

118TH CONGRESS  
1ST SESSION

# H. R. 5839

To require the Secretary of Homeland Security to assess technology needs along the maritime border and develop a strategy to address such needs, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2023

Mrs. GONZÁLEZ-COLÓN (for herself, Ms. PLASKETT, Mr. GIMENEZ, Mr. SOTO, Mr. GUEST, Mr. DAVIS of North Carolina, Ms. SALAZAR, Mr. VICENTE GONZALEZ of Texas, Mr. WALTZ, Mr. SWALWELL, Mr. MAST, and Mr. JAMES) introduced the following bill; which was referred to the Committee on Homeland Security

---

## A BILL

To require the Secretary of Homeland Security to assess technology needs along the maritime border and develop a strategy to address such needs, 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 “Maritime Border Secu-  
5        rity Technology Improvement Act”.

1 **SEC. 2. MARITIME BORDER SECURITY TECHNOLOGY NEEDS**  
2 **ANALYSIS AND UPDATES.**

3 (a) TECHNOLOGY NEEDS ANALYSIS.—Not later than  
4 two years after the date of the enactment of this Act, the  
5 Secretary shall submit to the appropriate congressional  
6 committees a technology needs analysis for operational  
7 and border security technology along the maritime border.

8 (b) CONTENTS.—The analysis required under sub-  
9 section (a) shall include an assessment of—

10 (1) the operational and border security tech-  
11 nology needs along the maritime border—

12 (A) to prevent terrorists and instruments  
13 of terror from entering the United States;

14 (B) to combat and reduce criminal activity  
15 related to the maritime border, including—

16 (i) the transport of illegal goods, such  
17 as illicit drugs; and

18 (ii) human smuggling and human  
19 trafficking;

20 (C) to enhance maritime domain aware-  
21 ness;

22 (D) to enhance maritime detection and  
23 interdiction capabilities;

24 (E) to enhance presence in the maritime  
25 domain;

1 (F) to facilitate the flow of legal trade  
2 across the maritime border;

3 (G) to strengthen the security of maritime  
4 critical infrastructure and counter evolving mar-  
5 itime cybersecurity risks; and

6 (H) to preserve and uphold United States  
7 prosperity and economic security by safe-  
8 guarding the domestic maritime transportation  
9 system and maritime resources;

10 (2) recent technological advancements in—

11 (A) manned aircraft sensor, communica-  
12 tion, and common operating picture technology;

13 (B) unmanned aircraft systems, sensors,  
14 and related technology with maritime surveil-  
15 lance capability, including counter-UAS sys-  
16 tems;

17 (C) unmanned maritime vessels with sur-  
18 face and subsurface surveillance, detection, and  
19 tracking capabilities;

20 (D) maritime surveillance and detection  
21 sensing capabilities for both emitting and non-  
22 emitting threat vessels;

23 (E) coastal radar surveillance systems;

1 (F) nonintrusive inspection technology, in-  
2 cluding non-X-ray devices and other advanced  
3 detection technology;

4 (G) maritime signals intelligence capabili-  
5 ties;

6 (H) voice and data communications, com-  
7 mand and control capabilities, and information  
8 management and sharing capabilities; and

9 (I) maritime port and waterway infrastruc-  
10 ture systems to counter physical and cyber  
11 threats;

12 (3) any other technological advancements that  
13 the Secretary determines to be critical to the De-  
14 partment's mission along the maritime border;

15 (4) whether the use of the technological ad-  
16 vances described in paragraphs (2) and (3) will—

17 (A) improve maritime border security and  
18 establish persistent wide area maritime surveil-  
19 lance;

20 (B) improve the capability of the Depart-  
21 ment to accomplish its mission along the mari-  
22 time border;

23 (C) reduce operational and security gaps  
24 along the maritime border;

1           (D) enhance the safety of any officer or  
2           agent of the Department or any other Federal  
3           agency; and

4           (E) improve deployment of high demand  
5           resources and improve data sharing between  
6           technology systems and the Homeland Security  
7           Enterprise;

8           (5) the Department’s ongoing maritime border  
9           security technology development efforts, including ef-  
10          forts by—

11           (A) the U.S. Coast Guard;

12           (B) U.S. Customs and Border Protection;

13           (C) the Science and Technology Direc-  
14          torate of the Department; and

15           (D) the technology assessment office of  
16          any other operational component of the Depart-  
17          ment;

18           (6) any other technological needs or factors, in-  
19          cluding maritime border security and shoreside in-  
20          frastructure, that the Secretary determines should  
21          be considered; and

22           (7) currently deployed technology or new tech-  
23          nology that would improve the Department’s abil-  
24          ity—

1 (A) to reasonably achieve operational con-  
2 trol and situational awareness along the mari-  
3 time border; and

4 (B) to collect metrics for securing the mar-  
5 itime border, as required under subsection (d)  
6 of section 1092 of division A of the National  
7 Defense Authorization Act for Fiscal Year 2017  
8 (6 U.S.C. 223).

9 (c) UPDATES.—

10 (1) IN GENERAL.—Not later than two years  
11 after the submission of the analysis required under  
12 subsection (a) and biannually thereafter for the fol-  
13 lowing four years, the Secretary shall submit to the  
14 appropriate congressional committees an update to  
15 such analysis.

