

Calendar No. 696

118TH CONGRESS
2D SESSION

S. 1253

[Report No. 118–290]

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

APRIL 20, 2023

Mr. PETERS (for himself, Mr. CORNYN, Ms. SINEMA, Mr. LANKFORD, Mr. OSSOFF, Mr. TESTER, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 16, 2024

Reported by Mr. PETERS, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italie*]

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 2023”.

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

8 (a) OFFICERS.—The Commissioner of U.S. Customs
9 and Border Protection shall hire, train, and assign not
10 fewer than 600 new U.S. Customs and Border Protection
11 officers above the current attrition level during every fiscal
12 year until the total number of U.S. Customs and Border
13 Protection officers equals and sustains the requirements
14 identified each year in the Workload Staffing Model.

15 (b) SUPPORT STAFF.—The Commissioner is author-
16 ized to hire, train, and assign support staff, including
17 technicians and Enterprise Services mission support, to
18 perform non-law enforcement administrative functions to
19 support the new U.S. Customs and Border Protection offi-
20 cers hired pursuant to subsection (a).

21 (c) TRAFFIC FORECASTS.—In calculating the number
22 of U.S. Customs and Border Protection officers needed
23 at each port of entry through the Workload Staffing
24 Model, the Commissioner shall—

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

4 (2) consider volume from seasonal surges, other
5 projected changes in commercial and passenger vol-
6 umes, the most current commercial forecasts, and
7 other relevant information; and

8 (3) consider historical volume and forecasts
9 prior to the COVID-19 pandemic and the impact on
10 international travel.

11 (d) GAO REPORT.—If the Commissioner does not
12 hire the 600 additional U.S. Customs and Border Protec-
13 tion officers authorized under subsection (a) during fiscal
14 year 2023, or during any subsequent fiscal year in which
15 the hiring requirements set forth in the Workload Staffing
16 Model have not been achieved, the Comptroller General
17 of the United States shall—

18 (1) conduct a review of U.S. Customs and Bor-
19 der Protection hiring practices to determine the rea-
20 sons that such requirements were not achieved and
21 other issues related to hiring by U.S. Customs and
22 Border Protection; and

23 (2) submit a report to the Committee on Home-
24 land Security and Governmental Affairs of the Sen-
25 ate and the Committee on Homeland Security of the

1 House of Representatives that describes the results
2 of the review conducted under paragraph (1).

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

5 Not later than 90 days after the date of the enact-
6 ment of this Act, the Commissioner of U.S. Customs and
7 Border Protection shall submit a report to the Committee
8 on Homeland Security and Governmental Affairs of the
9 Senate and the Committee on Homeland Security of the
10 House of Representatives that identifies—

11 (1) infrastructure improvements at ports of
12 entry that would enhance the ability of U.S. Cus-
13 toms and Border Protection officers to interdict
14 opioids and other drugs that are being illegally
15 transported into the United States, including a de-
16 scription of circumstances at specific ports of entry
17 that prevent the deployment of technology used at
18 other ports of entry;

19 (2) detection equipment that would improve the
20 ability of such officers to identify opioids, including
21 precursors and derivatives, that are being illegally
22 transported into the United States; and

23 (3) safety equipment that would protect such
24 officers from accidental exposure to such drugs or

1 other dangers associated with the inspection of po-
2 tential drug traffickers.

3 **SEC. 4. REPORTING REQUIREMENTS.**

4 (a) TEMPORARY DUTY ASSIGNMENTS.—

5 (1) QUARTERLY REPORT.—The Commissioner
6 of U.S. Customs and Border Protection shall submit
7 a quarterly report to the appropriate congressional
8 committees that includes, for the reporting period—

9 (A) the number of temporary duty assign-
10 ments;

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

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

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

18 (E) the ports of entry at which reimburs-
19 able service agreements have been entered into
20 that may be affected by temporary duty assign-
21 ments;

22 (F) the duration of each temporary duty
23 assignment;

24 (G) the cost of each temporary duty as-
25 signment; and

1 (H) for each temporary duty assignment to
2 the southwest border, a description of any ac-
3 tivities done in support of U.S. Border Patrol
4 operations.

