

REDUCING EXCESSIVE VETTING AUTHORITIES TO
 MAINTAIN OUR PORTS ACT

DECEMBER 6, 2024.—Committed to the Committee of the Whole House on the State
 of the Union and ordered to be printed

Mr. GREEN of Tennessee, from the Committee on Homeland
 Security, submitted the following

R E P O R T

[To accompany H.R. 8150]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 8150) to require the Commissioner of U.S. Customs and Border Protection to establish procedures for conducting maintenance projects at ports of entry at which the Office of Field Operations conducts certain enforcement and facilitation activities, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Reducing Excessive Vetting Authorities to Maintain our Ports Act” or the “REVAMP Act”.

SEC. 2. PORT MAINTENANCE.

(a) **IN GENERAL.**—Section 411(o) of the Homeland Security Act of 2002 (6 U.S.C. 211(o)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) **PORT MAINTENANCE.**—

“(A) **PROCEDURES.**—

“(i) **IN GENERAL.**—Notwithstanding section 3305 of title 40, United States Code, subject to subparagraphs (B) and (C), the Commissioner, in consultation with the Administrator of General Services—

“(I) shall establish guidance and procedures by which U.S. Customs and Border Protection may conduct maintenance and repair projects costing not more than \$300,000 in the physical space at any Federal Government-owned port of entry at which the Office of Field Operations performs any of the activities described in subparagraphs (A) through (G) of subsection (g)(3); and

“(II) is authorized to perform such maintenance and repair projects, subject to the procedures described in clause (ii).

“(ii) **GUIDANCE AND PROCEDURES DESCRIBED.**—The guidance and procedures established pursuant to clause (i) shall include—

“(I) a description of the types of projects that may be carried out pursuant to clause (i); and

“(II) the procedures for identifying and addressing any impacts on other tenants of facilities where such projects will be carried out.

“(iii) **PUBLICATION OF GUIDANCE AND PROCEDURES.**—The guidance and procedures established pursuant to clause (i) shall be published in the Federal Register.

“(iv) **RULE OF CONSTRUCTION.**—The publication of guidance and procedures under clause (iii) shall not impact the authority of the Commissioner to update such procedures, in consultation with the Administrator, as appropriate.

“(B) **LIMITATION.**—The authority under subparagraph (A) shall only be available for maintenance and repair projects involving existing infrastructure, property, and capital at any port of entry described in subparagraph (A).

“(C) **ANNUAL ADJUSTMENTS.**—The Commissioner shall annually adjust the amount described in subparagraph (A) by the percentage (if any) by which the Consumer Price Index for All Urban Consumers for the month of June preceding the date on which such adjustment takes effect exceeds the Consumer Price Index for All Urban Consumers for the same month of the preceding calendar year.

“(D) **RULE OF CONSTRUCTION.**—Nothing in this paragraph may be construed to affect the availability of funding from—

“(i) the Federal Buildings Fund established under section 592 of title 40, United States Code;

“(ii) the Donation Acceptance Program established under section 482;

or

“(iii) any other statutory authority or appropriation for projects described in subparagraph (A).”.

(b) **REPORTING.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act and annually thereafter, the Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Appropriations of the House of Representatives a report that includes the elements described in paragraph (2).

(2) **ELEMENTS.**—The elements described in this paragraph are the following:

(A) A summary of all maintenance projects conducted pursuant to section 411(o)(3) of the Homeland Security Act of 2002, as added by subsection (a), during the prior fiscal year.

(B) Information relating to the cost of each project referred to in subparagraph (A).

(C) An identification of the account that funded each such project, if applicable.

(D) any budgetary transfers, if applicable, that funded each such project.

(c) TECHNICAL AMENDMENT.—Section 422(a) of the Homeland Security Act of 2002 (6 U.S.C. 232(a)) is amended by inserting “section 411(o)(3) of this Act and” after “Administrator under”.

PURPOSE AND SUMMARY

H.R. 8150, the “Reducing Excessive Vetting Authorities to Maintain our Ports Act” or “REVAMP Act,” directs the Commissioner of Customs and Border Protection (CBP), in consultation with the Administrator of the U.S. General Services Administration (GSA), to establish procedures that allow CBP to carry out maintenance and repair projects that cost up to \$300,000—adjusted annually for inflation—at federally owned land ports of entry. This legislation would also require an annual report to Congress which summarizes the maintenance projects and their associated costs.

BACKGROUND AND NEED FOR LEGISLATION

The General Services Administration is the Federal Government’s primary property management agency. GSA owns 122 of the 167 land ports of entry (LPOE) across the Northern and Southwest Borders.¹ CBP has jurisdiction over and exclusive inspection authority at LPOEs, where it controls the flow of persons and materials into and from the United States. GSA is responsible for the planning and execution of maintenance and repair work at GSA-owned facilities. Delays in GSA’s maintenance and repair work can fail to adequately meet CBP’s needs to address the challenges they encounter at ports.

There is growing concern regarding aging infrastructure at LPOEs and unmet maintenance needs. According to testimony from Acting Executive Assistant Commissioner of the Office of Field Operations (OFO) at CBP, Diane Sabatino, “[m]ore than two-thirds of our [land ports of entry] have not seen any capital improvements over the past decade.”²

GSA currently grants CBP the ability to perform limited maintenance and repair projects that cost less than \$100,000.³ This threshold is insufficient when accounting for the rising cost of goods and materials. Providing CBP enhanced authority to maintain and repair LPOEs will better enable them to perform their critical mission of safeguarding our borders and protecting trade.

HEARINGS

The Committee held the following hearings in the 118th Congress that informed H.R. 8150:

On April 19, 2023, the Committee on Homeland Security held a hearing entitled “A Review of the Fiscal Year 2024 Budget Request for the Department of Homeland Security” and received testimony

¹U.S. Gen. Serv. Admin., *Land Port of Entry Fact Sheet* (last visited June 7, 2024), <https://www.gsa.gov/real-estate/gsa-properties/land-ports-of-entry-and-the-bipartisan-infrastructure-law/land-port-of-entry-fact-sheet>.

