

115TH CONGRESS
2D SESSION

H. R. 6400

To require the Secretary of Homeland Security to conduct a threat and operational analysis of ports of entry, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2018

Mrs. LESKO (for herself, Mr. McCAUL, Mrs. WAGNER, Mr. PERRY, Mr. GOSAR, Mr. AUSTIN SCOTT of Georgia, Mr. BACON, Mr. COLLINS of New York, Mr. SCHWEIKERT, Ms. MCSALLY, Mr. KATKO, Mr. ROGERS of Alabama, Mr. DONOVAN, Mr. KING of New York, Mr. HIGGINS of Louisiana, and Mr. ZELDIN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Secretary of Homeland Security to conduct a threat and operational analysis of ports of entry, 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 “United States Ports
5 of Entry Threat and Operational Review Act”.

1 **SEC. 2. PORTS OF ENTRY THREAT AND OPERATIONAL**
2 **ANALYSIS.**

3 (a) IN GENERAL.—

4 (1) REQUIREMENT.—Not later than 180 days
5 after the date of the enactment of this Act, the Sec-
6 retary of Homeland Security, acting through the
7 Commissioner of U.S. Customs and Border Protec-
8 tion, shall submit to the Committee on Homeland
9 Security and the Committee on Ways and Means of
10 the House of Representatives and the Committee on
11 Homeland Security and Governmental Affairs and
12 the Committee on Finance of the Senate a threat
13 and operational analysis of ports of entry.

14 (2) CONTENTS.—The threat and operational
15 analysis required under paragraph (1) shall include
16 an assessment of the following:

17 (A) Current and potential threats posed by
18 individuals and organized groups seeking—

19 (i) to exploit security vulnerabilities at
20 ports of entry; or

21 (ii) to unlawfully enter the United
22 States through such ports of entry.

23 (B) Methods and pathways used to exploit
24 security vulnerabilities at ports of entry.

25 (C) Improvements needed at ports of entry
26 to prevent the unlawful movement of people, il-

licit drugs, and other contraband across the borders of the United States.

(D) Improvements needed to enhance travel and trade facilitation and reduce wait times at ports of entry, including—

(i) security vulnerabilities associated with prolonged wait times;

(ii) current technology at ports of entry that can be adapted to handle more volume, increase efficiency, and improve accuracy of detection efforts; and

(iii) infrastructure additions and upgrades.

(E) Processes conducted at ports of entry that do not require law enforcement training and could be filled with non-law enforcement staff, the private sector, or automated.

(3) ANALYSIS REQUIREMENTS.—In compiling the threat and operational analysis required under paragraph (1), the Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, shall consider and examine the following:

(A) Personnel needs, including K–9 Units, and estimated costs, at each port of entry, in-

1 cluding such needs and challenges associated
2 with recruitment and hiring.

3 (B) Technology needs, including radiation
4 portal monitors and non-intrusive inspection
5 technology, and estimated costs at each port of
6 entry.

7 (C) Infrastructure needs and estimated
8 costs at each port of entry.

9 (b) PORTS OF ENTRY STRATEGY AND IMPLEMENTA-
10 TION PLAN.—

11 (1) IN GENERAL.—Not later than 270 days
12 after the submission of the threat and operational
13 analysis required under subsection (a) and every five
14 years thereafter for ten years, the Secretary of
15 Homeland Security, acting through the Commis-
16 sioner of U.S. Customs and Border Protection
17 (CBP), shall provide to the Committee on Homeland
18 Security and the Committee on Ways and Means of
19 the House of Representatives and the Committee on
20 Homeland Security and Governmental Affairs and
21 the Committee on Finance of the Senate a ports of
22 entry strategy and implementation plan.

23 (2) CONTENTS.—The ports of entry strategy
24 and implementation plan required under paragraph
25 (1) shall include a consideration of the following:

1 (A) The ports of entry threat and oper-
2 ational analysis required under subsection (a),
3 with an emphasis on efforts to mitigate threats
4 and challenges identified in such analysis.

5 (B) Efforts to reduce wait times at ports
6 of entry and standards against which the effec-
7 tiveness of such efforts may be determined.

8 (C) Efforts to prevent the unlawful move-
9 ment of people, illicit drugs, and other contra-
10 band across the borders of the United States at
11 the earliest possible point at ports of entry and
12 standards against which the effectiveness of
13 such efforts may be determined.

14 (D) Efforts to focus intelligence collection
15 and information analysis to disrupt transnation-
16 al criminal organizations attempting to exploit
17 vulnerabilities at ports of entry and standards
18 against which the effectiveness of such efforts
19 may be determined.

20 (E) Efforts to verify that any new port of
21 entry technology acquisition can be operation-
22 ally integrated with existing technologies in use
23 by the Department of Homeland Security.

24 (F) Lessons learned from reports on the
25 business transformation initiative under section

1 802(i)(1) of the Trade Facilitation and Trade
2 Enforcement Act of 2015 (Public Law 114–
3 125).

4 (G) CBP staffing requirements for all
5 ports of entry.

6 (H) Efforts to identify and detect fraudu-
7 lent documents at ports of entry and standards
8 against which the effectiveness of such efforts
9 may be determined.

10 (I) Efforts to prevent, detect, investigate,
11 and mitigate corruption at ports of entry and
12 standards against which the effectiveness of
13 such efforts may be determined.

14 (c) PORTS OF ENTRY DESCRIBED.—In this section,
15 the term “ports of entry” means United States air, land,
16 and sea ports of entry.

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