

# Union Calendar No. 372

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3586

**[Report No. 114–488, Part I]**

To amend the Homeland Security Act of 2002 to improve border and maritime security coordination in the Department of Homeland Security, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2015

Mrs. MILLER of Michigan (for herself and Mr. MCCAUL) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

APRIL 12, 2016

Reported from the Committee on Homeland Security with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

APRIL 12, 2016

The Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on September 22, 2015]

# **A BILL**

To amend the Homeland Security Act of 2002 to improve border and maritime security coordination in the Department of Homeland Security, 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; TABLE OF CONTENTS.**

4        (a) *SHORT TITLE.*—*This Act may be cited as the*  
 5 *“Border and Maritime Coordination Improvement Act”.*

6        (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 7 *this Act is as follows:*

*Sec. 1. Short title; Table of contents.*

*Sec. 2. U.S. Customs and Border Protection coordination.*

*Sec. 3. Border and maritime security efficiencies.*

*Sec. 4. Public private partnerships.*

*Sec. 5. Cost-benefit analysis of co-locating operational entities.*

*Sec. 6. Strategic personnel plan for U.S. Customs and Border Protection per-*  
*sonnel deployed abroad.*

*Sec. 7. Threat assessment for United States-bound international mail.*

*Sec. 8. Evaluation of Coast Guard Deployable Specialized Forces.*

*Sec. 9. Customs-Trade Partnership Against Terrorism improvement.*

*Sec. 10. Strategic plan to enhance the security of the international supply chain.*

*Sec. 11. Container Security Initiative.*

*Sec. 12. Transportation Worker Identification Credential waiver and appeals*  
*process.*

*Sec. 13. Annual report on U.S. Customs and Border Protection staffing.*

*Sec. 14. Conforming amendments.*

*Sec. 15. Repeals.*

8 **SEC. 2. U.S. CUSTOMS AND BORDER PROTECTION COORDI-**  
 9 **NATION.**

10        (a) *IN GENERAL.*—*Subtitle B of title IV of the Home-*  
 11 *land Security Act of 2002 (6 U.S.C. 211 et seq.) is amended*  
 12 *by adding at the end the following new section:*

13 **“SEC. 420. IMMIGRATION ADVISORY PROGRAM.**

14        *“(a) IN GENERAL.*—*There is authorized within U.S.*  
 15 *Customs and Border Protection a program for Customs and*  
 16 *Border Protection officers, pursuant to an agreement with*  
 17 *a host country, to assist air carriers and security employees*

1 *at foreign airports with review of traveler information dur-*  
2 *ing the processing of flights bound for the United States.*

3 “(b) *ACTIVITIES.*—*In carrying out the program, Cus-*  
4 *toms and Border Protection officers posted in foreign air-*  
5 *ports under subsection (a) may—*

6 “(1) *be present during processing of flights*  
7 *bound for the United States;*

8 “(2) *assist air carriers and security employees*  
9 *with document examination and traveler security as-*  
10 *sessments;*

11 “(3) *provide relevant training to air carriers,*  
12 *their security staff, and host-country authorities;*

13 “(4) *analyze electronic passenger information*  
14 *and passenger reservation data to identify potential*  
15 *threats;*

16 “(5) *engage air carriers and travelers to confirm*  
17 *potential terrorist watchlist matches;*

18 “(6) *make recommendations to air carriers to*  
19 *deny potentially inadmissible passengers boarding*  
20 *flights bound for the United States; and*

21 “(7) *conduct other activities to secure flights*  
22 *bound for the United States, as directed by the Com-*  
23 *missioner of U.S. Customs and Border Protection.*



1 *mission needs, validated requirements, performance results,*  
2 *threats, costs, and any other relevant factors identified by*  
3 *the Commissioner of U.S. Customs and Border Protection.*  
4 *Specific factors to be included in such assessment shall in-*  
5 *clude, at a minimum, the following:*

6           “(1) *Mission requirements that prioritize the*  
7 *operational needs of field commanders to secure the*  
8 *United States border and ports.*

9           “(2) *Other Department assets available to help*  
10 *address any unmet border and port security mission*  
11 *requirements, in accordance with paragraph (1).*

12           “(3) *Risk analysis showing positioning of the*  
13 *asset at issue to respond to intelligence on emerging*  
14 *terrorist or other threats.*

15           “(4) *Cost-benefit analysis showing the relative*  
16 *ability to use the asset at issue in the most cost-effec-*  
17 *tive way to reduce risk and achieve mission success.*

18           “(b) *CONSIDERATIONS.—An assessment required under*  
19 *subsection (a) shall consider applicable Federal guidance,*  
20 *standards, and agency strategic and performance plans, in-*  
21 *cluding the following:*

22           “(1) *The most recent departmental Quadrennial*  
23 *Homeland Security Review under section 707, and*  
24 *any follow-up guidance related to such Review.*

1           “(2) *The Department’s Annual Performance*  
2           *Plans.*

3           “(3) *Department policy guiding use of integrated*  
4           *risk management in resource allocation decisions.*

5           “(4) *Department and U.S. Customs and Border*  
6           *Protection Strategic Plans and Resource Deployment*  
7           *Plans.*

8           “(5) *Applicable aviation guidance from the De-*  
9           *partment, including the DHS Aviation Concept of*  
10           *Operations.*

11           “(6) *Other strategic and acquisition guidance*  
12           *promulgated by the Federal Government as the Sec-*  
13           *retary determines appropriate.*

14           “(c) *AUDIT AND REPORT.—The Inspector General of*  
15           *the Department shall biennially audit the deployment of*  
16           *new assets by U.S. Customs and Border Protection’s Office*  
17           *of Air and Marine Operations and submit to the Committee*  
18           *on Homeland Security of the House of Representatives and*  
19           *the Committee on Homeland Security and Governmental*  
20           *Affairs of the Senate a report on the compliance of the De-*  
21           *partment with the requirements of this section.*

22           “(d) *MARINE INTERDICTION STATIONS.—Not later*  
23           *than 180 days after the date of the enactment of this section,*  
24           *the Commissioner of U.S. Customs and Border Protection*  
25           *shall submit to the Committee on Homeland Security of the*

1 *House of Representatives and the Committee on Homeland*  
2 *Security and Governmental Affairs of the Senate an identi-*  
3 *fication of facilities owned by the Federal Government in*  
4 *strategic locations along the maritime border of California*  
5 *that may be suitable for establishing additional Office of*  
6 *Air and Marine Operations marine interdiction stations.*

7 **“SEC. 420C. INTEGRATED BORDER ENFORCEMENT TEAMS.**

8       “(a) *ESTABLISHMENT.*—*The Secretary shall establish*  
9 *within the Department a program to be known as the Inte-*  
10 *grated Border Enforcement Team program (referred to in*  
11 *this section as ‘IBET’).*

12       “(b) *PURPOSE.*—*The Secretary shall administer the*  
13 *IBET program in a manner that results in a cooperative*  
14 *approach between the United States and Canada to—*

15               “(1) *strengthen security between designated ports*  
16 *of entry;*

17               “(2) *detect, prevent, investigate, and respond to*  
18 *terrorism and violations of law related to border secu-*  
19 *rity;*

20               “(3) *facilitate collaboration among components*  
21 *and offices within the Department and international*  
22 *partners;*

23               “(4) *execute coordinated activities in furtherance*  
24 *of border security and homeland security; and*

1           “(5) enhance information-sharing, including the  
2 dissemination of homeland security information  
3 among such components and offices.

4           “(c) COMPOSITION AND LOCATION OF IBETs.—

5           “(1) COMPOSITION.—IBETs shall be led by the  
6 United States Border Patrol and may be comprised  
7 of personnel from the following:

8           “(A) Other subcomponents of U.S. Customs  
9 and Border Protection.

10           “(B) U.S. Immigration and Customs En-  
11 forcement, led by Homeland Security Investiga-  
12 tions.

13           “(C) The Coast Guard.

14           “(D) Other Department personnel, as ap-  
15 propriate.

16           “(E) Other Federal departments and agen-  
17 cies, as appropriate.

18           “(F) Appropriate State law enforcement  
19 agencies.

20           “(G) Foreign law enforcement partners.

21           “(H) Local law enforcement agencies from  
22 affected border cities and communities.

23           “(I) Appropriate tribal law enforcement  
24 agencies.

