

Calendar No. 527

116TH CONGRESS
2^D SESSION

S. 1004

[Report No. 116-264]

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, Mr. CORNYN, Mr. TESTER, Mr. CASSIDY, Mr. PORTMAN, Mr. ROMNEY, Ms. SINEMA, Ms. HASSAN, Mr. CARPER, Mr. CASEY, Ms. MCSALLY, Mr. KING, and Mr. DAINES) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 9, 2020

Reported by Mr. JOHNSON, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Securing America’s
3 Ports of Entry Act of 2019”.

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

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

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

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

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

25 (2) consider volume from seasonal surges, other
26 projected changes in commercial and passenger vol-

1 umes, the most current commercial forecasts, and
2 other relevant information.

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

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

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

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

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

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

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

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

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

19 **SEC. 4. REPORTING REQUIREMENTS.**

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

21 (1) **QUARTERLY REPORT.**—The Commissioner
22 of U.S. Customs and Border Protection, in consulta-
23 tion with the Executive Assistant Commissioner of
24 the Office of Field Operations, shall submit a quar-

1 terly report to the appropriate congressional commit-
2 tees that includes, for the reporting period—

3 (A) the number of temporary duty assign-
4 ments;

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

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

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

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

16 (F) the duration of each temporary duty
17 assignment; and

18 (G) the cost of each temporary duty as-
19 signment.

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

1 the costs relating to temporary redeployments along
2 the southwest border.

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

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

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

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

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

1 reimbursable service agreements by U.S. Customs and
2 Border Protection, which shall include—

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

7 (2) a description of the factors that were con-
8 sidered before entering into each of the active reim-
9 bursable service agreements referred to in paragraph
10 (1);

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

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

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

1 (1) information concerning the progress made
2 toward meeting the Office of Field Operations offi-
3 cer and support staff hiring targets set forth in sec-
4 tion 2, while accounting for attrition;

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

11 (3) a summary of the information included in
12 the quarterly reports required under subsections (a)
13 and (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) \$80,908,929 for fiscal year 2020; and

5 (2) \$97,132,268 for each of the fiscal years
6 2021 through 2026.

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