

AMENDMENT NO. _____ Calendar No. _____

Purpose: To authorize the Secretary of Homeland Security to hire an additional 5,000 full-time U.S. Customs and Border Protection officers and to authorize the Administrator of the General Services Administration to enter into cost-sharing agreements for the construction of facilities at a port of entry.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 744

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. CORNYN

Viz:

1 On page 20, line 12, strike “and”.

2 On page 20, line 23, strike the period at the end and
3 insert “; and”.

4 On page 20, after line 23, add the following:

5 (D) the resources and other measures that
6 are necessary to achieve a 50 percent reduction
7 in the average wait times of commercial and

1 passenger vehicles at international land ports of
2 entry along Southern border and the Northern
3 border.

4 On page 59, strike line 5 and insert the following:

5 **SEC. 1115. EMERGENCY PORT OF ENTRY PERSONNEL AND**
6 **INFRASTRUCTURE FUNDING.**

7 (a) STAFF ENHANCEMENTS.—In addition to posi-
8 tions authorized before the date of the enactment of this
9 Act and any existing officer vacancies within U.S. Cus-
10 toms and Border Protection on such date, the Secretary
11 shall, subject to the availability of appropriations for such
12 purpose, hire, train, and assign to duty, by not later than
13 September 30, 2018—

14 (1) 5,000 full-time Customs and Border Protec-
15 tion officers to serve on all inspection lanes (pri-
16 mary, secondary, incoming, and outgoing) and en-
17 forcement teams at United States land ports of
18 entry on the Northern border and the Southern bor-
19 der; and

20 (2) 350 full-time support staff distributed
21 among all United States ports of entry.

22 (b) WAIVER OF PERSONNEL LIMITATION.—The Sec-
23 retary may waive any limitation on the number of full-

1 time equivalent personnel assigned to the Department in
2 order to fulfill the requirements under subsection (a).

3 (c) REPORTS TO CONGRESS.—

4 (1) OUTBOUND INSPECTIONS.—Not later than
5 90 days after the date of the enactment of this Act,
6 the Secretary shall submit a report containing the
7 Department's plans for ensuring the placement of
8 sufficient Customs and Border Protection officers on
9 outbound inspections, and adequate outbound infra-
10 structure, at all Southern border and Northern bor-
11 der land ports of entry to—

12 (A) the Committee on the Judiciary of the
13 Senate;

14 (B) the Committee on the Judiciary of the
15 House of Representatives;

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

18 (D) the Committee on Homeland Security
19 of the House of Representatives.

20 (2) AGRICULTURAL SPECIALISTS.—Not later
21 than 90 days after the date of the enactment of this
22 Act, the Secretary, in consultation with the Sec-
23 retary of Agriculture, shall submit a report to the
24 committees set forth in paragraph (1) that contains
25 the Department's plans for ensuring the placement

1 of sufficient agriculture specialists at all Southern
2 border and Northern border land ports of entry.

3 (3) ANNUAL IMPLEMENTATION REPORT.—Not
4 later than 1 year after the date of the enactment of
5 this Act, and annually thereafter, the Secretary shall
6 submit a report to the committees set forth in para-
7 graph (1) that—

8 (A) describes in detail the Department's
9 implementation plan for staff enhancements re-
10 quired under subsection (a);

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

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

18 (d) SECURE COMMUNICATION.—The Secretary shall
19 ensure that each Customs and Border Protection officer
20 is equipped with a secure 2-way communication and sat-
21 ellite-enabled device, supported by system interoperability,
22 that allows such officers to communicate between ports of
23 entry and inspection stations, and with other Federal,
24 State, local, and tribal law enforcement entities.

1 (e) BORDER AREA SECURITY INITIATIVE GRANT
2 PROGRAM.—The Secretary shall establish a grant pro-
3 gram for the purchase of detection equipment at land
4 ports of entry and mobile, hand-held, 2-way communica-
5 tion and biometric devices for State and local law enforce-
6 ment officers serving on the Southern border.

7 (f) PORT OF ENTRY INFRASTRUCTURE IMPROVE-
8 MENTS.—In order to aid in the enforcement of Federal
9 customs, immigration, and agriculture laws, the Commis-
10 sioner of U.S. Customs and Border Protection may—

11 (1) design, construct, and modify United States
12 ports of entry, living quarters for officers, agents,
13 and personnel, and other structures and facilities,
14 including those owned by municipalities, local gov-
15 ernments, or private entities located at land ports of
16 entry;

17 (2) acquire, by purchase, donation, exchange, or
18 otherwise, land or any interest in land determined to
19 be necessary to carry out the Commissioner's duties
20 under this section; and

21 (3) construct additional ports of entry along the
22 Southern border and the Northern border.

23 (g) CONSULTATION.—

24 (1) LOCATIONS FOR NEW PORTS OF ENTRY.—
25 The Secretary is encouraged to consult with the Sec-

1 retary of the Interior, the Secretary of Agriculture,
2 the Secretary of State, the International Boundary
3 and Water Commission, the International Joint
4 Commission, and appropriate representatives of
5 States, local governments, Indian tribes, and prop-
6 erty owners—

7 (A) to determine locations for new ports of
8 entry; and

9 (B) to minimize adverse impacts from such
10 ports on the environment, historic and cultural
11 resources, commerce, and quality of life for the
12 communities and residents located near such
13 ports.

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

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

18 (B) to affect the legality and validity of
19 any determination under this Act by the Sec-
20 retary; or

21 (C) to affect any consultation requirement
22 under any other law.

23 (h) AUTHORITY TO ACQUIRE LEASEHOLDS.—Not-
24 withstanding any other provision of law, the Secretary
25 may acquire a leasehold interest in real property, and may

1 construct or modify any facility on the leased property,
2 if the Secretary determines that the acquisition of such
3 interest, and such construction or modification, are nec-
4 essary to facilitate the implementation of this Act.