1           “(2) *LOCATION.*—*The Secretary is authorized to*  
2           *establish IBETs in regions in which such teams can*  
3           *contribute to IBET missions, as appropriate. When*  
4           *establishing an IBET, the Secretary shall consider the*  
5           *following:*

6                     “(A) *Whether the region in which the IBET*  
7                     *would be established is significantly impacted by*  
8                     *cross-border threats.*

9                     “(B) *The availability of Federal, State,*  
10                    *local, tribal, and foreign law enforcement re-*  
11                    *sources to participate in an IBET.*

12                    “(C) *Whether, in accordance with para-*  
13                    *graph (3), other joint cross-border initiatives al-*  
14                    *ready take place within the region in which the*  
15                    *IBET would be established, including other De-*  
16                    *partment cross-border programs such as the Inte-*  
17                    *grated Cross-Border Maritime Law Enforcement*  
18                    *Operation Program established under section 711*  
19                    *of the Coast Guard and Maritime Transpor-*  
20                    *tation Act of 2012 (46 U.S.C. 70101 note) or the*  
21                    *Border Enforcement Security Task Force estab-*  
22                    *lished under section 432.*

23                    “(3) *DUPLICATION OF EFFORTS.*—*In deter-*  
24                    *mining whether to establish a new IBET or to expand*  
25                    *an existing IBET in a given region, the Secretary*

1       *shall ensure that the IBET under consideration does*  
2       *not duplicate the efforts of other existing interagency*  
3       *task forces or centers within such region, including*  
4       *the Integrated Cross-Border Maritime Law Enforce-*  
5       *ment Operation Program established under section*  
6       *711 of the Coast Guard and Maritime Transportation*  
7       *Act of 2012 (46 USC 70101 note) or the Border En-*  
8       *forcement Security Task Force established under sec-*  
9       *tion 432.*

10       “(d) *OPERATION.*—*After determining the regions in*  
11 *which to establish IBETs, the Secretary may—*

12               “(1) *direct the assignment of Federal personnel*  
13 *to such IBETs; and*

14               “(2) *take other actions to assist Federal, State,*  
15 *local, and tribal entities to participate in such*  
16 *IBETs, including providing financial assistance, as*  
17 *appropriate, for operational, administrative, and*  
18 *technological costs associated with such participation.*

19       “(e) *COORDINATION.*—*The Secretary shall coordinate*  
20 *the IBET program with other similar border security and*  
21 *antiterrorism programs within the Department in accord-*  
22 *ance with the strategic objectives of the Cross-Border Law*  
23 *Enforcement Advisory Committee.*

24       “(f) *MEMORANDA OF UNDERSTANDING.*—*The Sec-*  
25 *retary may enter into memoranda of understanding with*

1 *appropriate representatives of the entities specified in sub-*  
2 *section (c)(1) necessary to carry out the IBET program.*

3       “(g) *REPORT.*—*Not later than 180 days after the date*  
4 *on which an IBET is established and biannually thereafter*  
5 *for the following six years, the Secretary shall submit to*  
6 *the appropriate Congressional Committees, including the*  
7 *Committee on Homeland Security of the House of Rep-*  
8 *resentatives and the Committee on Homeland Security and*  
9 *Governmental Affairs of the Senate a report that—*

10               “(1) *describes the effectiveness of IBETs in ful-*  
11 *filling the purposes specified in subsection (b);*

12               “(2) *assess the impact of certain challenges on*  
13 *the sustainment of cross-border IBET operations, in-*  
14 *cluding challenges faced by international partners;*

15               “(3) *addresses ways to support joint training for*  
16 *IBET stakeholder agencies and radio interoperability*  
17 *to allow for secure cross-border radio communica-*  
18 *tions; and*

19               “(4) *assesses how IBETs, Border Enforcement*  
20 *Security Task Forces, and the Integrated Cross-Bor-*  
21 *der Maritime Law Enforcement Operation Program*  
22 *can better align operations, including interdiction*  
23 *and investigation activities.”.*

24       “(b) *CLERICAL AMENDMENT.*—*The table of contents in*  
25 *section 1(b) of the Homeland Security Act of 2002 is*

1 *amended by adding after the item relating to section 419*  
 2 *the following new item:*

“Sec. 420. *Immigration advisory program.*

“Sec. 420A. *Air cargo advance screening.*

“Sec. 420B. *U.S. Customs and Border Protection Office of Air and Marine Operations asset deployment.*

“Sec. 420C. *Integrated Border Enforcement Teams.*”.

3 **SEC. 3. BORDER AND MARITIME SECURITY EFFICIENCIES.**

4       (a) *IN GENERAL.*—*Subtitle C of title IV of the Home-*  
 5 *land Security Act of 2002 (6 U.S.C. 231 et seq.) is amended*  
 6 *by adding at the end the following new sections:*

7 **“SEC. 434. ESTABLISHMENT OF THE OFFICE OF BIOMETRIC**  
 8 **IDENTITY MANAGEMENT.**

9       “(a) *ESTABLISHMENT.*—*There is established within*  
 10 *the Department an office to be known as the Office of Bio-*  
 11 *metric Identity Management.*

12       “(b) *DIRECTOR.*—

13               “(1) *IN GENERAL.*—*There shall be at the head of*  
 14 *the Office of Biometric Identity Management a Direc-*  
 15 *tor of the Office of Biometric Identity Management*  
 16 *(in this section referred to as the ‘Director’).*

17               “(2) *QUALIFICATIONS AND DUTIES.*—*The Direc-*  
 18 *tor shall—*

19                       “(A) *have significant professional manage-*  
 20 *ment experience, as well as experience in the*  
 21 *field of biometrics and identity management;*

22                       “(B) *lead the Department’s biometric iden-*  
 23 *tity services to support anti-terrorism, counter-*

1           *terrorism, border security, credentialing, na-*  
2           *tional security, and public safety and enable*  
3           *operational missions across the Department by*  
4           *matching, storing, sharing, and analyzing bio-*  
5           *metric data;*

6           “(C) *deliver biometric identity information*  
7           *and analysis capabilities to—*

8                   “(i) *the Department and its compo-*  
9                   *nents;*

10                   “(ii) *appropriate Federal, State, local,*  
11                   *and tribal agencies;*

12                   “(iii) *appropriate foreign governments;*  
13                   *and*

14                   “(iv) *appropriate private sector enti-*  
15                   *ties;*

16           “(D) *support the law enforcement, public*  
17           *safety, national security, and homeland security*  
18           *missions of other Federal, State, local and tribal*  
19           *agencies, as appropriate;*

20           “(E) *establish and manage the operation*  
21           *and maintenance of the Department’s sole bio-*  
22           *metric repository;*

23           “(F) *establish, manage, and operate Bio-*  
24           *metric Support Centers to provide biometric*  
25           *identification and verification analysis and serv-*

1            *ices to the Department, appropriate Federal,*  
2            *State, local, and tribal agencies, appropriate for-*  
3            *foreign governments, and appropriate private sector*  
4            *entities;*

5            *“(G) in collaboration with the Undersecre-*  
6            *tary for Science and Technology, establish a De-*  
7            *partment-wide research and development pro-*  
8            *gram to support efforts in assessment, develop-*  
9            *ment, and exploration of biometric advancements*  
10           *and emerging technologies;*

11           *“(H) oversee Department-wide standards*  
12           *for biometric conformity, and work to make such*  
13           *standards Government-wide;*

14           *“(I) in coordination with the Department’s*  
15           *Office of Policy, and in consultation with rel-*  
16           *evant component offices and headquarters offices,*  
17           *enter into data sharing agreements with appro-*  
18           *priate Federal agencies to support immigration,*  
19           *law enforcement, national security, and public*  
20           *safety missions;*

21           *“(J) maximize interoperability with other*  
22           *Federal, State, local, and international biometric*  
23           *systems, as appropriate; and*

24           *“(K) carry out the duties and powers pre-*  
25           *scribed by law or delegated by the Secretary.*

1       “(c) *DEPUTY DIRECTOR.*—*There shall be in the Office*  
2 *of Biometric Identity Management a Deputy Director, who*  
3 *shall assist the Director in the management of the Office.*

4       “(d) *CHIEF TECHNOLOGY OFFICER.*—

5               “(1) *IN GENERAL.*—*There shall be in the Office*  
6 *of Biometric Identity Management a Chief Tech-*  
7 *nology Officer.*

8               “(2) *DUTIES.*—*The Chief Technology Officer*  
9 *shall—*

10                       “(A) *ensure compliance with policies, proc-*  
11 *esses, standards, guidelines, and procedures re-*  
12 *lated to information technology systems manage-*  
13 *ment, enterprise architecture, and data manage-*  
14 *ment;*