16 (2) CONTENTS.—Each update required under  
17 paragraph (1) shall include a plan for utilizing the  
18 resources of the Department to satisfy operational  
19 and border security technology needs identified pur-  
20 suant to subsection (b), including developing or ac-  
21 quiring technologies not currently in use by the De-  
22 partment that would allow the Department to bridge  
23 existing operational and border security needs along  
24 the maritime border.

1 (d) ITEMS TO BE CONSIDERED.—In compiling the  
2 operational and border security technology needs analysis  
3 and updates required under this section, the Secretary  
4 shall consider and examine—

5 (1) technology that is deployed and is sufficient  
6 for the Department’s use along the maritime border;

7 (2) technology that is deployed, but is insuffi-  
8 cient for the Department’s use along the maritime  
9 border;

10 (3) technology that is not deployed, but is nec-  
11 essary for the Department’s use along the maritime  
12 border;

13 (4) current formal departmental requirements  
14 examining maritime border security threats and  
15 challenges faced by any component of the Depart-  
16 ment;

17 (5) trends and forecasts regarding migration  
18 and the transport of illegal goods, such as illicit  
19 drugs, across the maritime border;

20 (6) the impact on projected staffing and deploy-  
21 ment needs for the Department, including staffing  
22 needs that may be fulfilled through the use of tech-  
23 nology;

1           (7) the needs and challenges faced by employees  
2 of the Department who are deployed along the mari-  
3 time border;

4           (8) the needs to improve cooperation among  
5 Federal, State, territorial, Tribal, local, and appro-  
6 priate international law enforcement entities to en-  
7 hance security along the maritime border;

8           (9) the impact of any natural disaster or ongo-  
9 ing public health emergency that impacts Depart-  
10 ment operations along the maritime border; and

11           (10) the ability of, and the needs for, the De-  
12 partment to assist with search and rescue efforts for  
13 individuals or groups that may be in physical danger  
14 or in need of medical assistance along the maritime  
15 border.

16       (e) CLASSIFIED FORM.—To the extent possible, the  
17 Secretary shall submit the technology needs analysis and  
18 updates required under this section in unclassified form,  
19 but may submit such documents, or portions of such docu-  
20 ments, in classified form if the Secretary determines such  
21 is appropriate.

22       (f) DEFINITIONS.—In this section:

23           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
24 TEES.—The term “appropriate congressional com-  
25 mittees” means—



1 (A) the Committee on Homeland Security  
2 of the House of Representatives;

3 (B) the Committee on Transportation and  
4 Infrastructure of the House of Representatives;

5 (C) the Committee on Homeland Security  
6 and Government Affairs of the Senate; and

7 (D) the Committee on Commerce, Science,  
8 and Transportation of the Senate.

9 (2) COUNTER-UAS SYSTEM.—The term  
10 “counter-UAS system” has the meaning given such  
11 term in section 44801 of title 49, United States  
12 Code.

13 (3) CRITICAL INFRASTRUCTURE.—The term  
14 “critical infrastructure” has the meaning given such  
15 term in section 1016(e) of Public Law 107–56 (42  
16 U.S.C. 5195c(e)).

17 (4) CYBERSECURITY RISK.—The term “cyberse-  
18 curity risk” has the meaning given such term in sec-  
19 tion 2200 of the Homeland Security Act of 2002 (6  
20 U.S.C. 650).

21 (5) HOMELAND SECURITY ENTERPRISE.—The  
22 term “Homeland Security Enterprise” has the  
23 meaning given such term in section 2200 of the  
24 Homeland Security Act of 2002 (6 U.S.C. 650).

1           (6) DEPARTMENT.—The term “Department”  
2 means the Department of Homeland Security.

3           (7) MARITIME BORDER.—The term “maritime  
4 border” means—

5                   (A) the coastal areas of the United States,  
6 including California, Florida, Puerto Rico, the  
7 United States Virgin Islands, Washington, the  
8 Great Lakes, Maine, and the Gulf Coast;

9                   (B) the maritime approaches to the areas  
10 described in subparagraph (A), including, if ap-  
11 plicable, the waters extending from the United  
12 States territorial sea baseline to the outer edge  
13 of the 200 nautical mile Exclusive Economic  
14 Zone;

15                   (C) the ports of entry along the areas de-  
16 scribed in subparagraph (A); and

17                   (D) the transit zone.

18           (8) PERSISTENT WIDE AREA MARITIME SUR-  
19 VEILLANCE (PWAMS).—The term “persistent wide  
20 area maritime surveillance” means a system of sen-  
21 sors that provide surveillance and detection to aid in  
22 the classification and identification of surface and  
23 subsurface vessels of diverse sizes out to 200 nau-  
24 tical miles from shore to prevent terrorism, enhance

1 security, secure the United States border, and en-  
2 force immigration laws.

3 (9) SECRETARY.—The term “Secretary” means  
4 the Secretary of Homeland Security.

5 (10) TRANSIT ZONE.—The term “transit zone”  
6 has the meaning given such term in section  
7 1092(a)(8) of the National Defense Authorization  
8 Act for Fiscal Year 2017 (6 U.S.C. 223(a)(8)).

9 (11) UNMANNED AIRCRAFT SYSTEM.—The term  
10 “unmanned aircraft system” has the meaning given  
11 such term in section 44801 of title 49, United  
12 States Code.

○