²Diane Sabatino, Deputy Executive Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection, Testimony Before the Subcommittee on Government Operations and Border Management, U.S. Senate Committee on Homeland Security and Governmental Affairs (Nov. 17, 2021), available at <https://www.hsgac.senate.gov/library/files/diane-sabatino-testimony-sabatino-govops-nov-17-pdf>.

from the Honorable Alejandro Mayorkas, Secretary, U.S. Department of Homeland Security.

On July 18, 2023, the Subcommittee on Border Security and Enforcement and Subcommittee on Oversight, Investigations, and Accountability held a hearing entitled “Opening the Flood Gates: Biden’s Broken Border Barrier” and received testimony from (Panel I) Ntina Cooper, Acting Deputy Executive Assistant Commissioner for Enterprise Services, CBP; Colonel Jason Jefferis, Head of Contracting Activities, United States Army Corps of Engineers; Rebecca Gambler, Director of Homeland Security and Justice, United States Government Accountability Office; (Panel II) Ron Vitiello, Former Chief of U.S. Border Patrol, Retired; Jim De Sotle, Interim Chief Executive Officer, Lonestar Pipeline Contractors; Russell Johnson, Private Citizen, New Mexico Rancher; and Alexander Tenorio, M.D., UC San Diego Health Neurological Surgery Resident.

On April 16, 2024, the Committee on Homeland Security held a hearing entitled “A Review of the Fiscal Year 2025 Budget Request for the Department of Homeland Security” and received testimony from the Honorable Alejandro Mayorkas, Secretary, U.S. Department of Homeland Security.

COMMITTEE CONSIDERATION

The Committee met on Wednesday, June 12, 2024, a quorum being present, to consider H.R. 8150 and ordered the measure to be favorably reported to the House, as amended, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII 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. 8150.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X, are incorporated in the descriptive portions of this report.

CORRESPONDENCE WITH OTHER COMMITTEES

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U.S. House of Representatives

COMMITTEE ON WAYS AND MEANS
1139 LONGWORTH HOUSE OFFICE BUILDING
Washington, DC 20515

December 5, 2024

The Honorable Mark Green
Chairman
Committee on Homeland Security
H2-176 Ford House Office Building
Washington, D.C. 20515

Dear Chairman Green,

I am writing with respect to H.R. 8150, "To require the Commissioner of U.S. Customs and Border Protection to establish procedures for conducting maintenance projects at ports of entry at which the Office of Field Operations conducts certain enforcement and facilitation activities." As you noted, the Committee on Ways and Means was granted an additional referral on this bill. I agree to forego action, *at this time*, on this bill so that it may proceed expeditiously to the House floor for consideration.

The Committee on Ways and Means takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our jurisdiction. As you know, the Committee on Ways and Means received technical feedback on the bill from Customs and Border Protection, however, the bill under consideration does not include the modifications.

The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for such request.

Finally, I would appreciate your response to this letter confirming this understanding and would ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during floor consideration of H.R. 8150.

Sincerely,

Jason Smith
Chairman

cc: The Honorable Mike Johnson, Speaker, U.S. House of Representatives

The Honorable Richard Neal, Ranking Member, Committee on Ways and Means
The Honorable Bennie Thompson, Ranking Member, Committee on Homeland Security
Mr. Jason Smith, Parliamentarian, U.S. House of Representatives

MARK E. GREEN, MD, TENNESSEE
CHAIRMAN

BENNIE G. THOMPSON, MISSISSIPPI
RANKING MEMBER



One Hundred Eighteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

December 6, 2024

The Honorable Jason Smith
Chairman
Committee on Ways and Means
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Smith:

I write regarding H.R. 8150, "To require the Commissioner of U.S. Customs and Border Protection to establish procedures for conducting maintenance projects at ports of entry at which the Office of Field Operations conducts certain enforcement and facilitation activities," of which the Committee on Ways and Means received an additional referral. I appreciate your support in bringing this legislation before the House of Representatives, and that the Committee on Ways and Means will forego further consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration of this bill at this time, the Committee on Ways and Means does not waive jurisdiction over the subject matter contained in this legislation in the future. In addition, should a conference on this bill be necessary, I would support your request to have the Committee on Ways and Means represented on the conference committee.

I will include our letters on H.R. 8150 in the Committee report on this measure and in the *Congressional Record* during floor consideration of this bill. I look forward to working with you on this legislation and appreciate your cooperation on this matter.

Sincerely,

A handwritten signature in black ink that reads "Mark E. Green".

Mark E. Green, MD
Chairman

Cc: The Honorable Mike Johnson, Speaker, U.S. House of Representatives
The Honorable Bennie Thompson, Ranking Member, Committee on Homeland Security
The Honorable Richard Neal, Ranking Member, Committee on Ways and Means
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

CONGRESSIONAL BUDGET OFFICE ESTIMATE, NEW BUDGET
AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII and section 308(a) of the Congressional Budget Act of 1974, and with respect to the requirements of clause 3(c)(3) of rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee adopts as its own the estimate of any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures contained in the cost estimate prepared by the Director of the Congressional Budget Office.

At a Glance

Homeland Security Legislation

As ordered reported by the House Committee on Homeland Security on June 12, 2024

On June 12, 2024, the House Committee on Homeland Security ordered reported 13 bills. This comprehensive document provides estimates for 12 of those bills.