15                       “(B) *provide engineering and enterprise ar-*  
16 *chitecture guidance and direction to the Office of*  
17 *Biometric Identity Management; and*

18                       “(C) *leverage emerging biometric tech-*  
19 *nologies to recommend improvements to major*  
20 *enterprise applications, identify tools to optimize*  
21 *information technology systems performance, and*  
22 *develop and promote joint technology solutions to*  
23 *improve services to enhance mission effectiveness.*

24       “(e) *OTHER AUTHORITIES.*—

1           “(1) *IN GENERAL.*—*The Director may establish*  
2           *such other offices of the Office of Biometric Identity*  
3           *Management as the Director determines necessary to*  
4           *carry out the missions, duties, functions, and authori-*  
5           *ties of the Office.*

6           “(2) *NOTIFICATION.*—*If the Director exercises the*  
7           *authority provided pursuant to paragraph (1), the*  
8           *Director shall notify the Committee on Homeland Se-*  
9           *curity of the House of Representatives and the Com-*  
10          *mittee on Homeland Security and Governmental Af-*  
11          *airs of the Senate not later than 30 days before exer-*  
12          *cising such authority.*

13          **“SEC. 435. BORDER SECURITY JOINT TASK FORCES.**

14          “(a) *ESTABLISHMENT.*—*The Secretary shall establish*  
15          *and operate the following departmental Joint Task Forces*  
16          *(in this section referred to as ‘Joint Task Force’) to conduct*  
17          *joint operations using Department component and office*  
18          *personnel and capabilities to secure the land and maritime*  
19          *borders of the United States:*

20                 “(1) *JOINT TASK FORCE—EAST.*—*Joint Task*  
21          *Force-East shall, at the direction of the Secretary and*  
22          *in coordination with Joint Task Force West, create*  
23          *and execute a strategic plan to secure the land and*  
24          *maritime borders of the United States and shall oper-*

1        *ate and be located in a place or region determined by*  
2        *the Secretary.*

3            “(2) *JOINT TASK FORCE–WEST.*—*Joint Task*  
4        *Force–West shall, at the direction of the Secretary and*  
5        *in coordination with Joint Task Force East, create*  
6        *and execute a strategic plan to secure the land and*  
7        *maritime borders of the United States and shall oper-*  
8        *ate and be located in a place or region determined by*  
9        *the Secretary.*

10           “(3) *JOINT TASK FORCE–INVESTIGATIONS.*—  
11        *Joint Task Force–Investigations shall, at the direction*  
12        *of the Secretary, be responsible for coordinating*  
13        *criminal investigations supporting Joint Task Force–*  
14        *West and Joint Task Force–East.*

15           “(b) *JOINT TASK FORCE DIRECTORS.*—*The Secretary*  
16        *shall appoint a Director to head each Joint Task Force.*  
17        *Each Director shall be senior official selected from a rel-*  
18        *evant component or office of the Department, rotating be-*  
19        *tween relevant components and offices every two years. The*  
20        *Secretary may extend the appointment of a Director for up*  
21        *to two additional years, if the Secretary determines that*  
22        *such an extension is in the best interest of the Department.*

23           “(c) *INITIAL APPOINTMENTS.*—*The Secretary shall*  
24        *make the following appointments to the following Joint*  
25        *Task Forces:*

1           “(1) *The initial Director of Joint Task Force–*  
2           *East shall be a senior officer of the Coast Guard.*

3           “(2) *The initial Director of Joint Task Force–*  
4           *West shall be a senior official of U.S. Customs and*  
5           *Border Protection.*

6           “(3) *The initial Director of Joint Task Force–*  
7           *Investigations shall be a senior official of U.S. Immi-*  
8           *gration and Customs Enforcement.*

9           “(d) *JOINT TASK FORCE DEPUTY DIRECTORS.—The*  
10          *Secretary shall appoint a Deputy Director for each Joint*  
11          *Task Force. The Deputy Director of a Joint Task Force*  
12          *shall be an official of a different component or office than*  
13          *the Director of each Joint Task Force.*

14          “(e) *RESPONSIBILITIES.—Each Joint Task Force Di-*  
15          *rector shall—*

16                 “(1) *identify and prioritize border and maritime*  
17                 *security threats to the homeland;*

18                 “(2) *maintain situational awareness within*  
19                 *their areas of responsibility, as determined by the*  
20                 *Secretary;*

21                 “(3) *provide operational plans and requirements*  
22                 *for standard operating procedures and contingency*  
23                 *operations;*

1           “(4) *plan and execute joint task force activities*  
2           *within their areas of responsibility, as determined by*  
3           *the Secretary;*

4           “(5) *set and accomplish strategic objectives*  
5           *through integrated operational planning and execu-*  
6           *tion;*

7           “(6) *exercise operational direction over personnel*  
8           *and equipment from Department components and of-*  
9           *fices allocated to the respective Joint Task Force to*  
10          *accomplish task force objectives;*

11          “(7) *establish operational and investigative pri-*  
12          *orities within the Director’s operating areas;*

13          “(8) *coordinate with foreign governments and*  
14          *other Federal, State, and local agencies, where appro-*  
15          *priate, to carry out the mission of the Director’s Joint*  
16          *Task Force;*

17          “(9) *identify and provide to the Secretary the*  
18          *joint mission requirements necessary to secure the*  
19          *land and maritime borders of the United States; and*

20          “(10) *carry out other duties and powers the Sec-*  
21          *retary determines appropriate.*

22          “(f) *PERSONNEL AND RESOURCES OF JOINT TASK*  
23          *FORCES.—The Secretary may, upon request of the Director*  
24          *of a Joint Task Force, allocate on a temporary basis compo-*  
25          *nent and office personnel and equipment to the requesting*

1 *Joint Task Force, with appropriate consideration of risk*  
2 *given to the other primary missions of the Department.*

3 “(g) *COMPONENT RESOURCE AUTHORITY.—As di-*  
4 *rected by the Secretary—*

5 “(1) *each Director of a Joint Task Force shall be*  
6 *provided sufficient resources from relevant compo-*  
7 *nents and offices of the Department and the authority*  
8 *necessary to carry out the missions and responsibil-*  
9 *ities required under this section;*

10 “(2) *the resources referred to in paragraph (1)*  
11 *shall be under the operational authority, direction,*  
12 *and control of the Director of the Joint Task Force*  
13 *to which such resources were assigned; and*

14 “(3) *the personnel and equipment of the Joint*  
15 *Task Forces shall remain under the administrative*  
16 *direction of its primary component or office.*

17 “(h) *JOINT TASK FORCE STAFF.—Each Joint Task*  
18 *Force shall have a staff to assist the Directors in carrying*  
19 *out the mission and responsibilities of the Joint Task*  
20 *Forces. Such staff shall be filled by officials from relevant*  
21 *components and offices of the Department.*

22 “(i) *ESTABLISHMENT OF PERFORMANCE METRICS.—*  
23 *The Secretary shall—*

1           “(1) *establish performance metrics to evaluate*  
2 *the effectiveness of the Joint Task Forces in securing*  
3 *the land and maritime borders of the United States;*

4           “(2) *submit such metrics to the Committee on*  
5 *Homeland Security of the House of Representatives*  
6 *and the Committee on Homeland Security and Gov-*  
7 *ernmental Affairs of the Senate by the date that is not*  
8 *later than 120 days after the date of the enactment*  
9 *of this section; and*

10           “(3) *submit to such Committees—*

11           “(A) *an initial report that contains the*  
12 *evaluation described in paragraph (1) by not*  
13 *later than January 31, 2017; and*

14           “(B) *a second report that contains such*  
15 *evaluation by not later than January 31, 2018.*

16           “(j) *JOINT DUTY TRAINING PROGRAM.—*

17           “(1) *IN GENERAL.—The Secretary shall establish*  
18 *a Department joint duty training program for the*  
19 *purposes of enhancing departmental unity of efforts*  
20 *and promoting workforce professional development.*  
21 *Such training shall be tailored to improve joint oper-*  
22 *ations as part of the Joint Task Forces established*  
23 *under subsection (a).*

1           “(2) *ELEMENTS.*—*The joint duty training pro-*  
2           *gram established under paragraph (1) shall address,*  
3           *at minimum, the following topics:*

4                     “(A) *National strategy.*

5                     “(B) *Strategic and contingency planning.*

6                     “(C) *Command and control of operations*  
7                     *under joint command.*

