

115TH CONGRESS
1ST SESSION

H. R. 3436

To require the Secretary of Homeland Security to prepare a southwest border threat analysis, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2017

Ms. MCSALLY (for herself, Mr. GOSAR, Mr. FRANKS of Arizona, Mr. SCHWEIKERT, and Ms. SINEMA) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To require the Secretary of Homeland Security to prepare a southwest border threat analysis, 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 “Southwest Border Se-
5 curity Threat Assessment Act of 2017”.

6 **SEC. 2. SOUTHWEST BORDER THREAT ANALYSIS.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Secretary of Home-
9 land Security shall submit to the Committee on Homeland
10 Security of the House of Representatives and the Com-

1 mittee on Homeland Security and Governmental Affairs
2 of the Senate a southwest border threat analysis that in-
3 cludes the following:

4 (1) An assessment of current and potential ter-
5 rorism and criminal threats posed by individuals and
6 organized groups seeking to—

7 (A) unlawfully enter the United States
8 through the southwest border; or

9 (B) exploit security vulnerabilities along
10 the southwest border.

11 (2) An assessment of improvements needed at
12 and between ports of entry along the southwest bor-
13 der to prevent terrorists and instruments of terror
14 from entering the United States.

15 (3) An assessment of gaps in law, policy, and
16 coordination between State, local, or tribal law en-
17 forcement, international agreements, or tribal agree-
18 ments that hinder effective and efficient border secu-
19 rity, counterterrorism, and anti-human smuggling
20 and trafficking efforts.

21 (4) An assessment of the flow of legitimate
22 trade along the southwest border.

23 (5) An assessment of the current percentage of
24 situational awareness achieved by the Department of
25 Homeland Security along the southwest border.

1 (6) An assessment of the current percentage of
2 operational control (as such term is defined in sec-
3 tion 2 of the Secure Fence Act of 2006 (8 U.S.C.
4 1701 note; Public Law 109–367)) achieved by the
5 Department of Homeland Security of the southwest.

6 (7) An assessment of impact of trusted traveler
7 programs on border wait times and border security.

8 (8) An assessment of traveler crossing times
9 and any potential security vulnerability associated
10 with prolonged wait times.

11 (b) ANALYSIS REQUIREMENTS.—For the southwest
12 border threat analysis required under subsection (a), the
13 Secretary of Homeland Security shall consider and exam-
14 ine the following:

15 (1) Technology needs and challenges, including
16 such needs and challenges identified as a result of
17 previous investments that have not fully realized the
18 security and operational benefits that were sought.

19 (2) Personnel needs and challenges, including
20 such needs and challenges associated with recruit-
21 ment and hiring.

22 (3) Infrastructure needs and challenges.

23 (4) The roles and authorities of State, local,
24 and tribal law enforcement in general border secu-
25 rity activities.

1 (5) The status of coordination among Federal,
2 State, local, tribal, and Mexican law enforcement en-
3 tities relating to border security.

4 (6) The terrain, population density, and climate
5 along the southwest border.

6 (7) International agreements between the
7 United States and Mexico related to border security.

8 (c) CLASSIFIED THREAT ANALYSIS.—To the extent
9 possible, the Secretary of Homeland Security shall submit
10 the southwest border threat analysis required under sub-
11 section (a) in unclassified form. The Secretary may submit
12 a portion of such threat analysis in classified form if the
13 Secretary determines such is appropriate.

14 **SEC. 3. BORDER PATROL STRATEGIC PLAN.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 submission of the threat analysis required under section
17 2 and every five years thereafter, the Secretary of Home-
18 land Security, acting through the Chief of U.S. Border
19 Patrol, shall, in consultation with the Officer for Civil
20 Rights and Civil Liberties of the Department of Homeland
21 Security, issue a Border Patrol Strategic Plan.

22 (b) CONTENTS.—The Border Patrol Strategic Plan
23 required under subsection (a) shall include, at a minimum,
24 a consideration of the following:

1 (1) The southwest border threat analysis re-
2 quired under section 2, with an emphasis on efforts
3 to mitigate threats identified in such threat analysis.

4 (2) Efforts to analyze and disseminate border
5 security and border threat information between De-
6 partment of Homeland Security border security com-
7 ponents and with other appropriate Federal depart-
8 ments and agencies with missions associated with
9 the border.

10 (3) Efforts to increase situational awareness,
11 including the following:

12 (A) Surveillance capabilities, including ca-
13 pabilities developed or utilized by the Depart-
14 ment of Defense, and any appropriate tech-
15 nology determined to be excess by the Depart-
16 ment of Defense.

17 (B) Use of manned aircraft and unmanned
18 aerial systems, including camera and sensor
19 technology deployed on such assets.

20 (4) Efforts to detect and prevent terrorists and
21 instruments of terrorism from entering the United
22 States.

23 (5) Efforts to detect, interdict, and disrupt
24 aliens and illicit drugs at the earliest possible point.

1 (6) Efforts to focus intelligence collection to
2 disrupt transnational criminal organizations outside
3 of the international and maritime borders of the
4 United States.

5 (7) Efforts to ensure that any new border secu-
6 rity technology can be operationally integrated with
7 existing technologies in use by the Department of
8 Homeland Security.

9 (8) Technology required to maintain, support,
10 and enhance security and facilitate trade at ports of
11 entry, including nonintrusive detection equipment,
12 radiation detection equipment, biometric technology,
13 surveillance systems, and other sensors and tech-
14 nology that the Secretary of Homeland Security de-
15 termines necessary.

16 (9) Operational coordination unity of effort ini-
17 tiatives of the border security components of the De-
18 partment of Homeland Security, including any rel-
19 evant task forces of the Department.

20 (10) Lessons learned from Operation Jumpstart
21 and Operation Phalanx.

22 (11) Cooperative agreements and information
23 sharing with State, local, tribal, territorial, and
24 other Federal law enforcement agencies that have
25 jurisdiction on the northern or southern border.

1 (12) Border security information received from
2 consultation with State, local, tribal, territorial, and
3 Federal law enforcement agencies that have jurisdic-
4 tion on the northern or southern border, or in the
5 maritime environment, and from border community
6 stakeholders (including through public meetings with
7 such stakeholders), including representatives from
8 border agricultural and ranching organizations and
9 representatives from business and civic organizations
10 along the northern or southern border.

11 (13) Staffing requirements for all departmental
12 border security functions.

13 (14) A prioritized list of departmental research
14 and development objectives to enhance the security
15 of the southwest border.

16 (15) An assessment of training programs, in-
17 cluding training programs regarding the following:

18 (A) Identifying and detecting fraudulent
19 documents.

20 (B) Understanding the scope of enforce-
21 ment authorities and the use of force policies.

22 (C) Screening, identifying, and addressing
23 vulnerable populations, such as children and
24 victims of human trafficking.

1 (16) An assessment of how border security op-
2 erations affect crossing times.

3 **SEC. 4. DEFINITIONS.**

4 In this Act:

5 (1) SITUATIONAL AWARENESS.—The term “sit-
6 uational awareness” means a knowledge and unified
7 understanding of unlawful cross-border activity, in-
8 cluding threats and trends concerning illicit traf-
9 ficking and unlawful crossings (which may be used
10 to forecast future shifts in such threats and trends),
11 and the operational capability to conduct continuous
12 and integrated surveillance of the international bor-
13 ders of the United States.

14 (2) SOUTHWEST BORDER.—The term “south-
15 west border” means the land and maritime borders
16 between the United States and Mexico.

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