

116TH CONGRESS
1ST SESSION

S. 1004

To increase the number of U.S. Customs and Border Protection Office of Field Operations officers and support staff and to require reports that identify staffing, infrastructure, and equipment needed to enhance security at ports of entry.

IN THE SENATE OF THE UNITED STATES

APRIL 3, 2019

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

A BILL

To increase the number of U.S. Customs and Border Protection Office of Field Operations officers and support staff and to require reports that identify staffing, infrastructure, and equipment needed to enhance security at ports of entry.

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 “Securing America’s
5 Ports of Entry Act of 2019”.

1 **SEC. 2. ADDITIONAL U.S. CUSTOMS AND BORDER PROTEC-**
2 **TION PERSONNEL.**

3 (a) OFFICERS.—The Commissioner of U.S. Customs
4 and Border Protection shall hire, train, and assign not
5 fewer than 600 new Office of Field Operations officers
6 above the current attrition level during every fiscal year
7 until the total number of Office of Field Operations offi-
8 cers equals and sustains the requirements identified each
9 year in the Workload Staffing Model.

10 (b) SUPPORT STAFF.—The Commissioner is author-
11 ized to hire, train, and assign support staff, including
12 technicians, to perform non-law enforcement administra-
13 tive functions to support the new Office of Field Oper-
14 ations officers hired pursuant to subsection (a).

15 (c) TRAFFIC FORECASTS.—In calculating the number
16 of Office of Field Operations officers needed at each port
17 of entry through the Workload Staffing Model, the Office
18 of Field Operations shall—

19 (1) rely on data collected regarding the inspec-
20 tions and other activities conducted at each such
21 port of entry; and

22 (2) consider volume from seasonal surges, other
23 projected changes in commercial and passenger vol-
24 umes, the most current commercial forecasts, and
25 other relevant information.

1 (d) GAO REPORT.—If the Commissioner does not
2 hire the 600 additional Office of Field Operations officers
3 authorized under subsection (a) during fiscal year 2020,
4 or during any subsequent fiscal year in which the hiring
5 requirements set forth in the Workload Staffing Model
6 have not been achieved, the Comptroller General of the
7 United States shall—

8 (1) conduct a review of U.S. Customs and Bor-
9 der Protection hiring practices to determine the rea-
10 sons that such requirements were not achieved and
11 other issues related to hiring by U.S. Customs and
12 Border Protection; and

13 (2) submit a report to the Committee on Home-
14 land Security and Governmental Affairs of the Sen-
15 ate and the Committee on Homeland Security of the
16 House of Representatives that describes the results
17 of the review conducted under paragraph (1).

18 **SEC. 3. PORTS OF ENTRY INFRASTRUCTURE ENHANCE-**
19 **MENT REPORT.**

20 Not later than 90 days after the date of the enact-
21 ment of this Act, the Commissioner of U.S. Customs and
22 Border Protection shall submit a report to the Committee
23 on Homeland Security and Governmental Affairs of the
24 Senate and the Committee on Homeland Security of the
25 House of Representatives that identifies—

1 (1) infrastructure improvements at ports of
2 entry that would enhance the ability of Office of
3 Field Operations officers to interdict opioids and
4 other drugs that are being illegally transported into
5 the United States, including a description of cir-
6 cumstances at specific ports of entry that prevent
7 the deployment of technology used at other ports of
8 entry;

9 (2) detection equipment that would improve the
10 ability of such officers to identify opioids, including
11 precursors and derivatives, that are being illegally
12 transported into the United States; and

13 (3) safety equipment that would protect such
14 officers from accidental exposure to such drugs or
15 other dangers associated with the inspection of po-
16 tential drug traffickers.