8                     “(D) *International engagement.*

9                     “(E) *The Homeland Security Enterprise.*

10                    “(F) *Border security.*

11                    “(G) *Interagency collaboration.*

12                    “(H) *Leadership.*

13           “(3) *OFFICERS AND OFFICIALS.*—*The joint duty*  
14           *training program established under paragraph (1)*  
15           *shall consist of—*

16                    “(A) *one course intended for mid-level offi-*  
17                    *cers and officials of the Department assigned to*  
18                    *or working with the Joint Task Forces, and*

19                    “(B) *one course intended for senior officers*  
20                    *and officials of the Department assigned to or*  
21                    *working with the Joint Task Forces,*

22           *to ensure a systematic, progressive, and career-long*  
23           *development of such officers and officials in coordi-*  
24           *nating and executing Department-wide joint plan-*  
25           *ning and operations.*

1           “(4) *TRAINING REQUIRED.*—

2                   “(A) *DIRECTORS AND DEPUTY DIREC-*  
3                   *TORS.*—*Except as provided in subparagraph (C),*  
4                   *each Joint Task Force Director and Deputy Di-*  
5                   *rector of a Joint Task Force shall complete the*  
6                   *joint duty training program under this sub-*  
7                   *section prior to assignment to a Joint Task*  
8                   *Force.*

9                   “(B) *JOINT TASK FORCE STAFF.*—*All senior*  
10                   *and mid-level officers and officials serving on the*  
11                   *staff of a Joint Task Force shall complete the*  
12                   *joint training program under this subsection*  
13                   *within the first year of assignment to a Joint*  
14                   *Task Force.*

15                   “(C) *EXCEPTION.*—*Subparagraph (A) does*  
16                   *not apply in the case of the initial Directors and*  
17                   *Deputy Directors of a Joint Task Force.*

18           “(k) *ESTABLISHING ADDITIONAL JOINT TASK*  
19           *FORCES.*—*The Secretary may establish additional Joint*  
20           *Task Forces for the purposes of—*

21                   “(1) *coordinating operations along the northern*  
22                   *border of the United States;*

23                   “(2) *preventing and responding to homeland se-*  
24                   *curity crises, as determined by the Secretary;*

1           “(3) *establishing other regionally-based oper-*  
2           *ations; or*

3           “(4) *cybersecurity.*

4           “(l) *NOTIFICATION.—*

5           “(1) *IN GENERAL.—The Secretary shall submit a*  
6           *notification to the Committee on Homeland Security*  
7           *of the House of Representatives and the Committee on*  
8           *Homeland Security and Governmental Affairs of the*  
9           *Senate 90 days prior to the establishment of an addi-*  
10          *tional Joint Task Force under subsection (k).*

11          “(2) *WAIVER AUTHORITY.—The Secretary may*  
12          *waive the requirement of paragraph (1) in the event*  
13          *of an emergency circumstance that imminently*  
14          *threatens the protection of human life or the protec-*  
15          *tion of property.*

16          “(m) *REVIEW.—*

17          “(1) *IN GENERAL.—The Inspector General of the*  
18          *Department shall conduct a review of the Joint Task*  
19          *Forces established under this section.*

20          “(2) *CONTENTS.—The review required under*  
21          *paragraph (1) shall include an assessment of the effec-*  
22          *tiveness of the Joint Task Force structure in securing*  
23          *the land and maritime borders of the United States,*  
24          *together with recommendations for enhancements to*  
25          *such structure to further strengthen border security.*

1           “(3) *SUBMISSION.*—*The Inspector General of the*  
2           *Department shall submit to the Committee on Home-*  
3           *land Security of the House of Representatives and the*  
4           *Committee on Homeland Security and Governmental*  
5           *Affairs of the Senate a report that contains the review*  
6           *required under paragraph (1) by not later than Jan-*  
7           *uary 31, 2018.*

8           “(n) *DEFINITION.*—*In this section, the term ‘situa-*  
9           *tional awareness’ means a knowledge and unified under-*  
10           *standing of unlawful cross-border activity, including*  
11           *threats and trends concerning illicit trafficking and unlaw-*  
12           *ful crossings, and the ability to forecast future shifts in such*  
13           *threats and trends, the ability to evaluate such threats and*  
14           *trends at a level sufficient to create actionable plans, and*  
15           *the operational capability to conduct continuous and inte-*  
16           *grated surveillance of the land and maritime borders of the*  
17           *United States.*

18           “(o) *SUNSET.*—*This section expires on September 30,*  
19           *2018.*

20           **“SEC. 436. UPDATES OF MARITIME OPERATIONS COORDINA-**  
21           **TION PLAN.**

22           “(a) *IN GENERAL.*—*Not later than 180 days after the*  
23           *enactment of this section, the Secretary shall submit to the*  
24           *Committee on Homeland Security of the House of Rep-*  
25           *resentatives and the Committee on Homeland Security and*

1 *Governmental Affairs of the Senate a maritime operations*  
2 *coordination plan for the coordination and cooperation of*  
3 *maritime operations undertaken by components and offices*  
4 *of the Department with responsibility for maritime security*  
5 *missions. Such plan shall update the maritime operations*  
6 *coordination plan released by the Department in July 2011,*  
7 *and shall address the following:*

8           “(1) *Coordination of planning, integration of*  
9           *maritime operations, and development of joint situa-*  
10           *tional awareness of any component or office of the*  
11           *Department with responsibility for maritime home-*  
12           *land security missions.*

13           “(2) *Maintaining effective information sharing*  
14           *and, as appropriate, intelligence integration, with*  
15           *Federal, State, and local officials and the private sec-*  
16           *tor, regarding threats to maritime security.*

17           “(3) *Leveraging existing departmental coordina-*  
18           *tion mechanisms, including the interagency oper-*  
19           *ational centers as authorized under section 70107A of*  
20           *title 46, United States Code, Coast Guard’s Regional*  
21           *Coordinating Mechanisms, the U.S. Customs and*  
22           *Border Protection Air and Marine Operations Center,*  
23           *the U.S. Customs and Border Protection Operational*  
24           *Integration Center, and other regional maritime oper-*  
25           *ational command centers.*

1           “(4) *Cooperation and coordination with other*  
2           *departments and agencies of the Federal Government,*  
3           *and State and local agencies, in the maritime envi-*  
4           *ronment, in support of maritime homeland security*  
5           *missions.*

6           “(5) *Work conducted within the context of other*  
7           *national and Department maritime security strategic*  
8           *guidance.*

9           “(b) *ADDITIONAL UPDATES.—Not later than July 1,*  
10          *2020, the Secretary, acting through the Department’s Office*  
11          *of Operations Coordination and Planning, shall submit to*  
12          *the Committee on Homeland Security of the House of Rep-*  
13          *resentatives and the Committee on Homeland Security and*  
14          *Governmental Affairs of the Senate an update to the mari-*  
15          *time operations coordination plan required under sub-*  
16          *section (a).”.*

17          “(b) *LOCATION AND REPORTING STRUCTURE.—The*  
18          *Secretary of Homeland Security may not change the loca-*  
19          *tion or reporting structure of the Office of Biometric Iden-*  
20          *tity Management (established pursuant to section 420 of the*  
21          *Homeland Security Act of 2002, as added by subsection (a)*  
22          *of this section) unless the Secretary of Homeland Security*  
23          *receives prior authorization from Congress permitting such*  
24          *change.*

1           (c) *CLERICAL AMENDMENT.*—*The table of contents in*  
 2 *section 1(b) of the Homeland Security Act of 2002 is*  
 3 *amended by adding after the item relating to section 433*  
 4 *the following new items:*

“Sec. 434. *Establishment of the Office of Biometric Identity Management.*

“Sec. 435. *Border Security Joint Task Forces.*

“Sec. 436. *Updates of maritime operations coordination plan.*”.