- None of the bills would impact direct spending or revenues; thus, pay-as-you-go procedures do not apply.
- Two of the bills would increase spending subject to appropriation by \$1 million or more over the 2024-2029 period. The other pieces of legislation would increase spending subject to appropriation by less than \$500,000 over the same period.
- None of the bills would increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2035.
- None of the bills contain intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

Details of the estimated costs of each bill are discussed in the text.

| Bill | Net Increase or Decrease (-) in the Deficit Over the 2024-2034 Period (Millions of Dollars) | Changes in Spending Subject to Appropriation Over the 2024-2029 Period (Outlays, Millions of Dollars) | Mandate Effects? |
|-----------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|---------------------|
| H.R. 4574 | 0 | 26 | No |
| H.R. 6229 | 0 | * | No |
| H.R. 8150 | 0 | 1 | No |
| H.R. 8631 | 0 | * | No |
| H.R. 8654 | 0 | * | No |
| H.R. 8655 | 0 | * | No |
| H.R. 8658 | 0 | * | No |
| H.R. 8662 | 0 | * | No |
| H.R. 8663 | 0 | * | No |
| H.R. 8664 | 0 | * | No |
| H.R. 8671 | 0 | * | No |
| H.R. 8675 | 0 | * | No |

* = between zero and \$500,000.

Legislation summary: On June 12, 2024, the House Committee on Homeland Security ordered 13 bills to be reported. This document provides estimates for 12 of those bills.

The legislation would:

- Require the Department of Homeland Security (DHS) to conduct a public information campaign on the dangers of traveling to the United States through Mexico from Central and South America;
- Codify the Special Event Assessment Rating (SEAR) program within DHS;

- Authorize U.S. Customs and Border Protection (CBP) to conduct its own maintenance at ports of entry for projects that cost less than \$300,000;
- Prohibit DHS from purchasing batteries or products that use batteries made by certain Chinese entities;
- Impose various reporting requirements on the Transportation Security Administration (TSA), DHS, and the Government Accountability Office (GAO);
- Require DHS to conduct research and development on equipment used by law enforcement agencies to detect illicit drugs; and
- Expand the employee rotational program within DHS to include intelligence analyst positions.

Estimated Federal cost: The estimated costs of the legislation fall within budget functions 400 (transportation) and 750 (administration of justice).

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted near the end of fiscal year 2024. The estimated costs do not include any interaction effects among the pieces of legislation. If all 12 bills were combined and enacted as a single piece of legislation, the estimated costs could be different than the sum of the separate estimates, although CBO expects that any difference would be small.

H.R. 4574, Cooperation on Combatting Human Smuggling and Trafficking Act: H.R. 4574 would require DHS to conduct public information campaigns about the dangers for migrants traveling across Mexico to the United States. H.R. 4574 also would require DHS to expand partnerships with law enforcement entities in Central and South America to combat human smuggling and trafficking.

Using information from DHS about the costs of similar public awareness campaigns, such as “If You See Something, Say Something” and the Blue Campaign, CBO estimates that it would cost \$5 million annually to implement the public information campaigns. Those costs would include hiring and training staff, engaging private contractors, and advertising. CBO estimates that it would cost DHS less than \$500,000 to comply with the bill’s other provisions because the agency already conducts those activities. In total, CBO estimates that implementing H.R. 4574 would cost \$26 million over the 2024–2029 period, assuming appropriation of the estimated amounts.

H.R. 6229, DHS Special Events Program and Support Act: H.R. 6229 would codify the Special Event Assessment Rating program that DHS currently administers. Under that program, state and local governments submit events to an inter-agency working group that assesses each event for potential security risks, such as terrorist attacks and other hazards. Depending on the level of risk determined by the group, DHS and other federal agencies may provide support to the state or local government in managing security operations for the event.

H.R. 6229 also would require DHS to engage in research and development of emerging technologies that would enhance the department’s efforts to support federal, state, local, tribal, and territorial agencies with respect to mass gatherings. Lastly, the bill would re-

quire DHS to report to the Congress annually on the program's activities and once every five years on the program's effectiveness.

Based on the costs of similar activities, CBO estimates implementing H.R. 6229 would cost less than \$500,000 over the 2024–2029 period, primarily to comply with the bill's reporting requirements. Any related spending would be subject to the availability of appropriated funds. Under current law, DHS already can conduct research and development on emerging technologies. On that basis, CBO estimates that the cost of implementing that provision and codifying the existing SEAR program would be insignificant.

H.R. 8150, REVAMP Act: H.R. 8150 would require U.S. Customs and Border Protection (CBP) to establish procedures to allow the agency to carry out maintenance and repair projects that cost less than \$300,000 at federally owned ports of entry without the direct involvement of the General Services Administration (GSA). Under the bill, that amount would be adjusted annually for inflation. The bill also would require CBP to consult with GSA before creating those procedures and report annually to the Congress on the projects it completed and their costs.

Using information from CBP, CBO estimates that implementing H.R. 8150 would cost \$1 million in administrative and personnel costs over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

H.R. 8631, Decoupling from Foreign Adversarial Battery Dependence Act: H.R. 8631 would, starting in fiscal year 2028, prohibit DHS from using appropriated funds to purchase a battery or a product that uses a battery made by certain Chinese entities. The bill would allow DHS to waive the prohibition under some circumstances, including if it determines that the battery would not pose a threat to national security. H.R. 8631 also would require DHS to report to the Congress within 180 days of enactment on the effect the prohibition would have on costs and operations.

Based on the costs of similar activities, CBO estimates that implementing H.R. 8631 would cost less than \$500,000. Any related spending would be subject to the availability of appropriated funds.

