

112TH CONGRESS
1ST SESSION

S. 1604

To provide additional resources and funding for construction and infrastructure improvements at United States land ports of entry, to open additional inspection lanes, to hire more inspectors, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2011

Mr. CORNYN introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide additional resources and funding for construction and infrastructure improvements at United States land ports of entry, to open additional inspection lanes, to hire more inspectors, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Port of
5 Entry Personnel and Infrastructure Funding Act of
6 2011”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) NORTHERN BORDER.—The term “Northern
2 border” means the international border between the
3 United States and Canada.

4 (2) SOUTHERN BORDER.—The term “Southern
5 border” means the international border between the
6 United States and Mexico.

7 **SEC. 3. CUSTOMS AND BORDER PROTECTION PERSONNEL.**

8 (a) STAFF ENHANCEMENTS.—In addition to posi-
9 tions authorized before the date of the enactment of this
10 Act and any existing officer vacancies within United
11 States Customs and Border Protection on such date, the
12 Secretary of Homeland Security shall, subject to the avail-
13 ability of appropriations for such purpose, hire, train, and
14 assign to duty, by not later than September 30, 2016, the
15 following:

16 (1) Five thousand full-time Customs and Bor-
17 der Protection officers to serve on all inspection
18 lanes (primary, secondary, incoming, and outgoing)
19 and enforcement teams at United States land ports
20 of entry on the Northern border and the Southern
21 border.

22 (2) Three hundred fifty full-time support staff
23 for all United States ports of entry.

24 (b) WAIVER OF FTE LIMITATION.—The Secretary of
25 Homeland Security may waive any limitation on the num-

1 ber of full-time equivalent personnel assigned to the De-
2 partment of Homeland Security in order to fulfill the re-
3 quirements under subsection (a).

4 (c) REPORTS TO CONGRESS.—

5 (1) OUTBOUND INSPECTIONS.—Not later than
6 90 days after the date of the enactment of this Act,
7 the Secretary of Homeland Security shall submit a
8 report containing the Department of Homeland Se-
9 curity’s plans for ensuring the placement of suffi-
10 cient United States Customs and Border Protection
11 officers on outbound inspections, and adequate out-
12 bound infrastructure, at all Southern border land
13 ports of entry to—

14 (A) the Committee on the Judiciary of the
15 Senate;

16 (B) the Committee on the Judiciary of the
17 House of Representatives;

18 (C) the Committee on Homeland Security
19 and Governmental Affairs of the Senate; and

20 (D) the Committee on Homeland Security
21 of the House of Representatives.

22 (2) AGRICULTURAL SPECIALISTS.—Not later
23 than 90 days after the date of the enactment of this
24 Act, the Secretary of Homeland Security, in con-
25 sultation with the Secretary of Agriculture, shall

1 submit a report to the committees set forth in para-
2 graph (1) that contains plans for ensuring the place-
3 ment of sufficient agriculture specialists at all
4 Southern border land ports of entry.

5 (3) ANNUAL IMPLEMENTATION REPORT.—Not
6 later than 1 year after the date of the enactment of
7 this Act, and annually thereafter, the Secretary of
8 Homeland Security shall submit a report to the com-
9 mittees set forth in paragraph (1) that—

10 (A) details the Department of Homeland
11 Security’s implementation plan for staff en-
12 hancements required under subsection (a)(1);

13 (B) includes the number of additional per-
14 sonnel assigned to duty at land ports of entry
15 by location; and

16 (C) describes the methodology used to de-
17 termine the distribution of additional personnel
18 to address northbound and southbound cross-
19 border inspections.

20 **SEC. 4. SECURE COMMUNICATIONS AND DETECTION**
21 **EQUIPMENT FOR BORDER PERSONNEL.**

22 (a) SECURE COMMUNICATION.—The Secretary of
23 Homeland Security shall ensure that each United States
24 Customs and Border Protection officer is equipped with
25 a secure 2-way communication and satellite-enabled de-

1 vice, supported by system interoperability, that allows
2 United States Customs and Border Protection officers to
3 communicate between ports of entry and inspection sta-
4 tions, and with other Federal, State, local, and tribal law
5 enforcement entities.