5 **SEC. 4. PUBLIC PRIVATE PARTNERSHIPS.**

6           (a) *IN GENERAL.*—*Title IV of the Homeland Security*  
 7 *Act of 2002 (6 U.S.C. 201 et seq.) is amended by adding*  
 8 *at the end the following new subtitle:*

9 **“Subtitle G—U.S. Customs and Bor-**  
 10 **der Protection Public Private**  
 11 **Partnerships**

12 **“SEC. 481. FEE AGREEMENTS FOR CERTAIN SERVICES AT**  
 13 **PORTS OF ENTRY.**

14           “(a) *IN GENERAL.*—*Notwithstanding section 13031(e)*  
 15 *of the Consolidated Omnibus Budget Reconciliation Act of*  
 16 *1985 (19 U.S.C. 58c(e)) and section 451 of the Tariff Act*  
 17 *of 1930 (19 U.S.C. 1451), the Commissioner of U.S. Cus-*  
 18 *toms and Border Protection for border security, port secu-*  
 19 *rity, transportation security, or counter-terrorism purposes,*  
 20 *may, upon the request of any entity, enter into a fee agree-*  
 21 *ment with such entity under which—*

22                   “(1) *U.S. Customs and Border Protection shall*  
 23 *provide services described in subsection (c) at a*  
 24 *United States port of entry or any other facility at*

1       *which U.S. Customs and Border Protection provides*  
2       *or will provide such services;*

3               “(2) *such entity shall remit to U.S. Customs and*  
4       *Border Protection a fee imposed under subsection (e)*  
5       *in an amount equal to the full costs that are incurred*  
6       *or will be incurred in providing such services; and*

7               “(3) *each facility at which U.S. Customs and*  
8       *Border Protection services are performed shall be pro-*  
9       *vided, maintained, and equipped by such entity,*  
10       *without cost to the Federal Government, in accord-*  
11       *ance with U.S. Customs and Border Protection speci-*  
12       *fications.*

13              “(b) *SERVICES DESCRIBED.—The services described in*  
14       *this section are any activities of any employee or contractor*  
15       *of U.S. Customs and Border Protection pertaining to, or*  
16       *in support of, customs, agricultural processing, border secu-*  
17       *rity, or immigration inspection-related matters at a port*  
18       *of entry or any other facility at which U.S. Customs and*  
19       *Border Protection provides or will provide services.*

20              “(c) *LIMITATIONS.—*

21                      “(1) *IMPACTS OF SERVICES.—The Commissioner*  
22       *of U.S. Customs and Border Protection—*

23                              “(A) *may enter into fee agreements under*  
24                              *this section only for services that will increase or*  
25                              *enhance the operational capacity of U.S. Cus-*

1            *toms and Border Protection based on available*  
2            *staffing and workload and that will not shift the*  
3            *cost of services funded in any appropriations*  
4            *Act, or provided from any account in the Treas-*  
5            *ury of the United States derived by the collection*  
6            *of fees, to entities under this Act; and*

7            *“(B) may not enter into a fee agreement*  
8            *under this section if such agreement would un-*  
9            *duly and permanently impact services funded in*  
10           *any appropriations Act, or provided from any*  
11           *account in the Treasury of the United States, de-*  
12           *derived by the collection of fees.*

13           *“(2) NUMBER.—There shall be no limit to the*  
14           *number of fee agreements that the Commissioner of*  
15           *U.S. Customs and Border Protection may enter into*  
16           *under this section.*

17           *“(d) FEE.—*

18           *“(1) IN GENERAL.—The amount of the fee to be*  
19           *charged pursuant to an agreement authorized under*  
20           *subsection (a) shall be paid by each entity requesting*  
21           *U.S. Customs and Border Protection services, and*  
22           *shall be for the full cost of providing such services, in-*  
23           *cluding the salaries and expenses of employees and*  
24           *contractors of U.S. Customs and Border Protection, to*  
25           *provide such services and other costs incurred by U.S.*

1 *Customs and Border Protection relating to such serv-*  
2 *ices, such as temporary placement or permanent relo-*  
3 *cation of such employees and contractors.*

4 “(2) *TIMING.*—*The Commissioner of U.S. Cus-*  
5 *toms and Border Protection may require that the fee*  
6 *referred to in paragraph (1) be paid by each entity*  
7 *that has entered into a fee agreement under subsection*  
8 *(a) with U.S. Customs and Border Protection in ad-*  
9 *vance of the performance of U.S. Customs and Border*  
10 *Protection services.*

11 “(3) *OVERSIGHT OF FEES.*—*The Commissioner*  
12 *of U.S. Customs and Border Protection shall develop*  
13 *a process to oversee the services for which fees are*  
14 *charged pursuant to an agreement under subsection*  
15 *(a), including the following:*

16 “(A) *A determination and report on the full*  
17 *costs of providing such services, as well as a*  
18 *process for increasing such fees, as necessary.*

19 “(B) *Establishment of a periodic remittance*  
20 *schedule to replenish appropriations, accounts,*  
21 *or funds, as necessary.*

22 “(C) *Identification of costs paid by such*  
23 *fees.*

24 “(e) *DEPOSIT OF FUNDS.*—

1           “(1) *ACCOUNT.*—*Funds collected pursuant to*  
2           *any agreement entered into under subsection (a) shall*  
3           *be deposited as offsetting collections, shall remain*  
4           *available until expended without fiscal year limita-*  
5           *tion, and shall be credited to the applicable appro-*  
6           *priation, account, or fund for the amount paid out of*  
7           *such appropriation, account, or fund for any expenses*  
8           *incurred or to be incurred by U.S. Customs and Bor-*  
9           *der Protection in providing U.S. Customs and Border*  
10           *Protection services under any such agreement and*  
11           *any other costs incurred or to be incurred by U.S.*  
12           *Customs and Border Protection relating to such serv-*  
13           *ices.*

14           “(2) *RETURN OF UNUSED FUNDS.*—*The Commis-*  
15           *sioner of U.S. Customs and Border Protection shall*  
16           *return any unused funds collected and deposited into*  
17           *the account described in paragraph (1) in the event*  
18           *that a fee agreement entered into under subsection (a)*  
19           *is terminated for any reason, or in the event that the*  
20           *terms of such fee agreement change by mutual agree-*  
21           *ment to cause a reduction of U.S. Customs and Bor-*  
22           *der Protections services. No interest shall be owed*  
23           *upon the return of any such unused funds.*

24           “(f) *TERMINATION.*—

1           “(1) *IN GENERAL.*—*The Commissioner of U.S.*  
2           *Customs and Border Protection shall terminate the*  
3           *provision of services pursuant to a fee agreement en-*  
4           *tered into under subsection (a) with an entity that,*  
5           *after receiving notice from the Commissioner that a*  
6           *fee under subsection (d) is due, fails to pay such fee*  
7           *in a timely manner. In the event of such termination,*  
8           *all costs incurred by U.S. Customs and Border Pro-*  
9           *tection which have not been paid shall become imme-*  
10           *diately due and payable. Interest on unpaid fees shall*  
11           *accrue based on the rate and amount established*  
12           *under sections 6621 and 6622 of the Internal Revenue*  
13           *Code of 1986.*

14           “(2) *PENALTY.*—*Any entity that, after notice*  
15           *and demand for payment of any fee under subsection*  
16           *(d), fails to pay such fee in a timely manner shall be*  
17           *liable for a penalty or liquidated damage equal to two*  
18           *times the amount of such fee. Any such amount col-*  
19           *lected pursuant to this paragraph shall be deposited*  
20           *into the appropriate account specified under sub-*  
21           *section (e) and shall be available as described in such*  
22           *subsection.*

23           “(g) *ANNUAL REPORT.*—*The Commissioner of U.S.*  
24           *Customs and Border Protection shall submit to the Com-*  
25           *mittee on Homeland Security and the Committee on Appro-*

1 *priations of the House of Representatives and the Com-*  
2 *mittee on Homeland Security and Governmental Affairs*  
3 *and the Committee on Appropriations of the Senate an an-*  
4 *nual report identifying the activities undertaken and the*  
5 *agreements entered into pursuant to this section.*

6 **“SEC. 482. PORT OF ENTRY DONATION AUTHORITY.**

7 *“(a) AGREEMENTS AUTHORIZED.—*

8 *“(1) IN GENERAL.—The Commissioner of U.S.*  
9 *Customs and Border Protection, in collaboration with*  
10 *the Administrator of the General Services Adminis-*  
11 *tration as applicable under subsection (f), may enter*  
12 *into an agreement with any entity to accept a dona-*  
13 *tion of real or personal property, including monetary*  
14 *donations, or nonpersonal services, for uses described*  
15 *in subsection (c) at a new or existing land, sea, or*  
16 *air port of entry, or any facility or other infrastruc-*  
17 *ture at a location at which U.S. Customs and Border*  
18 *Protection performs or will be performing inspection*  
19 *services.*