17 **SEC. 4. REPORTING REQUIREMENTS.**

18 (a) TEMPORARY DUTY ASSIGNMENTS.—

19 (1) QUARTERLY REPORT.—The Commissioner
20 of U.S. Customs and Border Protection, in consulta-
21 tion with the Executive Assistant Commissioner of
22 the Office of Field Operations, shall submit a quar-
23 terly report to the appropriate congressional commit-
24 tees that includes, for the reporting period—

1 (A) the number of temporary duty assign-
2 ments;

3 (B) the number of U.S. Customs and Bor-
4 der Protection employees required for each tem-
5 porary duty assignment;

6 (C) the ports of entry from which such em-
7 ployees were reassigned;

8 (D) the ports of entry to which such em-
9 ployees were reassigned;

10 (E) the ports of entry at which reimburs-
11 able service agreements have been entered into
12 that may be affected by temporary duty assign-
13 ments;

14 (F) the duration of each temporary duty
15 assignment; and

16 (G) the cost of each temporary duty as-
17 signment.

18 (2) SOUTHWEST BORDER.—The report required
19 under paragraph (1) shall identify, with respect to
20 each of the statistics described in subparagraphs (A)
21 through (G) of such paragraph, information relating
22 to preventing or responding to illegal entries along
23 the southwest border of the United States, including
24 the costs relating to temporary redeployments along
25 the southwest border.

1 (3) NOTICE.—Not later than 10 days before re-
2 deploying employees from 1 port of entry to another,
3 absent emergency circumstances—

4 (A) the Commissioner of U.S. Customs
5 and Border Protection shall notify the director
6 of the port of entry from which employees will
7 be reassigned of the intended redeployments;
8 and

9 (B) the port director shall notify impacted
10 facilities (including airports, seaports, and land
11 ports) of the intended redeployments.

12 (4) STAFF BRIEFING.—The Commissioner of
13 U.S. Customs and Border Protection, in consulta-
14 tion with the Assistant Commissioner of the Office
15 of Field Operations, shall brief all affected U.S. Cus-
16 toms and Border Protection employees regarding
17 plans to mitigate vulnerabilities created by any
18 planned staffing reductions at ports of entry.

19 (b) REIMBURSABLE SERVICES AGREEMENTS QUAR-
20 TERLY REPORT.—The Commissioner of U.S. Customs and
21 Border Protection shall submit a quarterly report to the
22 appropriate congressional committees regarding the use of
23 reimbursable service agreements by U.S. Customs and
24 Border Protection, which shall include—

1 (1) the governmental or private entities with an
2 active reimbursable service agreement, including the
3 locations at which the contracted services are being
4 performed;

5 (2) a description of the factors that were con-
6 sidered before entering into each of the active reim-
7 bursable service agreements referred to in paragraph
8 (1);

9 (3) the number of hours that U.S. Customs and
10 Border Protection Officers worked during the re-
11 porting period in fulfillment of responsibilities
12 agreed to under each of the reimbursable service
13 agreements; and

14 (4) the total costs incurred by U.S. Customs
15 and Border Protection relating to each reimbursable
16 service agreement, including the amount of such
17 costs that were reimbursed by the contracted entity.

18 (c) ANNUAL WORKLOAD STAFFING MODEL RE-
19 PORT.—As part of the Annual Report on Staffing required
20 under section 411(g)(5)(A) of the Homeland Security Act
21 of 2002 (6 U.S.C. 211(g)(5)(A)), the Commissioner shall
22 include—

23 (1) information concerning the progress made
24 toward meeting the Office of Field Operations offi-

1 cer and support staff hiring targets set forth in sec-
2 tion 2, while accounting for attrition;

3 (2) an update to the information provided in
4 the Resource Optimization at the Ports of Entry re-
5 port, which was submitted to Congress on Sep-
6 tember 12, 2017, pursuant to the Department of
7 Homeland Security Appropriations Act, 2017 (divi-
8 sion F of Public Law 115–31); and

9 (3) a summary of the information included in
10 the quarterly reports required under subsections (a)
11 and (b).

12 (d) DEFINED TERM.—In this section, the term “ap-
13 propriate congressional committees” means—

14 (1) the Committee on Homeland Security and
15 Governmental Affairs of the Senate;

16 (2) the Committee on Appropriations of the
17 Senate;

18 (3) the Committee on Homeland Security of the
19 House of Representatives; and

20 (4) the Committee on Appropriations of the
21 House of Representatives.

22 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

23 There is authorized to be appropriated to carry out
24 this Act—

25 (1) \$80,908,929 for fiscal year 2020; and

- 1 (2) \$97,132,268 for each of the fiscal years
- 2 2021 through 2026.