H.R. 8654, Streamlining Law Enforcement Information Sharing Act: H.R. 8654 would require the GAO to report to the Congress within one year of enactment on the Homeland Security Information Network. DHS uses that network to share information and intelligence with other law enforcement agencies, coordinate security for planned events, and respond to emergencies. Based on the costs of similar reports, CBO estimates that implementing H.R. 8654 would cost less than \$500,000 over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

H.R. 8655, Federal Air Marshal Enhancing Airport Security Act of 2024: H.R. 8655 would require TSA to develop a plan for the role of federal air marshals at certain airports and brief the Congress on that plan. Based on the costs of similar activities, CBO estimates that implementing the bill would cost less than \$500,000 over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

H.R. 8658, Emerging Digital Identity Ecosystem Report Act of 2024: H.R. 8658 would require TSA to report to the Congress on digital identity systems that allow credentials and other informa-

tion to be verified in a secure and efficient manner. Based on the costs of similar activities, CBO estimates that implementing the bill would cost less than \$500,000 over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

H.R. 8662, TSA Commuting Fairness Act: H.R. 8662 would require TSA to report to the Congress on the feasibility of treating the time that its employees spend commuting from airport parking lots to their workstations as on-duty hours. Based on the costs of similar activities, CBO estimates that implementing the bill would cost less than \$500,000 over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

H.R. 8663, DETECT Fentanyl and Xylazine Act of 2024: H.R. 8663 would require DHS to engage in research and development of technologies and equipment that would help federal, state, local, tribal, and territorial law enforcement agencies detect and disrupt illicit drug trafficking. Under current law, DHS already conducts research on equipment and technologies to detect and intercept illegal drugs. On that basis, CBO estimates that implementing H.R. 8663 would cost less than \$500,000. Any related spending would be subject to the availability of appropriated funds.

H.R. 8664, DHS Intelligence and Analysis Oversight and Transparency Act: H.R. 8664 would require DHS to annually audit its use of information systems and bulk data and report the results to the Congress. Based on the costs of similar activities, CBO estimates that implementing H.R. 8664 would cost less than \$500,000 over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

H.R. 8671, DHS Intelligence Rotational Assignment Program and Law Enforcement Support Act: H.R. 8671 would allow intelligence analysts to participate in DHS's in-house employee rotation program, which allows personnel to work temporarily in different component units. CBO expects that DHS would need to update policies and procedures to expand the current rotation program. Based on the costs of similar activities, CBO estimates that implementing H.R. 8671 would cost less than \$500,000 over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

H.R. 8675, Repair the National Law Enforcement Telecommunications Systems Act of 2024: H.R. 8675 would require TSA to report to the Congress on how the agency collects digital data about law enforcement officers who are armed when they fly. Based on the costs of similar activities, CBO estimates that implementing the bill would cost less than \$500,000 over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

Pay-As-You-Go considerations: Enacting any of the 12 bills in this estimate would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Increase in long-term net direct spending and deficits: CBO estimates that enacting any of the 12 bills in this estimate would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2035.

Mandates: None of the bills contain intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

Previous CBO Estimate: On April 10, 2023, CBO transmitted a cost estimate for S. 243, a bill to require the Commissioner of U.S. Customs and Border Protection to establish procedures for conducting maintenance projects at ports of entry at which the Office of Field Operations conducts certain enforcement and facilitation activities, as ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on March 29, 2023. S. 243 is similar to H.R. 8150, and CBO's estimate of the costs are the same for both bills.

Estimate prepared by: Federal Costs: Jeremy Crimm (Department of Homeland Security), Aaron Krupkin (Transportation Security Administration). Mandates: Rachel Austin, Brandon Lever.

Estimate reviewed by: Justin Humphrey, Chief, Finance, Housing, and Education Cost Estimates Unit; Robert Reese, Chief, Natural and Physical Resources Cost Estimates Unit; Kathleen Fitzgerald, Chief, Public and Private Mandates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

Estimate approved by: Phillip L. Swagel, Director, Congressional Budget Office.

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 of 1995.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 8150 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of H.R. 8150 is to require CBP, in consultation with GSA, to establish procedures for conducting maintenance projects at ports of entry.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

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 THE LEGISLATIVE BRANCH

The Committee finds that H.R. 8150 does not relate to the terms and conditions of employment or access to public services or accom-

modations 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 states that the Act may be cited as the “Reducing Excessive Vetting Authorities to Maintain our Ports Act” or the “REVAMP Act.”

Section 2. Port maintenance

This section directs the Commissioner of Customs and Border Protection (CBP), in consultation with the Administrator of the General Services Administration (GSA), to establish procedures that allow CBP to carry out maintenance and repair projects that cost up to \$300,000 at federally owned land ports of entry involving existing infrastructure.

This section would require CBP to adjust the \$300,000 maintenance and repair threshold annually for inflation.

This section would also require an annual report to Congress which summarizes the maintenance projects and their associated costs.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

* * * * *

**TITLE IV—BORDER, MARITIME, AND
TRANSPORTATION SECURITY**

* * * * *

**Subtitle B—U.S. Customs and Border
Protection**

SEC. 411. ESTABLISHMENT OF U.S. CUSTOMS AND BORDER PROTECTION; COMMISSIONER, DEPUTY COMMISSIONER, AND OPERATIONAL OFFICES.

(a) **IN GENERAL.**—There is established in the Department an agency to be known as U.S. Customs and Border Protection.

(b) **COMMISSIONER OF U.S. CUSTOMS AND BORDER PROTECTION.**—

(1) **IN GENERAL.**—There shall be at the head of U.S. Customs and Border Protection a Commissioner of U.S. Customs and Border Protection (in this section referred to as the “Commissioner”).

(2) COMMITTEE REFERRAL.—As an exercise of the rulemaking power of the Senate, any nomination for the Commissioner submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on Finance.