20 *“(2) GSA.—If the Administrator of the General*  
21 *Services Administration owns or leases a new or ex-*  
22 *isting land port of entry at a location at which U.S.*  
23 *Customs and Border Protection performs or will be*  
24 *performing inspection services, the Administrator, in*  
25 *collaboration with the Commissioner of U.S. Customs*

1       *and Border Protection, may enter into an agreement*  
2       *with any entity to accept a donation of real or per-*  
3       *sonal property, including monetary donations, or*  
4       *nonpersonal services, at such location for uses de-*  
5       *scribed in subsection (c).*

6       “(b) *LIMITATION ON MONETARY DONATIONS.—Any*  
7       *monetary donation accepted pursuant to subsection (a) may*  
8       *not be used to pay the salaries of U.S. Customs and Border*  
9       *Protection employees performing inspection services.*

10       “(c) *USE.—Donations accepted pursuant to subsection*  
11       *(a) may be used for activities related to construction, alter-*  
12       *ation, operation, or maintenance of a new or existing land,*  
13       *sea, or air port of entry, as appropriate, or any facility*  
14       *or other infrastructure at a location at which U.S. Customs*  
15       *and Border Protection performs or will be performing in-*  
16       *spection services, including expenses related to—*

17               “(1) *land acquisition, design, construction, re-*  
18               *pair, or alteration;*

19               “(2) *furniture, fixtures, equipment, or tech-*  
20               *nology, including installation or the deployment*  
21               *thereof; and*

22               “(3) *operation and maintenance of such port of*  
23               *entry, facility, infrastructure, equipment, or tech-*  
24               *nology.*

1           “(d) *TRANSFER.*—Notwithstanding any other provi-  
2   sion of law, donations accepted by the Commissioner of U.S.  
3   Customs and Border Protection or the Administrator of the  
4   General Services Administration pursuant to subsection (a)  
5   may be transferred between U.S. Customs and Border Pro-  
6   tection and the General Services Administration.

7           “(e) *DURATION.*—An agreement entered into under  
8   subsection (a) may last as long as required to meet the  
9   terms of such agreement.

10          “(f) *ROLE OF THE ADMINISTRATOR.*—The role, in-  
11   volvement, and authority of the Administrator of the Gen-  
12   eral Services Administration under this section shall be  
13   limited to donations made at new or existing land ports  
14   of entry, facilities, or other infrastructure owned or leased  
15   by the General Services Administration.

16          “(g) *COORDINATION.*—In carrying out agreements en-  
17   tered into under subsection (a), the Commissioner of U.S.  
18   Customs and Border Protection and the Administrator of  
19   the General Services Administration shall establish criteria  
20   that includes the following:

21                 “(1) Selection and evaluation of donors.

22                 “(2) Identification of roles and responsibilities  
23   between U.S. Customs and Border Protection, the  
24   General Services Administration, and donors.

1           “(3) *Decision-making and dispute resolution*  
2           *processes.*

3           “(4) *Processes for U.S. Customs and Border Pro-*  
4           *tection and the General Services Administration to*  
5           *terminate agreements if selected donors are not meet-*  
6           *ing the terms of any such agreement, including the se-*  
7           *curity standards established by U.S. Customs and*  
8           *Border Protection.*

9           “(h) *EVALUATION PROCEDURES.—*

10           “(1) *IN GENERAL.—Not later than 180 days*  
11           *after the date of the enactment of this Act, the Com-*  
12           *missioner of U.S. Customs and Border Protection, in*  
13           *consultation with the Administrator of the General*  
14           *Services Administration, as appropriate, shall—*

15                   “(A) *establish criteria for evaluating a pro-*  
16                   *posal to enter into an agreement under sub-*  
17                   *section (a); and*

18                   “(B) *make such criteria publicly available.*

19           “(2) *CONSIDERATIONS.—Criteria established*  
20           *pursuant to paragraph (1) shall consider the fol-*  
21           *lowing:*

22                   “(A) *The impact of such proposal on the*  
23                   *land, sea, or air port of entry or facility or other*  
24                   *infrastructure at issue and other ports of entry*

1           *or similar facilities or other infrastructure near*  
2           *the location of the proposed donation.*

3           “(B) *The proposal’s potential to increase*  
4           *trade and travel efficiency through added capac-*  
5           *ity.*

6           “(C) *The proposal’s potential to enhance the*  
7           *security of the port of entry or facility or other*  
8           *infrastructure at issue.*

9           “(D) *The funding available to complete the*  
10          *intended use of a donation under this subsection,*  
11          *if such donation is real property.*

12          “(E) *The costs of maintaining and oper-*  
13          *ating such donation.*

14          “(F) *Whether such donation, if real prop-*  
15          *erty, satisfies the requirements of such proposal,*  
16          *or whether additional real property would be re-*  
17          *quired.*

18          “(G) *The impact of such proposal on U.S.*  
19          *Customs and Border Protection staffing require-*  
20          *ments.*

21          “(H) *Other factors that the Commissioner*  
22          *or Administrator determines to be relevant.*

23          “(3) *DETERMINATION AND NOTIFICATION.—Not*  
24          *later than 180 days after receiving a proposal to*  
25          *enter into an agreement under subsection (a), the*

1        *Commissioner of U.S. Customs and Border Protection*  
2        *shall make a determination to deny or approve such*  
3        *proposal, and shall notify the entity that submitted*  
4        *such proposal of such determination.*

5        *“(i) SUPPLEMENTAL FUNDING.—Donations made pur-*  
6        *suant to subsection (a) may be used in addition to any*  
7        *other funding for such purpose, including appropriated*  
8        *funds, property, or services.*

9        *“(j) RETURN OF DONATIONS.—The Commissioner of*  
10       *U.S. Customs and Border Protection or the Administrator*  
11       *of the General Services Administration, as the case may*  
12       *be, may return any donation made pursuant to subsection*  
13       *(a). No interest shall be owed to the donor with respect to*  
14       *any donation provided under such subsection that is re-*  
15       *turned pursuant to this subsection.*

16       *“(k) ANNUAL REPORTS.—The Commissioner of U.S.*  
17       *Customs and Border Protection, in collaboration with the*  
18       *Administrator of the General Services Administration, as*  
19       *appropriate, shall submit to the Committee on Homeland*  
20       *Security, the Committee on Transportation and Infrastruc-*  
21       *ture, and the Committee on Appropriations of the House*  
22       *of Representatives and the Committee on Homeland Secu-*  
23       *rity and Governmental Affairs, the Committee on Environ-*  
24       *ment and Public Works, and the Committee on Appropria-*  
25       *tions of the Senate an annual report identifying the activi-*

1 *ties undertaken and agreements entered into pursuant to*  
2 *this section.*

3       “(l) *RULE OF CONSTRUCTION.*—*Except as otherwise*  
4 *provided in this section, nothing in this section may be con-*  
5 *strued as affecting in any manner the responsibilities, du-*  
6 *ties, or authorities of U.S. Customs and Border Protection*  
7 *or the General Services Administration.*

8 **“SEC. 483. CURRENT AND PROPOSED AGREEMENTS.**

9       “*Nothing in this subtitle may be construed as affecting*  
10 *in any manner—*

11               “(1) *any agreement entered into pursuant to sec-*  
12 *tion 560 of division D of the Consolidated and Fur-*  
13 *ther Continuing Appropriations Act, 2013 (Public*  
14 *Law 113–6) or section 559 of title V of division F of*  
15 *the Consolidated Appropriations Act, 2014 (6 U.S.C.*  
16 *211 note; Public Law 113–76), as in existence on the*  
17 *day before the date of the enactment of this subtitle,*  
18 *and any such agreement shall continue to have full*  
19 *force and effect on and after such date; or*

20               “(2) *a proposal accepted for consideration by*  
21 *U.S. Customs and Border Protection pursuant to such*  
22 *section 559, as in existence on the day before such*  
23 *date of enactment.*

24 **“SEC. 484. DEFINITIONS.**

25       “*In this subtitle:*

1           “(1) *DONOR*.—The term ‘donor’ means any enti-  
2           ty that is proposing to make a donation under this  
3           Act.

4           “(2) *ENTITY*.—The term ‘entity’ means any—  
5                   “(A) person;  
6                   “(B) partnership, corporation, trust, estate,  
7                   cooperative, association, or any other organized  
8                   group of persons;  
9                   “(C) Federal, State or local government (in-  
10                  cluding any subdivision, agency or instrumen-  
11                  tality thereof); or  
12                  “(D) any other private or governmental en-  
13                  tity.”.

