

115TH CONGRESS
2D SESSION

S. 3706

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

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2018

Mr. CORNYN (for himself and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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”.

6 **SEC. 2. PORTS OF ENTRY THREAT AND OPERATIONAL**
7 **ANALYSIS.**

8 (a) IN GENERAL.—

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

11 (2) CONTENTS.—The threat and operational
12 analysis required under paragraph (1) shall include
13 an assessment of the following:

14 (A) Current and potential threats posed by
15 individuals and organized groups seeking—

16 (i) to exploit security vulnerabilities at
17 ports of entry; or

18 (ii) to unlawfully enter the United
19 States through such ports of entry.

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

22 (C) Improvements needed at ports of entry
23 to prevent the unlawful movement of people, il-
24 licit drugs, and other contraband across the
25 borders of the United States.

1 (D) Improvements needed to enhance trav-
2 el and trade facilitation and reduce wait times
3 at ports of entry, including—

4 (i) security vulnerabilities associated
5 with prolonged wait times;

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

10 (iii) infrastructure additions and up-
11 grades.

12 (E) Processes conducted at ports of entry
13 that do not require law enforcement training
14 and could be—

15 (i) filled with—

16 (I) non-law enforcement staff; or

17 (II) the private sector, for proc-
18 esses or activities determined to not
19 be inherently governmental (as such
20 term is defined in section 5 of the
21 Federal Activities Inventory Reform
22 Act of 1998 (Public Law 105–270));
23 or

24 (ii) automated.

1 (F) Improvements needed during sec-
2 ondary inspections to meet food safety stand-
3 ards defined by applicable statutes for the com-
4 modities being inspected.

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

11 (A) Personnel needs, including K–9 Units,
12 and estimated costs, at each port of entry, in-
13 cluding such needs and challenges associated
14 with recruitment and hiring.

15 (B) Technology needs, including radiation
16 portal monitors and non-intrusive inspection
17 technology, and estimated costs at each port of
18 entry.

19 (C) Infrastructure needs and estimated
20 costs at each port of entry.

21 (b) PORTS OF ENTRY STRATEGY AND IMPLEMENTA-
22 TION PLAN.—

23 (1) IN GENERAL.—Not later than 270 days
24 after the submission of the threat and operational
25 analysis required under subsection (a) and every 5

1 years thereafter for 10 years, the Secretary of
2 Homeland Security, acting through the Commis-
3 sioner of U.S. Customs and Border Protection
4 (CBP), shall provide to the Committee on Homeland
5 Security and the Committee on Ways and Means of
6 the House of Representatives and the Committee on
7 Homeland Security and Governmental Affairs and
8 the Committee on Finance of the Senate a ports of
9 entry strategy and implementation plan.

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

13 (A) The ports of entry threat and oper-
14 ational analysis required under subsection (a),
15 with an emphasis on efforts to mitigate threats
16 and challenges identified in such analysis.

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

20 (C) Efforts to prevent the unlawful move-
21 ment of people, illicit drugs, and other contra-
22 band across the borders of the United States at
23 the earliest possible point at ports of entry and
24 standards against which the effectiveness of
25 such efforts may be determined.

1 (D) Efforts to focus intelligence collection
2 and information analysis to disrupt transnation-
3 al criminal organizations attempting to exploit
4 vulnerabilities at ports of entry and standards
5 against which the effectiveness of such efforts
6 may be determined.

7 (E) Efforts to verify that any new port of
8 entry technology acquisition can be operation-
9 ally integrated with existing technologies in use
10 by the Department of Homeland Security.

11 (F) Lessons learned from reports on the
12 business transformation initiative under section
13 802(i)(1) of the Trade Facilitation and Trade
14 Enforcement Act of 2015 (Public Law 114–
15 125).

16 (G) CBP staffing requirements for all
17 ports of entry.

18 (H) Efforts to identify and detect fraudu-
19 lent documents at ports of entry and standards
20 against which the effectiveness of such efforts
21 may be determined.

22 (I) Efforts to prevent, detect, investigate,
23 and mitigate corruption at ports of entry and
24 standards against which the effectiveness of
25 such efforts may be determined.

- 1 (c) PORTS OF ENTRY DESCRIBED.—In this section,
- 2 the term “ports of entry” means United States air, land,
- 3 and sea ports of entry.

