

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 1253

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. PETERS

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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.—Subject to appropriations, the Com-
9 missioner of U.S. Customs and Border Protection shall
10 hire, train, and assign not fewer than 600 new U.S. Cus-
11 toms and Border Protection officers above the current at-

1 trition level during every fiscal year until the total number
2 of U.S. Customs and Border Protection officers equals
3 and sustains the requirements identified each year in the
4 Workload Staffing Model.

5 (b) SUPPORT STAFF.—The Commissioner is author-
6 ized to hire, train, and assign support staff, including
7 technicians and Enterprise Services mission support, to
8 perform non-law enforcement administrative functions to
9 support the new U.S. Customs and Border Protection offi-
10 cers hired pursuant to subsection (a).

11 (c) TRAFFIC FORECASTS.—In calculating the number
12 of U.S. Customs and Border Protection officers needed
13 at each port of entry through the Workload Staffing
14 Model, the Commissioner shall—

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

18 (2) consider volume from seasonal surges, other
19 projected changes in commercial and passenger vol-
20 umes, the most current commercial forecasts, and
21 other relevant information;

22 (3) consider historical volume and forecasts
23 prior to the COVID–19 pandemic and the impact on
24 international travel; and

1 (4) incorporate personnel requirements for in-
2 creasing the rate of outbound inspection operations
3 at land ports of entry.

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 2024, 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, the Committee on Finance of the Senate, the
19 Committee on Homeland Security of the House of
20 Representatives, and the Committee on Ways and
21 Means of the House of Representatives that de-
22 scribes the results of the review conducted pursuant
23 to paragraph (1).

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

3 Not later than 90 days after the date of the enact-
4 ment of this Act, the Commissioner of U.S. Customs and
5 Border Protection shall submit a report to the Committee
6 on Homeland Security and Governmental Affairs of the
7 Senate, the Committee on Finance of the Senate, the
8 Committee on Homeland Security of the House of Rep-
9 resentatives, and the Committee on Ways and Means of
10 the 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
25 other dangers associated with the inspection of po-
26 tential drug traffickers.

1 **SEC. 4. REPORTING REQUIREMENTS.**

2 (a) TEMPORARY DUTY ASSIGNMENTS.—

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

7 (A) the number of temporary duty assign-
8 ments;

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

12 (C) the ports of entry from which such of-
13 ficers were reassigned;

14 (D) the ports of entry to which such offi-
15 cers were reassigned;

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

20 (F) the duration of each temporary duty
21 assignment;

22 (G) the cost of each temporary duty as-
23 signment; and

24 (H) the extent to which the temporary
25 duty assignments within the reporting period
26 were in support of the other U.S. Customs and

1 Border Protection activities or operations along
2 the southern border of the United States, in-
3 cluding the specific costs associated with such
4 temporary duty assignments.

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) CBP ONE MOBILE APPLICATION.—During the 2-
15 year period beginning on the date of the enactment of this
16 Act, the Commissioner of U.S. Customs and Border Pro-
17 tection shall publish a monthly report on the use of the
18 CBP One mobile application, including, with respect to
19 each reporting period—

20 (1) the number of application registration at-
21 tempts made through CBP One pursuant to the Cir-
22 cumvention of Lawful Pathways final rule (88 Fed.
23 Reg. 31314 (May 16, 2023) that resulted in a sys-
24 tem error, disaggregated by error type;

1 (2) the total number of noncitizens who suc-
2 cessfully registered appointments through CBP One
3 pursuant to such rule;

4 (3) the total number of appointments made
5 through CBP One pursuant to such rule that went
6 unused;

7 (4) the total number of individuals who have
8 been granted parole with a Notice to Appear subse-
9 quent to appointments scheduled for such individ-
10 uals through CBP One pursuant to such rule; and

11 (5) the total number of noncitizens who have
12 been issued a Notice to Appear and have been trans-
13 ferred to U.S. Immigration and Customs Enforce-
14 ment custody subsequent to appointments scheduled
15 for such noncitizens through CBP One pursuant to
16 such rule.

17 (e) DEFINED TERM.—In this section, the term “ap-
18 propriate congressional committees” means—

19 (1) the Committee on Homeland Security and
20 Governmental Affairs of the Senate;

21 (2) the Committee on Appropriations of the
22 Senate;

23 (3) the Committee on Finance of the Senate;

24 (4) the Committee on Homeland Security of the
25 House of Representatives

1 (5) the Committee on Appropriations of the
2 House of Representatives; and

3 (6) the Committee on Ways and Means of the
4 House of Representatives

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

6 There is authorized to be appropriated to carry out
7 this Act—

8 (1) \$136,292,948 for fiscal year 2024; and

9 (2) \$156,918,590 for each of the fiscal years
10 2025 through 2029.