(c) DUTIES.—The Commissioner shall—

(1) coordinate and integrate the security, trade facilitation, and trade enforcement functions of U.S. Customs and Border Protection;

(2) ensure the interdiction of persons and goods illegally entering or exiting the United States;

(3) facilitate and expedite the flow of legitimate travelers and trade;

(4) direct and administer the commercial operations of U.S. Customs and Border Protection, and the enforcement of the customs and trade laws of the United States;

(5) detect, respond to, and interdict terrorists, drug smugglers and traffickers, human smugglers and traffickers, and other persons who may undermine the security of the United States, in cases in which such persons are entering, or have recently entered, the United States;

(6) safeguard the borders of the United States to protect against the entry of dangerous goods;

(7) ensure the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland;

(8) in coordination with U.S. Immigration and Customs Enforcement and United States Citizenship and Immigration Services, enforce and administer all immigration laws, as such term is defined in paragraph (17) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), including—

(A) the inspection, processing, and admission of persons who seek to enter or depart the United States; and

(B) the detection, interdiction, removal, departure from the United States, short-term detention, and transfer of persons unlawfully entering, or who have recently unlawfully entered, the United States;

(9) develop and implement screening and targeting capabilities, including the screening, reviewing, identifying, and prioritizing of passengers and cargo across all international modes of transportation, both inbound and outbound;

(10) in coordination with the Secretary, deploy technology to collect the data necessary for the Secretary to administer the biometric entry and exit data system pursuant to section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b);

(11) enforce and administer the laws relating to agricultural import and entry inspection referred to in section 421;

(12) in coordination with the Under Secretary for Management of the Department, ensure U.S. Customs and Border Protection complies with Federal law, the Federal Acquisition Regulation, and the Department's acquisition management directives for major acquisition programs of U.S. Customs and Border Protection;

(13) ensure that the policies and regulations of U.S. Customs and Border Protection are consistent with the obligations of the United States pursuant to international agreements;

(14) enforce and administer—

(A) the Container Security Initiative program under section 205 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 945); and

(B) the Customs–Trade Partnership Against Terrorism program under subtitle B of title II of such Act (6 U.S.C. 961 et seq.);

(15) conduct polygraph examinations in accordance with section 3(1) of the Anti-Border Corruption Act of 2010 (Public Law 111–376; 124 Stat. 4105);

(16) establish the standard operating procedures described in subsection (k);

(17) carry out the training required under subsection (l);

(18) carry out section 418, relating to the issuance of Asia-Pacific Economic Cooperation Business Travel Cards; and

(19) carry out other duties and powers prescribed by law or delegated by the Secretary.

(d) DEPUTY COMMISSIONER.—There shall be in U.S. Customs and Border Protection a Deputy Commissioner who shall assist the Commissioner in the management of U.S. Customs and Border Protection.

(e) U.S. BORDER PATROL.—

(1) IN GENERAL.—There is established in U.S. Customs and Border Protection the U.S. Border Patrol.

(2) CHIEF.—There shall be at the head of the U.S. Border Patrol a Chief, who shall—

(A) be at the level of Executive Assistant Commissioner within U.S. Customs and Border Protection; and

(B) report to the Commissioner.

(3) DUTIES.—The U.S. Border Patrol shall—

(A) serve as the law enforcement office of U.S. Customs and Border Protection with primary responsibility for interdicting persons attempting to illegally enter or exit the United States or goods being illegally imported into or exported from the United States at a place other than a designated port of entry;

(B) deter and prevent the illegal entry of terrorists, terrorist weapons, persons, and contraband; and

(C) carry out other duties and powers prescribed by the Commissioner.

(f) AIR AND MARINE OPERATIONS.—

(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an office known as Air and Marine Operations.

(2) EXECUTIVE ASSISTANT COMMISSIONER.—There shall be at the head of Air and Marine Operations an Executive Assistant Commissioner, who shall report to the Commissioner.

(3) DUTIES.—Air and Marine Operations shall—

(A) serve as the law enforcement office within U.S. Customs and Border Protection with primary responsibility to detect, interdict, and prevent acts of terrorism and the unlawful movement of people, illicit drugs, and other contra-

band across the borders of the United States in the air and maritime environment;

(B) conduct joint aviation and marine operations with U.S. Immigration and Customs Enforcement;

(C) conduct aviation and marine operations with international, Federal, State, and local law enforcement agencies, as appropriate;

(D) administer the Air and Marine Operations Center established under paragraph (4); and

(E) carry out other duties and powers prescribed by the Commissioner.

(4) AIR AND MARINE OPERATIONS CENTER.—

(A) IN GENERAL.—There is established in Air and Marine Operations an Air and Marine Operations Center.

(B) EXECUTIVE DIRECTOR.—There shall be at the head of the Air and Marine Operations Center an Executive Director, who shall report to the Executive Assistant Commissioner of Air and Marine Operations.

(C) DUTIES.—The Air and Marine Operations Center shall—

(i) manage the air and maritime domain awareness of the Department, as directed by the Secretary;

(ii) monitor and coordinate the airspace for unmanned aerial systems operations of Air and Marine Operations in U.S. Customs and Border Protection;

(iii) detect, identify, and coordinate a response to threats to national security in the air domain, in coordination with other appropriate agencies, as determined by the Executive Assistant Commissioner;

(iv) provide aviation and marine support to other Federal, State, tribal, and local agencies; and

(v) carry out other duties and powers prescribed by the Executive Assistant Commissioner.

(g) OFFICE OF FIELD OPERATIONS.—

(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of Field Operations.

(2) EXECUTIVE ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Field Operations an Executive Assistant Commissioner, who shall report to the Commissioner.