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

8 (A) the Commissioner shall notify the di-
9 rector of the port of entry from which employ-
10 ees will be reassigned of the intended redeploy-
11 ments; and

12 (B) the port director shall notify impacted
13 facilities (including airports, seaports, and land
14 ports) of the intended redeployments.

15 (3) STAFF BRIEFING.—The Commissioner shall
16 brief all affected U.S. Customs and Border Protec-
17 tion employees regarding plans to mitigate
18 vulnerabilities created by any planned staffing re-
19 ductions at ports of entry.

20 (b) REPORTS ON U.S. CUSTOMS AND BORDER PRO-
21 TECTION AGREEMENTS.—Section 907(a) of the Trade Fa-
22 cilitation and Trade Enforcement Act of 2015 (19 U.S.C.
23 4451(a)) is amended—

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

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

6 (3) by inserting after paragraph (3) the fol-
7 lowing:

8 “(4) A description of the factors that were con-
9 sidered before entering into the agreement, including
10 an assessment of how the agreement provides eco-
11 nomic benefits and security benefits (if applicable)
12 at the port of entry to which the agreement re-
13 lates.”; and

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

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

24 (1) information concerning the progress made
25 toward meeting the U.S. Customs and Border Pro-

1 tection officer and support staff hiring targets set
2 forth in section 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 reports required under subsection (a) and sec-
11 tion 907(a) of the Trade Facilitation and Trade En-
12 forcement Act of 2015, as amended by subsection
13 (b).

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

16 (1) the Committee on Homeland Security and
17 Governmental Affairs of the Senate;

18 (2) the Committee on Appropriations of the
19 Senate;

20 (3) the Committee on Homeland Security of the
21 House of Representatives; and

22 (4) the Committee on Appropriations of the
23 House of Representatives.

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this Act—

4 (1) ~~\$136,292,948~~ for fiscal year 2024; and

5 (2) ~~\$156,918,590~~ for each of the fiscal years
6 2025 through 2029.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Securing America’s*
9 *Ports of Entry Act of 2023”.*

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

12 (a) *OFFICERS.*—Subject to appropriations, the Com-
13 missioner of U.S. Customs and Border Protection shall hire,
14 train, and assign not fewer than 600 new U.S. Customs
15 and Border Protection officers above the current attrition
16 level during every fiscal year until the total number of U.S.
17 Customs and Border Protection officers equals and sustains
18 the requirements identified each year in the Workload Staff-
19 ing Model.

20 (b) *SUPPORT STAFF.*—The Commissioner is author-
21 ized to hire, train, and assign support staff, including tech-
22 nicians and Enterprise Services mission support, to per-
23 form non-law enforcement administrative functions to sup-
24 port the new U.S. Customs and Border Protection officers
25 hired pursuant to subsection (a).

1 (c) *TRAFFIC FORECASTS.*—*In calculating the number*
2 *of U.S. Customs and Border Protection officers needed at*
3 *each port of entry through the Workload Staffing Model,*
4 *the Commissioner shall—*

5 (1) *rely on data collected regarding the inspec-*
6 *tions and other activities conducted at each such port*
7 *of entry;*

8 (2) *consider volume from seasonal surges, other*
9 *projected changes in commercial and passenger vol-*
10 *umes, the most current commercial forecasts, and*
11 *other relevant information;*

12 (3) *consider historical volume and forecasts prior*
13 *to the COVID–19 pandemic and the impact on inter-*
14 *national travel; and*

15 (4) *incorporate personnel requirements for in-*
16 *creasing the rate of outbound inspection operations at*
17 *land ports of entry.*

18 (d) *GAO REPORT.*—*If the Commissioner does not hire*
19 *the 600 additional U.S. Customs and Border Protection of-*
20 *ficers authorized under subsection (a) during fiscal year*
21 *2024, or during any subsequent fiscal year in which the*
22 *hiring requirements set forth in the Workload Staffing*
23 *Model have not been achieved, the Comptroller General of*
24 *the United States shall—*

