

117TH CONGRESS
2D SESSION

S. 3850

To increase the number of U.S. Customs and Border Protection Customs and Border Protection 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

MARCH 16, 2022

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 Customs and Border Protection 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 2022”.

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 U.S. Customs and Border Protection
6 officers above the current attrition level during every fiscal
7 year until the total number of U.S. Customs and Border
8 Protection officers equals and sustains the requirements
9 identified each 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 U.S. Customs and Bor-
14 der Protection officers hired pursuant to subsection (a).

15 (c) TRAFFIC FORECASTS.—In calculating the number
16 of U.S. Customs and Border Protection officers needed
17 at each port of entry through the Workload Staffing
18 Model, the Commissioner shall—

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

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; and

1 (3) consider historical volume and forecasts
2 prior to the COVID–19 pandemic and the impact on
3 international travel.

4 (d) GAO REPORT.—If the Commissioner does not
5 hire the 600 additional U.S. Customs and Border Protec-
6 tion officers authorized under subsection (a) during fiscal
7 year 2023, or during any subsequent fiscal year in which
8 the hiring requirements set forth in the Workload Staffing
9 Model have not been achieved, the Comptroller General
10 of the United States shall—

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

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

21 **SEC. 3. PORTS OF ENTRY INFRASTRUCTURE ENHANCE-**
22 **MENT REPORT.**

23 Not later than 90 days after the date of the enact-
24 ment of this Act, the Commissioner of U.S. Customs and
25 Border Protection shall submit a report to the Committee

1 on Homeland Security and Governmental Affairs of the
2 Senate and the Committee on Homeland Security of the
3 House of Representatives that identifies—

4 (1) infrastructure improvements at ports of
5 entry that would enhance the ability of U.S. Cus-
6 toms and Border Protection officers to interdict
7 opioids and other drugs that are being illegally
8 transported into the United States, including a de-
9 scription of circumstances at specific ports of entry
10 that prevent the deployment of technology used at
11 other ports of entry;

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

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

20 **SEC. 4. REPORTING REQUIREMENTS.**

21 (a) **TEMPORARY DUTY ASSIGNMENTS.**—

22 (1) **QUARTERLY REPORT.**—The Commissioner
23 of U.S. Customs and Border Protection shall submit
24 a quarterly report to the appropriate congressional
25 committees 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;

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

18 (H) for each temporary duty assignment to
19 the southwest border, a description of any ac-
20 tivities done in support of U.S. Border Patrol
21 operations.

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

1 (A) the Commissioner shall notify the di-
2 rector of the port of entry from which employ-
3 ees will be reassigned of the intended redeploy-
4 ments; and

5 (B) the port director shall notify impacted
6 facilities (including airports, seaports, and land
7 ports) of the intended redeployments.

8 (3) STAFF BRIEFING.—The Commissioner shall
9 brief all affected U.S. Customs and Border Protec-
10 tion employees regarding plans to mitigate
11 vulnerabilities created by any planned staffing re-
12 ductions at ports of entry.

13 (b) REPORTS ON U.S. CUSTOMS AND BORDER PRO-
14 TECTION AGREEMENTS.—Section 907(a) of the Trade Fa-
15 cilitation and Trade Enforcement Act of 2015 (19 U.S.C.
16 4451(a)) is amended—

17 (1) in paragraph (3), by striking “and an as-
18 sessment” and all that follows and inserting a pe-
19 riod;

20 (2) by redesignating paragraphs (4) through
21 (12) as paragraphs (5) through (13), respectively;

22 (3) by inserting after paragraph (3) the fol-
23 lowing:

24 “(4) A description of the factors that were con-
25 sidered before entering into the agreement, including

1 an assessment of how the agreement provides eco-
2 nomic benefits and security benefits (if applicable)
3 at the port of entry to which the agreement re-
4 lates.”; and

5 (4) in paragraph (5), as redesignated by para-
6 graph (2), by inserting after “the report” the fol-
7 lowing: “, including the locations of such services
8 and the total hours of reimbursable services under
9 the agreement, if any”.

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

15 (1) information concerning the progress made
16 toward meeting the U.S. Customs and Border Pro-
17 tection officer and support staff hiring targets set
18 forth in section 2, while accounting for attrition;

19 (2) an update to the information provided in
20 the Resource Optimization at the Ports of Entry re-
21 port, which was submitted to Congress on Sep-
22 tember 12, 2017, pursuant to the Department of
23 Homeland Security Appropriations Act, 2017 (divi-
24 sion F of Public Law 115–31); and

1 (3) a summary of the information included in
2 the reports required under subsection (a) and sec-
3 tion 907(a) of the Trade Facilitation and Trade En-
4 forcement Act of 2015, as amended by subsection
5 (b).

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

8 (1) the Committee on Homeland Security and
9 Governmental Affairs of the Senate;

10 (2) the Committee on Appropriations of the
11 Senate;

12 (3) the Committee on Homeland Security of the
13 House of Representatives; and

14 (4) the Committee on Appropriations of the
15 House of Representatives.

16 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to the Com-
18 missioner of U.S. Customs and Border Protection such
19 sums as are necessary to carry out this Act, and the
20 amendments made by this Act, for each of the fiscal years
21 2023 through 2027.

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