

CROSS-BORDER RAIL SECURITY ACT OF 2015

JULY 28, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 2786]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 2786) to require the Commissioner of U.S. Customs and Border Protection to submit a report on cross-border rail security, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 2786 requires the Commissioner of U.S. Customs and Border Protection (CBP) to submit a report to Congress on high-risk rail shipments entering the United States. The report would include the frequency and location of such high-risk shipments as well as an assessment of the radiation detection equipment currently in place, an assessment of whether additional equipment is necessary; and a plan for additional training and guidance for CBP personnel. This bill would also require the Government Accountability Office (GAO) to conduct periodic audits to assess the effectiveness of CBP targeting of cross-border rail shipments.

BACKGROUND AND NEED FOR LEGISLATION

The CBP's Office of Field Operations is principally responsible for facilitating trade and travel entering the United States and ensuring adequate security measures. CBP attempts to prevent terrorist and terrorist instruments from entering the United States and works to enforce trade, agriculture, and immigration regulations across all transportation domains.

The CBP uses its Automated Targeting System (ATS) to target shipments to the United States that may pose a high risk. The DHS Inspector General reported in March of 2015 that high-risk rail shipments arriving in the U.S. from Canada and Mexico were not being targeted and screened properly. This bill fulfills the recommendations from the DHS Office of Inspector General. Particularly since rail cargo is expected to increase in volume over the next ten years, ensuring CBP complies with its standards for targeting and screening of rail cargo is imperative for border security.

HEARINGS

No hearings were held on H.R. 2786.

COMMITTEE CONSIDERATION

The Committee met on June 23, 2015, to consider H.R. 2786, and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by voice vote.

COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 2786.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX
EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 2786, the Cross-Border Rail Security Act of 2015, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 10, 2015.

Hon. MICHAEL MCCAUL,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2786, the Cross-Border Rail Security Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 2786—Cross-Border Rail Security Act of 2015

H.R. 2786 would require Customs and Border Protection (CBP), within 180 days of the bill's enactment, to submit a report to the Congress on the inspection of goods entering the United States by rail. The legislation also would direct the Government Accountability Office to periodically audit CBP inspection operations at rail crossings along the northern and southern U.S. borders.

Based on the costs of similar reports and audits, CBO estimates that implementing H.R. 2786 would cost about \$1 million in 2016 and less than \$500,000 annually thereafter, assuming appropriation of the necessary funds. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 2786 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 2786 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The general performance goal or objective of this bill is to ensure Customs and Border Protection adequately screens high-risk cross-border rail shipments prior to entry into the United States. This bill would ensure CBP targeting systems properly screen high-risk shipments, and fulfill recommendations of the DHS Office of Inspector General through reporting to Congress and auditing mechanisms by the Government Accountability Office.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 2786 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 2786 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 2786 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section provides that bill may be cited as the “Cross-Border Rail Security Act of 2015”.

*Section 2. Cross-Border Rail Security.**(a) In General.*

Subsection (a) requires the Commissioner of CBP to submit to Congress a report on the number of shipments determined to be high-risk by the Commissioner entering the country by rail every year, specific details on the status of radiation detection units at each rail crossing on both the northern and southern borders, and an assessment of whether additional radiation detection equipment is necessary to ensure that all cross-border rail shipments determined to be high-risk are examined with appropriate equipment.

The Committee expects CBP to ensure proper security measures are taken for all inbound shipments to the United States regardless of the mode of transportation. It is estimated that rail cargo entering the U.S. will increase significantly in the coming years. This legislation will help ensure CBP follows its own protocols for handling rail cargo shipments it identifies as high risk.

This legislation also requires a plan to ensure that all relevant CBP personnel receive adequate training and guidance on the use of CBP’s Automated Targeting System for high-risk cross-border rail shipments, the use of appropriate radiation detection equipment to examine these types of shipments, and requirements for recording examination results.

The Committee believes increasing the training in the rail environment will help CBP officers better target and vet high-risk rail shipments.

(b) GAO Audit.

Subsection (b) requires the Comptroller General of the United States to periodically audit CBP operations at rail crossing along both northern and southern international borders to ensure rail shipments are targeted, examined, and the results of these examinations are properly documented.

The Committee expects the frequency of the required reports to facilitate the necessary oversight to ensure CBP makes steady progress toward securing cargo shipments in the rail environment.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported, H.R. 2786 makes no changes to existing law.