1 (1) *conduct a review of U.S. Customs and Bor-*
2 *der Protection hiring practices to determine the rea-*
3 *sons that such requirements were not achieved and*
4 *other issues related to hiring by U.S. Customs and*
5 *Border Protection; and*

6 (2) *submit a report to the Committee on Home-*
7 *land Security and Governmental Affairs of the Sen-*
8 *ate, the Committee on Finance of the Senate, the*
9 *Committee on Homeland Security of the House of*
10 *Representatives, and the Committee on Ways and*
11 *Means of the House of Representatives that describes*
12 *the results of the review conducted pursuant to para-*
13 *graph (1).*

14 **SEC. 3. PORTS OF ENTRY INFRASTRUCTURE ENHANCE-**
15 **MENT REPORT.**

16 *Not later than 90 days after the date of the enactment*
17 *of this Act, the Commissioner of U.S. Customs and Border*
18 *Protection shall submit a report to the Committee on Home-*
19 *land Security and Governmental Affairs of the Senate, the*
20 *Committee on Finance of the Senate, the Committee on*
21 *Homeland Security of the House of Representatives, and*
22 *the Committee on Ways and Means of the House of Rep-*
23 *resentatives that identifies—*

24 (1) *infrastructure improvements at ports of*
25 *entry that would enhance the ability of U.S. Customs*

1 *and Border Protection officers to interdict opioids*
2 *and other drugs that are being illegally transported*
3 *into the United States, including a description of cir-*
4 *cumstances at specific ports of entry that prevent the*
5 *deployment of technology used at other ports of entry;*

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

10 (3) *safety equipment that would protect such of-*
11 *ficers from accidental exposure to such drugs or other*
12 *dangers associated with the inspection of potential*
13 *drug traffickers.*

14 **SEC. 4. REPORTING REQUIREMENTS.**

15 (a) *TEMPORARY DUTY ASSIGNMENTS.*—

16 (1) *QUARTERLY REPORT.*—*The Commissioner of*
17 *U.S. Customs and Border Protection shall submit a*
18 *quarterly report to the appropriate congressional*
19 *committees that includes, for the reporting period—*

20 (A) *the number of temporary duty assign-*
21 *ments;*

22 (B) *the number of U.S. Customs and Border*
23 *Protection officers required for each temporary*
24 *duty assignment;*

1 (C) the ports of entry from which such offi-
2 cers were reassigned;

3 (D) the ports of entry to which such officers
4 were reassigned;

5 (E) the ports of entry at which reimbursable
6 service agreements have been entered into that
7 may be affected by temporary duty assignments;

8 (F) the duration of each temporary duty as-
9 signment;

10 (G) the cost of each temporary duty assign-
11 ment; and

12 (H) the extent to which the temporary duty
13 assignments within the reporting period were in
14 support of the other U.S. Customs and Border
15 Protection activities or operations along the
16 southern border of the United States, including
17 the specific costs associated with such temporary
18 duty assignments.

19 (2) NOTICE.—Not later than 10 days before rede-
20 ploying employees from 1 port of entry to another,
21 absent emergency circumstances—

22 (A) the Commissioner shall notify the direc-
23 tor of the port of entry from which employees
24 will be reassigned of the intended redeployments;
25 and

1 (B) the port director shall notify impacted
2 facilities (including airports, seaports, and land
3 ports) of the intended redeployments.

4 (3) *STAFF BRIEFING.*—The Commissioner shall
5 brief all affected U.S. Customs and Border Protection
6 employees regarding plans to mitigate vulnerabilities
7 created by any planned staffing reductions at ports of
8 entry.