(3) DUTIES.—The Office of Field Operations shall coordinate the enforcement activities of U.S. Customs and Border Protection at United States air, land, and sea ports of entry to—

(A) deter and prevent terrorists and terrorist weapons from entering the United States at such ports of entry;

(B) conduct inspections at such ports of entry to safeguard the United States from terrorism and illegal entry of persons;

(C) prevent illicit drugs, agricultural pests, and contraband from entering the United States;

(D) in coordination with the Commissioner, facilitate and expedite the flow of legitimate travelers and trade;

(E) administer the National Targeting Center established under paragraph (4);

(F) coordinate with the Executive Assistant Commissioner for the Office of Trade with respect to the trade fa-

- cilitation and trade enforcement activities of U.S. Customs and Border Protection; and
- (G) carry out other duties and powers prescribed by the Commissioner.
- (4) NATIONAL TARGETING CENTER.—
- (A) IN GENERAL.—There is established in the Office of Field Operations a National Targeting Center.
- (B) EXECUTIVE DIRECTOR.—There shall be at the head of the National Targeting Center an Executive Director, who shall report to the Executive Assistant Commissioner of the Office of Field Operations.
- (C) DUTIES.—The National Targeting Center shall—
- (i) serve as the primary forum for targeting operations within U.S. Customs and Border Protection to collect and analyze traveler and cargo information in advance of arrival in the United States to identify and address security risks and strengthen trade enforcement;
 - (ii) identify, review, and target travelers and cargo for examination;
 - (iii) coordinate the examination of entry and exit of travelers and cargo;
 - (iv) develop and conduct commercial risk assessment targeting with respect to cargo destined for the United States;
 - (v) coordinate with the Transportation Security Administration, as appropriate;
 - (vi) issue Trade Alerts pursuant to section 111(b) of the Trade Facilitation and Trade Enforcement Act of 2015; and
 - (vii) carry out other duties and powers prescribed by the Executive Assistant Commissioner.
- (5) ANNUAL REPORT ON STAFFING.—
- (A) IN GENERAL.—Not later than 30 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, and annually thereafter, the Executive Assistant Commissioner shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report on the staffing model for the Office of Field Operations, including information on how many supervisors, front-line U.S. Customs and Border Protection officers, and support personnel are assigned to each Field Office and port of entry.
- (B) FORM.—The report required under subparagraph (A) shall, to the greatest extent practicable, be submitted in unclassified form, but may be submitted in classified form, if the Executive Assistant Commissioner determines that such is appropriate and informs the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the

Committee on Finance of the Senate of the reasoning for such.

(h) OFFICE OF INTELLIGENCE.—

(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of Intelligence.

(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Intelligence an Assistant Commissioner, who shall report to the Commissioner.

(3) DUTIES.—The Office of Intelligence shall—

(A) develop, provide, coordinate, and implement intelligence capabilities into a cohesive intelligence enterprise to support the execution of the duties and responsibilities of U.S. Customs and Border Protection;

(B) manage the counterintelligence operations of U.S. Customs and Border Protection;

(C) establish, in coordination with the Chief Intelligence Officer of the Department, as appropriate, intelligence-sharing relationships with Federal, State, local, and tribal agencies and intelligence agencies;

(D) conduct risk-based covert testing of U.S. Customs and Border Protection operations, including for nuclear and radiological risks; and

(E) carry out other duties and powers prescribed by the Commissioner.

(i) OFFICE OF INTERNATIONAL AFFAIRS.—

(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of International Affairs.

(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of International Affairs an Assistant Commissioner, who shall report to the Commissioner.

(3) DUTIES.—The Office of International Affairs, in collaboration with the Office of Policy of the Department, shall—

(A) coordinate and support U.S. Customs and Border Protection's foreign initiatives, policies, programs, and activities;

(B) coordinate and support U.S. Customs and Border Protection's personnel stationed abroad;

(C) maintain partnerships and information-sharing agreements and arrangements with foreign governments, international organizations, and United States agencies in support of U.S. Customs and Border Protection's duties and responsibilities;

(D) provide necessary capacity building, training, and assistance to foreign customs and border control agencies to strengthen border, global supply chain, and travel security, as appropriate;

(E) coordinate mission support services to sustain U.S. Customs and Border Protection's global activities;

(F) coordinate with customs authorities of foreign countries with respect to trade facilitation and trade enforcement;

(G) coordinate U.S. Customs and Border Protection's engagement in international negotiations;

(H) advise the Commissioner with respect to matters arising in the World Customs Organization and other

international organizations as such matters relate to the policies and procedures of U.S. Customs and Border Protection;

(I) advise the Commissioner regarding international agreements to which the United States is a party as such agreements relate to the policies and regulations of U.S. Customs and Border Protection; and

(J) carry out other duties and powers prescribed by the Commissioner.

(j) OFFICE OF PROFESSIONAL RESPONSIBILITY.—

(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of Professional Responsibility.

(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Professional Responsibility an Assistant Commissioner, who shall report to the Commissioner.

(3) DUTIES.—The Office of Professional Responsibility shall—

(A) investigate criminal and administrative matters and misconduct by officers, agents, and other employees of U.S. Customs and Border Protection;

(B) manage integrity-related programs and policies of U.S. Customs and Border Protection;

(C) conduct research and analysis regarding misconduct of officers, agents, and other employees of U.S. Customs and Border Protection; and

(D) carry out other duties and powers prescribed by the Commissioner.

(k) STANDARD OPERATING PROCEDURES.—

(1) IN GENERAL.—The Commissioner shall establish—

(A) standard operating procedures for searching, reviewing, retaining, and sharing information contained in communication, electronic, or digital devices encountered by U.S. Customs and Border Protection personnel at United States ports of entry;

(B) standard use of force procedures that officers and agents of U.S. Customs and Border Protection may employ in the execution of their duties, including the use of deadly force;

(C) uniform, standardized, and publicly-available procedures for processing and investigating complaints against officers, agents, and employees of U.S. Customs and Border Protection for violations of professional conduct, including the timely disposition of complaints and a written notification to the complainant of the status or outcome, as appropriate, of the related investigation, in accordance with section 552a of title 5, United States Code (commonly referred to as the “Privacy Act” or the “Privacy Act of 1974”);

(D) an internal, uniform reporting mechanism regarding incidents involving the use of deadly force by an officer or agent of U.S. Customs and Border Protection, including an evaluation of the degree to which the procedures required under subparagraph (B) were followed; and

(E) standard operating procedures, acting through the Executive Assistant Commissioner for Air and Marine Operations and in coordination with the Office for Civil

Rights and Civil Liberties and the Office of Privacy of the Department, to provide command, control, communication, surveillance, and reconnaissance assistance through the use of unmanned aerial systems, including the establishment of—

- (i) a process for other Federal, State, and local law enforcement agencies to submit mission requests;
- (ii) a formal procedure to determine whether to approve or deny such a mission request;
- (iii) a formal procedure to determine how such mission requests are prioritized and coordinated; and
- (iv) a process regarding the protection and privacy of data and images collected by U.S. Customs and Border Protection through the use of unmanned aerial systems.

