

115TH CONGRESS
2D SESSION

H. R. 6400

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 2018

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “United States Ports
3 of Entry Threat and Operational Review Act”.

4 **SEC. 2. PORTS OF ENTRY THREAT AND OPERATIONAL**
5 **ANALYSIS.**

6 (a) IN GENERAL.—

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

17 (2) CONTENTS.—The threat and operational
18 analysis required under paragraph (1) shall include
19 an assessment of the following:

20 (A) Current and potential threats posed by
21 individuals and organized groups seeking—

22 (i) to exploit security vulnerabilities at
23 ports of entry; or

24 (ii) to unlawfully enter the United
25 States through such ports of entry.

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

3 (C) Improvements needed at ports of entry
4 to prevent the unlawful movement of people, il-
5 licit drugs, and other contraband across the
6 borders of the United States.

7 (D) Improvements needed to enhance trav-
8 el and trade facilitation and reduce wait times
9 at ports of entry, including—

10 (i) security vulnerabilities associated
11 with prolonged wait times;

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

16 (iii) infrastructure additions and up-
17 grades.

18 (E) Processes conducted at ports of entry
19 that do not require law enforcement training
20 and could be—

21 (i) filled with—

22 (I) non-law enforcement staff; or

23 (II) the private sector, for proc-
24 esses or activities determined to not
25 be inherently governmental (as such

1 term is defined in section 5 of the
2 Federal Activities Inventory Reform
3 Act of 1998 (Public Law 105–270));
4 or
5 (ii) automated.

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

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

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

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

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

24 (1) IN GENERAL.—Not later than 270 days
25 after the submission of the threat and operational

1 analysis required under subsection (a) and every 5
2 years thereafter for 10 years, the Secretary of
3 Homeland Security, acting through the Commis-
4 sioner of U.S. Customs and Border Protection
5 (CBP), shall provide 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 ports of
10 entry strategy and implementation plan.

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

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

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

21 (C) Efforts to prevent the unlawful move-
22 ment of people, illicit drugs, and other contra-
23 band across the borders of the United States at
24 the earliest possible point at ports of entry and

1 standards against which the effectiveness of
2 such efforts may be determined.

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

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

13 (F) Lessons learned from reports on the
14 business transformation initiative under section
15 802(i)(1) of the Trade Facilitation and Trade
16 Enforcement Act of 2015 (Public Law 114–
17 125).

18 (G) CBP staffing requirements for all
19 ports of entry.

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

24 (I) Efforts to prevent, detect, investigate,
25 and mitigate corruption at ports of entry and

1 standards against which the effectiveness of
2 such efforts may be determined.

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

Passed the House of Representatives September 4,
2018.

Attest:

KAREN L. HAAS,
Clerk.