9 (b) *REPORTS ON U.S. CUSTOMS AND BORDER PRO-*
10 *TECTION AGREEMENTS.*—Section 907(a) of the Trade Fa-
11 cilitation and Trade Enforcement Act of 2015 (19 U.S.C.
12 4451(a)) is amended—

13 (1) in paragraph (3), by striking “and an as-
14 sessment” and all that follows and inserting a period;

15 (2) by redesignating paragraphs (4) through (12)
16 as paragraphs (5) through (13), respectively;

17 (3) by inserting after paragraph (3) the fol-
18 lowing:

19 “(4) A description of the factors that were con-
20 sidered before entering into the agreement, including
21 an assessment of how the agreement provides eco-
22 nomic benefits and security benefits (if applicable) at
23 the port of entry to which the agreement relates.”; and

24 (4) in paragraph (5), as redesignated by para-
25 graph (2), by inserting after “the report” the fol-

1 *lowing: “, including the locations of such services and*
2 *the total hours of reimbursable services under the*
3 *agreement, if any”.*

4 *(c) ANNUAL WORKLOAD STAFFING MODEL REPORT.—*

5 *As part of the Annual Report on Staffing required under*
6 *section 411(g)(5)(A) of the Homeland Security Act of 2002*
7 *(6 U.S.C. 211(g)(5)(A)), the Commissioner shall include—*

8 *(1) information concerning the progress made to-*
9 *ward meeting the U.S. Customs and Border Protec-*
10 *tion officer and support staff hiring targets set forth*
11 *in section 2, while accounting for attrition;*

12 *(2) an update to the information provided in the*
13 *Resource Optimization at the Ports of Entry report,*
14 *which was submitted to Congress on September 12,*
15 *2017, pursuant to the Department of Homeland Secu-*
16 *rity Appropriations Act, 2017 (division F of Public*
17 *Law 115–31); and*

18 *(3) a summary of the information included in*
19 *the reports required under subsection (a) and section*
20 *907(a) of the Trade Facilitation and Trade Enforce-*
21 *ment Act of 2015, as amended by subsection (b).*

22 *(d) CBP ONE MOBILE APPLICATION.—During the 2-*
23 *year period beginning on the date of the enactment of this*
24 *Act, the Commissioner of U.S. Customs and Border Protec-*
25 *tion shall publish a monthly report on the use of the CBP*

1 *One mobile application, including, with respect to each re-*
2 *porting period—*

3 (1) *the number of application registration at-*
4 *tempts made through CBP One pursuant to the Cir-*
5 *cumvention of Lawful Pathways final rule (88 Fed.*
6 *Reg. 31314 (May 16, 2023) that resulted in a system*
7 *error, disaggregated by error type;*

8 (2) *the total number of noncitizens who success-*
9 *fully registered appointments through CBP One pur-*
10 *suant to such rule;*

11 (3) *the total number of appointments made*
12 *through CBP One pursuant to such rule that went*
13 *unused;*

14 (4) *the total number of individuals who have*
15 *been granted parole with a Notice to Appear subse-*
16 *quent to appointments scheduled for such individuals*
17 *through CBP One pursuant to such rule; and*

18 (5) *the total number of noncitizens who have*
19 *been issued a Notice to Appear and have been trans-*
20 *ferred to U.S. Immigration and Customs Enforcement*
21 *custody subsequent to appointments scheduled for*
22 *such noncitizens through CBP One pursuant to such*
23 *rule.*

24 (e) *DEFINED TERM.—In this section, the term “appro-*
25 *priate congressional committees” means—*

1 (1) *the Committee on Homeland Security and*
2 *Governmental Affairs of the Senate;*

3 (2) *the Committee on Appropriations of the Sen-*
4 *ate;*

5 (3) *the Committee on Finance of the Senate;*

6 (4) *the Committee on Homeland Security of the*
7 *House of Representatives*

8 (5) *the Committee on Appropriations of the*
9 *House of Representatives; and*

10 (6) *the Committee on Ways and Means of the*
11 *House of Representatives*

12 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

13 *There is authorized to be appropriated to carry out*
14 *this Act—*

15 (1) *\$136,292,948 for fiscal year 2024; and*

16 (2) *\$156,918,590 for each of the fiscal years 2025*
17 *through 2029.*

Amend the title so as to read: “A bill to increase the number of U.S. 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.”.

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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.

DECEMBER 16, 2024

Reported with an amendment and an amendment to the
title