(2) REQUIREMENTS REGARDING CERTAIN NOTIFICATIONS.—The standard operating procedures established pursuant to subparagraph (A) of paragraph (1) shall require—

(A) in the case of a search of information conducted on an electronic device by U.S. Customs and Border Protection personnel, the Commissioner to notify the individual subject to such search of the purpose and authority for such search, and how such individual may obtain information on reporting concerns about such search; and

(B) in the case of information collected by U.S. Customs and Border Protection through a search of an electronic device, if such information is transmitted to another Federal agency for subject matter assistance, translation, or decryption, the Commissioner to notify the individual subject to such search of such transmission.

(3) EXCEPTIONS.—The Commissioner may withhold the notifications required under paragraphs (1)(C) and (2) if the Commissioner determines, in the sole and unreviewable discretion of the Commissioner, that such notifications would impair national security, law enforcement, or other operational interests.

(4) UPDATE AND REVIEW.—The Commissioner shall review and update every three years the standard operating procedures required under this subsection.

(5) AUDITS.—The Inspector General of the Department of Homeland Security shall develop and annually administer, during each of the three calendar years beginning in the calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, an auditing mechanism to review whether searches of electronic devices at or between United States ports of entry are being conducted in conformity with the standard operating procedures required under subparagraph (A) of paragraph (1). Such audits shall be submitted to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate and shall include the following:

(A) A description of the activities of officers and agents of U.S. Customs and Border Protection with respect to such searches.

(B) The number of such searches.

(C) The number of instances in which information contained in such devices that were subjected to such searches was retained, copied, shared, or entered in an electronic database.

(D) The number of such devices detained as the result of such searches.

(E) The number of instances in which information collected from such devices was subjected to such searches and was transmitted to another Federal agency, including whether such transmissions resulted in a prosecution or conviction.

(6) REQUIREMENTS REGARDING OTHER NOTIFICATIONS.—The standard use of force procedures established pursuant to subparagraph (B) of paragraph (1) shall require—

(A) in the case of an incident of the use of deadly force by U.S. Customs and Border Protection personnel, the Commissioner to notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Commissioner to provide to such committees a copy of the evaluation pursuant to subparagraph (D) of such paragraph not later than 30 days after completion of such evaluation.

(7) REPORT ON UNMANNED AERIAL SYSTEMS.—The Commissioner shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report, for each of the three calendar years beginning in the calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, that reviews whether the use of unmanned aerial systems is being conducted in conformity with the standard operating procedures required under subparagraph (E) of paragraph (1). Such reports—

(A) shall be submitted with the annual budget of the United States Government submitted by the President under section 1105 of title 31, United States Code;

(B) may be submitted in classified form if the Commissioner determines that such is appropriate; and

(C) shall include—

(i) a detailed description of how, where, and for how long data and images collected through the use of unmanned aerial systems by U.S. Customs and Border Protection are collected and stored; and

(ii) a list of Federal, State, and local law enforcement agencies that submitted mission requests in the previous year and the disposition of such requests.

(1) TRAINING.—The Commissioner shall require all officers and agents of U.S. Customs and Border Protection to participate in a specified amount of continuing education (to be determined by the Commissioner) to maintain an understanding of Federal legal rulings, court decisions, and departmental policies, procedures, and guidelines.

(m) SHORT-TERM DETENTION STANDARDS.—

(1) ACCESS TO FOOD AND WATER.—The Commissioner shall make every effort to ensure that adequate access to food and water is provided to an individual apprehended and detained at a United States port of entry or between ports of entry as soon as practicable following the time of such apprehension or during subsequent short-term detention.

(2) ACCESS TO INFORMATION ON DETAINEE RIGHTS AT BORDER PATROL PROCESSING CENTERS.—

(A) IN GENERAL.—The Commissioner shall ensure that an individual apprehended by a U.S. Border Patrol agent or an Office of Field Operations officer is provided with information concerning such individual's rights, including the right to contact a representative of such individual's government for purposes of United States treaty obligations.

(B) FORM.—The information referred to in subparagraph (A) may be provided either verbally or in writing, and shall be posted in the detention holding cell in which such individual is being held. The information shall be provided in a language understandable to such individual.

(3) SHORT-TERM DETENTION DEFINED.—In this subsection, the term "short-term detention" means detention in a U.S. Customs and Border Protection processing center for 72 hours or less, before repatriation to a country of nationality or last habitual residence.

(4) DAYTIME REPATRIATION.—When practicable, repatriations shall be limited to daylight hours and avoid locations that are determined to have high indices of crime and violence.

(5) REPORT ON PROCUREMENT PROCESS AND STANDARDS.—Not later than 180 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the procurement process and standards of entities with which U.S. Customs and Border Protection has contracts for the transportation and detention of individuals apprehended by agents or officers of U.S. Customs and Border Protection. Such report should also consider the operational efficiency of contracting the transportation and detention of such individuals.

(6) REPORT ON INSPECTIONS OF SHORT-TERM CUSTODY FACILITIES.—The Commissioner shall—

(A) annually inspect all facilities utilized for short-term detention; and

(B) make publicly available information collected pursuant to such inspections, including information regarding the requirements under paragraphs (1) and (2) and, where appropriate, issue recommendations to improve the conditions of such facilities.

