

118TH CONGRESS
1ST SESSION

H. R. 5990

To amend the Homeland Security Act of 2002 to authorize Office of Field Operations positions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 2023

Mr. CISCOMANI (for himself and Mr. VICENTE GONZALEZ of Texas)
introduced the following bill

OCTOBER 25, 2023

Referred to the Committee on Homeland Security

A BILL

To amend the Homeland Security Act of 2002 to authorize Office of Field Operations positions, 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 “Border Enforcement,
5 Security, and Trade (BEST) Facilitation Act of 2023”.

1 **SEC. 2. NEW OFFICE OF FIELD OPERATIONS POSITIONS AU-**
2 **THORIZED.**

3 Section 411(g) of the Homeland Security Act of 2002
4 (6 U.S.C. 211(g)) is amended by adding at the end the
5 following:

6 “(6) IMAGE TECHNICIAN POSITIONS.—

7 “(A) IMAGE TECHNICIAN.—

8 “(i) IN GENERAL.—There shall be in
9 the Office of Field Operations, the position
10 of Image Technician, who shall be ap-
11 pointed in accordance with the provisions
12 under chapter 33 (relating to appointments
13 in the competitive service) and chapters 51
14 and 53 (relating to classification and rates
15 of pay) of title 5, United States Code.

16 “(ii) DUTIES.—

17 “(I) IN GENERAL.—Duties of an
18 Image Technician shall include—

19 “(aa) reviewing non-intru-
20 sive inspection images of convey-
21 ances and containers entering or
22 exiting the United States through
23 a land, sea, or air port of entry
24 or international rail crossing;

25 “(bb) assessing whether im-
26 ages of conveyances and con-

1 tainers appear to contain anoma-
2 lies indicating the potential pres-
3 ence of contraband, persons un-
4 lawfully seeking to enter or exit
5 the United States, or illicitly con-
6 cealed merchandise, including il-
7 licit drugs and terrorist weapons;

8 “(cc) recommend entry re-
9 lease or exit release for any con-
10 veyances and containers where
11 the images do not include notice-
12 able anomalies indicating the po-
13 tential presence of contraband,
14 persons seeking to unlawfully
15 enter or exit the United States,
16 or illicitly concealed merchandise,
17 including illicit drugs or terrorist
18 weapons, to the U.S. Customs
19 and Border Protection Officer re-
20 sponsible for inspecting such con-
21 veyance or container.

22 “(dd) recommend for further
23 inspection any conveyances and
24 containers where any image the
25 Image Technician reasonably be-

1 believes contains anomalies indi-
2 cating the potential presence of
3 contraband, persons seeking to
4 unlawfully enter or exit the
5 United States, or illicitly con-
6 cealed merchandise, such as illicit
7 drugs or terrorist weapons, to the
8 U.S. Customs and Border Pro-
9 tection Officer who is responsible
10 for inspecting such conveyance or
11 container; and

12 “(ee) referring to a Super-
13 visory Image Technician any
14 image of conveyances or con-
15 tainers that is difficult to review
16 or assess due to poor image qual-
17 ity or other factors.

18 “(II) RULE OF CONSTRUC-
19 TION.—A U.S. Customs and Border
20 Protection Officer shall retain the dis-
21 cretion and final decision-making au-
22 thority to release conveyances or
23 cargo for entry or exit or to refer such
24 conveyance or cargo for further in-
25 spection.

1 “(B) SUPERVISORY IMAGE TECHNICIAN.—

2 “(i) IN GENERAL.—There shall be in
3 the Office of Field Operations, the position
4 of Supervisory Image Technician, who
5 shall be appointed in accordance with the
6 provisions under chapter 33 (relating to
7 appointments in the competitive service)
8 and chapters 51 and 53 (relating to classi-
9 fication and rates of pay) of title 5, United
10 States Code.

11 “(ii) DUTIES.—

12 “(I) IN GENERAL.—Duties of a
13 Supervisory Image Technician shall
14 include—

15 “(aa) carrying out all of the
16 duties described in clauses (i)
17 through (iv) of subparagraph
18 (A);

19 “(bb) reviewing and making
20 a recommendation regarding im-
21 ages referred by an Image Tech-
22 nician pursuant to subparagraph
23 (A)(v) to the U.S. Customs and
24 Border Protection Officer who is

1 responsible for inspecting such
2 conveyance or container;

3 “(cc) receiving intelligence
4 from the National Targeting
5 Center regarding tactics, tech-
6 niques, and procedures being
7 used at ports of entry and in the
8 border environment by malign ac-
9 tors to facilitate the unlawful
10 entry or exit of contraband, per-
11 sons, or illicitly concealed mer-
12 chandise such as illicit drugs or
13 terrorist weapons; and

14 “(dd) reporting new infor-
15 mation to the National Targeting
16 Center regarding tactics, tech-
17 niques, and procedures being
18 used at ports of entry and in the
19 border environment by malign ac-
20 tors to facilitate the unlawful
21 entry or exit of contraband, per-
22 sons, or concealed merchandise
23 such as illicit drugs or terrorist
24 weapons.