14           (b) *CLERICAL AMENDMENT*.—The table of contents in  
15           section 1(b) of the Homeland Security Act of 2002 is  
16           amended by adding at the end of the list of items relating  
17           to title IV the following new items:

          “Subtitle G—U.S. Customs and Border Protection Public Private Partnerships

          “Sec. 481. Fee agreements for certain services at ports of entry.

          “Sec. 482. Port of entry donation authority.

          “Sec. 483. Current and proposed agreements.

          “Sec. 484. Definitions.”.

18           (c) *REPEALS*.—Section 560 of division D of the Con-  
19           solidated and Further Continuing Appropriations Act,  
20           2013 (Public Law 113–6) and section 559 of title V of divi-  
21           sion F of the Consolidated Appropriations Act, 2014 (6  
22           U.S.C. 211 note; Public Law 113–76) are repealed.

1 **SEC. 5. COST-BENEFIT ANALYSIS OF CO-LOCATING OPER-**  
2 **ATIONAL ENTITIES.**

3 (a) *IN GENERAL.*—For any location in which U.S.  
4 Customs and Border Protection’s Office of Air and Marine  
5 Operations is based within 45 miles of locations where any  
6 other Department of Homeland Security agency also oper-  
7 ates air and marine assets, the Secretary of Homeland Se-  
8 curity shall conduct a cost-benefit analysis to consider the  
9 potential cost of and savings derived from co-locating avia-  
10 tion and maritime operational assets of the respective agen-  
11 cies of the Department. In analyzing such potential cost  
12 savings achieved by sharing aviation and maritime facili-  
13 ties, such analysis shall consider, at a minimum, the fol-  
14 lowing factors:

15 (1) *Potential enhanced cooperation derived from*  
16 *Department personnel being co-located.*

17 (2) *Potential costs of, and savings derived*  
18 *through, shared maintenance and logistics facilities*  
19 *and activities.*

20 (3) *Joint use of base and facility infrastructure,*  
21 *such as runways, hangars, control towers, operations*  
22 *centers, piers and docks, bathhouses, and fuel depots.*

23 (4) *Potential operational costs of co-locating*  
24 *aviation and maritime assets and personnel.*

25 (5) *Short term moving costs required in order to*  
26 *co-locate facilities.*

1           (6) *Acquisition and infrastructure costs for en-*  
2           *larging current facilities, as needed.*

3           (b) *REPORT.*—*Not later than one year after the date*  
4 *of the enactment of this Act, the Secretary of Homeland Se-*  
5 *curity shall submit to the Committee on Homeland Security*  
6 *of the House of Representatives and the Committee on*  
7 *Homeland Security and Governmental Affairs of the Senate*  
8 *a report summarizing the results of the cost-benefit analysis*  
9 *required under subsection (a) and any planned actions*  
10 *based upon such results.*

11 **SEC. 6. STRATEGIC PERSONNEL PLAN FOR U.S. CUSTOMS**  
12                           **AND BORDER PROTECTION PERSONNEL DE-**  
13                           **PLOYED ABROAD.**

14           (a) *IN GENERAL.*—*Not later than 270 days of after*  
15 *the date of the enactment of this Act, the Commissioner of*  
16 *U.S. Customs and Border Protection shall provide to the*  
17 *Committee on Homeland Security of the House of Rep-*  
18 *resentatives and the Committee on Homeland Security and*  
19 *Governmental Affairs of the Senate a three year strategic*  
20 *plan for deployment of U.S. Customs and Border Protection*  
21 *(in this section referred to as “CBP”) personnel to locations*  
22 *outside the United States.*

23           (b) *CONTENTS.*—*The plan required under subsection*  
24 (a) *shall include the following:*

1           (1) *A risk-based method for determining expansion*  
2           *of CBP international programs to new locations,*  
3           *given resource constraints.*

4           (2) *A plan to ensure CBP personnel deployed at*  
5           *locations outside the United States have appropriate*  
6           *oversight and support to ensure performance in support*  
7           *of program goals.*

8           (3) *Information on planned future deployments*  
9           *of CBP personnel for a three year period, together*  
10          *with corresponding information on locations for such*  
11          *deployments outside the United States.*

12          (c) *CONSIDERATIONS.—In preparing the plan required*  
13          *under subsection (a), the Commissioner of U.S. Customs*  
14          *and Border Protection shall consider, and include information*  
15          *on, the following:*

16               (1) *Existing CBP programs in operation outside*  
17               *of the United States, together with specific information*  
18               *on locations outside the United States in which*  
19               *each such program operates.*

20               (2) *The number of CBP personnel deployed at*  
21               *each location outside the United States during the*  
22               *preceding fiscal year.*

1 **SEC. 7. THREAT ASSESSMENT FOR UNITED STATES-BOUND**  
2 **INTERNATIONAL MAIL.**

3 *Not later than 180 days after the date of the enactment*  
4 *of this Act, the Commissioner of U.S. Customs and Border*  
5 *Protection shall submit to the Committee on Homeland Se-*  
6 *curity of the House of Representatives and the Committee*  
7 *on Homeland Security and Governmental Affairs of the*  
8 *Senate an assessment of the security threats posed by*  
9 *United States-bound international mail.*

10 **SEC. 8. EVALUATION OF COAST GUARD DEPLOYABLE SPE-**  
11 **CIALIZED FORCES.**

12 *(a) IN GENERAL.—Not later than one year after the*  
13 *date of the enactment of this Act, the Comptroller General*  
14 *of the United States shall submit to the Committee on*  
15 *Homeland Security and the Committee on Transportation*  
16 *and Infrastructure of the House of Representatives and the*  
17 *Committee on Homeland Security and Governmental Af-*  
18 *airs and the Committee on Commerce, Science, and Trans-*  
19 *portation of the Senate a report that describes and assesses*  
20 *the state of the Coast Guard’s Deployable Specialized Forces*  
21 *(in this section referred to as the “DSF”). Such report shall*  
22 *include, at a minimum, the following elements:*

23 *(1) For each of the past three fiscal years, and*  
24 *for each type of DSF, the following:*

25 *(A) A cost analysis, including training, op-*  
26 *erating, and travel costs.*

1                   (B) *The number of personnel assigned.*

2                   (C) *The total number of units.*

3                   (D) *The total number of operations con-*  
4 *ducted.*

5                   (E) *The number of operations requested by*  
6 *each of the following:*

7                   (i) *The Coast Guard.*

8                   (ii) *Other components or offices of the*  
9 *Department of Homeland Security.*

10                  (iii) *Other Federal departments or*  
11 *agencies.*

12                  (iv) *State agencies.*

13                  (v) *Local agencies.*

14                  (F) *The number of operations fulfilled by*  
15 *the entities specified in subparagraph (E).*

16                  (2) *Mission impact, feasibility, and cost, includ-*  
17 *ing potential cost savings, of consolidating DSF capa-*  
18 *bilities, including the following scenarios:*

19                         (A) *Combining DSFs, primarily focused on*  
20 *counterdrug operations, under one centralized*  
21 *command.*

22                         (B) *Distributing counter-terrorism and*  
23 *anti-terrorism capabilities to DSFs in each*  
24 *major United States port.*

1           (b) *DEPLOYABLE SPECIALIZED FORCE DEFINED.*—In  
2 *this section, the term “Deployable Specialized Force” means*  
3 *a unit of the Coast Guard that serves as a quick reaction*  
4 *force designed to be deployed to handle counter-drug,*  
5 *counter-terrorism, and anti-terrorism operations or other*  
6 *maritime threats to the United States.*

7 **SEC. 9. CUSTOMS-TRADE PARTNERSHIP AGAINST TER-**  
8 **RORISM IMPROVEMENT.**

9           (a) *C-TPAT EXPORTERS.*—Section 212 of the Security  
10 *and Accountability for Every Port Act of 2006 (6 U.S.C.*  
11 *962) is amended by inserting “exporters,” after “Import-*  
12 *ers,”.*

13           (b) *RECOGNITION OF OTHER COUNTRIES’ TRUSTED*  
14 *SHIPPER PROGRAMS.*—

15           (1) *IN GENERAL.*—Section 218 of the Security  
16 *and Accountability for Every Port Act of 2006 (6*  
17 *U.S.C. 968) is amended to read as follows:*

18 **“SEC. 218. RECOGNITION OF OTHER COUNTRIES’ TRUSTED**  
19 **SHIPPER PROGRAMS.**

20           *“Not later than 30 days before signing an arrangement*  
21 *between the United States and a foreign government pro-*  
22 *viding for mutual recognition of supply chain security*  
23 *practices which might result in the utilization of benefits*  
24 *described in section 214, 215, or 216, the Secretary shall—*

1           “(1) notify the appropriate congressional com-  
2           mittees of the proposed terms of such arrangement;  
3           and

4           “(2) determine, in consultation with the Com-  
5           missioner, that such foreign government’s supply  
6           chain security program provides comparable security  
7           as that provided by C-TPAT.”.