(n) WAIT TIMES TRANSPARENCY.—

(1) IN GENERAL.—The Commissioner shall—

(A) publish live wait times for travelers entering the United States at the 20 United States airports that sup-

port the highest volume of international travel (as determined by available Federal flight data);

(B) make information about such wait times available to the public in real time through the U.S. Customs and Border Protection website;

(C) submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate, for each of the five calendar years beginning in the calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, a report that includes compilations of all such wait times and a ranking of such United States airports by wait times; and

(D) provide adequate staffing at the U.S. Customs and Border Protection information center to ensure timely access for travelers attempting to submit comments or speak with a representative about their entry experiences.

(2) CALCULATION.—The wait times referred to in paragraph (1)(A) shall be determined by calculating the time elapsed between an individual's entry into the U.S. Customs and Border Protection inspection area and such individual's clearance by a U.S. Customs and Border Protection officer.

(o) OTHER AUTHORITIES.—

(1) IN GENERAL.—The Secretary may establish such other offices or positions of Assistant Commissioners (or other similar officers or officials) as the Secretary determines necessary to carry out the missions, duties, functions, and authorities of U.S. Customs and Border Protection.

(2) NOTIFICATION.—If the Secretary exercises the authority provided under paragraph (1), the Secretary shall notify the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate not later than 30 days before exercising such authority.

(3) PORT MAINTENANCE.—

(A) PROCEDURES.—

(i) IN GENERAL.—*Notwithstanding section 3305 of title 40, United States Code, subject to subparagraphs (B) and (C), the Commissioner, in consultation with the Administrator of General Services—*

(I) shall establish guidance and procedures by which U.S. Customs and Border Protection may conduct maintenance and repair projects costing not more than \$300,000 in the physical space at any Federal Government-owned port of entry at which the Office of Field Operations performs any of the activities described in subparagraphs (A) through (G) of subsection (g)(3); and

(II) is authorized to perform such maintenance and repair projects, subject to the procedures described in clause (ii).

(ii) *GUIDANCE AND PROCEDURES DESCRIBED.*—The guidance and procedures established pursuant to clause (i) shall include—

(I) a description of the types of projects that may be carried out pursuant to clause (i); and

(II) the procedures for identifying and addressing any impacts on other tenants of facilities where such projects will be carried out.

(iii) *PUBLICATION OF GUIDANCE AND PROCEDURES.*—The guidance and procedures established pursuant to clause (i) shall be published in the Federal Register.

(iv) *RULE OF CONSTRUCTION.*—The publication of guidance and procedures under clause (iii) shall not impact the authority of the Commissioner to update such procedures, in consultation with the Administrator, as appropriate.

(B) *LIMITATION.*—The authority under subparagraph (A) shall only be available for maintenance and repair projects involving existing infrastructure, property, and capital at any port of entry described in subparagraph (A).

(C) *ANNUAL ADJUSTMENTS.*—The Commissioner shall annually adjust the amount described in subparagraph (A) by the percentage (if any) by which the Consumer Price Index for All Urban Consumers for the month of June preceding the date on which such adjustment takes effect exceeds the Consumer Price Index for All Urban Consumers for the same month of the preceding calendar year.

(D) *RULE OF CONSTRUCTION.*—Nothing in this paragraph may be construed to affect the availability of funding from—

(i) the Federal Buildings Fund established under section 592 of title 40, United States Code;

(ii) the Donation Acceptance Program established under section 482; or

(iii) any other statutory authority or appropriation for projects described in subparagraph (A).

[(3)] (4) *RESCUE BEACONS.*—Beginning in fiscal year 2019, in carrying out subsection (c)(8), the Commissioner shall purchase, deploy, and maintain not more than 250 self-powering, 9–1–1 cellular relay rescue beacons along the southern border of the United States at locations determined appropriate by the Commissioner to mitigate migrant deaths.

(p) *REPORTS TO CONGRESS.*—The Commissioner shall, on and after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, continue to submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate any report required, on the day before such date of enactment, to be submitted under any provision of law.

(q) *OTHER FEDERAL AGENCIES.*—Nothing in this section may be construed as affecting in any manner the authority, existing on the day before the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, of any other Federal agency or component of the Department.

(r) DEFINITIONS.—In this section, the terms “commercial operations”, “customs and trade laws of the United States”, “trade enforcement”, and “trade facilitation” have the meanings given such terms in section 2 of the Trade Facilitation and Trade Enforcement Act of 2015.

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Subtitle C—Miscellaneous Provisions

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SEC. 422. FUNCTIONS OF ADMINISTRATOR OF GENERAL SERVICES.

(a) OPERATION, MAINTENANCE, AND PROTECTION OF FEDERAL BUILDINGS AND GROUNDS.—Nothing in this Act may be construed to affect the functions or authorities of the Administrator of General Services with respect to the operation, maintenance, and protection of buildings and grounds owned or occupied by the Federal Government and under the jurisdiction, custody, or control of the Administrator. Except for the law enforcement and related security functions transferred under section 403(3), the Administrator shall retain all powers, functions, and authorities vested in the Administrator under *section 411(o)(3) of this Act and* chapter 10 of title 40, United States Code, and other provisions of law that are necessary for the operation, maintenance, and protection of such buildings and grounds.

(b) COLLECTION OF RENTS AND FEES; FEDERAL BUILDINGS FUND.—

(1) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed—

(A) to direct the transfer of, or affect, the authority of the Administrator of General Services to collect rents and fees, including fees collected for protective services; or

(B) to authorize the Secretary or any other official in the Department to obligate amounts in the Federal Buildings Fund established by section 490(f) of title 40, United States Code.

(2) USE OF TRANSFERRED AMOUNTS.—Any amounts transferred by the Administrator of General Services to the Secretary out of rents and fees collected by the Administrator shall be used by the Secretary solely for the protection of buildings or grounds owned or occupied by the Federal Government.

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