1 “(II) RULE OF CONSTRU-
2 TION.—A U.S. Customs and Border
3 Protection Officer shall retain the dis-
4 cretion and final decision-making au-
5 thority to release conveyances or
6 cargo for entry or exit or to refer such
7 conveyance or cargo for further in-
8 spection.

9 “(C) TRAINING REQUIREMENTS.—All
10 Image Technicians and Supervisory Image
11 Technicians shall receive annual training and
12 additional ad hoc training, to the extent nec-
13 essary based on current trends, regarding—

14 “(i) privacy, and civil rights and civil
15 liberties, including the protections against
16 unreasonable searches and seizures af-
17 forded by the Fourth Amendment to the
18 United States Constitution;

19 “(ii) analyzing images generated by
20 non-intrusive inspection technologies or
21 any successor technologies deployed by
22 U.S. Customs and Border Protection;

23 “(iii) identifying commodities and
24 merchandise in images generated by non-
25 intrusive inspection technologies or any

1 successor technologies deployed by U.S.
2 Customs and Border Protection;

3 “(iv) identifying contraband, persons
4 who are seeking to unlawfully enter or exit
5 United States, or illicitly concealed mer-
6 chandise such as illicit drugs or terrorist
7 weapons in images generated by non-intru-
8 sive technologies or any successor tech-
9 nologies deployed by U.S. Customs and
10 Border Protection;

11 “(v) tactics, techniques, and proce-
12 dures being used at ports of entry and in
13 the border environment by malign actors to
14 facilitate the unlawful entry or exit of con-
15 traband, persons, or concealed merchandise
16 such as illicit drugs or terrorist weapons;
17 and

18 “(vi) any other training that the Com-
19 missioner of the U.S. Customs and Border
20 Protection determines to be relevant to the
21 duties described in subparagraphs (B) or
22 (D) of this subsection.

23 “(D) ANNUAL ASSESSMENT.—All Image
24 Technicians and Supervisory Image Technicians

1 shall receive annual testing with respect to
2 their—

3 “(i) accuracy in image analysis;

4 “(ii) timeliness in image analysis; and

5 “(iii) ability to ascertain tactics, tech-
6 niques, and procedures being used at ports
7 of entry and in the border environment by
8 malign actors to facilitate the unlawful
9 entry or exit of contraband, persons, or il-
10 licitly concealed merchandise such as illicit
11 drugs or terrorist weapons.”.

12 **SEC. 3. WORKFORCE STAFFING MODEL.**

13 (a) DEVELOPMENT.—Not later than 1 year after the
14 date of the enactment of this Act, the Commissioner of
15 U.S. Customs and Border Protection shall develop a work-
16 force staffing model for Image Technicians and Super-
17 visory Image Technicians described in section 211(g)(6)
18 of the Homeland Security Act of 2002, as amended by
19 section 2, based upon—

20 (1) the deployment of non-intrusive inspection
21 technologies at ports of entry and international rail
22 crossings;

23 (2) border traffic patterns; and

24 (3) scanning goals at each port of entry and
25 international rail crossing.

1 (b) VALIDATION.—Not later than 6 months after the
2 completion of the workforce staffing model described in
3 subsection (a), the Comptroller General of the United
4 States shall validate such workforce staffing model and
5 transmit notification of such validation to the Committee
6 on Homeland Security and Governmental Affairs of the
7 Senate and the Committee on Homeland Security of the
8 House of Representatives.

9 **SEC. 4. REPORTING REQUIREMENTS.**

10 Upon completion of the validation of the workforce
11 staffing model pursuant to section 3(b), and quarterly
12 thereafter, the Commissioner of U.S. Customs and Border
13 Protection, in consultation with the Executive Assistant
14 Commissioner, shall submit a report to the Committee on
15 Homeland Security and Governmental Affairs of the Sen-
16 ate and the Committee on Homeland Security of the
17 House of Representatives that identifies—

18 (1) the number of Image Technicians and Su-
19 pervisory Image Technicians hired during the re-
20 porting period;

21 (2) the number of Image Technicians and Su-
22 pervisory Image Technicians currently employed by
23 the Office of Field Operations, disaggregated by port
24 of entry or sector;

1 (3) the daily average number of images scanned
2 by each Image Technician;

3 (4) training methodologies utilized to train
4 Image Technicians and Supervisory Image Techni-
5 cians;

6 (5) assessment passage rates of Image Techni-
7 cians and Supervisory Image Technicians; and

8 (6) the apparent impact of Image Technicians
9 and Supervisory Image Technicians on interdiction
10 rates at ports of entry and international rail cross-
11 ings at which Image Technicians or Supervisory
12 Image Technicians are stationed or from which
13 Image Technicians or Supervisory Image Techni-
14 cians review images, including—

15 (A) throughput increases or decreases at
16 such ports of entry and international rail cross-
17 ings;

18 (B) increases or decreases in waiting times
19 at such ports of entry and international rail
20 crossings;

21 (C) average wait times at such ports of
22 entry and international rail crossings; and

23 (D) increases or decreases of seizures of
24 contraband, persons seeking to unlawfully enter
25 or exit the United States, or illicitly concealed

1 merchandise such as illicit drugs or terrorist
2 weapons, broken down by type of seizure and
3 port of entry or international rail crossing.

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