6 (b) BORDER AREA SECURITY INITIATIVE GRANT
7 PROGRAM.—The Secretary of Homeland Security shall es-
8 tablish a program for awarding grants for the purchase
9 of detection equipment at land ports of entry and mobile,
10 hand-held, 2-way communication and biometric devices for
11 State and local law enforcement officers serving on the
12 Southern border.

13 **SEC. 5. INFRASTRUCTURE IMPROVEMENTS AND EXPAN-**
14 **SION OF LAND PORTS OF ENTRY.**

15 (a) IN GENERAL.—In order to aid in the enforcement
16 of Federal customs, immigration, and agriculture laws, the
17 Commissioner of U.S. Customs and Border Protection
18 may—

19 (1) design, construct, and modify land ports of
20 entry and other structures and facilities, including
21 living quarters for officers, agents, and personnel;

22 (2) acquire, by purchase, donation, exchange or
23 otherwise, land or any interest in land determined to
24 be necessary to carry out the Commissioner's duties
25 under this section; and

1 (3) construct additional ports of entry along the
2 Southern border and the Northern border.

3 (b) CONSULTATION.—

4 (1) LOCATIONS FOR NEW PORTS OF ENTRY.—

5 The Secretary of Homeland Security is encouraged
6 to consult with the Secretary of the Interior, the
7 Secretary of Agriculture, the Secretary of State, the
8 International Boundary and Water Commission, the
9 International Joint Commission, and appropriate
10 representatives of States, local governments, Indian
11 tribes, and property owners—

12 (A) to determine locations for new ports of
13 entry; and

14 (B) to minimize adverse impacts from such
15 ports on the environment, historic and cultural
16 resources, commerce, and quality of life for the
17 communities and residents located near such
18 ports.

19 (2) SAVINGS PROVISION.—Nothing in this sub-
20 section may be construed—

21 (A) to create any right or liability of the
22 parties described in paragraph (1);

23 (B) to affect the legality and validity of
24 any determination under this Act by the Sec-
25 retary; or

1 (C) to affect any consultation requirement
2 under any other law.

3 **SEC. 6. AUTHORITY TO ACQUIRE LEASEHOLDS.**

4 Notwithstanding any other provision of law, the Sec-
5 retary of Homeland Security may acquire a leasehold in-
6 terest in real property, and may construct or modify any
7 facility on the leased property, if the Secretary determines
8 that the acquisition of such interest, and such construction
9 or modification, are necessary to facilitate the implementa-
10 tion of this Act.

11 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated
13 \$6,000,000,000 to carry out this Act during the 6-year
14 period beginning on October 1, 2011, of which
15 \$30,000,000 shall be used for grants authorized under
16 section 4(b).

17 **SEC. 8. RESCISSION OF UNOBLIGATED FEDERAL FUNDS.**

18 (a) IN GENERAL.—There is hereby rescinded, from
19 appropriated discretionary funds that remain available for
20 obligation as of the date of the enactment of this Act
21 (other than the unobligated funds covered by subsection
22 (d)), amounts determined by the Director of the Office
23 of Management and Budget such that the aggregate
24 amount of the rescission equals the amount authorized to
25 be appropriated under section 7.

1 (b) IMPLEMENTATION.—The Director of the Office of
2 Management and Budget shall determine and identify—

3 (1) the appropriation accounts from which the
4 rescission under subsection (a) shall apply; and

5 (2) the amount of the rescission that shall be
6 applied to each such account.

7 (c) REPORT.—Not later than 60 days after the date
8 of the enactment of this Act, the Director of the Office
9 of Management and Budget shall submit to Congress and
10 the Secretary of the Treasury a report that describes the
11 accounts and amounts determined and identified under
12 subsection (b) for rescission under subsection (a).

13 (d) EXCEPTIONS.—This section shall not apply to un-
14 obligated funds of—

15 (1) the Department of Defense;

16 (2) the Department of Veterans Affairs; or

17 (3) the Department of Homeland Security.

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