5 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section,
7 for each of the fiscal years 2014 through 2018,
8 \$1,000,000,000, of which \$5,000,000 shall be used for
9 grants authorized under subsection (e).

10 (j) OFFSET; RESCISSION OF UNOBLIGATED FED-
11 ERAL FUNDS.—

12 (1) IN GENERAL.—There is hereby rescinded,
13 from appropriated discretionary funds that remain
14 available for obligation as of the date of the enact-
15 ment of this Act (other than the unobligated funds
16 described in paragraph (4)), amounts determined by
17 the Director of the Office of Management and Budg-
18 et such that the aggregate amount of the rescission
19 equals the amount authorized to be appropriated
20 under subsection (i).

21 (2) IMPLEMENTATION.—The Director of the
22 Office of Management and Budget shall determine
23 and identify—

1 (A) the appropriation accounts from which
2 the rescission under paragraph (1) shall apply;
3 and

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

6 (3) REPORT.—Not later than 60 days after the
7 date of the enactment of this Act, the Director of
8 the Office of Management and Budget shall submit
9 a report to Congress and to the Secretary of the
10 Treasury that describes the accounts and amounts
11 determined and identified under paragraph (2) for
12 rescission under paragraph (1).

13 (4) EXCEPTIONS.—This subsection shall not
14 apply to unobligated funds of—

15 (A) the Department of Defense;

16 (B) the Department of Veterans Affairs; or

17 (C) the Department of Homeland Security.

18 **SEC. 1116. CROSS-BORDER TRADE ENHANCEMENT.**

19 (a) DEFINITIONS.—In this section:

20 (1) ADMINISTRATION.—The term “Administra-
21 tion” means the General Services Administration.

22 (2) ADMINISTRATOR.—The term “Adminis-
23 trator” means the Administrator of the General
24 Services Administration.

1 (3) PERSON.—The term “person” means an in-
2 dividual or any corporation, partnership, trust, asso-
3 ciation, or any other public or private entity, includ-
4 ing a State or local government.

5 (b) AGREEMENTS AUTHORIZED.—Notwithstanding
6 any other provision of law, upon the request of any per-
7 sons, the Administrator may, for purposes of facilitating
8 construction, alteration, operation or maintenance of a
9 new or existing facility or other infrastructure at a port
10 of entry, enter into cost-sharing or reimbursement agree-
11 ments or accept a donation of real and personal property
12 (including monetary donations) and nonpersonal services.

13 (c) EVALUATION PROCEDURES.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of the enactment of this Act, the Ad-
16 ministrator, in consultation with the Secretary, shall
17 establish procedures for evaluating a proposal sub-
18 mitted by any person under subsection (b)—

19 (A) to enter into a cost-sharing or reim-
20 bursement agreement with the Administration
21 to facilitate the construction, alteration, oper-
22 ation, or maintenance of a new or existing facil-
23 ity or other infrastructure at a land border port
24 of entry; or

1 (B) to provide the Administration with a
2 donation of real and personal property (includ-
3 ing monetary donations) and nonpersonal serv-
4 ices to be used in the construction, alteration,
5 operation, or maintenance of a facility or other
6 infrastructure at a land border port of entry
7 under the control of the Administration.

8 (2) SPECIFICATION.—Donations made under
9 paragraph (1)(B) may specify—

10 (A) the land port of entry facility or facili-
11 ties in support of which the donation is being
12 made; and

13 (B) the time frame in which the donated
14 property or services must be used.

15 (3) RETURNS.—If the Administrator does not
16 use the property or services donated pursuant to
17 paragraph (1)(B) for the specific facility or facilities
18 designated pursuant to paragraph (2)(A) or within
19 the time frame specified pursuant to paragraph
20 (2)(B), such donated property or services shall be
21 returned to the entity that made the donation.

22 (4) DETERMINATION AND NOTIFICATION.—

23 (A) IN GENERAL.—Not later than 90 days
24 after receiving a proposal pursuant to sub-
25 section (b) with respect to the construction or

1 maintenance of a facility or other infrastructure
2 at a land border port of entry, the Adminis-
3 trator shall—

4 (i) make a determination with respect
5 to whether or not to approve the proposal;
6 and

7 (ii) notify the person that submitted
8 the proposal of—

9 (I) the determination; and

10 (II) if the Administrator did not
11 approve the proposal, the reasons for
12 such disapproval.

13 (B) CONSIDERATIONS.—In determining
14 whether or not to approve a proposal under this
15 subsection, the Administrator shall consider—

16 (i) the impact of the proposal on re-
17 ducing wait times at that port of entry and
18 other ports of entry on the same border;

19 (ii) the potential of the proposal to in-
20 crease trade and travel efficiency through
21 added capacity; and

22 (iii) the potential of the proposal to
23 enhance the security of the port of entry.

24 (d) DELEGATION.—For facilities where the Adminis-
25 trator has delegated or transferred to the Secretary, own-

1 ership, building, operations, operations, maintenance, or
2 repair services at land border ports of entry, the authori-
3 ties and requirements of the Administrator under this sec-
4 tion shall be deemed to apply to the Secretary.

5 **SEC. 1117. REPORTS.**

6 On page 59, strike lines 16 through 21 and insert
7 the following:

- 8 (3) monthly per passenger wait times, including
9 data on peaks, for crossing the Southern border and
10 the Northern border, per passenger processing wait
11 times at air and sea ports of entry, and the staffing
12 levels at all ports of entry; and
13 (4) the allocations at all land, air, and sea ports
14 of entry.

15 On page 60, line 11, strike “**1116**” and insert “**1118**”.