terrorism and criminal threats with respect to inland waters; (2) security challenges at inland water ports; (3) security mitigation efforts with respect to inland waters; (4) any vulnerabilities related to law enforcement cooperation or international agreements with respect to inland waters that may affect security, counterterrorism, anti-trafficking efforts, or trade; and (5) any metrics used by DHS to assess inland waters security. In developing this analysis, DHS must take into account technology, personnel, law enforcement cooperation, public-private partnerships, and challenges posed by geography.

The analysis must be unclassified but may include a classified portion if deemed appropriate by DHS.