8           (2) *CLERICAL AMENDMENT.*—*The table of con-*  
9           *tents in section 1(b) of the Security and Account-*  
10          *ability for Every Port Act of 2006 is amended by*  
11          *amending the item relating to section 218 to read as*  
12          *follows:*

          “*Sec. 218. Recognition of other countries’ trusted shipper programs.*”.

13   **SEC. 10. STRATEGIC PLAN TO ENHANCE THE SECURITY OF**  
14                           **THE INTERNATIONAL SUPPLY CHAIN.**

15          *Paragraph (2) of section 201(g) of the Security and*  
16          *Accountability for Every Port Act of 2006 (6 U.S.C. 941)*  
17          *is amended to read as follows:*

18               “(2) *UPDATES.*—*Not later than 270 days after*  
19               *the date of the enactment of this paragraph and every*  
20               *three years thereafter, the Secretary shall submit to*  
21               *the appropriate congressional committees a report*  
22               *that contains an update of the strategic plan de-*  
23               *scribed in paragraph (1).”.*

1 **SEC. 11. CONTAINER SECURITY INITIATIVE.**

2 *Subsection (l) of section 205 of the Security and Ac-*  
3 *countability for Every Port Act of 2006 (6 U.S.C. 945) is*  
4 *amended—*

5 *(1) by striking “(1) IN GENERAL.—Not later*  
6 *than September 30, 2007,” and inserting “Not later*  
7 *than 270 days after the date of the enactment of the*  
8 *Border and Maritime Security Coordination Im-*  
9 *provement Act,”;*

10 *(2) by redesignating subparagraphs (A) through*  
11 *(H) as paragraphs (1) through (8), respectively (and*  
12 *by moving the margins of such paragraphs 2 ems to*  
13 *the left); and*

14 *(3) by striking paragraph (2).*

15 **SEC. 12. TRANSPORTATION WORKER IDENTIFICATION CRE-**  
16 **DENTIAL WAIVER AND APPEALS PROCESS.**

17 *(a) IN GENERAL.—Section 70105 of title 46, United*  
18 *States Code, is amended by adding at the end the following*  
19 *new section:*

20 *“(r) SECURING THE TRANSPORTATION WORKER IDEN-*  
21 *TIFICATION CREDENTIAL AGAINST USE BY UNAUTHORIZED*  
22 *ALIENS.—*

23 *“(1) IN GENERAL.—The Secretary, acting*  
24 *through the Administrator of the Transportation Se-*  
25 *curity Administration, shall seek to strengthen the in-*  
26 *tegrity of transportation security cards issued under*

1        *this section against improper access by an individual*  
2        *who is not lawfully present in the United States.*

3            “(2) *COMPONENTS.*—*In carrying out subsection*  
4        *(a), the Administrator of the Transportation Security*  
5        *Administration shall—*

6            “(A) *publish a list of documents that will*  
7        *identify non-United States citizen transportation*  
8        *security card applicants and verify the immigra-*  
9        *tion statuses of such applicants by requiring*  
10       *each such applicant to produce a document or*  
11       *documents that demonstrate—*

12            “(i) *identity; and*

13            “(ii) *proof of lawful presence in the*  
14        *United States; and*

15            “(B) *enhance training requirements to en-*  
16        *sure that trusted agents at transportation secu-*  
17        *rity card enrollment centers receive training to*  
18        *identify fraudulent documents.*

19            “(3) *EXPIRATION.*—*A transportation security*  
20        *card issued under this section expires on the date of*  
21        *its expiration or on the date on which the individual*  
22        *to whom such card is issued is no longer lawfully en-*  
23        *titled to be present in the United States, whichever is*  
24        *earlier.”.*

1       (b) *REPORT.*—Not later than 90 days after the date  
2 of the enactment of this Act, the Secretary of Homeland Se-  
3 curity shall provide to the Committee on Homeland Secu-  
4 rity of the House of Representatives and the Committee on  
5 Commerce, Science, and Transportation of the Senate infor-  
6 mation on the following:

7           (1) *The average time for the completion of an*  
8 *appeal under the appeals process established pursuant*  
9 *to paragraph (4) of subsection (c) of section 70105 of*  
10 *title 46, United States Code.*

11           (2) *The most common reasons for any delays at*  
12 *each step in such process.*

13           (3) *Recommendations on how to resolve any such*  
14 *delays as expeditiously as possible.*

15 **SEC. 13. ANNUAL REPORT ON U.S. CUSTOMS AND BORDER**  
16 **PROTECTION STAFFING.**

17       *Not later than 30 days after the date of the enactment*  
18 *of this Act and annually thereafter, the Commissioner of*  
19 *U.S. Customs and Border Protection shall submit to the*  
20 *Committee on Homeland Security of the House of Rep-*  
21 *resentatives and the Committee on Homeland Security and*  
22 *Governmental Affairs of the Senate a report on the staffing*  
23 *model for the Office of Field Operations, including informa-*  
24 *tion on how many supervisors, front-line Customs and Bor-*

1 *der Protection officers, Agriculture Specialists, and support*  
2 *personnel are assigned to each field office and port of entry.*

3 **SEC. 14. CONFORMING AMENDMENTS.**

4 *Subtitle B of title IV of the Homeland Security Act*  
5 *of 2002 (6 U.S.C. 211 et seq.) is amended—*

6 *(1) by striking “United States Customs Service”*  
7 *each place it appears and inserting “U.S. Customs*  
8 *and Border Protection”;*

9 *(2) by striking “Commissioner of Customs” each*  
10 *place it appears and inserting “Commissioner of U.S.*  
11 *Customs and Border Protection”;*

12 *(3) in the heading of such subtitle, by striking*  
13 *“**United States Customs Service**” and insert-*  
14 *ing “**U.S. Customs and Border Protection**”;*  
15 *and*

16 *(4) in section 411—*

17 *(A) in the section heading, by striking*  
18 *“**COMMISSIONER OF CUSTOMS**” and insert-*  
19 *ing “**COMMISSIONER OF U.S. CUSTOMS AND***  
20 ***BORDER PROTECTION**”;* *and*

21 *(B) in subsection (b)—*

22 *(i) in the subsection heading, by strik-*  
23 *ing “**COMMISSIONER OF CUSTOMS**” and in-*  
24 *serting “**COMMISSIONER OF U.S. CUSTOMS***  
25 ***AND BORDER PROTECTION**”;* *and*

1                   (ii) in paragraph (1), by striking  
2                   “Customs Service” and inserting “U.S.  
3                   Customs and Border Protection”.

4 **SEC. 15. REPEALS.**

5           *The following provisions of the Security and Account-*  
6 *ability for Every Port Act of 2006 (Public Law 109–347)*  
7 *are repealed:*

8           (1) *Section 105 (and the item relating to such*  
9 *section in the table of contents of such Act).*

10           (2) *Subsection (c) of section 108.*

11           (3) *Subsections (c), (d), and (e) of section 121 (6*  
12 *U.S.C. 921).*

13           (4) *Section 122 (6 U.S.C. 922) (and the item re-*  
14 *lating to such section in the table of contents of such*  
15 *Act).*

16           (5) *Section 127 (and the item relating to such*  
17 *section in the table of contents of such Act).*

18           (6) *Subsection (c) of section 233 (6 U.S.C. 983).*

19           (7) *Section 235 (6 U.S.C. 984) (and the item re-*  
20 *lating to such section in the table of contents of such*  
21 *Act).*

22           (8) *Section 701 (and the item relating to such*  
23 *section in the table of contents of such Act).*

24           (9) *Section 708 (and the item relating to such*  
25 *section in the table of contents of such Act).*



Union Calendar No. 372

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3586**

[Report No. 114-488, Part I]

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## **A BILL**

To amend the Homeland Security Act of 2002 to improve border and maritime security coordination in the Department of Homeland Security, and for other purposes.

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APRIL 12, 2016

Reported from the Committee on Homeland Security  
with an amendment

APRIL 12, 2016

The Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed