

118TH CONGRESS
2D SESSION

S. 3796

To prohibit the transfer of Department of Homeland Security staff from an international land port of entry along southwest border unless such transfer would not impact the processing of trade through such port of entry, such staff would be immediately replaced, or such staff are needed to actively engage in physical detentions to secure such border, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2024

Mr. CRUZ (for himself, Mr. RICKETTS, Mr. SCOTT of Florida, Mr. LEE, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To prohibit the transfer of Department of Homeland Security staff from an international land port of entry along southwest border unless such transfer would not impact the processing of trade through such port of entry, such staff would be immediately replaced, or such staff are needed to actively engage in physical detentions to secure such border, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Keeping International
3 Land Ports of Entry Open Act”.

4 **SEC. 2. MAINTAINING ADEQUATE STAFFING LEVELS AT**
5 **INTERNATIONAL LAND PORTS OF ENTRY**
6 **ALONG THE SOUTHWEST BORDER.**

7 (a) **IN GENERAL.**—In order to successfully carry out
8 the duty to facilitate and expedite the flow of legitimate
9 travelers and trade set forth in subsections (c)(3) and
10 (g)(3)(D) of section 411 of the Homeland Security Act
11 of 2002 (6 U.S.C. 211), Department of Homeland Secu-
12 rity staff may not be transferred from any international
13 land port of entry along the international border between
14 the United States and Mexico unless—

15 (1) such transfer would not affect the proc-
16 essing of trade through such port of entry;

17 (2) such staff member is immediately replaced
18 by a staff member of similar ability; or

19 (3) the transfer of such staff member is nec-
20 essary to actively engage in physical detentions to
21 secure such border.

22 (b) **LIMITED EXCEPTION.**—The exception set forth in
23 subsection (a)(3) shall not apply to any function that does
24 not directly involve the physical security of the inter-
25 national border between the United States and Mexico,

1 such as the processing of aliens who have crossed such
2 border.

3 (c) NOTICE REQUIREMENTS.—When transferring
4 staff pursuant to an exception set forth in subsection (a),
5 the Secretary of Homeland Security, at the earliest oppor-
6 tunity, including before such transfers, if possible, and
7 under no circumstances later than 24 hours after such
8 transfers, shall provide—

9 (1) written notice of such transfers, including
10 an explanation of the applicability of a relevant ex-
11 ception under subsection (a), to the Committee on
12 Homeland Security and Governmental Affairs of the
13 Senate, the Committee on Commerce, Science, and
14 Transportation of the Senate, the Committee on
15 Homeland Security of the House of Representatives,
16 and the Committee on Transportation and Infra-
17 structure of the House of Representatives; and

18 (2) public notice of such transfers (without dis-
19 closing personally identifiable information) and any
20 related closures at ports of entry for the benefit of
21 participants in international trade who may be af-
22 fected by such closures.

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