

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.

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## 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

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## 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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